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Inter-Regional Philosophical Dialogues:
Democracy and
Social Justice
in Asia and the Arab World

Edited by
Inwon Choue, Samuel Lee, and Pierre Sané

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Contents

Preface

This book contains a set of papers submitted for a conference on democracy and social justice in Asia and the Arab world which was co-organized by UNESCO, the Global Academy for Neo-Renaissance at Kyung Hee University, and the Korean National Commission for UNESCO. It took place in Seoul, Korea on 28-29 November 2005.

The conference was convened within the framework of UNESCO's project, Interregional Philosophical Dialogues, aimed at encouraging dialogue among different traditions of philosophical thinking. The focus of this project rests with the promotion of reflection on such pressing issues in the world today as globalization, conflicts between different cultures and religions, human rights, democracy, and development. As such, this project is not purely academic in nature but geared towards the exploration of practical solutions for these problems. The shared premise here is that dialogue among philosophies of different cultures and civilizations can and should play an important role in garnering fresh insights and wisdom, essential for such exploration.

It is not by accident that the Global Academy for Neo-Renaissance of Kyung Hee University and the Korean National Commission for UNESCO took part in the joint organization of the conference. Kyung Hee University's founding motto is one of pursuing the UN's ideals of world peace and better understanding among nations, and this institution has been seeking to promote peace education and research. In this regard, the University was honored with the UNESCO Prize for Peace Education in 1993. Building upon this work, the University recently established a new institute, The Global Academy for Neo-Renaissance, with a view to fostering in-depth reflection on inhumane faces of current civilizations and contributing to a human-centered future civilization.

For its part, the Korean National Commission for UNESCO has been actively involved in UNESCO's programmes on philosophy and dialogue among civilizations. It has held a series of conferences to contribute to the promotion of such dialogue. They include the conference on universal ethics and Asian values (1999), the roundtable on promoting understanding among cultures and peoples (2002), and the forum on cultural diver-

sity and common values (2003). The Commission was willing to continue this endeavor by hosting the above-mentioned conference.

   As co-organizers, we would like to thank the participants of the Seoul conference for their contributions. Although differing in their opinions and backgrounds, they were unanimous in their emphasis on the need for dialogue among civilizations as an important way to promote mutual understanding and peace. Along with the authors, we are delighted to publish this book. It is our hope that it will constitute a small but meaningful contribution to our common efforts towards the building of a peaceful world.

Inwon Choue
President*
Kyung Hee University

Samuel Lee
Secretary-General
Korean National Commission
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* At the time when the conference was held, Dr. Inwon Choue was Rector of the Global Academy for Neo-Renaissance of Kyung Hee University.

Introduction

Pierre Sané

I would like, first of all, to thank our partners from the Korean National Commission for UNESCO and the Global Academy for Neo-Renaissance, Kyung Hee University, for having made this publication possible. They not only facilitated the organization of the conference that lead to this publication, but also found the means necessary to support these activities. I am particularly grateful to Mr Jin-Pyo Kim, Chairman of the Korean National Commission for UNESCO; Dr Samuel Lee, its Secretary-General; and Mr Inwon Choue, Rector of the Global Academy for Neo-Renaissance at Kyung Hee University, for their support and involvement.

The Interregional Philosophical Dialogue project was born from a resurgence of interest in and a strengthening of philosophy within UNESCO, which is often referred to as the 'intellectual arm' of the United Nations system. Indeed, since my arrival to head the Social and Human Sciences Sector, I have had the greatest joy in witnessing the growing interest that Member States have manifested in philosophical thought and the social sciences as a whole. The great strength of the UNESCO Secretariat was to not only hear this call and these concerns, but, more especially, to relay them.

This Dialogue is part of the Interregional Strategy on Philosophy adopted by the Executive Board of UNESCO at its 171st session (12-28 April 2005), and specifically of the first of its three key pillars for action: 'Philosophy facing world problems: dialogue, analysis and questioning of contemporary society'.[1] Interregional Philosophical Dialogue aims to encourage open and productive dialogue at the very centre of the province of philosophy: the fight against ignorance deliberately fostered by dogmatists who would still have us believe, in the name of a school or a tradition, not only that they alone know the Truth, but, more than this, that

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1. UNESCO document 'Report by the Director-General on an Intersectoral Strategy on Philosophy', 171 EX/12, Paris, 28 February 2005.

theirs is the only correct method of verifying knowledge. The meetings organized by UNESCO in the context of this programme must welcome dialogue, discussion, even polemic and challenging debate as key steps in the process of presenting and developing philosophical thought and philosophical concepts. This is essential for UNESCO at a time when topics such as the relationship between education and globalization, the ethics of science and technology, cultural diversity, the building of knowledge societies, human safety and conflict prevention, 'good' democratic practices, and the fight against poverty occupy the forefront of political concerns. Precisely because of their eminently political nature, these questions demand sound philosophical enquiry and a solidly constructed philosophical base.

The Interregional Philosophical Dialogue programme represents a unique opportunity to take a fresh look at the potential that dialogue holds in a globalized world. It is imperative that we place strong significance on the concept of dialogue and seek dynamic and global strategies that reinforce its relevance and its strength. Dialogue must become a tool of transformation, a means of making tolerance and peace prosper, a vehicle for diversity and pluralism and, finally, a way to serve the common good.

Philosophical dialogue among people from different regions is not an empty gesture; it is a historical reality of which all of us must become aware. There is no civilization on earth that has not been enriched by contact, interaction and exchange with others. Within civilizations, too, interactions and exchange bring similar rewards. Civilizations are thus in constant dialogue not only with each other, but also with themselves. This is why it may be said that every civilization is profoundly connected to all others, and why it is consequently unthinkable to attempt to rank civilizations or set them in opposition to one another. UNESCO endeavours precisely to highlight and demonstrate this reality.

Many conflicts are partially fuelled by a search for identity that takes the form of a retreat into a particular religion or spiritual tradition to the exclusion of all others. Beyond any individual political factors, these antagonistic forms of retreat result from an ignorance of the long history that binds different peoples, their cultures, their religions and their spiritual traditions, together. One of the objectives of philosophical dialogue is to highlight the dynamic interplay between spiritual traditions and their specific cultures by underlining the contributions they have made to each other's development, through the discovery of common heritage and

shared values.

To achieve these goals we must work together, through joint actions, to reinvent forms of 'living together' for the peoples of the world, whose experience of conflict or conviviality constitutes the building blocks of our collective memory. At a time when, throughout the world, we are witnessing the rise of separatist movements based on claims to cultural specificities, with consequences that are sometimes deadly, we have a duty to promote and to establish a framework for intercultural and philosophical dialogue. I should add that it is also very important we seek ways to reduce any negative perceptions of particular aspects of another civilization, so removing the possibility of these perceptions leading directly to conflict, or being manipulated for destructive purposes. Conversely, it is vital to emphasize the positive contribution of inter-cultural exchanges, particularly in the field of ethics and values. In this regard, the educational dimension of inter-cultural dialogue, through the promotion of mutual knowledge, is essential. We must also ensure that this sensitivity to others, in both their closeness and their difference, is awakened at the earliest possible age.

With its Interregional Philosophical Dialogue programme, UNESCO is working to ensure that dialogue among cultures, religions and spiritual traditions underpins the fundamental objectives of building peace, security and sustainable development. Such dialogue contributes significantly to reflection on such key contemporary issues as peace, globalization, human rights, democracy, development and forms of cultural and religious exclusiveness.

Through this project, UNESCO proposes to act as an interface for the formation of dynamic networks of philosophers from different parts of the world, and particularly from regions between which there is no tradition of philosophical dialogue. Meetings organized within the framework of this programme aim to foster constructive, free and open–if need be, critical–dialogue between two regions, so that the philosophers can exchange ideas on all of the great questions that interest them. The Interregional Philosophical Dialogue project will make it possible to envisage the creation of new projects and networks, to propose innovative methods and to establish new areas of cooperation.

Regardless of the regions that have been involved, the meetings organized so far within the context of this programme have all addressed questions such as: Why is interregional philosophical dialogue important today? In what way could philosophical dialogue contribute to the devel-

opment of the study of philosophy? What are the necessary elements required for such a dialogue? What are the objectives in establishing such a dialogue? Which themes/problems should such dialogues focus on? What action plan should UNESCO take up in order to launch a successful programme of interregional dialogue? What methodologies could be employed to teach Asian philosophy in different parts of the world, such as Africa and Latin America? What types of programmes directed at capacity-building and the exchange of ideas could be considered that would offer young philosophers a possibility for reciprocal learning? How can an understanding of each other's traditions of thought be promoted in the two regions? These are stimulating questions that we must accord the greatest attention.

In the framework of a philosophical dialogue between Asia and the Arab region, two events have already taken place. The dialogue between these two regions was launched with a brainstorming meeting held in November 2004 in Paris, back-to-back with World Philosophy Day. Its aim was to provide a space to discuss the issue of establishing a philosophical dialogue among scholars of the two regions and cultures, the possible challenges and obstacles, and the objectives of such encounters. The philosophers present at the meeting underlined the need for an Asian-Arab philosophical dialogue to counter the obstacles of prejudice and fanaticism and to narrow the cognitive gulf between the two regions. While emphasizing the existence of transcending and universal questions and issues common to the philosophical traditions of the two regions, participants also stressed the importance of understanding the particularities of these traditions and developing a pluralistic conception of philosophy. With this in mind, and in view of a need for philosophers from all regions to critically respond to contemporary problems relative to the general human condition, participants agreed that it was essential to have a dialogue on such topics as democracy, poverty, social justice, modernization, terrorism or violence.[2]

2. The list of participants was as follows: Mona Abousena (Egypt), Mokdad Arfa (Tunisia), Mohammed Arkoun (Algeria), Ali Benmakhlouf (Morocco), In-Suk Cha (Republic of Korea), Joseph C.W. Chan (China), Bhuvan Chandel (India), Danzankhorloo Dashpurev (Mongolia), Golam Dastagir (Bangladesh), Fatma Haddad-Chamakh (Tunisia), Ghanem Hana (Syria), Hassan Hanafi (Egypt), Bashshar Haydar (Lebanon), Bensalem Himmich (Morocco), Tomonobu Imamichi (Japan), Heisook Kim (Republic of Korea), Yersu Kim (Republic of Korea), Mohamed Mustapha Laarissa (Morocco), Hong-bin Lim (Republic of Korea), Ram Adhar Mall (India/Germany),

The interregional conference at the origin of the present publication took place in November 2005 in Seoul, Republic of Korea. In a follow-up to the conclusions from the meeting in Paris, discussions during this two-day event centred on the overarching theme of democracy and social justice in Asia and the Arab world. In this age of globalization it is indeed even more important to look at the ways in which the heritage of Asia and the Arab region has coped with democracy and social justice in the past, and how we may work together to find new solutions to implement philosophy into practice to promote justice.

The contributions assembled in this volume represent some of the rich cultural diversity of these regions. The first three articles, contributed by Suwanna Satha-Anand, Ali Benmakhlouf and Dongsoo Lee, explore the topic of Philosophical Traditions and Critical Reconstructions in Asia and the Arab World. The next four focus more closely on the theme of the conference, in a session addressing Social Justice and Human Rights as Challenges of Globalization, with papers by Ghanem G. Hana, Kyung-Sig Hwang, Ashok Vohra and Md. Iqbal Shahin Khan. One common observation was that these two regions have an ancient history of cultural exchange along the Silk Road, although globalization has afforded few opportunities for dialogue in recent years. The next topic addressed was that of Comparative Models of Democracy, with contributions from Naoshi Yamawaki, Jung In Kang, Rainier A. Ibana and SangJun Kim. The final series of papers returns to a consideration of individuals within societies, under the theme Preserving Identity and Preventing Exclusion, with papers by Ann Lee, Mostafa Younesie and Yong Huang. Each of these sessions generated extensive discussion among participants, and the conference ended with a lively discussion session.[3]

Mohamed Mesbahi (Morocco), Nassif Nassar (Lebanon), Beket Nurzhanov (Kazakhstan), Abdolkarim Soroush (Islamic Republic of Iran), Fathi Triki (Tunisia), Tu Weiming (China), Mourad Wahba (Egypt) and Naoshi Yamawaki (Japan).

3. The following philosophers participated in this conference: Ali Benmakhlouf (Morocco), Philip Cam (Australia), In-Suk Cha (Republic of Korea), Bhuvan Chandel (India), Fred Dallmayr (USA), Hichem Djait (Tunisia), Ghanem Hana (Syria), Hassan Hanafi (Egypt), Bensalem Himmich (Morocco), Yong Huang (China), Kyung Sig Hwang (Republic of Korea), Rainier Ibana (Philippines), Jung In Kang (Republic of Korea), Young Ahn Kang (Republic of Korea), Md. Iqbal Shanin Khan (Bangladesh), SangJun Kim (Republic of Korea), Yersu Kim (Republic of Korea), Ann Sung-hi Lee (Republic of Korea), Dongsoo Lee (Republic of Korea), Hee-Soo Lee (Republic of Korea), Suwanna Satha-Anand (Thailand), Tu Weiming (China), Ashok Vohra (India), Naoshi Yamawaki (Japan), Pyung-Joong Yoon (Republic of Korea), Mostafa Younesie (Islamic Republic of Iran).

The presentations included in this volume gave rise to a rich debate on the nature of democracy and social justice in both regions, shedding some light on the difficulties of constructing a genuine dialogue across cultures. Indeed, the philosophers present expressed a need for longer periods of interaction to gain a deeper understanding of each other's positions on common philosophical questions, and they called upon UNESCO to help provide such opportunities.

A similar series of meetings is being held within the framework of a philosophical dialogue between Africa and Latin America, following the same process as those concerning philosophical dialogue between Asia and the Arab world. An initial meeting was held in Santiago, Chile, on the occasion of World Philosophy Day, November 2005, and a second is planned for 2007 in Luanda, Angola.

UNESCO, acting on the strength of its conviction, is wholeheartedly committed to actively promoting philosophical dialogue. The meetings held so far have clearly demonstrated the enormous interest in initiating and strengthening interregional exchanges among philosophers from various regions of the world. Unfortunately, at present we lack the financial means to bring together all the philosophers in these regions who would like to participate in such conferences, but by acting in cooperation with existing forums for dialogue, together we can awaken the calling of philosophers to break through the barriers of geography and other dividing lines. Such dialogues correspond perfectly to the United Nations Global Agenda for Dialogue among Civilizations. By following a concerted plan of action over several years, the goal is to firmly establish this programme and to make it one of the cornerstones of Dialogue among Civilizations and of UNESCO's activities in the field of philosophy.

We can also hope that through such meetings, this sort of welcome initiative can be sustained and expanded upon, serving as a model for other disciplines.

Philosophical Traditions and Critical Reconstructions in Asia and the Arab World

Reconstructing Karma and Moral Justice in Thai Buddhism

Suwanna Satha-Anand

Introduction

Does religion offer a theory of justice? If not, why the almost universal concept of heaven and hell as reward or punishment for one's moral acts? In the case of Buddhism, the theory of karma seems to provide a basis for moral justice in a more important sense than heaven and hell.[1] This article explores various philosophical implications of the Buddhist theory of karma as a theory of moral justice. Questions discussed include, in what way or under what condition does karma deliver justice to an individual? Does the theory of karma imply a retributive or a consequentialist position? What are the limitations of understanding karma as moral justice? And finally, whether and why the concept of karma necessarily involves the collective dimension?

Karma as Moral Justice

In the Thai Buddhist cultural world, "karma" if often cited as a moral principle which explains various aspects of people's lives, whether the dif-

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1. One of the reasons why we could argue that heaven and hell are less important in Buddhism than in a monotheistic tradition, is because heaven and hell in Buddhism are not eternal abodes. They are tentative places to work out your store of merits or demerits. Once your *bun* and *baap* are exhausted in heaven or hell, you encounter another rebirth, until you achieve enlightenment.

ferences in wealth, social status, beauty, health, power, love and death. The Buddhist teachings on karma are multiple and complex, to the extent that it is one of the most difficult teachings to grasp within the whole corpus of Buddhist teachings. Karma is closely related to the concept of Dependent Origination (*Paticcasmupada*), whose operation is so complex that it gave rise to the hesitation of the Buddha to preach after his enlightenment. Karma as an extremely complex moral process can be fully grasped only by the enlightened one.

> "The Dhamma that I have attained is deep, difficult to grasp, difficult to follow … for the people who are caught up in the world of pleasures. Dependent Origination is difficult to grasp."[2]

In order to provide a proper basis for understanding this complicated law of karma in Buddhism, Phra Sriwisuthimoli (His Venerable Dhamma-pitaka) lays out the following conceptual framework.

First, the Buddha negated two theories, namely, one ascribing suffering or happiness completely to self-action; the other ascribing suffering or happiness completely to action by others. The Buddha put karma on a continuum of inter-related conditions. This is done to prevent possible misunderstanding arising from two extreme positions of ascribing all events to one's own action or to others' actions without considering other related causal links.

Second, the Buddha negated the theory of past action determinism, which ascribes all suffering and happiness to past karma.

Third, the Buddha negated the theory of theistic determinism, which explains human suffering and happiness in terms of divine or supernatural intervention.

Fourth, the Buddha negated the theory of indeterminism or accidentalism, which accounts for human suffering or happiness in terms of luck or arbitrary forces.[3]

This conceptual framework should serve as a caution note to prevent any deterministic understanding of karma as indicating a passive accep-

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2. Quoted in Phra Sriwisuthimoli (Dhamma-pitaka), *Buddha-dhamma*. Bangkok: Social Sciences Association of Thailand, B.E.2514, p. 105. All translations from the Thai materials in this article are done by this author. Transliteration of Pali terms in this article follows the commonly used in English, for examples, karma instead of kamma, dharma.

3. *Ibid.*, pp. 94-95.

tance of one's past karma as totally determining one's present situation. Karma indicates a person's responsibility, while at the same time taking into account other people's action as well as other related conditions. This framework makes clear that karma in Buddhism explains human action in terms of an accountable, not accidental, process of contributing factors. Neither non-cause, God or other form of supernatural power can be adequate explanation. However, this framework illustrates the difficulty in understanding karma, as one should also be aware that Buddhism, in denying past action determinism, is *not* denying the influence of past action in one's present condition. Also in denying the ascribing of suffering and happiness completely to self-action, Buddhism is *not* denying the responsibility of the individual. On the contrary, it is clear that according to Buddhist teaching, the individual in the present condition *and* his/her past karma are both crucial to the understanding of a person' moral decision and action. A denial of "total" responsibility does not rule out the importance of the individual's moral responsibility. It therefore requires great wisdom to discern a proper balance between the completely "yes" and the absolutely "no." The Buddhist theory or karma is poised precisely between these two extremes. In this sense the theory of karma can be seen as another expression of the doctrine of the Middle Path.

An adequate understanding of karma is made even more difficult when we consider an insight made by Venerable Buddhadasa, a leading monk scholar in contemporary Thailand, on the two levels of understanding karma. First, karma understood in its moral dimension and karma understood from a purely Buddhist perspective.[4] Venerable Buddhadasa offers the following explanation. The understanding of karma as indicating "You reap what you sow." (*Tham dee dai dee, Tham chua dai chua*) is a teaching prevalent in almost all religions. This is karma understood in its "moral dimension." On the other hand, the understanding of karma as indicating the ultimate is a teaching of karma which leads to "going beyond" (moral) karma. A Buddhist needs to aim for a systematic practice which will lead him out of the karmic forces operating in his life."[5] This observation

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4. Buddhadasa Bhikkhu, *Karma beyond Karma.* Bangkok: Atammayo, ND, p. 3.

5. *Ibid.*, pp. 3-4. Please also see a philosophical study of the law of karma in Bruce E. Reichenbach, *The Law of Karma.* Honolulu: University of Hawaii Press, 1990. I would like also to express my thanks to an engaging conversation on karma with Professor Padmasiri de Silva who attended the 5th APPEND Conference in Hanoi between 21-21 November 2005.

forces us to be more aware that an understanding of karma cannot be limited to an explication of karma as simply "moral justice." The ultimate aim of Buddhism is the liberation from the cycle of births and deaths, not to be reborn again to reap the harvest from the seeds that one sows. This indicates that the judicial conception of karma, as receiving rewards or punishments of one's moral acts is a key concern of Buddhist ethics and yet the ultimate liberation from cycles of rebirths indicates a transcendence of this judicial conception. On this point Venerable Dhamma-pitaka concurs with Venerable Buddhadasa by emphasizing the fact that heaven and hell are both simply part of the cycle of births and deaths.[6] This means that neither hell nor heaven in Buddhism indicates any sense of finality of reward or punishment. Precisely because of this, it could be argued that hell and heaven in Buddhism offers justice proportional to the wrongs committed on earth.[7] And yet at the ultimate level, heaven and hell are not the final destinations of human lives.

Karma is usually expressed as action of body, speech and mind. But these three aspects of karma merely indicate the sites of each karmic act. The moral efficacy of karma needs to be related to other conditions. On this point, Venerable Buddhadasa offers a systematic survey of the different categories of grouping karma. The three major categories are:

1) Karma grouped together under a framework of temporal efficacy, namely, karma producing immediate effects, karma producing slightly delayed effects, karma producing delayed effect, and karma cutting off further effects.

2) Karma grouped together under a framework of operational efficacy, namely, karma producing births, karma producing nurturing effects, karma decreasing nurturing effects and karma cutting off prior karma.

3) Karma grouped together under a framework of gravity of efficacy, namely, heavy karma like killing one's parents or killing an arahant or committing offense which expels one from the monkhood, repetitive karma, near-

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6. Phra Dhamma-pitaka, *Hell and Heaven for the New Generation.* Bangkok: Buddha Dhamma Foundation, B.E.2538, p. 108.

7. Some people would argue that within a monotheistic framework, the existence of hell makes heaven impossible. Also the fact that hell and heaven are both eternal and thus infinite abodes of punishment and reward for finite moral acts, they cannot offer justice. Please see the arguments in more detail in Charles Seymour, "Hell, Justice and Freedom," *International Journal of Philosophy of Religion,* Volume 43, No.2 (April1998), pp. 69-86.

death karma and karma out of negligence.[8]

The fact that karma has been put into so many different categories so that it can better grasped suggests a highly complex and complicated operation process. If, for example, we use the temporal, operational and gravity dimensions to *simultaneously* analyze one particular moral act, one would find that to pinpoint exactly "what" would be the karmic consequence of an action, is extremely difficult, if not impossible. If all arising is interdependent, according to *Paticcasmupada*, then how does one account for a karmic relationship between one moral action and one or several particular consequences? Take for example, a layperson gets involved in the sales of drugs to innocent school children. This action could be categorized as a grave karma, or as a repetitive karma, but in temporal dimension, the same action could be a karma which produces immediate effects, or a karma which produces slightly delaying effects or even a karma which produces much delayed effects. When we consider "much delayed effects" as covering the spans of many more lives to come, not only in this life, then how can one account for moral justice without seriously accommodating the elements of faith and great patience? One also needs to take into account the problems of identity across live spans, the memory of wrong actions in different rebirths, the inter-relations between past immoral acts and present intentions of moral or immoral decisions, in order to make sense of moral justice of one particular action in one particular life. Justice according to the law of karma is then a long process which lies way beyond a conception of justice limited to the present life of people as we know it.

Karmic Efficacy

Consider the following sayings by the Buddha.

"Monks, some people commit small offences, and that lead them to hell. Other people commit the same small offences, and that bring about effects, all in the present, moreover, some minor effects do not arise, only the grave ones. Which type of people are those who commit even small offences and that leads them to hell? They are people who have

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8. Buddhadasa Bhikkhu, *op. cit.*, pp. 6-14.

not trained themselves in the body, in the precepts, in the mind, and in their wisdom. When they commit small offences, those kamma can lead them to hell. (Like putting a lump of salt into a small vessel of water.)

Which type of people are those who commit the same small offences and that brings about effects all in the present, with minor effects not arising, only the grave ones do? They are people who have trained themselves in the body, in the precepts, in the mind and in their wisdom. They are great souls, with dhamma always in their heart. These people, when they commit the same offences, those bad kamma would bring about effects all in the present, with minor ones not arising, only grave ones do. (Like putting a lump of salt into a river.)[9]

From this passage, we can see that effects from the same moral acts, committed by different people, bring about different consequences. The moral background or "karmic disposition" or "moral character" of the individual makes the difference. This instruction is perhaps to encourage people to get into the "habit" of doing good or to encourage building moral character, so that a moral mistake, when committed, would produce less putative effect. It also implies a recognition of a "karmic pool" within the moral repository of the individual which influences consequences of a person's moral acts. This principle poses a different dilemma from the understanding of a "universal" principle of justice such as the one used in law, which stipulates the same punishment for the same offence committed by *any* person in similar situation. Of course, the actual gravity of legal punishment whether it is a fine or imprisonment, takes the "historical" aspect of a person's life into consideration as well. An offender with past criminal records, would be liable to fuller term of punishment than the first timer, for example. However, according to Buddhism, it can be said that karma as "moral justice" operates under a principle with a different emphasis. In other words, it seems that the laws in justice system in a society puts greater emphasis on the *sameness* of treatment for all people, while the theory of karma puts greater emphasis on the *difference* of effects for same acts. According to Buddhism, since a person's individual accumulation of karma is necessarily different, the same acts cannot possibly produce the same results in different individuals. The effect of the same amount of salt in a small vessel and that in a big body of water like a river, cannot possibly be the same. There, it seems that moral

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9. Phra Sriwisuthimoli, *op. cit.*, pp. 98-99. Translation by this author.

justice in Buddhism is based on the principle that different consequences do result from the same acts. Justice depends on the specificity of the actor as an individual, *not* as an equal among others. And karma is a "law" which does not operate from an authorized institution. The monks do not constitute a court of justice to redress moral imbalance. The monks are basically a "field of merit" for people to store up their merit accumulation. They are not agents of moral justice. The law of karma would operate on its own course and time. It would not be difficult to imagine that a society which incorporates this framework would produce a very weak sense of social justice. This is because, the individuals are the primary locus, social or religious institutions are irrelevant to the process of justice.

While the law of karma is very complex and extremely difficult to identify exact consequences from a single act, Buddhism does put great emphasis on the strict efficacy of the law of karma. The effects of a particular karma is neither the money, the reputation, nor desirable objects, the real effect of karma rests within the moral act itself. A wholesome act brings about goodness, an unwholesome act brings about evil, complete in the very act itself.[10] A strict efficacy of the law of karma is emphasized in the following passages from the Tripitaka selected by Venerable Dhamma-pitaka.

> "Women, men, lay people and monks should entertain constant reflections that we have our own kamma. We are the recepient of our kamma, we have kamma as our origin, as our generation, as our abode. Whatever kamma we perform, whether good or bad, surely we are to harvest the consequences thereof."
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> "If you are afraid of suffering, commit no evil kamma in public or in private. If you commit evil kamma, although you could fly away, you would not escape from suffering."
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> "One who commits whatever kamma, whether with the body, speech or mind, that kamma belongs to him. He would bring along that

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10. Buddhadasa Bhikkhu, *op. cit.*, p. 12. Please see additional details in Dhamma-pitaka, *Hell and Heaven for the New Generation*, *op. cit.*, pp. 137-142.

    Please see a related discussion of the reasons why Budhadasa's way of articulating Budhism would be like a "bitter potion" for Thai Buddhists in Louis Gabaude, "Thai Society and Buddhadasa: Structural Difficulties, " *Radical Conservatism*. Bangkok:Thai Inter-Religious Commission for Development and International Network for Engaged Buddhists, B.E.2533 (1990), pp. 211-229. Buddhadasa's exposition of karma would face the same difficulties, according to Professor Gabaude.

kamma. Kamma is like a shadow which follows a person wherever he goes."[11]

The analogy of the shadow indicates a necessary connection between a karma and its moral consequence. The emphatic statements quoted above might have been a response to some schools of thought of the time which would not hold sacred the law of karma. There are several sayings of the Buddha which caution against people whose teachings run against the efficacy of karma. The Buddha judges those who teach, "There is no karma" as the worst kind.

> Monks, among woven cloth, kesakampol (Cloth woven from human hair) is the worst kind. This kesakampol cloth would feel cold in the winter, would feel hot in the summer. The color is unattractive, the smell bad, the texture coarse. What does this tell you, monks? Among all the schools, the teachings of the Makhali-vada are the worst.
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> Monks, those Makhali people offer teaching and opinion to the effect that "There is no kamma, there is no action, there is no effort." (That is, in this world, there is no need to mention the effect of kamma, as there is not even kamma. To act or not to act, all is the same. Action and effort also do not exist.)
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> Monks, at this time, even though I am the Lord Buddha, I say there is kamma, there is effort. The Makhali people would contest me saying there is no kamma, there is no action, there is no effort.
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> Monks, people put fishing net at the mouth of a river, not for the purpose of welfare, but for the suffering and destruction of the fish. Likewise, those Makhali people were born to be like those people who put human net for catching people, not for the purpose of their welfare, but for the suffering and destruction of many people."[12]

In the judgement of the Buddha, the Makhali school is the worst kind for it refuses to give validity to karma and the moral consequences of

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11. Phra Sriwisuthimoli, *op. cit.*, p. 105. Please also see a discussion of Buddhist Ethics as an absolutist theory in Wit Wisadavet, "Theravada Buddhist Ethics," *The Chulalongkorn Journal of Buddhist Studies,* Volume 1 Number 1 (January-June 2002), pp. 13-21. Please take special note on page 20 where the author makes an emphatic conclusion, "From the above some people may come to the conclusion that Buddhism is relativistic, believing that good and evil change according to various factors, but ultimately Buddhism is absolutist."

12. Buddhadasa Bhikkhu, *op. cit.*, pp. 277-278.

human actions. If people do not believe in moral dimensions of action, it would be impossible to lead a moral life. A disbelief in moral life would only bring about suffering and destruction for many. On the other hand, although the law of karma is so complex that it is not possible (with the exception of an enlightened one) to know the exact results, there is a strong emphasis on the necessary efficacy of moral law. As a law, karma is not only universally efficacious, it offers justice at the level of a specific individual.[13]

Retributive and Consequentialist Karma

These claims from the Buddhist theory of karma leads to another question, namely, whether the law of karma is offering a "retributive" or a "consequentialist" position? On the one hand, does the motto "Do good, reap good. Do evil, reap evil" indicate a position of "An eye for an eye, a tooth for a tooth"? The term "reap" here does not mean "profit" as in terms of wealth or honor. Rather, it refers to the "real effect of karma inherent in the very moral act itself." If one takes this explanation of Venerable Buddhadasa as a guiding principle, one would arrive at the conclusion that Buddhist ethics indicates a "retributive" position. This line of reasoning would challenge the more traditional understanding that the Buddhist teaching on karma indicates a consequentialist position. According to a more traditional understanding, the term "reap" good or bad cannot be understood without reference to certain results or consequences of an action.

The more traditional understanding of karma as indicating a consequentialist position would lead to a highly problematic situation. This is because the consequences of one particular act could be directly inferred from the motivation for the act itself, *or* they could be other consequences which might not have been foreseen by the actor. What could be a criterion which would make a distinction between consequences which must be "reasonably" within expectation of the actor and consequences which could not have been foreseen. This knowledge criterion would be crucial

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13. The failure to offer justice for an individual has been used as criticism against major theories, offering justification for the existence of evil within a monotheistic framework. See a brief presentation of the various theodicies and their criticisms in John Hick, *Philosophy of Religion*. New Jersey: Prentice Hall International Inc., 1990, Chapter 4.

to the setting of limits of moral responsibility of a person. In other words, an actor could not be held responsible for those unintended consequences lying beyond his/her "reasonable" knowledge of the consequences of his/her actions. On the one hand, an actor should be held responsible for consequences which are "obviously" within his/her knowledge. But this "reasonableness" is not easy to establish. Take this case for example. A factory situated along a riverbank keeps discharging toxic waste into the waterway. Over time, the people living near the riverbank begin to get sick. The real motivation of the factory owner might be simply to save cost. He never intends to "harm" anyone. And yet the factory would be expected to have knowledge that his intention to "save cost" would, in turn, pose a health hazard for the people living along the river banks. To what extent it is "reasonable" to expect the factory owner to have knowledge of the toxic wastes and the chain of causation thereof? If it is reasonable to expect him to foresee health problems of the people, h/she must be held morally responsible for the harm caused to the people. On the contrary, if it not reasonable to have that expectation of his knowledge, it would be unreasonable to hold him morally responsible. Even if it is reasonable to hold the factory owner responsible, the punishment for the owner might not be able to deliver the intended results. Professor Jonathan Jacobs discusses the problems and serious limitations of the consequentialist position and arrives at the conclusion that oftentimes the "unintended" consequences of a result-oriented theory of justice and the element of luck are so unacceptable that it is difficult to imagine under what condition this theory wold be feasible as a theory of justice.[14]

On the other hand, the theory of karma has been explained also as indicating a "retributive" theory whose aim is simply to restore a just balance or annul unfair advantage or denounce the values of the behavior of the offender.[15] If we understand karma in this light, we should also understand that when "suffering is a "result" of bad karma, this suffering as punishment is not meant to bring about certain "better" consequences, but simply to establish goodness.[16] Karma understood as expressing a retributive position would indicate that the karmic "harvest" is simply to

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14. Jonathan Jacobs, "Luck and Retribution," *Philosophy*, Volume 74, No. 290, 1999, pp. 535-555.
15. *Ibid.*, pp. 535-536.
16. *Ibid.*, p. 550 "*Thus the punishment has a telos, but the telos is not so much to produce good as it is to establish goodness.*"

restore the original moral balance. Whether this restoration would lead to other consequences depends on other contributing factors. At least at the moment of one particular moral act, the "Good act complete goodness, the evil completes evil, in the very act itself."

At this point we cannot make a definite conclusion whether the law of karma actually indicates a retributive or a consequentialist position. Judging from the passages quoted above, it seems that the law of karma implies elements of both theories. Logically speaking, this observation might prove to be unsatisfactory as it indicates an inconsistent position. However, we have to keep in mind that the moral purposes of Buddhism carry a much broader spiritual concern than a general philosophical project. It is important to note that Buddhism's major objectives are not to create a philosophical system of moral justice. Buddhism needs to establish a definite relationship of moral efficacy between a moral act and its consequences. The relationship between the two cannot be decided on purely "logical" ground. The extent of religious practice, the degree of merit accumulation of a person is of great relevance in deciding the consequences of an act. The specific conditions of a particular situation also contribute to the "resulting process" of a particular moral act. Buddhism establishes its claims within the following limits.

> "Regarding the Buddha's position on the moral efficacy of karma, there is the following analogy. Whatever seeds one sows, one reaps the harvest accordingly. If we sow the seeds of white karma, we will be rewarded with white results. If we sow the seeds of black karma, we will be punished with black results. This is called a direct inheritance, most appropriate to the actions performed by people. These actions would result in the distinction between good and bad people. This is the law of karma in its moral dimension."[17]

On the one hand, Venerable Buddhadasa coins the phrase "Do good, good is complete. Do evil, evil is complete. All in the very act itself," which indicates a retributive dimension. On the other hand, in the above passage, Venerable Buddhadasa wishes to emphasize the consequentialist position. If we sow the seeds of corn, corn we will reap. If we sow the seeds of rice, rice we will reap. However, whether the rice or the corn will produce good harvest or not, does not depend only on the "nature" of the

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17. Buddhadasa Bhikkhu, *op. cit.,* pp. 17.

seeds themselves. The conditions of the soil, temperature, moisture, sunshine, pests, etc., are all contributive factors which all help decide whether the harvests will be good or even whether a harvest is possible at all. In this way, Buddhism emphasizes the "certainty" of the results; while at the same time, points to the complex and dynamic environment which ultimately will produce results in an uncertain way. It is a theory of moral justice which places "certainty" into an on-going process of uncertainty.

According to the Buddha,

> "If a brahmin was to say, "I have seen people who have abstained from taking
> life, abstained from stealing, who are without a revengeful mind, with right view, who after death from destruction of the body, have entered hell." I accept the saying of such a brahmin. However, if that brahmin was to say, "You, noble one, all people who have abstained from taking life, abstained from stealing, who are without a revengeful mind, with right view, all of them after death from destruction of the body will definitely enter hell." I do not accept the saying of such a brahmin."[18]

It is clear from this that Buddhism accepts the position that some morally sound people go to hell, but does not accept that all morally sound people will enter hell after death. From this passage it is interesting to note that Buddhism seems to go beyond a common expectation (or hope?) that a reasonably virtuous person (someone who has abstained from taking life, stealing, etc.) would automatically go to heaven. On the contrary, we learn from this passage that there is always the possibility that a morally sound person could go to hell after death. The Buddha made an explicit acceptance of this possibility. This first response from the Buddha should serve as a clear reminder for people who donate some money for the temple in the hope of gaining heaven. Even people who actually practice the precepts, not only making material donations, have to face the possibility of hell. Perhaps one could understand this passage as indicating the complex workings of the law of karma, which certainly produce results, but oftentimes in an uncertain way.

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18. *Ibid.* p. 267.

Collective Karma

One of the major concerns relating to the understanding of karma in Thai society is the fact that karma is understood, not only primarily, but perhaps exclusively, in terms of the individual dimension. Although Phra Sriwisuthimoli has reminded us that karma is one of the factors in an on-going process of Paticcasmupada, which means that the moral action of an individual cannot fully account for the consequences thereof. However, there is no denial that within a Buddhistic Thai worldview, karma has been understood to indicate the *individual*'s moral acts or his/her personal store of merits. This individual dimension is so much emphasized that the collective dimension of karma has been completely eclipsed. There is the Buddha's saying:

> "The learned who have seen Paticcasmupada, who understand karma and its consequences in its true light, would come to see that the world proceed according to karma. Beings go on according to their karma. Beings are held together with karma. It is like the matrix of a cart which is moving on."[19]

Of course, in order to hold the individual responsible for his/her moral acts, the emphasis on the individual aspect of karma needs to be put forward. The supernatural world should not be held responsible for the workings of men in the world. On the other hand, this same emphasis could also pose another problem concealing the "being-togetherness" of all lives through karmic forces. All too often, we do not "see" the social or collective dimension of karma. In the analogy of the wedge of a cart, we can see that the collective are the wedge which helps decide the appropriate functions of the different components. In this sense, the collective help decide the proper function of each individual member. On the other hand, the nature and direction of the collective movement of all beings are being decided by the wedge as well. It is interesting to note that the original version of the widely-referenced book, *Buddhadhamma*, Venerable Sriwisuthimoli did not discuss "collective karma." We can find a treatment of this topic in his more recent writings. He indicates that custom and convention which hold a society together are "collective karma." This collective karma helps shape the beliefs and thinking of the members of that

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19. Phra Sriwisuthimoli, *op. cit.*, pp. 103-104.

society.[20] Apart from the three poisons of "greed, anger, and delusion" we have other symptoms of passions which carry far reaching effects to a society. They are:

> Tanha: passion for self-profit
> Mana: desire to subordinate others
> Thiti: attachment to certain fixed ideas[21]

Venerable Dhamma-pitaka gives several examples of "social karma," namely, corruption, drugs, environmental degradation and authoritarianism. Authoritarianism is a sign of *tanha* and *Mana*, that is, a desire to subordinate others for one's own self-profit. When there is an authoritarian rule, the whole people are also responsible. This is because the chain of causation which makes authoritarian rule possible, rests with everyone in that society. Authoritarianism could not be accomplished by just one person. "Everyone is karmically responsible."[22] This statement is highly significant as it not only correlates karma with a type of political rule, but it explicitly places karmic and therefore moral responsibility on the shoulders of everyone in a society. This expanding understanding of karma as carrying political efficacy is crucial for future development of democracy in Thailand. The fact that an authoritarian rule is used as an example to explain "tanha and mana," of a person with great ramification for the whole society is sorely needed for cultivating a sense of moral responsibility for the collective, political sphere.

This fresh emphasis on collective karma is something "new" in Thai Buddhism. A leading historian and social commentator, Professor Nithi Eaosriwongse offers the following observation regarding the meaning of karma in Thai society.

> "Since ancient times Buddhism has not been a social religion for Thai society. As there were different religions of the spirits which already took care of social regulations. Thai Buddhism has placed greater importance for the spiritual development of the person."[23]

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20. Bhikkhu P. A. Payutto, *Good, Evil and Beyond: Kamma in the Buddha's Teaching* (Tr. By Bhikkhu Puriso) Bangkok: Buddhadhamma Foundation, 1993, p. 68.

21. *Ibid.*, p. 61. The title of this chapter is "Social Kamma."

22. *Ibid.*, p. 69.

23. Nidhi Eaosriwongse, *Buddhism in Changing Thai Society*, Bangkok: Komol Kheemthong, B.E. 2543, p. 28.

It is interesting to note that the social dimension of karma is an aspect whose emphasis has been late to come to Theravada Buddhist Thailand. The traditional emphasis of karma as applying mostly to the individual moral life indicates just one aspect of this theory. Even within such limited framework, one might say that if karma is a moral theory at all, it needs to address the collective and the interpersonal dimension. This is because any moral offence is an offence against some other life. Even if it is a "purely" self-inflicted harm which might not cause any grief to anyone else, it could still be considered an act against one's parents who have made great sacrifices in bringing one up. Moreover, it could be that a total emphasis on karma in its individual dimension could bring about social apathy, and by implication, lack of social engagement or collective responsibility for the community or the society as a whole.

From another perspective, it could also be argued that the formation process of an individual necessarily involves a medley of other lives. The karmic force of the parents, perhaps not directly and totally "transmitted" to the children, would be intertwined with the karmic formation of a child in a very important sense. This child, after years of up-bringing by the parents, becomes an individual. Without this interpersonal dimension of karma, it would be very difficult to explain the formation of an individual as a member of any group. Without a conception of collective karma or collective responsibility, it would be very difficult to explain, for example, the physical suffering of a two year-old who suffers from an excessive lead level in the blood due to the irresponsibility of drivers and the government agency which is supposed to take of the lead level in the air in an urban area. The traditional explanation of all misgivings as a result of the person's own past karma would seem greatly inadequate and unjust.

However, there are some scholars who still emphasize the individual dimension of karma. It has been argued, for example that, if the Buddha had such a communal concept of karma, the idea of group karma should have found an important place at least in early Buddhism. But this does not seem to be the case. On the contrary, the Buddha seems to see in karma an explanation of the differential of human beings rather than their solidarity.[24]

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24. Please see an interesting presentation of this argument in Arvind Sharma, *The Philosophy of Religion: A Buddhist Perspective. Delhi: Oxford University Press*, 1995, pp. 178-180.

Non-concluding Note

The discussion so far raises questions rather than offers conclusions. The theory of karma in Buddhism is certainly an attempt to offer moral justice for the rights and wrongs of the individuals. However, karma's inherent relation with rebirth places it beyond the epistemic scope of a life of the present birth. This temporal extendedness across rebirths puts the moral efficacy of karma into doubt. It has been argued that the works by leading monk and lay scholars of Buddhism in contemporary Thailand demonstrate a recognition of this limit. Many works have illustrated attempts to expand the meanings of karma as covering the collective dimension, linking the individual's moral makeup with the fate of a society or a political system as a whole. These works, as analyzed above, indicate a recognition by contemporary monk and lay scholars in Thai Buddhism, of the necessity to juxtapose the law of karma more closely with the discourse on social justice and democratic values.

It is interesting to note that, even in Buddhism, a belief in God is negated on the grounds that a Creator God would be inconsistent with evil and injustice so rampant in the world. This well-rehearsed dilemma within the Christian tradition is also echoed in Buddhism. According to the Buddha,

> "If God (Brahma) is Lord of the whole world and creator of the multitude of beings, then why (1) has he ordained misfortune in the world without making the whole world happy, or (2) for what purpose has he made the world full of injustice, deceit, falsehood, and conceit, or (3) the Lord of creation is evil in that he ordained injustice when there could have been justice." [25]

Absence of justice where it could have been, is cited here as one of the arguments against a belief in a creator Deity. Even if there were one, the Lord of creation would be evil, as "he ordained injustice when there could have been justice." In this sense, one could argue that the Buddhist theory of karma, instead of God, is an explanation for the evils and injustices in the world. Human beings, not God, are brought to the center stage of moral responsibility, for themselves, as well as for the rest of the world.

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25. Quoted in *Ibid.*, p.167.

A crucial task for a committed Thai Buddhists is to bring out the mostly eclipsed collective dimension of karma, so that karma could better address the question and the quest for a more equitable and more democratic development of a society in this life.

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Why Is Muslim Law Not Ahistorical?

Ali Benmakhlouf

Amartya Sen, the Nobel Prize for economy, refuses to see "authoritarianism" as associated to Confucianism, or intolerance attached to Islam. Monolithic constructions, framed in what are simply prejudices under cover, show a lack of historical perspective. More important, such constructions overlook the successive strata those traditions are made of. Traditions are all incomplete, multiple and falsified.

In the so-called Islamic tradition, there are elements that can legitimate political freedom as well as religious authoritarianism. Debates and controversies have taken place within this tradition giving rise to different ways of thinking. It cannot be reduced to only one of them, unless one denies Muslim history the notion of individuality and individual human experience. It is hard to get rid of the prejudice according to which Islamic laws are fixed for ever. *Chari'a* is seen as a code everyone could consult at leisure and apply anywhere and everywhere in the world. We speak about *Chari'a* as if every had access to it easily and as if it is a law applied somewhere in the Muslim world. But Koran uses it only in the primary sense of "the way", or "the path", and never as a code. In the 48 sourate, we read this: 45, 18: "And now we have set you on the right path. Follow it, an do not yield to the desires of ignorant men". In other contexts, the word is used as a verb: 42, 13: "He has ordained for you the faith which He enjoined on Noah, and which we have revealed to you; which we enjoined on Abraham, Moses, and Jesus, saying: "observe the Faith and do not divide yourselves into factions". In an other sourate, the world is used as a noun: 5, 48: "We have ordained a law and assigned a path for each of you". In these tree cases, the word *Chari'a* never refers to the notion of law, but to that of way. Islamic history has translated this way into a law according to different modalities. As a way, the Koran is a source of law, so to say an inspiration of it, as the prophet's behaviour also is.

But source and behaviour have to be translated into legal rules, hence

the various points of view, and doctrines, about the subject: prevalence of the Koran over The Sunna, relevance or not of the consensus expressed by the community, and above all, limited or dominant use of the legal syllogism.

I'll take as an example, Averroes who was a philosopher and a judge in Cordoue in The XIIe century. He has made an emphasis on the productive activity of law and on the importance of human power of derivation, so to say, the power of inferences from elements considered as principles. This philosopher has tried to reconcile Islamic legal tradition and Aristotelian method of reasoning.

Traditionally, we consider that there are four sources in Islamic law: Koran, Hadiths (speeches of the prophet), consensus, analogical reasoning. Koran is the fundamental element which limits indefinite regression. As we were saying earlier, Koran indicates just a path, a way, but is not itself a corpus of legal norms. One can object me that there are some norms concerning heritage or stoning, so to say some specific norms which do not give us the possibility to reduce Chari'a as appeared in Koran to a general path. But, I'll answer that the first example about heritage gives a detailed arithmetic about parts, but as anyone knows Arithmetic is a formal science and not a science attached to a content, so number is not associated by its nature to the thing enumerated. The second example is about stoning, we have to recognize that it is not a legal rule, because a law is not measured by the sanction. Giving these elements, we can say that Koran function as a element which validates the law, without being itself a part of the law.

H. Kelsen would say that it is a fundamental law, so to say, a norm the mind supposes necessarily for the sake to give a meaning to the rules of a legal system: "If we suppose this norm is valid, then, the legal order that stems from it is also valid , because, it gives the specific normative sense to the functioning of the law", this is why this fundamental law, not having been created according a legal procedure, is not actual but fictive. The second source of law is the prophet *Hadiths*, it is justified as a source of law because Koran says to follow prophets, to take their path. We are still in the scheme of path not of law. Of course, prophet's behaviour and its legislation as a first Kalife for the first Islamic community have changed the behaviour and the path into a law, it is in fact a historical work, even if it is a prophetic history, a history which ended with the death of the prophet. People had then to determine their selves otherwise since this death. The consensus of the community and the analogical reasoning were

then other sources to the law.

How Averroes has given an importance to the syllogistic activity in the production of the law? He has shown that it is by the means of this activity that the other sources of law have a reel destination. The content of the fundamental law, Koran and Hadiths, depends on the nature of materials whom they have to give a legal meaning. The source gives sense to what is derived from and the law derived gives a content to what is considered as first. So Koran and hadiths are not monolithic blocs that we have just to repeat; they are associated to rational criteria. If the syllogistic derivation rests on the three other sources, that means that these sources are in convenience with this derivation. Let give an example. In the Koran, it is said "those who are sick or in journey, days are owed". This proposition is an enthymema, a sort of syllogism Aristote considers it as rhetorical, a syllogism which doesn't give all its premises, but it is in a lack of one of them. In this koranic example, the lack or the gap is the premise telling us that in Ramadan, people who cannot fast during this month for being sick or in journey, have to fast after. Without this form of derivation, we cannot understand anything. Human judgment has always been recognised, by the prophet first, and there are justifications in the Koran for it. Prophet Mohammed said: "I judge between you according to a point of view in all the subjects where there's no revelation". Legal reasoning (*qiyâs char'î*) is an analogical and consists in four characteristics: 1) the original case or the supposed original one; 2) The case assimilated to it; 3) The reason of resemblance or similarity; 4) The judgement or the legal qualification. From the supposed original case (Koran, Hadiths), a transfer is made to the assimilated case (that is to say to the new situation for which nothing was planed) because the two cases share a similar cause. For example, this legal reasoning can give more extension to a term: if just the term "man" is mentioned and the judge extends what it is in question to women also. So, we have to recognize that there are technical gaps in Islamic law, every time when we specify or generalise a meaning, and logical gaps, when we go from the source or the path to the law.

In fact, there has always been, in "Muslim tradition", much theorizing about the principles of law (*usul al fiqh*), in connection with external reality and concrete historical events. The first premiss of these legal principles rests on the obvious notion that God's law is what is thought by *Man* as being God's law. Then, the notion of a divine law owes as much to the Greek tradition–through Plato–as to the Arab tradition. Zeus hands his (divine) laws to his son, Minos, for the benefit of men, and we can draw a

parallel with God and Moses or God and Muhammad. Al Fârâbî in two of his books (*The summery of Plato's laws and The book on Religion*) draws this parallel. Plato tells us that Zeus is the ruler and that his laws are upper than any wisdom. Leo Strauss notes that "the following divine things are mentioned in Al Fârâbî's Summery: divine virtues, divine pleasures, divine music, divine law, divine government, that is to say, a kind of human occupations. In most of these cases, "divine" refers to a class of human beings, or human achievements characterised by excellence". We can say that the qualification of "divine" as applied to laws is a sort of excellence to which human being aim to. Divine law is in this case inspirited by God, but actually, it refers to human rules as excellent ones.

In the Muslim tradition, a construction of very complex legal systems and legal practices (not always overt but effective) is founded on rather scarce revealed data. What is called *chari'a* refers to elements of personal law that have never been sufficient to build a policy. Even though the caliph is not allowed to make legislation but simply to set up administrative rules, the frontier between legislation and administration was seldom respected as of the Umayyad dynasty: "Later caliphs and other secular rulers often had the opportunity to promulgate new laws. Though it was legislation actually, politicians called it administration and maintained the illusion that their regulations only aimed to apply, complete or enforce the *chari'a* and thus remained within the limits of their political authority. This fiction was maintained as long as possible, despite the contradictions with or the encroachment on the sacred law." Some people were of opinion that the caliph should be enabled to fully legislate, that is codify the legal power of judges to attain greater political coherence, and avoid that two personalities should claim legitimacy and rule the country.

Historically and throughout the classic period, it is clear that the state in Muslim countries was under Persian and Byzantine influences; borrowing from foreign laws was so steady and successful that eventually those influences could hardly be discerned: "Throughout the Umayyad period, models and norms drawing upon foreign laws (Iranian , Sassanid as well as Roman laws) gradually pervaded the legal practice of Muslim countries, so much so that by the 8th century, those models and norms had become part and parcel of Muslim jurisprudence, while people were totally oblivious of their origins " If they had ever been aware of them.

As for the more recent period, European influences (constitution, parliamentary representation, political parties) are obvious, which shows that the effectiveness of law lies in additions and borrowings. The subdivision

between private law (*chari'a*) and public law (caliphat) gives rise to an opposition between Law and State. Private law is thus seen as *real* law, the other being a force, a domination but not Law. The claim of my paper today is to refute this duality, putting forward the organic quality of law and relying on a historical survey. The system of law is one and organic, it is in a continuous organization of itself, but it is essentially a reflection of external reality. Such questioning is required for the notions of social justice and political freedom to be kept effective. Legal Corpus as linguistic corpus is a social practice. I would conclude citing a French sociologist, Gabriel Tarde: "For a legal corpus as for a linguistic corpus, the problem of evolution consists in to be suited to itself by being suited to a society which never suit very well to itself".

<center>*3*</center>

Coexistence and Care:
Comparing Eastern and Western Political Thought

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Dongsoo Lee

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Introduction

With the processes of modernization that began in the 1960s and full-scale democratization from the 1980s, Korea has achieved rapid political and economic development that will not be forgotten in world history. However, unresolved issues still remain, such as the conflict between progressives and conservatives, polarization, regionalism, and the North-South divide. Even today, when democracy, following modernization, has been achieved, conflict, struggle and antagonism seem to be engraved upon Korean society. What is more, our society has come to be further characterized by confused thinking, abandonment of values and morality, and aggressive egoism.

Why are we still so antagonistic towards one another? Why do we only care for our own interests and rights? In answering these questions, most traditionalists argue that modernization in Korea broke down our traditional morals and values as it pursued only economic development, and that Western ideology was indiscriminately introduced and applied. At variance with the reality of Korea, modernization, civilization, and scientification were given priority, resulting in the destruction of our traditional spiritual heritage.[1] Traditional Korean thought is considered an inferior, particular "Orientalism" of the margin and an object to be overcome. Consequently, nothing remains of traditional thought, and the Western individualistic pursuit of profit and rights have replaced it.

However, at the present time when Western modernity, which was once

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1. Liberal political scientists who were educated in the West also agree on this point. A representative view is Jung-in Kang, *Beyond the Shadow of Eurocentrism* (Seoul: Akanet, 2004).

believed to be universal, is proved to be another particular historical experience, and when its scientificity is being doubted in postmodern Western society, the universal illusion of modernity is slowly collapsing. In other words, the Western modernity that tried to replace our own traditions is not a universal value upon which we should depend.

Western modernity heightened human dignity by claiming emancipation from a god-centered structure. As Descartes suggested, however, it supposes the subject as a "self-sufficient being" and thus tends to emphasize the individual and self over an entire humanity. As a self-sufficient subject, the individual defines his or her freedom as an inviolable right, and by freely pursuing his or her own interests and power, a state of "war of all against all" between unyielding independent individuals is created. In such a society, the total amount of wealth and development may increase, but the relationship between competing individuals is interspersed with struggle and antagonism. As a result, the subject of the present day is a lonely "single subject" without an other, and the relationship between humans is transformed into one of "I-It," linked only through things.[2] In such a world, relationships between people cannot be "human relationships" and thus, despite the liberation of the human subject, modern civilization is facing a crisis.

The alternative for healing this crisis, however, does not signify a return to tradition because we have already left that world. We live in a considerably Westernized world today, and though Westernization may not be our universal ideal, it is the reality given to us at present. Our traditions may belong to us in a spatial sense but they no longer remain with us in a temporal sense. Communities of the past made it possible to maintain lives only through traditional ways of thought and life. In today's already globalized world, however, both Eastern and Western aspects intermingle in our lives. It is now considered anachronistic to divide West from East. Our society possesses both attributes, and this hybridity is what constitutes our identity today.

From our traditional ways of thought, we must find the wisdom to cure the evils of modernization, and from the Westernization that has already

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2. Martin Buber classifies the relationship between "I" and "the other" into that of "I-Thou" and that of "I-It" and argues that the "I-It" relationship cannot establish a genuine human self by understanding the meaning of oneself from an objectified, third person position. Martin Buber, *I and Thou*, trans. Walter Kaufmann (New York: Touchstone, 1996).

taken place, we must find a strategy for overcoming current problems by accepting those Western ideas that hold an appropriate alternative. This is also a proposal to find a cure for the problems caused by Western modernity in the hybrid state of Korean tradition and Western postmodernity.

Traditional Korean thought is characterized by "coexistence" with one another rather than antagonism, conflict, competition, and struggle, which originate from the pursuit of individual profits or power. In other words, from traditional thought developed a form of social theory based on mutual coexistence and relationships, not on the individual and self. Ethics and morality were emphasized in order to maintain this mutual coexistence and relationships. On the other hand, the political philosophy of "care" is an idea sought by Western postmodernism. It recognizes individuals, but espouses care for the other and reconciliation based on the deconstruction of the egotistic self and decentralization. Therefore, examination of the traditional Korean concept of "coexistence" with the postmodern Western notion of "care" is a timely and much needed task.

However, both commonalities and differences exist between these two concepts, and it is difficult to suggest a proper solution through a simple comparison. In this context, what we must do first is secure the "transversality" between traditional "coexistence" and postmodern "care." The term transversality was first used by Felix Guattari[3] in social science and was reinterpreted by Calvin O. Schrag as "communicability." Transversality as communicability, according to Schrag, is a communicable characteristic that goes beyond universality and particularity, and is understood and sympathized with in other systems and cultures while maintaining its particularities. In other words, transversality is "transversal integration that overcomes the restraint of metaphysical oppositional concepts such as universality/particularity and sameness/difference to generate communication between diverse opinions, positions, and interests."[4] In short, it is a state where solidarity is formed by communicating and sympathizing with keeping one's individual identity without the premise of any universality or sameness.[5]

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3. In 1992, Guattari, under the influence of Foucault and Deleuze, first used transversality, originally a term found in natural science, in his book *Chaosmose* (Paris: Editions Galilee, 1992).
4. Calvin O. Schrag, *The Self after Postmodernity* (New Haven: Yale University Press, 1997), p. 133.
5. In Eastern philosophy, the concept of hwai budong (和而不同), that is, "not the same but in harmony," may be similar to transversality.

This article was attempted to build such a bridge of transversality between Eastern traditional thought and Western postmodernism. Though the two have different perspectives on human beings and ethics and underwent different historical and cultural experiences, their presented goals of coexistence and care seem to be communicable with each other. Therefore, I will examine the meaning of "coexistence" as discussed in Buddhism and Confucianism, two fundamental Korean ideologies, followed by an analysis of "care" as developed by Martin Heidegger and Emmanuel Levinas.

Coexistence: Ontology and Ethics in Tradition

I will begin by discussing traditional Korean thought. Although Buddhism and Confucianism are treated as Korean ideologies, they are also foreign in origin. Buddhism was introduced during the Three Kingdoms era through China, and Confucianism also came from China between the late Goryeo and early Joseon. The two foreign ideologies went through many complications before establishing themselves as Korean traditions, but it was only possible because they were able to coexist with and further reinforce the pre-existing, indigenous ideology.

This indigenous ideology, although unsupported by historical evidence, can be inferred from myths such as that of Dangun. The Dangun myth, and other myths and legends from ancient times, were characterized by totemism, animism, sun or heaven worship, ancestor worship, and shamanism; one of the main characteristics of the Dangun myth is the concept of "coexistence." According to Kim Seok-geun, the Dangun myth tells the story of a bear and a tiger who try to become human, but only the bear succeeds and is transformed into a woman who then marries the son of the Lord of Heaven, Hwanung. Kim maintains that the political significance of this myth is that there were at least two tribes that used the bear and tiger as their totems, and the fact that one of the two became a woman meant that one tribe could marry another tribe. In other words, the two societies coexisted through marriage. The two tribes could have been rivals but by marrying out, that is, by selecting marriage partners from another tribe–historically, Dongye banned marriage between members of the same tribe-they were able to respect each other's totem and form a close solidarity or a relationship of coexistence.[6] In short, the politi-

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6. Seok-geun Kim, "Dangun Myth and Political Thought: In Search of the Origin of Kore-

cal significance of the Dangun myth is not the "competition" between tribes but their "coexistence," which is a characteristic of indigenous Korean ideology.[7]

1. The Meaning of Coexistence in Buddhism

With its notions of "interdependence" and "coexistence," the introduction of Buddhism to Korea reinforced the characteristic of indigenous ideology that emphasized harmony. In this chapter, I will examine this characteristic in relation to the essential concepts of Buddhism, namely dependent origination (*yeongi*), compassion (*jabi*) and the cycle of rebirth, or transmigration (*yunhoe*).

First of all, the concept of dependent origination forms the very essence of being and ethics in Buddhism. The term *yeongi* was taken from *inyeon saenggi* (人祿生起), which states that every single thing in the universe is void and empty in nature, that all things in the universe arise, become, change, and fade in a continuously repeating and changing pattern, and that this signifies that everything comes into existence in response to causes and conditions.

What is important at this point is that no being can exist independently of other beings. Buddha created the following formulation concerning the law of dependent origination:

> With this as a condition, that exists. With this as a condition, that arises.
> Without this as a condition, that does not exist. Without this as a condition, that fades.[8]

Here, "with this as a condition, that exists" implies that "without this as

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an Political Ideology," paper presented at the Korean Society for Political Thought (1996), p. 17.

7. On this point there exists a difference between the East and the West. In the West, "coexistence" is not only emphasized but "competition" as an important interrelationship is also included. Huizinga pointed out that in primitive societies one tribe was divided into two conflicting groups called *phratriai* (brotherhood). The reason for this division is to lend a sense of tension and enjoyment to the monotony of daily life through playful competition, as well as to generate mutual aid through the selection of sexual partners from the other half of the tribe. Johan Huizinga, *Homo Ludens: A Study of the Play Element in Culture*, trans. Yun-su Kim (Seoul: Kachi, 1993), p. 86.

8. *Jabahamgyeong*, V. 2, T, 15, 101.

a condition, that does not exist," representing the spatial interdependence between all things that exists in the phenomenal world. The phrase "with this as a condition, that arises" includes "with this as a condition, that fades," stating that temporal interdependence between all things exists in the phenomenal world.[9] In this way, what "this" and "that" represent are all the things that are interdependent, i.e. that do not exist separately. Everything in this world manifests the meaning of its existence by maintaining relationships based on interdependency and coexistence.

Therefore, the meaning of an isolated being is lost in Buddhism, and in order for the self to succeed it has to help the other to succeed, taking the position that benefits both self and others. This is based on the spirit of coexistence that refuses self-righteousness, meaning that everything in the world comes into existence in response to causes and conditions within an interdependent relationship. In fact, from the perspective of dependent origination, there is nothing in the world that exists or occurs individually, independently, or outside of relationships. This theory is the basis for recognizing the relationship between human beings and between nature and humans as one of equality rather than discrimination, accompaniment rather than antagonism, and mutual life-giving rather than competition.[10]

Within this ontological relationship of dependent origination, one can develop *jabi*, that is, compassion toward the other. *Ja* (慈), or *maitri* (*maitra*) in Sanskrit, means "friend", and *bi* (悲), or karuna, means "a moan." A moan expresses human sadness, and upon hearing a moan, one can sympathize with the agony of that person or animal.[11] Therefore, *jabi*, the combination of these two words, signifies love for others and sympathy and pity for others' pain. In a broad sense, it also means the love of humans and nature.

The object of compassion includes not only myself but also others, as well as all living beings. This means that the principle of compassion is applied to objects that can be seen and also to those that will exist in the future. By including those that cannot be seen and those that will be born in the future, all forms of being in the sphere of transmigration are consid-

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9. Fumio Masutani, *Introduction to Buddhism*, trans. Won-seop Lee (Seoul: Hyeonamsa, 1975), pp. 80-87.

10. Sang-woo Noh and Seong-ja Park, "On Views of Education Centering on the Transcendental Self in Buddhist Thought," *The Korean Review for Philosophy of Education* 33 (2005): pp. 194-195.

11. Fumio Masutani, *op. cit.*, p. 13.

ered. This view regards humans manifested by their bodies, diverse spiritual beings that cannot be sensed by the body, and other diverse living beings other than humans as objects of compassion.

This idea of compassion is further concretized by the theory of transmigration (*samsara*). Originally, this theory is closely related to karma, the concept of sin. Karma is derived from the verb "to produce" and indicates behavior, speech, and thought produced by three categories of action, i.e., "physical, verbal, and mental." The three types of karma include good, bad, and neutral karma, which are generated by physical, verbal, and mental actions that mutually interact to create a relationship rather than stand separately.

This organic relationship means that if physical and verbal actions do not accompany mental actions, they are merely simple movements; as karma is always created through will, it becomes the basis on which myriad things in the universe are created and transmitted. Karma exists through past, present, and future, and the substance of all things in the universe also comes into being over that time. The theory that karma continues through the three periods of past, present, and future gives recognition to transmigration. By acting as a symbol of infinite life, transmigration helps humans to reflect on and be conscious of their own actions. In other words, it suggests an ethical view that humans should accept the present reality of their life and, for the sake of their next life, accumulate good karma while avoiding bad karma.

As examined so far, Buddhism asserts that as all living creatures and beings are interdependent, they come into being in relation to each other. Therefore, though an individual may exist, she or he has to overcome her or his individualistic thoughts and treat others with compassion. Buddhism emphasizes the need for continuous accumulation of good karma in the present world, in a world of causal and transmigrational being. Consequently, the notion of self-interest cannot exist in Buddhism as one's own and others' interests are mutually intertwined and one's own interest occurs simultaneously with general interest.[12]

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12. Hee-sung Keel, "Buddhist Ethics of Interdependence: Beyond Communalism and Individualism," *Uncertain Modernity: The Quest for Rationality with a Human Face*, paper presented at an international seminar held at The Academy of Korean Studies, 7 October 1999, pp. 29-55.

2. The Meaning of Coexistence in Confucianism

The relationship of coexistence is much more realistic in Confucianism than the discussion of ontology in Buddhism.[13] As being is identified within the process of transmigration, i.e. the continuum of time, the present is only part of a long period of time that continues within atemporality or eternity. However, Confucianism places more emphasis on the present than on eternity and focuses on the relationship between beings within the present.

In this aspect, human beings as present beings do not need to inquire upon their metaphysical and transcendental being. From the perspective of the present, what concerns metaphysical and transcendental beings lies beyond the present and is abstract. Therefore, the question of absolute being in Western thought, or metaphysical questions such as where being comes from and where it goes to, is no longer important.[14] From an ontological perspective, Confucianism considers all existing beings as naturally given and focuses on the problems that emerge afterwards.

There is, without doubt, a metaphysical discussion in Confucianism and Taoism, and similar discussions can be found in theories on Taegeuk (Supreme Ultimate), *yin-yang* and the Five Elements, and *i-gi* (principle-material force). However, these discussions do not concern transcendence, which is entirely separate from human affairs. On the contrary, it is very much related to human affairs and puts more emphasis on issues in human lives regarding how people are to live. This is clear from Confucius' words in his *Analects*:

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13. In general, the differences between Confucianism and Buddhism have been emphasized. Originally, Neo-Confucianism started from the criticism of Buddhism. Confucian scholars in the Joseon period, as well as at present, have stressed these differences due to the historical fact that the Neo-Confucianism was made the state ideology of the Joseon dynasty, with the policy of "oppressing Buddhism while promoting Confucianism," in order to overthrow the Goryeo dynasty, which had adopted Buddhism as a national religion. However, while there are differences, I also believe that there are similarities, especially when considering the fact that Buddhism and Confucianism are ideologies that have inherited Korean tradition–they "coexist" in our daily lives and consciousness even today–and furthermore, it is more important to re-establish our tradition at the contemporary context. Concerning the differences and similarities of Buddhism and Confucianism, see Byeong-sam Bae, "Buddhism and Confucianism: Continuity and Discontinuity," *The Korean Review of Political Thought 1* (1999).

14. Se-ho Jang, "Eastern Views of the Ideal Human," *Nammyeong Studies* 16 (2003): pp. 383-384.

> [His student] Jilu asked about serving the spirits [of the dead].
>
> The Master [Confucius] said, "If you are not able to serve man, how can you serve [his spirit]?"
>
> Jilu added, "I venture to ask about death?"
>
> He was answered, "If you do not know about life, how can you know about death?"[15]

In this quotation, Confucius is strongly asserting human-oriented or human-centered thought. However, this seems to be far from the theory of original sin in the West or the concept of humans as God's creation,[16] as in the West human nature is discussed in opposition to the supernatural, while human nature or human character in Confucianism is discussed without being compared to the supernatural.

If the concepts of time and humanity in Confucianism are such, the most important issue in human relationships is that between humans, not between humans and a transcendental being or God. In this sense, unlike Buddhism or Christianity, Confucianism is an ethical, political, and social theory that is unrelated to religion and, thus "The Confucian School" (*Yuga*) would be a more befitting name than "Confucianism."

Confucianism focuses more on sociality, relationships, and the ethics of humans, which are the "present being." Humans exist in reality, and the afterlife is a means to hide and forget the pain of that reality. Humans in reality do not exist as individuals but as social beings that maintain a social life. Their identity is formed by relationships with others, which indicates their position and existence.

Therefore, no human being can escape the fine network of human relationships.[17] After establishing all things in the universe as a premise, the *Yijing* (Book of Changes) classifies human relationships into that of man-woman, husband-wife, father-son, sovereign-subject and high-low, and states that propriety and righteousness can only be achieved when these relationships are well maintained.[18] *Zhongyong* (Doctrine of the Mean) also named the five relationships of sovereign-subject, father-son, husband-wife, elder brother-younger brother and friends as a principle that

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15. "Xianjinpian" 11, in *The Analects*.
16. Chung-ryeol Kim, "The Image of Human in the East," in *A Compilation of Eastern Thought* (Seoul: Beomhak Doseo, 1977), p. 66.
17. Seok-geun Kim, "From Mahayana Buddhism to Neo-Confucianism," *The Korean Review of Political Thought* 1 (1999): p. 129.
18. "Xuguazhuan," in *Yijing*.

was understood all around the world, and saw that the virtues of wisdom, benevolence, and courage were needed in order to maintain these relationships.[19] The existence of self can be confirmed through such relationships.

As a being within relationships between humans, the most important thing is a sense of ethics to maintain these relationships well. In other words, the most important principle in political society is human ethics.[20] In particular, the Five Human Relationships that govern the Confucian moral disciplines are given as follows: love and respect between parents and children, justice and righteousness between sovereign and subject, distinction between husband and wife, proper order between elder and younger, and trust between friends. In other words, ethical virtues such as affection, righteousness, distinction, order, and trust should be observed. It is in such sovereign-subject and parent-child relationships that one's identity is formed. In order for a society to operate well, these relationships should be maintained naturally, and actions taken to escape from these relationships can bring confusion to the social order and consequently destroy the society itself.

The desire to free oneself from relationships comes from self-interest. When one forgets that he or she is a relational being and when animalistic greed becomes manifest, then he or she no longer considers his or her relationship with others but only pursues his or her private interests. This is a selfish being and in order to prevent this from happening, people should cultivate themselves into ethical beings who can restrain their desires. An ethical being is a public being, and self-cultivation for the ethical being is indispensable not only for one's own perfection but also for society.

In Confucianism, an ethical or public human being is called a "gentleman" or "superior man" (*gunja*). A gentleman is a man of virtue, talent, and official position who is regarded as the opposite of a "small man" (*soin*) or "simple man" (*yain*). Confucius preferred to use the term "small man" rather than "simple man," and the difference between a gentleman and a small man is that "the gentleman chooses righteousness while the

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19. *Zhongyong*, chapter 12.
20. Western philosophy tends to separate morality (Moralitat) and ethics (Sittlichkeit). Whereas morality is a kind of precept to keep in the relationship between humans and the supernatural, ethics is a virtue to keep in the relationship between humans and beings in the phenomenal world, that is, others.

small man chooses profit."[21] Here, righteousness is a duty that people should keep as humans, that is, the practice of a spiritual and moral life. A small man, on the other hand, pursues instant pleasure and human desire, follows immediate interests, and indulges in sensual and physical objects.

Among the gentlemen, the sage is the highest, followed by the wise man. A wise man is similar to the sage, but has not yet reached the stage where one can freely control change. Generally speaking, the concepts of the gentleman and the small man are more comprehensive than that of the sage and the wise. While a man who cares for the public good instead of his own interests is called a gentleman, one who is narrow-minded, only pursues his own interests, and has no concern for the public good, is a small man. In this sense, the sage and the wise are both gentlemen. The difference is only that the terms "sage" and "wise" refer to a person's psychological state and deeds, whereas the term "gentleman" refers to the position and status of the man with those qualities.[22]

A society with a high number of sages and gentlemen, or where such people rule, will become a good society. Confucian scholars who founded the Joseon dynasty tried to develop Joseon into such a society, and in late Joseon, in particular, the pride of the moral state reached its peak. So much so, in fact, when the barbarian Qing began to rule China after the collapse of the Ming Dynasty,[23] they no longer regarded Joseon simply as a Little China, but as the only remaining civilized country in East Asia.

As examined above, Confucianism saw humans as present beings without a transcendental premise and tried to determine their positions and stabilize society by establishing moral relationships between people. As an individual, one is defined by one's positions relative to others and there-

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21. "Liren," in *The Analects*.
22. Gang-soo Lee, "Ideas of the Human in Early Confucianism," in *Ontology and the Theory of Human Nature in Eastern Philosophy* (Seoul: Yonsei University Press, 1982), p. 194.
23. Sang-ik Lee, "Issues of Identity in Neo-Confucianism and Political Thought during the Joseon Period," paper presented at the Korean Political Science Association, 10 February 2000, pp. 1-21. In my opinion, though this pride had its positive aspects, it also caused exclusion against and a sense of superiority over other cultures, particularly Western cultures, which led to an isolationist policy by the followers of a group that defended orthodoxy and rejected heterodoxy. At the time, they clashed with the enlightenment reformers who pursued modernization and could not gather national strength, which led ultimately to the collapse of the country. This was also the decisive factor behind the initiative to transition away from traditional thought towards Western thought in constructing modern Korea after liberation.

fore should act ethically, not selfishly. This shows that Confucianism was an ideology that focused on mutual relationships between people, based on which it ultimately pursued social coexistence.

Although both Buddhism and Confucianism emphasize coexistence, they differ in the basis for such coexistence. In Buddhism, thinking may begin with an individual, but by ultimately realizing the dependent origination of being, he or she overcomes individual thinking and begins to regard the world with compassion, which requires a fundamental thinking on the transcendental sphere. In this respect, Buddhism adopts metaphysical consideration of the transcendental being as its basis when discussing the relationship of compassion and coexistence between human beings in everyday life. The important concepts of "emptiness" and "nothingness" in Buddhism were developed in order to describe this transcendental sphere.[24]

On the other hand, Confucianism negates the transcendental sphere itself and asserts that as the existence of such a sphere is impossible, relationships between human beings are needed in reality so as to maintain everyday order. In other words, while Buddhism establishes the daily sphere and transcendental sphere and emphasizes daily coexistence within their relationship, Confucianism advocates daily coexistence excluding the transcendental.

Both thoughts, however, differ from the concept of care in the West. Western thought in general establishes the two spheres of everyday life and transcendence and discusses everyday life while focusing on the ontological differences between the two. Therefore, a constant tension and dynamic process between the everyday and transcendence exist in the concept of care, which is then recognized as a processual concept that operates as the dynamic power behind social development, not simply as a stationary consequential concept. In short, humans are portrayed as beings that recognize the transcendental sphere but cannot enjoy complete transcendence, and that continuously turn toward the outside of the self as they cannot remain only within everyday life. In the next chapter, we will look deeper into the Western concept of care that possesses this characteristic.

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24. However, Buddhism is ultimately based on the integration of transcendental and daily life or on the negation of ontological difference. For example, the phrase "Form is emptiness, emptiness is form" (色卽是空 空卽是色) well reflects this concept.

Care: Ontology and Ethics in the Postmodern West

Today, Western modernity poses questions even in the West. Modernity that recognizes the freedom of the individual pursuit of interests and that seeks the rationalization and modernization of society based on reason has been proven by postmodernists to be also partial and a product of history. Postmodernists are further interested in how to abolish social theory based on such reason and self-centeredness, and how fundamentally imperfect and irrational human beings can constitute a society together and continue their lives. Thus postmodernism does not simply emphasize human irrationality and advocate the deconstruction of society. They focus on the deconstruction of self-centered society and oppose anti-humanism that is judged by reason and subsequently atomized into an individual.

Heidegger and Levinas were postmodernists who espoused such ideas. In particular, Heidegger warned against human self-centeredness through his notion of "care for Being," while Levinas emphasized that man can only become an ethical being when he accepts the other through "care for the other." However, two points must be examined in their discussion.

First, while the overall relationship or organic unity is emphasized in Eastern thought, individuality itself and singularity are recognized in Western postmodernism. What postmodernists stress is that individuality itself can be lost and an entire society fragmented when the self-centeredness of the individual is overly emphasized. In order to escape such danger, they try to uncover the element of the transcendental self that exists within the individual and bestow the relational attribute of the individual and the ethical attribute resulting from it, and newly impose freedom of the individual as a social being. While the freedom of the modern individual is that of free will, the freedom of the postmodern individual is that of participation in the social formation based on recognition of the outside.

Second, postmodernists make a clear distinction between the transcendental and everyday life in their ontology. Heidegger saw that self-centeredness of individuals in everyday life can only be assuaged when the Being itself that is ontologically different from beings is considered and cared for, while Levinas claimed that transcendental infinity can be recognized through the strangeness felt when facing a stranger in daily life, which in turn makes us become ethical beings in the everyday world.

Keeping this in mind, this chapter will take a closer look at the "philosophy of care" developed by Heidegger and Levinas.

1. Heidegger's "Care for Being"

Heidegger thought the most serious problem of modern Western society, which is grounded on metaphysics, was the "oblivion of Being," which in turn led to "nihilism." His notion of nihilism does not simply mean the absence of value but the ignorance of selfish people who only cling to *Vorhandenheit*, or presence-at-hand, at an ontic level without care for Being. In order to overcome conflict and antagonism, humans must escape this nihilistic state, realize their status as beings-in-the-world, and develop ethical attitudes for living life as *Dasein*. In this regard, the object of care for Heidegger is not simply the other but the Being itself, and *Dasein* can achieve the status of ethical being only through care for Being.

Let us begin by examining Heidegger's concept of Being. In metaphysical ontology, Being is understood simply as *Vorhandenheit*, which is at hand within universal and objective reality. Such Being is equated with "beingness" that signifies *Wirklichkeit*. In sum, the question of Being in metaphysics has always concerned the "essence" of a certain "X," that is, the "beingness" of "X."

However, raising a question about the foundation that enables beingness to be what it is, Heidegger answers, "What makes beingness possible to be beingness is not the beingness but Being itself that is clearly distinguished from beings."[25] To Heidegger, Being itself is ontologically different from beings.

Being itself is not the object of knowledge but rather of sense and without question, man is the place where this perception is possible. However, as Being is not the object of knowledge, it does not manifest itself in the daily and secular aspects of *das Man* (the "they"). Its sense is only possible in the sphere of *Dasein*, which is related to the *Existenz* (existence). *Dasein* is in *da* (the there), or an open space where one can perceive Being. The *Existenz* of *Dasein* does not simply designate "here" but exists in *da* where Being is manifested. "*Dasein* is where the da of Being is manifested."[26]

Dasein becomes an existential entity by interacting with Being. The being or essence of *Dasein* is *Existenz*. However, this *Existenz* is not the same sense of *existentia* that was used to distinguish *essentia* from *existentia* in the Middle Ages. The distinction between *essentia* and *existentia* in

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25. Martin Heidegger, *Being and Time*, trans. John Macquarrie and Edward Robinson (New York: Harper & Row, 1962), pp. 25-26.
26. *Ibid.*, p. 171.

the Middle Ages was done by basing Being on *Vorhandenheit*, and this *existentia* only signified what is actually present in reality. Heidegger's *Existenz*, however, is a type of *Eksistenz* in the sense that it is (ist) outside (ex) and includes not only "actual presence" but also "transcendental being."

Therefore, the *Dasein*'s *Existenz* is not as a substance "here" but as an interest in the "there," that is, *Sorge*, or care for the "there." In other words, to say that *Dasein* exists means that *Dasein* cares for the "there." It is in this care that *Dasein* can finally enter the ontological sphere where Being is perceived. The mode of existence of *Dasein* as a "being-in-the-world" is not as "selfhood" or "subjectivity" but within "care" for Being. *Dasein* manifests itself through care for Being, and care is thus "the formal and existential totality of the structural whole of *Dasein*."[27]

The primordial structure of care lies within its temporality. This is because care is not the identity of a certain totality that does not exist in temporality but a dynamic concept of which the intentionality of consciousness moves within temporality. This care structure is formed by corresponding to the three occasions of time: being-ahead-of-itself, being-already-in-the-world, and letting-oneself-be-encountered.

Among these three occasions, the significance of human *Existenz* is based on being-ahead-of-itself, i.e. in the future. To say that only man exists means that his mode of Being is open to the future. This is fundamentally different from the way the world of things or the life of secular man is buried in the present that is determined by *Vorhandenheit*. The mode of the existence of things or secular man, that is, "being," is understood only as *Wirklichkeit* and can never overcome the mode of existence. On the contrary, the "being" of *Dasein* is open to the future and thus the "being" of *Dasein* is based on "possibility" not "*Wirklichkeit*." Through this possibility, *Dasein* is not only present, but also possesses the power to transcend this presence. In this sense, the existence of *Dasein* signifies Eksistenz that transcends Wirklichkeit.[28]

Existenz, i.e. the "moving forward" of *Daesin* means that *Dasein* already wants something, and to want something is premised on the lack in *Dasein*. The phenomenon of moving toward something that is not yet possessed is to want, and this lack or want forms another opportunity for

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27. *Ibid.*, p. 237.
28. Peter Ha, "Heidegger's Concept of 'Care' as the Foundation of Ethics," *Research in Philosophy and Phenomenology* 19 (Autumn 2002): p. 171.

care. Ultimately, Heidegger's care comprises two fundamental opportunities of "moving forward" and "lack that wants something."

The being of *Dasein* determined by care is primarily open to the world and exists also as one that is lacking while moving forward in this openness. It is in this structure that a *Dasein* can form a relationship with itself or the other, and only when such a relationship is a prerequisite can an ethical position that takes individualism or altruism as an issue be established. In this regard, care is not an ethical attitude at an ontological level but a foundation that ultimately makes such ethics possible.

For Heidegger, this mind toward Being, that is, life as *Dasein*, is an ethical life.[29] Ethics derives from "ethos," which signifies man's dwelling. This means that where man dwells is Being itself and by caring for Being that does not manifest itself completely, ethics comes to dwell in that place. Therefore, care for Being is an ethical act in itself. Traditional metaphysics did not raise questions regarding Being itself and was ignorant of Being as a fundamental "dwelling" of human *Existenz*. In metaphysics, which is the philosophy of the reflection of present beings, ethics only prescribes ethics for beings without regards to Being and is thus not the "logos of ethos" but simply the "logos of mores."[30]

In this regard, ethics is not something that is very distant or hard to practice. For Heidegger, ethics is stepping outside of one's ontic position and caring for Being itself. Through this ethical attitude, I as one being and you as another come to realize coexistence in the possibility that is called Being. It is not easy to care for the other who is in an antagonistic relationship with me while yielding or infringing upon my interests, rights, and opinions. This is only possible with much restraint and altruism. However, caring not for the other but for Being itself where one dwells is an issue that concerns oneself.[31] By understanding that one

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29. For the article that interpreted Heidegger's perspective on ethics as care for Being, see Dongsoo Lee, "Heidegger's Critique on Nihilism and Original Ethics," T*he Korean Review of Political Thought* 8 (Spring 2003).

30. Bernard J. Boelen, "The Question of Ethics in the Thought of Martin Heidegger," in *Heidegger and the Quest for Truth*, ed. Manfred S. Frings (Chicago: Quadrangle, 1968), p. 78.

31. Levinas criticizes Heidegger on this point, suggesting that the latter is still immersed in the issue of self and subject and that authentic ethics is only possible when it is completely based on the other. However, I believe that Levinas misunderstood Heidegger because whereas Heidegger discussed ethical attitudes within the relationship between I as a being and Being itself that is ontologically different from me, Levinas examined ethics in the relationship between I as a being and the other who is another being.

belongs to the Being of infinite possibility and also recognizing that one coexists with others in the field of that Being, one can stop assaulting the other and make reconciliatory gestures.

2. Levinas' "Care for the Other"

Levinas argues that modern Western philosophy's dream of a unified world and its pursuit of universality based on human reason has resulted in destroying the subject rather than creating human subjectivity. This is because in the process of securing his own foundation and pursuing freedom, man has excluded personal relationships with the other, turning modern Western philosophy into a "philosophy of rule" that restores the world into himself and rules it. In brief, modern Western philosophy has not established self as an ethical being that treats the other as the other, and thus in order for man to become a subjective being that forms his self, he has to be reborn as an ethical being through care for the other.

First of all, Levinas points out the problem of modern subjectivity. According to him, modern Western philosophy supposes an "autonomous self" and claims that nothing unfamiliar exists to this autonomous self; it considers that phenomenon that cannot be expressed as a rational concept to a rational self cannot be understood. Levinas criticizes this form of thought as egology. He asserts that the subjectivity of the modern West that has supposed the autonomous and rational self as justified has in fact pursued totality, and has consequently been committing violence and terrorist acts against the other.

More specifically, the self-centered subject that seeks totality tries to incorporate otherness, which fundamentally cannot be reduced to the same, by taking "philosophy of identity" as its principle. This type of totalitarian attempt went through the theoretical perfection of Hegelian philosophy and caused unprecedented violence in the twentieth century, such as the First and Second World War. For Levinas, however, human relationships cannot be totalized, and harmony and peace should be achieved by facing and being with each other.[32]

Western philosophy has generally been hostile to the other. For example, Sartre argued that as the appearance of the other turns one into a

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32. Emmanuel Levinas, *Ethics and Infinity*, trans. R. A. Cohen (Pittsburgh: Duquesne University Press, 1985), pp. 73-83.

being-for-itself rather than a being-in-itself, i.e. the other objectifies me and makes me experience alienation, "the other's look is the beginning of my unhappiness."[33] As such, the other was considered a threat to the subject's life, and the relationship between the subject and the other could only be expressed as a conflictive relationship.

However, the reason the subject establishes an antagonistic relationship toward the other is because he or she thinks of the other as an object of self-reflection, without regarding the other as a personality. In other words, the subject does not meet the other directly or face to face to experience him or her as the other, but rather regards the other without abandoning one's subjective position within consciousness. Furthermore, as complicated experiences with others within the process of consciousness rather become opportunities to mature one's self-consciousness, one does not reject such conflictive situations. To be more specific, I experience the instability of self in my consciousness with the appearance of the other, an objective being. However, as I can become a more solid and dominating subject by winning over the other through identification, I accept this complicated situation. Through such a process, I become the subject of what Descartes called "cogito."

According to Levinas, however, this is a result of misunderstanding the subject. The word "subject" derives from the Greek *hypokeimenon* and Latin *subiectum*. Both *hypokeimenon* and *subiectum* mean, "that-which-lies-under," which in ancient times was the substance, replaced by God in the middle ages. In the modern period when God was denied, man took his place and established himself as "that-which-lies-under." The subiectum of a human being here is my consciousness, i.e. self-consciousness, and the relationship between "that-which-lies-under" and I subsequently transforms into a relationship between "self-consciousness which lies under" and "existential I." In such self-consciousness I am elevated to an "absolute self" that seeks the foundation of my being within myself.

Such formation of self-consciousness can be a definite basis regarding self, but it also has to pay the price of sacrificing otherness. This is because self-consciousness attempts to understand the other as "it" that exists in self and to affirm its control of the other for self-assurance. At this time, I only treat the other as an object, causing the "reification of the

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33. J. P. Sartre, *Being and Nothingness,* trans. Hazel E. Barnes (New York: Gramercy Books, 1994).

object." Since the other is not a being that is based on I, it is an external object. In order for me to capture it, it must be turned into an "identity" on which I can rely, through an instrumental process of consciousness of the other. As I, who considers the other as an object, am also separated from the object, I exist as another object. In other words, it is the "reification of subject" that takes place. As a result, the subject of the present day is a lonely "single subject," and men can no longer maintain social relationships and are disintegrated into atoms that are gradually distanced away from the world. "Personal relationships" between human beings cannot take place in such consciousness and only "narcissism" occurs. Self "exists as the same even in the face of the otherness and is immersed within itself."[34]

Therefore, when we meet other people, we should not try to identify them in our subjective process of consciousness. My experience of the other should first of all be through direct face-to-face encounter. At this moment the other shows his face to me, and this face comes to me as infinity. In short, when I meet the other face-to-face, I begin to consider the other as an infinite being that I cannot reduce through my process of consciousness, and thus my responsibility to respond to him upon encounter also becomes infinite. In other words, when I meet the other without self-consciousness, he is telling me to take on infinite ethical responsibility and I finally become an ethical being in infinite response and responsibility. To be ethical is an "order that is shown on the other's face,"[35] and the other presents himself by ordering me with his face and makes me feel a sense of responsibility by confronting me face-to-face. Ethics does not simply mean living a moral life by oneself but is finally formed when I take on infinite ethical responsibility for the other who approaches with infinity. I form an inter-subjective relationship with the other, and this inter-subjectivity only comes from my ethical behavior toward the other.[36]

The premise of Levinas' discussion is that the other is not the being that is merged at the same level as I but is located beyond my representational dimension. If the other was at the same level as I and existed as an object of understanding, an ethical relationship itself cannot be established.

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34. Emmanuel Levinas, *Totality and Infinity: An Essay on Exteriority,* trans. Alphonso Lingis (Pittsburgh: Duquesne University Press, 1969), p. 36.
35. *Ibid.*, p. 199.
36. *Ibid.,* pp. 85-92.

Within the ethical relationship supposed by modern Western philosophy, the other is always a being within the same dimension or level as I. Modern Western philosophy thus attempts to dissolve the other in my representation or regards him as a threatening being and tries to eliminate him. An ethical relationship means preserving the other as the other without dissolving or liquidating him. Here the other does not exist as a symmetrical being to self. The other cannot be reduced to I, self, or subject and cannot be defined as the same one that has the significance of the subject's conscious inclination or of a common being.

The reason you and I, who meet through ethical relationships with the other, can become "we" is not because the common attributes we share are equal but because we all possess the ability to "transcend" or escape ourselves. Transcendence literally means a shift from one thing to another. This shift is an "ontological adventure" and it is only in this adventure that humans as the other finally understand the concept of "we" and feel "siblinghood."[37]

We have so far examined Heidegger's "care for Being" and Levinas' "care for the other." We have seen that Western postmodernism has tried to re-establish the human being as an ethical being. What needs to be taken into account here is that in postmodernism, ethics does not simply mean the restraint of self-interest. Rather, it is related more to how much a man can open himself and transcend or shift in order to form a relationship with the Being itself, which is the basis of the man, and with the other who exists on a different level from himself. While Heidegger thought that the starting point of such transcendence was possible from the experience of the Being itself, Levinas thought that humans shifted when they felt an unknown transcendental infinity upon facing the other.

Conclusion

From the above, we can see that while Buddhism and Confucianism, traditional Korean thought, emphasize "coexistence," the Western postmodernists Heidegger and Levinas focused on "care," which is also the premise of coexistence. While Buddhism saw that compassion based on

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37. Yeon-suk Kim, "An Inquiry into 'the Ethics of the Other' in Emmanuel Levinas," Ph. D Dissertation, Seoul National University (1999), pp. 113-114.

dependent origination (*yeongi*) and transmigration makes us aware of the importance of mutual coexistence, Confucianism emphasized the idea that, for coexistence, each person needs to recognize his socially determined position, and that an ethical attitude abided by moral principles as a virtue to maintain this position was needed. On the other hand, Heidegger argued that man first had to confront the fact that he was based on Being itself as *Dasein* before a relationship with others, while Levinas suggested that man could only be reborn as an ethical being when he recognized and faced another person as the other that could not be reduced to himself. What is seen here is that the Korean concept of coexistence and the Western concept of care in postmodernism are compatible and complementary: In order for humans to coexist, they have to first become ethical beings, and in order for one to become an ethical being, care for Being and the other that goes beyond oneself has to be preceded.

There are, however, differences between Eastern coexistence and Western care, and in this section, I will look more closely into these differences. Although Buddhism is premised on the future world that is distinguished from the present world, the three time periods–past, present and future–are closely related through transmigration. The present world is a point in the process of transmigration, and as it is profoundly connected to the future world, the karma of the present is the karma of the entire transmigration process.

However, if we connect all things without taking the ontological difference between the present world and the future world or the transcendence of the future world as a premise, we can easily simplify the relationship between beings or their interdependence. In other words, Buddhism stops after suggesting that all things are originally interdependent and thus must coexist. What is important in the social context, however, is not only the emphasis on such interdependence, but also a thorough consideration as to why it is so difficult to coexist.

This matter-of-fact and optimistic view can be traced back to the fact that Buddhism is negligent in treating the issue of temporality. By connecting the presentness to eternity without conflict, it lacks profound insight into how the difference between the moment (instant) and eternity and the differences among past, present, and future–and the gap caused by these differences–are reflected in present society. Consequently, as the term coexistence implies, it only talks of how all things exist at the same temporal point in a state where the concept of time is excluded.

The difference between Buddhism and Confucianism is that Confucian-

ism only discusses the presentness and relationships in the present without premising eternity or primordiality. This has an advantage in that it does not confuse the instant and eternity as in Buddhism. However, simply focusing on the five human relationships–sovereign-subject, parent-child, husband-wife, elder brother-younger brother, and friends–that are prescribed by the present also seems too optimistic. This is because the mode of present relationships without the premise of transcendence can be more competitive than cooperative. Therefore, more insight is needed into relationships between enemies, competitors, or strangers than those between father and son, husband and wife, or friends.

Contrary to Korean traditional thought, Western postmodernism seems to focus on this difference and gap. Heidegger is fully aware of the difference and gap between the secular man who dwells inside the self and the *Dasein* that cares for Being. Therefore, he emphasizes that in order to arouse coexistence between people, not only faith toward others but also care for Being itself, which makes it possible for the self to exist, should come first. Levinas argues that the subject that does not accept the other as the other is not an "ethical self" but a "single subject" that is arrogant and self-righteous, and that the subject can recognize responsibility only when it treats the other as the other.

As such, in Heidegger and Levinas' discussion, there is a premise that relationships with others are not smooth. This may be due to the fact that as the West is already an individualized society, it is more difficult for an individual to bear good will toward another person and practice it. This causes people to conclude that it is easy to assert coexistence and care but difficult to practice them. However, it is clear that the concept of "care" suggested by Heidegger and Levinas includes not only a simple assertion but also a practical strategy. This is because although they assume the possibility of competition and conflict between an individual Being and individuals and draw in transcendence so that this competition may become an extraordinary one rather than an extreme one, they never try to integrate this transcendence with everyday life. In other words, humans as individual beings cannot but compete against each other in everyday life. However, as it is a competition between finite beings in front of a transcendental God, it does not aggravate into a competition that annihilates the other. At the same time, as we remain distant from the transcendental God, we regard the other not simply as someone who is harmful to us but as someone to compete against and ultimately reconcile. Therefore, Heidegger and Levinas saw that in order for humans to bear an ethical atti-

tude in their everyday life, a transcendental being to fear, respect and long for must be a prerequisite.

Buddhism recognizes the importance of such a transcendental sphere. The problem with Buddhism, however, is that it reconnects transcendental and everyday life without ontological difference. If the move between transcendental and everyday life becomes free, it can damage the mystery and awe of transcendence, rationalize the reality of everyday life, or numb the tension and competition of everyday life that is derived from the rupture of transcendence, which leads to the stagnation of society itself.

Despite such differences in the views of humans and ethics between East and West, however, the goal of coexistence and care they present seems to be communicable with each other. How the result of such transversality will be of specific help to us cannot be defined yet. However, I hope that a new way to overcome our problems will be found in the transversality of coexistence and care.

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PART II

Social Justice and Human Rights as Challenges of Globalization

The Concept of Justice in Judaism, Christianity, and Islam: *A Comparative Study of Origins*

Ghanem G. Hana

I

It is clear that the three monotheistic religions trace their origins back to the revelation of Abraham. Their common foundation is the belief in a single powerful God; genealogy and cultural membership are also common to the three founders: Isaac–Jacob for Judaism, Jesus for Christianity, and Mohamed for Islam.

I will not be engaging in a historical, philological, or doctrinaire scientific discussion of the complex issues of the authenticity of the texts or their interpretations, nor of their differences or the attempts that have been made over the centuries to reconcile them each other. I will make use only of the officially-established texts; but without denying myself a philosophical approach, which in this case is a translation of the critical approach, far removed from any authority or personal involvement favouring one side or another. I should also note that for this study I shall not be covering all of the sacred books of the religions in question: I will use the Pentateuch (that is, the five books of the Old Testament), the four Evangelists, and the Koran, without recourse to other books that believers in these religions consider to be integral parts of the revelation.

The monotheistic religions belong to a revelation which began with Abraham, whom God ordered to leave his family and to love him as the One God, saying, "I am the Almighty God; walk before me, and be thou perfect" (Gen. 17:1), a perfection required by God and translated by the justice that Abraham must exercise with respect to God and to his fellows. God establishes this foundation and pact through a perpetual covenant. He blesses Abraham and promises him great prosperity; for his part, Abraham must circumcise all male members of his community who enter into

the covenant (Gen. 17:4, etc.).

The Koran uses this same expression of command in addressing Mohamed. "Go straight, as you have been ordered…. I am ordered to be just among you (Sura 42, The Consultation, 15). Christianity adopts this Abrahamic fairness, as can be seen in Jesus' conduct towards the Samaritan and the adulterous woman, and above all in his repeated criticisms of the laws followed by the Pharisees and scribes of his day. He calls his Father "Just" and in the end sacrifices himself "doing justice to his divine Father".

Note that any value, including justice, calls on human conscious will, and that that is how humans distinguish themselves essentially from other creatures. This idea, common to the three religions, is a long way from the Greek philosophical definition of the human being as a "*Zoon politikon*".

Of course we are only "human" when considered among human beings; so whence comes and what is the specific difference which sets this creature apart? Doesn't it go back–according to the revealed religions–to the Creator who "breathed into his nostrils the breath of life; and man became a living soul" (Gen. 2:7)? A soul breathed into by God, receiving his divine call, and conscious of being in his presence? A person in other words, partner of other fellow human beings, before their common Creator. Here we find the theological and even philosophical starting points of any possible dialogue between God and humanity, and between humans amongst themselves. Conceiving outside itself, this consciousness conceives itself as a self and an other–object and subject–this is the nature of the reflexive verb. The fundamental constitution of consciousness means that to be a human being is to be structured interpersonally with one's self, with others, and with God.

Any appeal or dialogue is based on a content. The content of God's appeal to Abraham is justice–the fundamental value of the revelation: "to do justice and judgement" (Gen. 18:19), "Iudicium et iusticiam": "Judge and make justice". This command is a key point. It is central to the history of monotheistic religions and is to be obeyed in its fullness, for this very fullness marks the presence of God in human consciousness…. God is not only just, he is justice itself.

Abraham is said to be "just (*Siddiq*) and a prophet" (Sura 19, Mary, 41), because he practices his faith in a way that the Bible qualifies as "just" (Sedaqa). For Jesus (Matt. 3:15) "all righteousness" implies and designates a new and radical faith in the will of God. Mohamed pronounces himself clearly: "I am ordered to be just among you" () (Sura 42, The Consultation, 15).

II

We must bear in mind that for these three religions there is no justice at all outside of an interpersonal context; God addresses real people: Abraham, Moses, Jesus, and Mohamed. These people answer, and even dialogue with God (Abraham pleading for the fifty, forty, thirty, etc. righteous people in Sodom–cf. Gen. 18:23-32). To be able to dialogue with God is fundamental to the basic conception of these religions of the human person: an appeal with a content (its value) and the person appealed-to, who is also a living being, free to answer to the call.

We need go no further in this analysis of interpersonality. Relations of justice are interpersonal, because the constitution of individual consciousness itself is interpersonal; there is an "I" and a "You" in each and every properly human act. To compare the notion of justice in the three monotheistic religions, it is necessary to keep this fundamental (social) aspect of their religiosity and of their "humanity" in view. And it is this very structure that makes necessary the mutual respect owed by humans to each other and which legitimizes their rights and obligations as well as their dignity. In delivering justice, any being, whether divine or human, affirms it's "beingness".

III

Coming from a common origin, the concept of justice is not in question. None the less we note that some sometimes substantial differences between them are rooted in the course of their development. Do they stem from social, historical, even political factors? We will need to turn to the corresponding sciences.

1. Judaism

As concerns the quest for justice, we can trace a line through the Judaic scriptures involving three individuals and a group who had permanent influence: Sarah, Jacob, Moses, and the Sanhedrin with at its head the High Priest Caiaphus, a contemporary of Jesus.

"Sarai Abram's wife took Hagar her maid the Egyptian … and gave her to her husband Abram to be his wife…. And when Sarai dealt hardly with her, she fled from her face." (Gen. 16:3-6). Now the story becomes cruel.

The angel of the Lord obliges Hagar to return to her mistress, and gives the name of Ishmael to the son she is carrying. God, following his covenant with Abram, whom he renames Abraham, promises him a son from his first wife Sarai, whom he renames Sarah. She gives birth to a son whom God names Isaac. God blesses the couple and promises them prosperity and offspring. He demands that Abraham circumcise all of the males who are his descendants or in his household (Gen. 17).

Jealous of her servant, Sarah demands that her husband "Cast out this bondwoman and her son: for the son of this bondwoman shall not be heir with my son, even with Isaac." (Gen. 21:10).

So Sarah took advantage of Hagar's maternity and she hates the son who she herself had called "mine"; in the end she drives them out and sends them to certain death in the desert. She set out to force God's hand and she succeeded, thus introducing injustice to Abraham's lineage.

Jacob, son of Isaac, following in his grandmother Sarah's steps, emerges from his mother's womb with "his hand took hold on Esau's heel" his twin brother (Gen. 25:26). And while it is true that Esau sold his birthright as eldest son to his brother for a loaf of bread and lentil soup (Gen. 25:33-34), the latter, under his mother's guidance, stole his blind father's blessing. He disguised himself as his hairy brother and answered his father's repeated question "Who are you" with "I am son, thy firstborn Esau." (Gen. 27:32), a fraud which resulted in the anger of the true eldest brother and a threat to Jacob's life: "he took away my birthright and behold, now he hath taken away my blessing …then will I slay my brother Jacob." (Gen.27:36 and 41).

Jacob takes flight. The Bible describes the details of a night time battle between Jacob and a mysterious man who changes Jacob's name: "Thy name shall be called no more Jacob, but Israel: for as a prince hast thou power with God and with men, and hast prevailed." (Gen. 32:28).

Moses, certainly the person of greatest influence over the history of the people of Israel, descended from Abraham. It is he who, based on the Ten Commandments, established the laws governing the relations of individuals and the Jewish community with God, both amongst believers and with other peoples. To this end he created a priestly class. The Mosaic laws, whose detailed texts are collected in the book of Deuteronomy, touch all aspects of the religious life of the Jews, both individually and socially. Nothing is left uncovered. The Levites–the priestly class–are given what will become the prevailing religious power in tandem with the political authorities, and which will be the guardian of the law and the arbiter of

individual morality. In this way a community of worship was established and the direct path to God broken. Justice will now be sanctioned by laws whose meaning and application are presided over by a priestly institution.

Note two accents of primordial importance to the role played by Moses in the development of the Jewish stream of Abrahamic religion. First, it is for him to decide the new name of God; the name which Abraham knew–the Powerful (Chaddi) becomes YAHWE: I am that I am (Exodus 3:14), an abstract formulation which undoes the primacy of the living and concrete act of moral obligation.

The second effect of Moses' conduct is to have codified his people's religion. As with all laws, this legislation generalises, and as such submits individual and concrete acts to an impersonal arbitrage which in its subsequent social and historical development becomes an instrument of authority. This authority will decide the virtue and morality of conduct. The legislature is thus necessarily subjugated to a rigid formalism which resulted in pharisaism and a general levelling. The law can not be holy and sacred on its own; these are qualities conferred by its moral content. We will see in Jesus' case just how this formalism and authority led to the injustice suffered by the founder of Christianity.

The millennial history of the Jewish people bespeaks the state of things established by Moses. The catastrophes, periods of triumph and prosperity, the multiple prophets and kings, none of these change the basic legalistic structure, which leads to a confrontation with justice a few years before the destruction of Jerusalem by the Romans and the Diaspora: I'm referring to the delivery and condemnation of Jesus.

But before turning to that, I'd like to underline a third presence of Moses in the religious life of the Jews, one which was to be exploited by the Zionist movement in the name of the law: Moses' attitude to other peoples. Near the end of his life Moses remembers his advice to the Israelites: "when the LORD thy God hath given thee rest from all thine enemies round about … thou shalt blot out the remembrance of (them) from under heaven; thou shalt not forget it. (Deut. 25:19)"; he remembers also his own accomplishments: "we took all his cities at that time … utterly destroying the men, women, and children, of every city." (Deut. 3:4-6).

Perhaps the greatest influence of the institution of a community of worship which Moses created is what might be termed the possession of God by the people of Israel. He is their God and theirs alone, the God of Revelation monopolized by them to the exclusion of any other people. So

much for Ishmael son of Abraham, or Jesus, who will be turned over to the Roman authorities with the demand that he be crucified.

2. Christianity

First off a reminder that for the purposes of this look at the concept of justice in Christianity we will be considering only the gospels of the four evangelists.

Faith in a single God, and the death and resurrection of Jesus, a descendant of Abraham, are the pillars of this religion. Jesus belonged to the Jewish people under the Roman occupation of Palestine. He preached for three years and performed miracles, as attested to by his disciples and his fellow citizens.

Jesus was Jewish, but not in the way in which the religious authorities of his day prescribed. He was different from the priests and scribes who knew the law. He took on followers, he cared more for speech than for what was written, and above all he had the courage of his convictions, which in practically every case ran counter to the prevailing opinions of the keepers of the Mosaic Laws.

To the Jewish clerical community of the day, Jesus was acting against the law. The first conflict arose over healing on the Sabbath. He spoke to the Pharisees and Herodians–which is to say, to the two principle religious and political power blocs–and said to them "Is it lawful to do good on the sabbath days, or to do evil? to save life, or to kill? But they held their peace... [and] he saith unto the man [with the paralysed hand], Stretch forth thine hand. And he stretched it out: and his hand was restored whole as the other." (Mark 3:4-5). His attitude to the law is shown by his conduct with respect to general rules: the law is made to serve humanity, and not humanity to serve the law. He said "The sabbath was made for man, and not man for the Sabbath" (Mark 2:27). He said to the Jews "If a man on the sabbath day receive circumcision, that the law of Moses should not be broken; are ye angry at me, because I have made a man every whit whole on the sabbath day? Judge not according to the appearance, but judge righteous judgment." (John 7:23-24). The formalisation of faith–legalism–is contradictory to justice.

The conflict between Jesus and the powers of the Jewish community of his time is central to the theme of faithfulness to the law. Formalism/legalism confronting concrete moral action. "Woe unto you, scribes and Pharisees, hypocrites! for ye pay tithe of mint and anise and cummin, and have

omitted the weightier matters of the law, judgment, mercy, and faith." (Matt. 23:23).

A second example of Jesus' direct and complex confrontation is his opposition to the contempt for sinners and certain social groups held by the Jews. In numerous situations and accounts, Jesus promotes the respect that believers should have for others, be it the good Samaritan helping the Jew left for dead by bandits, the woman caught in adultery, sinners, or even tax collectors. In this, Jesus repeats the words of the prophet Hosea (6:6): "I will have mercy, and not sacrifice." (Matt. 9:13).

But the radical change to justice that Jesus brought, mercy aside, is his often-repeated call to the love of one's neighbour, and even of one's enemy. To the First Commandment in Deuteronomy, "Love the Lord thy God with all thine heart, with all thy soul, with all thy might," (Deut. 6:5). Jesus adds "Love thy neighbour as thyself." (Matt. 22:39). And above all there is Jesus' proclamation of a completely new commandment, "Love your enemies, do good to them which hate you, bless them that curse you… Do unto others as you would have them do unto you." (Luke 6:27-28 and 31). So there is a radical rupture between Moses and Jesus on the subject of the treatment of enemies. Looked at closely, that rupture clarifies the difference between legalism and justice. The exaggerated legalism which remains today the last foundation of Jewish orthodoxy.

Let us note in this context that it is the injustice committed against Jesus that ended the old alliance–according to Christianity–with the descendants of Jacob-Israel, and began a new alliance. Under the reign of Pilate, Jesus is turned over to the Roman authorities and condemned to death on the cross, a death called for by the Jewish Council and by the people. Pilate had been convinced of his innocence but was won over by injustice for several reasons, one of which was "it was expedient that one man should die for the people" (John 18:14), in the opinion of Caiaphus, the High Priest at that time.

This tragic end gave birth to a new religion in which, as we have just mentioned, justice is integrated with mercy stemming essentially from love: the love of God for humanity, neighbourly love (charity), and even love of one's enemies. But for Christianity, it is the justice of the self-sacrifice offered by Jesus in order to give justice to God the Father who is "righteous" (John 17:25) that expresses, on the one hand, the rectitude and integrity of his judgement, and on the other his faithfulness and mercy. Justice and mercy become almost synonymous. There are two tendencies in Christianity which, while complementary, indicate very differ-

ent approaches to the concept of justice: love and mercy.

Without being mutually exclusive, these two tendencies will have a large influence on the later development of Christianity, especially once the Christian community becomes an institution, a lived Church, with laws and rules of conduct established right after Jesus' death. The same is true of the Jewish community. But Christianity has a fundamentally different structure than Judaism: the principle of authority exercised in the name of God and the means to ensure obedience. With this development we are once again in the imminent danger we encountered in speaking of Judaism, that is, legalism on one side and, on the other, the mediating function of the community between God and the faithful, a mediation which can break the direct relationship with God. Must all revelatory religions find themselves in this predicament? Islam will provide us with an answer.

3. Islam

A Muslim believer will repeatedly recite the "Basmalat": "In the name of God, the Merciful, the most Merciful"; this is the line that heads each Sura or Chapter of the Koran. According to the Koran, Islam traces its lineage back to Abraham through Ishmael who, as we have said, was the son of Abraham and Hagar, the first man to be circumcised, and who was persecuted by Sarah and cast out into the desert with his mother. God himself, according to the Bible, gave him the name of Ishmael and promised him prosperity (Gen. 21:9-13). Their covenant with God is important to both of Abraham's sons, Ishmael and Isaac. (Gen. 17:21). "The angel of God called to Hagar out of heaven, and said unto her, What aileth thee, Hagar? fear not; for God hath heard the voice of the lad where he is. Arise, lift up the lad, and hold him in thine hand; for I will make him a great nation." (Gen. 21:17-18).

Thus Ishmael pursues the Milla Ibrahim which insists on the belief in a single God, the most high (); Abraham's Hanafite religion is, according to the Koran, the creed given to Abraham, the justice, the path that every believer, Christian, Jew, or Muslim, must follow. Because of Abraham's faith and submission to this creed, Allah took him as a close friend (Sura 4, The Women, 125).

I think that what differentiates Islam's approach to justice from those of the other two monotheistic religions is the absence of any legislating institution. In practice, justice is meted according to the clearly-pronounced

rules of the book of the Koran. There is no need of any other legislating body, something which is however required by Mosaic Judaism and for which the Christian Gospels contain no fundamental commandments beyond "Love your neighbour as you love yourself, and love your enemies." It is true that in the course of its history Islam has had authorities, and even a science, of this type; political and community authorities have, from time to time, appointed Muftis (men of science, be it noted) and judges, and, as with any society, there has been the need to develop a judicial system (jurisprudence) in response to specific needs of different periods. But these types of authority have always remained within the framework of the Koranic texts, and this for a clear and irrefutable reason: the revealed text is sufficient to regulate humanity's relations with God its Creator, with itself, and with other individuals. Any other judicial authority has clearly determined functions: explication, interpretation (), and jurisprudence () based on precedent or logic–but always within the inspired framework of the Koran.

So Islam has thoroughly integrated justice, which is subject in every detail to the revelation as found in the Koran. Beyond it there is no authority, or individual, or clerical body especially devoted to justice. Once this is understood it becomes easy to comprehend the furious opposition of many Muslim faithful to the "secularism" evoked by political ideologies and parties.

In this context it is important to note by way of example how the Koran rules on believers' relations to their enemies. The text goes, "It may be that Allah establishes love between you [believers] and those with whom you are at enmity. Allah is the Powerful, Allah is the forgiving and the most Merciful. Allah does not forbid you to be kind and to act justly towards those who have neither made war on your Religion nor expelled you from your homes. Allah loves the just." (Sura 60, The Test, 7-8)

In matters of justice, Islam takes the text of the Koran as foundation, which repeats again and again that God is merciful. Judaism prescribes obedience to the law. "We have a law, and by our law he ought to die" (John 19:7); there lies the foundation of all justice. For Christianity, the concept of justice is divided between mercy and love.

Projecting forward to today, it seems to me that a calcification has accumulated around the concept of justice as revealed in these three religions. One could say that historical events will always have alternating stages of victor and vanquished, but that only partially explains the gulfs and murderous conflicts to which we are witness.

Beyond the social injustice that darkens our world today, beyond the rich-poor, north-south, developed-underdeveloped dichotomies, there is one division that leads straight to war, and that is the notion of so-called justice based on force, the force of the strongest, without taking into account the force of the weakest, in *actu et in potentia.*

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Global Inequality, Poverty and
the Infringement of Human Rights:
Assistance to North Korea and National Liberalism

Kyung-Sig Hwang

Global Poverty and the Reality of North Korea

The end of poverty! How is it possible? Is there any way to end global poverty? In a world of plenty, about one billion people are impoverished, and their lives are in danger. How can we change this for good? I think there are many methods with which we can banish extreme poverty in our generation, yet 8 million people die each year because they are too poor to survive. The tragedy is that with a little help, they could survive. How can we make this happen?

As a matter of definition, there are three degrees of poverty; extreme (or absolute) poverty, moderate poverty and relative poverty. Extreme poverty, defined by the World Bank as getting by on an income of less than $1 a day, means that these households cannot meet basic needs. We can describe extreme poverty "as the poverty that kills". Unlike moderate or relative poverty, extreme poverty now exists only in developing countries.[1]

Moderate poverty, defined as living on $2 a day, refers to conditions in which basic needs are met, but just barely. Being in relative poverty, defined by a household income level below a given proportion of the national average, means lacking in those things the middle class now takes for granted.

Since Sept. 11, 2001, the U.S. has launched a war on terrorism, but it has neglected the deeper causes of global instability. The nearly $500 billion that the U.S. will spend this year on the military will never buy

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1. *Time*, March 14, 2005, "The End of Poverty," p. 35.

lasting peace if the U.S. continues to spend only one-thirtieth of that, around $16 billion, to address the plight of the poorest of the poor, whose societies are destabilized by extreme poverty.

The $16 billion represents 0.15% of U.S. income, just 15 cents in every $100 of national income. The share devoted to helping the poor has declined for decades and is a tiny fraction of what the U.S. has promised. The U.S. has promised repeatedly to give a larger share of its annual output to help poor countries. But year after year America has failed to follow through.[2]

The total number of people living in extreme poverty, the World Bank estimates, is 1.1 billion, down from 1.5 billion in 1981. While that is progress, much of the one-sixth of humanity in extreme poverty suffers the ravages of AIDS, drought, isolation and civil wars, and is thereby trapped in a vicious cycle of deprivation and death.

Moreover, while the economic boom in East Asia has helped reduce the proportion of extreme poor in that region from 58% in 1981 to 15% 2001(North Korea is exception) and in South Asia from 52% to 31%, the situation is deeply entrenched in Africa, where almost half of the continent's population lives in extreme poverty-a proportion that has actually grown worse over the past two decades as the rest of the world has grown more prosperous.

Let me introduce the poverty and miserable situation of North Korea, the lost and forgotten half of Korea. Unhappily, poverty there has been reported as worse the world average. According to the estimated statistics of deceased people all over the North Korea, during the severe floods of 1995–1998, about 3.5 million died, estimated to be 15% of the total population of North Korea. This figure is similar to the report of *Le Figaro* (France) that quoted a person linked to MSF (Doctors Without Borders) who visited the borderland of China-North Korea, who said "15-20% of the North Korea population had already starved".[3]

Also, Hall, a member of the American Congress and who has visited North Korea several times, said that 30% of children below 2 years of age in North Korea are severely malnourished, 67% of all children are physically undersized and underdeveloped and the number of the diseased from starvation are estimated to be at least 1 million, and at most 3 mil-

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2. *Ibid.*, p. 34.
3. *Joongangilbo*, 1998. 4. 13.

lion. *Time* magazine pointed out that the population of North Korea has been decreasing to 21.23 million this year, from a peak of 21.55 million in 1995. This means a decrease of 1.27 million, compared to a growing population rate at the beginning of 1990.[4]

Global Inequality and the Liberal Conception of Global Justice

Almost half of the world's population of 6 billion people live on less than $2 a day, and 1.2 billion live in absolute poverty on less than $1 a day. In developed countries, fewer than 5 percent of children under five are malnourished, whereas in poor countries as many as 50 percent are. Infant mortality rates vary across the world. In Sub-Saharan Africa, they are fifteen times that of developed countries.

Life expectancy for people living in countries with "high human development" is an average 77.3 years; for those living in countries with "low human development", it is 52.6 years. Seventeen million people in developing countries die each year from curable infectious disease; 800 million do not get enough food; and 500 million are chronically malnourished. Roughly twenty five percent of the world's population (1.3 billion individuals), mostly woman and children, live in absolute poverty.

Obviously, it is a well known fact that many people in the world make do with less than adequate nourishment, clothing, housing, health care, education, and other basic human needs not because of absolute shortage of global resources but because of unequal distribution of these resources. Inequality in distribution of resources in turn determines what Amartya Sen calls a person's entitlements to basic needs (e.g. the money with which to purchase food).[5]

The well-known fact that a fifth of the world's population consumes more than four-fifth of the globe's resources and owns more than eighty percent of its wealth affects this global disparity in entitlements. So while poverty and inequality are distinct concepts, it is indisputable that much global poverty is caused and sustained by pervasive inequality in the distribution of the world's resources.

That it is the lack of equitable entitlement that gives rise to poverty, and

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4. *Hankookilbo*, 1998. 11. 16.

5. A. Sen, *Poverty and Femines, An Essay on Entitlements and Deprivation*, Oxford University Press, Chap. 1.

not an absolute global shortage, shows that global poverty is a legitimate moral concern. Given that "ought implies can", there would be no basis otherwise for arguing that we have a duty toward those in dire need. But, as has been amply shown by many, the neo-Malthusian metaphor of earth as a lifeboat rapidly arriving at the limits of its capacity is a dramatic misrepresentation of that global situation.

As Sen and Jean Dreze put it: "Hunger is intolerable in the modern world in a way it could not be in the past. This is not so much because it is more intense, but because widespread hunger is so unnecessary and unwarranted in the modern world. The enormous expansion of productive power that has taken place over the last few centuries has made it, perhaps for the first time, possible to guarantee adequate food for all, and it is in this context that the persistence of chronic hunger and the recurrence of virulent famines must be seen as being morally outrageous and politically unacceptable".[6]

Many liberals have thus offered various persuasive arguments why the debilitating poverty and its resultant human miseries described above are pressing universal concerns. Not least is the argument that the serious deprivation of fundamental human needs violates the basic rights of persons to security and subsistence. Other liberals, taking a duty-based approach, argue that if the protection and promotion of moral agencies of persons are important moral concerns, we have positive duties to help those whose moral agencies are being undermined by their lack of basic needs such as food and shelter.

Yet others, beginning from utilitarian premises, point out that if we can ameliorate human suffering without sacrificing anything morally significant on our part and we can do this because of the drastic inequalities in global conditions, we have the duty to do so.[7] For these liberals, our positive duties toward those afflicted by poverty are universal in that they extend beyond our own national and state boundaries. The global implications of John Rawls's equal opportunity principle also strongly support the same argument about global inequality and our duty to assist.

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6. Jean Dreze and Amartya Sen, *Hunger and Public Action*, Oxford, Oxford University Press, 1998. pp. 3-4.
7. Peter Singer, "Femine, Affluence and Morality" In *World Hunger and Morality*, 2nd, ed, New Jersey; PrenticeHall 1996, pp. 26-38.

Duties of Justice in the Global Institutional Context

Moral philosophers have, therefore, long argued that debilitating poverty and its resultant human miseries described above are pressing universal concerns, and that it is a moral obligation, and not just a matter of charity, that affluent countries should do much more than they are currently doing to assist poorer ones. The scope of our moral concern, they argue, should not suddenly stop at the borders of our country.

But the crucial question remains; what is the content of this obligation? Do we simply need an account of humanitarian assistance that can ensure that all individuals are able to meet their basic needs? Or do we need to go beyond humanitarianism and critically assess the distributive aspects of the global order against certain principles of justice. That is, the interesting dispute is now between those who think that we only have humanitarian duties to foreigners and those who think that we have, in addition to humanitarian duties, duties of distributive justice.

The battle line, so to speak, in the philosophical discourse on ethics and international relations has shifted over the past.[8] The central dispute is now no longer about the scope of our moral concern. Few theorists today seriously urge that we have no humanitarian duties to foreigners. This important and positive shift in theorizing about international ethics is due in no small measure to the force and influence of writings of O'Neill Shue, and Singer among others. The new debate concerns the content of this moral concern and whether it is grounded on justice.

As John Rawls puts it, "the primary subject of social justice is the basic structure of society, or more exactly, the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation.[9] A theory of global justice would thus not only be concerned with the particular actions and foreign policies of individual countries, but very importantly and more fundamentally, it could be concerned also with the background global institutional context within which countries interact. Duties of global justice would be, thus, more encompassing and target a fundamental level and so call for standards by which to evaluate and to correct, if necessary, the distributive aspects of our global institutions.

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8. Kok-Chor Tan, *Justice Without Borders*, Cambridge, Cambridge University Press, 2004, p. 20.
9. John Rawls, *A Theory of Justice*, Cambridge, Harvard University Press, 1971. p. 7.

In recent years, there has been a noticeable move towards an explicitly institutional focus in writing on global poverty and international relations. For instance, Andrew Kuper objects to what he calls the "individualist practical ethics" of Singer, and argues instead for a political philosophical approach to global justice that focuses on institutions as both the root cause and the site of reform in the fight against poverty. This shift in focus is due to the growing recognition that to effectively tackle global poverty and inequality, we need to address the global background context within which countries interact and not simply take this context as a given.[10]

Some global egalitarians have argued, for instance, that as long as the global economic structure remains fundamentally capitalistic, citizens of developing and underdeveloped countries will continue to be exploited and deprived of their basic human needs. Others, while less hostile in principle to global free markets, nonetheless argue that we need to reexamine its basic operating assumptions–especially those pertaining to state sovereignty and resource ownership, fair competition, and fair trade, and citizenship and legitimate entitlements.

Such differences in detail notwithstanding, the general agreement is that the current global economic structure, and the norms and principles that drive and regulate economic practices, precipitate and perpetuate gross inequality and poverty. It must be noted that the structural roots of global injustice go beyond the economic sphere narrowly understood. Indeed, they permeate much of the current global background context.[11]

Globalization and Global Distributive Justice

Globalization is often employed as a convenient term for a wide range of social phenomena, from multiculturalism and migration, to the universalization of ideals such as human rights. But for our purpose, we will take globalization to mean specifically economic globalization, which describes the process of increasing integration and interdependency of national economies, the increasing mobility of capital and labor across traditional boundaries, the creation of new global markets and products, and the creation of international organs and regulations to facilitate and govern these interactions.

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10. Kok-Chor Tan, *op. cit.*, pp. 24-25.
11. *Ibid.*, p. 25.

In short, economic globalization refers to the existence, or at least the approximation, of a single encompassing global economy in which all individuals of the world are participants. The concept and reach of globalization, and its implications for international relations are currently much debated topics. But it is disputable that the benefits and burdens of economic globalization are far from being equitably distributed and shared among the world's population.[12]

In spite of globalization, global income disparity has widened rather than narrowed. Between 1960 and 1997, the difference in income between the top 20 percent of the world's population in the richest countries and the bottom 20 percent has arisen from thirty to seventy-four times (UNDP 1998, p.36). Moreover, the need to stay globally competitive has forced some developing countries to cut back on public subsidies, liberalize their domestic markets, and undercut labor standards, resulting in increased inequality within these countries.

There is no need to describe in detail the commonly offered reasons why globalization has failed the world's needy. Economic globalization is currently driven along by the principles of laissez faire capitalism, or neoliberalism as it is commonly called. As some economists have observed, "neoliberalism might be better conceived as the often unspoken ideology that has actively promoted, and to a certain degree, created globalization".[13]

But the operating assumptions of neoliberalism–that fewer trade barriers and tariffs, more global competition, greater liberalization of local economies, great export specialization, and elimination of domestic subsidies, will eventually narrow the gulf between the north and the south–have so far proven to be wide of the mark.

As long as the global economic playing field remains uneven, free competition is never truly free, nor, importantly, fair. In the context of this structural inequality, neoliberal economic principles cannot meet the basic human and developmental needs of the world's poorest people. When the agricultural and industrial sectors in developing countries are not ready to compete in a global open market, forcing developing countries to open their borders to foreign competition renders local industries and farmers vulnerable to the more established industries and heavily subsidized farm

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12. *Ibid.*, pp. 30-31.
13. *Ibid.*, p. 31.

products from developed countries.[14]

Rather than combating poverty, neoliberalism in the context of inequality results in job losses and productivity declines. As one scholar observes, "In the face of growing inequalities, the economic growth that neoliberalism promises may fail to deliver the improvement in economic welfare with which it is typically associated, and may interfere with the achievement of important political and economic rights and opportunities".[15] Not surprisingly, we are thus witnessing a growing public opposition, over past few years, against economic globalization and its supporting global agencies.

But much of this popular opposition has been presented as an outright rejection of globalization, as much, to my mind, oversimplifies and misses the crux of the problem. What is at issue is not the process of globalization as such, but the terms of globalization, in particular, the neoliberal ideology underpinning and driving it. After all, greater economic interdependency per se, if properly regulated, could benefit individuals in developing countries. But more to the point, it is not even clear if economic globalization is a process that poor countries may opt out of without suffering even greater economic costs. It is not trade per se that is the problem for development, but the rigged rules of trade.

What is needed, in other words, is not an outright renunciation of global economic interdependency, but better global principles and institutions to regulate this interdependency, and to distribute the burdens and benefits of globalization more equitably. The current failings of globalization are due more to the lack of proper governance of economic integration than the fact of integration itself.

We need to challenge the neoliberal ideology currently guiding the globalization process, an ideology that we have tended to take for granted, and consider possible alternatives. To claim that we have either to accept neoliberal globalization or the worse fate of economic isolation, a claim often made by defenders of neoliberal globalism, is to present a false dilemma. There is a third option of globalization on different, more egalitarian term.[16]

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14. *Ibid.*
15. *Ibid.*, p. 32.
16. *Ibid.*, p. 33.

National Affinity and National Liberalism

Generally, liberalism is committed to a cosmopolitan understanding of distributive justice. That is, liberals ought to take distributive principles to apply to all individuals of the world equally, regardless of their nationality and other contingent facts about them. In short, liberals ought also to be cosmopolitan liberals.

But in recent years, this traditional view has come under challenge from within liberalism itself. A growing number of liberal theorists argue that implicit in liberalism is a theory of nationalism. The resurgence of nationalist movements in different parts of the world in recent years and the renewed challenges of multiculturalism and migration within liberal democracies have prompted a burgeoning interest among liberal theorists in the idea of nationalism.[17]

One outcome of this confrontation with nationalism is the growing consensus among contemporary liberal theorists that liberalism and nationalism, far from being contradictory ideals as once commonly thought, are not only compatible but indeed mutually reinforcing ideals. As nationalism needs liberalism to tame it and to set moral constraints on it, so liberalism needs nationalism in order to achieve its ends.[18]

As liberal nationalists argue, it is within the context of a national culture that "the core liberal values" of individual autonomy, social justice and democracy are best realized. Liberal nationalism is a form of nationalism in that it affirms the general nationalist thesis that all states, including liberal ones, should promote and instill a sense of shared nationality among their respective citizens.

This sense of common belonging is thought by nationalists to be necessary for grounding a common citizenship among individuals in the modern state, a problem that is especially poignant in the context of the liberal democratic state where individuals seek diverse and sometimes incompatible ends. Yet liberal nationalism is a liberal form of nationalism because liberal principles are constraints on the kinds of nationalist goals that may be legitimately pursued and strategies that may be deployed to further these goals.

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17. Will Kymlica, *Contemporary Political Philosophy*, 2nd ed, Oxford University Press, 2002.
18. Kok-Chor Tan, *op. cit.*, p. 85.

The national affinity argument claims that justice depends on shared meaning and common understandings about the goods to be distributed. Yet these shared meanings and common understandings are not available outside the context of a national community. As Walzer has famously put it, "The idea of distributive justice presupposes a bounded world within which distribution takes place".[19] It is only within such bounded world that individuals can agree on the kinds of goods that they need to share and distribute.

It seems to me that this argument can be dismissed. But the argument for national affinity can be read as an argument about moral motivation. So understood, it is a claim about the need for a common belonging, in particular a moral community (the bounded world) shared by individuals, before we can reasonably expect their compliance with the demands of justice. As Sandal writes, a distributive principle "must presuppose some prior moral tie among those whose assets it would deploy and those whose efforts it would enlist in a common endeavor".

Regardless, we can endorse the claim that national affinity provides an important precondition for social justice. But this is very different from saying that nationality is the only available base for social justice. Rawls writes that it is "the task of the statesman to struggle against the potential lack of affinity among different peoples… What encourages the states-man's work is that relations of affinity are not a fixed thing, but may continually grow stronger over time as peoples come to work together in cooperative institutions they have developed".[20]

Rawls, it should be pointed out, recognizes this need for affinity between peoples not to ground global distributive schemes, but to ground humanitarian duties between peoples. Yet his point "that the narrow circle of mutually caring peoples in the world today may expand over time and must never be viewed as fixed" is an important one and can be adapted, I would argue, to ground more than just humanitarian duties but duties of justice as well.

The issue here is whether there is sufficient affinity and sense of common moral identity among individuals to motivate compliance with global principles; and Rawls' argument shows us that it would be premature to rule out this possibility just because it is not fully realized now.

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19. Michael Walzer, *Spheres of Justice*, Basic Books, New York, 1983, p. 31.
20. John Rawls, *The Law of Peoples*, Harvard University Press, Cambridge, 1999, pp. 112-13.

The Sunshine Policy and International Assistance to North Korea

Immediately following the outbreak of North Korean floods in 1995, the government of South Korea allowed civil sector aid to North Korea, albeit only through the Korean National Society of the Red Cross. In the early stages, there had been conflicts between the government and the civil sector in the South concerning humanitarian aid to the North. Since 1997, the Red Cross organizations of both South and North Korea have been able to maintain direct contact, and direct assistance has been given through these organizations.

As the government permitted various direct channels of aid to the North in 1999 and supported NGOs through the South-North Cooperation Fund in 2000, the cooperation between the government and NGOs has made for more effective delivery of humanitarian aid to the North. The Civil Government Policy Consultation Committee on Humanitarian Aid to the North was established in 2001. South Korea's non-government sectors have assisted with food and supplies worth $122.18 million from 1995 to 2001.[21]

The South and North Korean Summit Conference held in June 2000 became a decisive turning point for the past South-North relationship, which had been consistent with mutual criticism and hostility. At times of natural disaster or economic crisis, South Korea assisted North Korea on a humanitarian basis, but this has not resulted in the improvement of their relationship. Although there had been a communique about mutual cooperation, it is true that its spirit has not been carried out smoothly. However, after the South-North Summit, the relationship, unlike the past, turned for the better.

With this opportunity, the hostility against North Korea has been much eliminated. Separated families in North and South Korea since the Korean War of 1950-53 have visited each other. North Korean products are exhibited in South Korean department stores. It is expected that the South-North relationship has moved beyond past mutual criticism, and that the two sides have become cooperative partners and more ready for prepara-

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21. Keumsoon Lee, Assisting North Korea by Intergovernmental Agencies and Non-Governmental Organizaations: Current State and Implications, *International Organization's Assistance to North Korea and Inter-Korean Cooperation*, The Korea Institute for National Unification, 2001. p. 15.

tion for unification. In contrast, recently there have been some negative opinions on their relationship, like criticisms on the "Sunshine Policy",[22] which have resulted in domestic debate and division in political and public opinion in South Korea.

The recent North Korean economy has seen a drastic reduction in grain production and currently faces difficulties regarded as critical. The collapse of industry has thwarted the production of daily essentials. Whether the cause can be blamed on the system or natural disaster or both, we cannot overlook the situation from a humanitarian viewpoint and furthermore, we should, as people of the same nationality, formulate a positive assistance policy. While fortunately the Korean government, civilian groups and international organizations have been engaging in various support policies, they are not sufficient enough in scale to improve the current economic situation.[23]

The relentless trend of dire economic conditions in North Korea, since 1990–including shortages of food, raw materials, and foreign exchange– is likely to continue in the short- to medium-term, at the very least. The economic integration of the two Koreas will inevitably induce an additional fiscal burden on South Korea, if and when reunification eventually takes place. But South Korea's economy has also recently been challenged by its own financial crisis and as a consequence the weight of this burden has become even heavier. The fiscal burden arising from the financial sector recapitalization to recover from the recent financial crisis, already amounts to a huge price tag and will continue until the government reimburses public bond issues.

As we have observed, South Korea does not have enough financial resources to support the rehabilitation of the North Korean economy. On the other hand, the international community will recognize the economic benefits of an increasingly stable and secure Korean peninsula as part of the South-North dialogue process, and will be ready to make due contributions. Only a society regulated by principles of justice (namely the satisfaction of basic needs and the respect for human rights) is inherently stable and truly peaceful.

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22. The Sunshine Policy is South Korea's policy towards North Korea. Originally introduced by ex-President Kim Dae Jung in the late 1990's, the policy encourages peaceful engagement and cooperation.
23. James Chinkyung Kim, The Role of International Organizations for Enhancing Cooperation with North Korea in Education and the Environment, *Ibid*., p. 94.

So I would like to put forward two conceivable and feasible proposals that has suggested by one professional scholar.[24] One is the establishment of a multilateral assistance mechanism (MAM) through which financial as well as technical assistance to North Korea could be channeled and a multilateral policy dialogue with North Korea be maintained. Participants could include major donor governments, major IFIs, the UNDP, NGOs, and international aid agencies. A multilateral coordination mechanism is better suited to preventing aid duplication and to guarantee the transparency of the economic assistance provided. Such a mechanism is also needed for the swift provision of much needed economic assistance to North Korea.

The second proposal concerns North Korea's external debt problem. Without the initiation of debt relief talks on rescheduling or reductions of debt, North Korea is, for all intents and purposes, out of the international financial market. It is time to think about the participation of the Paris Club official creditors in the debt relief negotiation process. Furthermore, the utilization of NGOs in the course of cleaning the insolvent debts through debt-for-equity swaps could be considered as a complement to straightforward debt relief.

Conclusion: Toward A Just Global Community

Crucially then, a liberal global order would require more than political reforms; it requires foremost a global setting in which rich and poor countries can come together as equals with mutual trust and respect. Yet the mutual trust and respect requisite for a more open global society are understandably lacking in present global arrangements that conduce the coercion and deception of vulnerable (i.e. poor) countries. Justice and reason dictate a certain world order; but the question remains whether there is the will to take us there.

Rawls stressed famously that a viable theory of justice must take into account the "strains of commitment"; that we are to avoid those agreements on principles of justice that we can adhere to only with great difficulty. He shares the common belief that our moral concern diminishes with distance, that the world is just too large to be coextensive with our

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24. Hyoungsoo Zang, Agenda for International Cooperation on Mobilizing Development Assistance for North Korea, *ibid.*, pp. 30-31.

sense of moral community.

Indeed some philosophers have asked whether our commitments are not already overstretched in a pluralistic liberal democratic society. But let us assume that the solidarity requisite for a just society is evident within societies, and that we struggle only with the more common notion that this sense of solidarity ends at our national borders.

Granting this psychological claim about human nature, I want to offer a tentative argument of why I think a vision of a liberal global order is not hopelessly utopian, and why a liberal global community need not necessarily overstrain our commitments. The basis of my belief generally has to do with the fact that physical distances are no longer effective in morally insulating "us" from "them" in the modern world. In an increasingly interdependent and interconnected global area, social, economic and environmental failures and exploitations are no longer the confined problems of isolated states but have severe repercussions beyond state borders.[25]

As Cunningham writes in his Book *The Real World of Democracy* Revisited (146-147), "The first world is no longer able to isolate itself from its ecological and economic effects on the third. Exploitation of third world workers creates unemployment in the first world and the social and economic strains of forced migration. Destructive ecological practices are felt worldwide".[26] It seems then that the demands of justice and those of self-interest are beginning to converge in a world rapidly "shrinking" largely due to technological advances.

A piece of classic oriental wisdom <*Mencius*> (孟子), begins like this, "When Mencius visited a nation, its king asked "The great teacher, Mencius! Please tell me the way to maximize the interests of our nation". To this, replied Mencius "Why are you concerned only with your nation's interests? A king should pursue only the virtues of humanity and justice. If people are concerned only with self-interest, many conflicts will flourish and result in a nation's downfall." I think that in Mencius' mind, he rejected only short-sighted self interest, not interest itself, and in his thoughts, interest and justice were not contradictory terms. Really, justice is in harmony with the interests of all (義，利之知也).[27] So, whenever we

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25. Kok-Chor Tan, Toleration, *Diversity and Global Justice*, The Pensylvania State University, 2000, p. 211.
26. Frank Cunningham, *The Real World of Democracy Revisited*, Humanities Press, 1994, pp. 146-47.
27. See 孟子集註釋.

want to pursue our interests we should be reminded of justice (見利思義), and modify our goals to that of "Pursue only just interests".

Consider the case of global poverty. There are considerable self-interested reasons why the rich North should be motivated to ameliorate this problem. Poverty derives people to engage in or acquire ecologically destructive activities, for instance those leading to deforestation. Ending extreme poverty can relieve many of the pressures on the environment. When impoverished households are more productive on their farms, for example, they face less pressure to cut down neighboring forests in search of new farmland. Still, even as extreme poverty ends, we must not fuel prosperity with a lack of concern for industrial pollution and the unchecked burning of fossil fuels.

Poverty also creates political instability that obstructs cooperative worldwide action and being war prone, fuels the diversion of much needed resources into military expenditures, not to mention the destruction caused by wars themselves.[28] Poverty doubly encourages the infringement of human rights–it not only infringes the human rights of the poor (their welfare rights) by forcing them to live inhumane and indecent lives, but also makes it possible for poor nations to implement policies that themselves infringe human rights.

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28. *Ibid.,* pp. 143-44.

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Social Justice, Human Rights and Theories of Punishment:
The Indian Perspective

Ashok Vohra

"All undertakings (in) this (world) depend both on the ordering of fate and on human exertion; but among these two (the ways of) fate are unfathomable; in the case of man's work action is possible".

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Manusmriti, VII, 205

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It is a truism that "Hinduism is a rolling conference of conceptual spaces, all of them facing all, and all of them requiring all. Each claims loyalty to the shrutis–revelation, each showing how its claims are decisively true". That is why "'synthetic unity' has never existed in Hinduism, neither in conceptual space nor in lived time. Hinduism is a moving form of life whose predicament is to be incomplete to its own logics; it is a history of contradictions in flesh, fortunately demanding that their resolution be constantly postponed".[1] It is because of its curious concern with the questions and the fascination for the questioning spirit, endless quest for experimentation, and continuous innovation that in Hinduism it is virtually impossible to arrive at final answers or solutions to the problems. This does not only apply to the abstract and abstruse metaphysical and epistemological questions but also to the moral, ethical, social, political and other issues. Even with respect to the ethical principles, or for that matter day to day practical lived life issues, Hinduism adopts a dynamic view, that is, instead of defining and outlining these principles governing our action once and for all, it leaves them open-ended. It does not even attempt a final concrete solution, rather it only demarcates an outline for

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1. Bibhuti S. Yadav, quoted in Arvind Sharma "Hinduism", *Our Religions*, ed. Arvind Sharma, Harper SanFrancisco, 1993, p. 63.

determining what is right and what is wrong; what ought to be done and what ought to be done away with. Thus, leaving a lot of room for every actor in each generation to work out and act on the maxim which is best in his own time and context. According to K. Satchidananda Murty this is so because Hinduism is futuristic and it envisions that in the future, "one may develop ethical insights profounder than those available to his ancestors".[2] However, on the questions relating to the nature of man, society, origin of state, man and his place in state, in short the polity, there is a near unanimity among the classical thinkers of India. Let me begin with nature of man and society or state.

Following the Chandogya Upanishad's maxim *aham brahmaasmi; tat tvam asi*–'I am Brahman, so are you', the Indian tradition upholds that the true nature of man like that of Brahman is *sat, cit and ananda*, that is pure being, pure consciousness and bliss. It is taken to be a realised fact rather than a philosophical speculation by the Indian sages that man essentially is *nitya-shuddha-buddha-mukta-svabhaava-parmaatman*–the eternally pure, awakened and free self. The question then arises that if the nature and essence of man is, as it has been conceived to be, then from where do the brutish, evil, lethargic and ignorant characteristics in man come into being and how can one get rid of them and restore him to his pristine glory. Indian thinkers do not sweep these questions under the carpet but take them head on.

Indian sages have long recognised that man has to fight against all odds–natural and otherwise, for his day to day survival. He is an outgoing individual searching for ways to satisfy his physical needs. To meet these needs he has to live in a world full of fierce cut-throat competition. Man's lived world is full of struggle. In it only the fittest are able to satisfy their desires and fulfil their needs. As the *Katha Upanishad* says: *naayam aatman balaheenena labhyah*–perfection can not be achieved by the weak.

Whereas in other traditions the follower is enjoined to give up worldly pleasures, in the Indian tradition these are given their due place. For example, Jesus in St Mathew 16:24-25 says to his disciples: "If any man will come after me, let him deny himself, and take up his cross and follow me". Satisfaction of desires in the Indian tradition is not seen as something sacrilegious. That is why among the four *purushaarthas*–the goals of life, namely, *dharma, artha, kama and moksha* which can be described

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2. *The Indian Spirit*, Andhra University Press, 1965, p. 206.

broadly as 'leading of a moral life', 'earning of wealth', 'enjoyment of the pleasures of the senses', and 'seeking of liberation' respectively, *artha* and *kama*–acquisition of wealth, material prosperity, fulfilment of carnal desires and sensual satisfaction, occupy an important place. It is primarily because the Indian thinkers recognised that "men possess a complex personality which seeks expression through four channels: his instincts and natural desires, his craving for power and prosperity, his social aim and his spiritual urge".[3] A truly integrated theory about the type of life that human beings ought to live and the goals that they ought to pursue both in their individual and social or group life must take into account all these four factors. It should treat each one of them as equally important and legislate as to how each one of them can be accomplished. Likewise, a good State is one which creates conducive conditions and provides suitable opportunities to an individual or a group for the growth and fulfilment of each of these individual urges. It advocates methods and ways of reconciling and harmonising all aspects of man's nature and fulfilling his material as well as spiritual desires.

In the humdrum of daily life and struggle for survival, man often loses sight of his compassionate nature, and becomes covetous. As a result he desires more and more for himself at the cost of his fellow beings, and even nature. He becomes thoroughly selfish. He wishes to achieve the ends chosen by him at all costs. In the process he does not care for the welfare of the others as well as the society. He becomes so blind with the passion to achieve the immediate goal set by him that he even ignores his long term interests. This gives rise to *krodha*–deluding anger, and blinding greed–*lobha* in him. He becomes mad with anger when he fails to satisfy his desires and wants more of these when he is able to fulfil them. *Bhagvadgita*, XVI.10, 17, 18 describes this state of man as follows: "Giving themselves up to insatiable passion, filled with vanity, pride and arrogance holding wrong views and adopting bad objectives due to delusion they become egoists envious by nature and act with impure resolve. Self-conceited, haughty, obstinate, filled with pride and arrogance of wealth, and out of lust and anger, *dhana-maana-mada-anvitaah* these malicious people despise everyone and acquire an envious nature". Thus, due to their circumstantial settings they lose the pristine purity of the spirit with which they are born.

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3. RN Dandekar, "The Role of Man in Hinduism", *Religion of the Hindus*, ed. Kenneth W. Morgan, p. 12.

This gives rise to ego–*ahmkaara*, in them. Because of the arousal of the ego in man he no longer sees everyone as an equal. He no longer sees the essential unity of all mankind and starts seeing in terms of *mam* and *tva*–mine and yours. According to Ashvaghosha due to this sullied view, the mind of the individual, even though pure in its initial stage, gets corrupted and becomes narrow.

The origin of State is traced by the Hindu thinkers to this human depravity and the consequent fallen, corrupted and sullen state of human beings. According to *Mahabharata* in Kritayuga–the era when greed (*lobha*), lust (*kama*), delusion (*moha*) and desire (*raga*) had not affected the true nature of human beings there was no state, no king, no government, no punishment, no punisher. Everyone because of his innate pure nature, sense of justice and its resultant sense of righteousness protected everyone else. *Digha Nikaya Sutta* the Buddhist canonical text too supports the view that as long as mankind was righteous there was no need of State or an external agency to regulate its conduct. But as the human depravity set in, sinfulness gradually crept into human society and the need was felt for an external agency to control the state of ensuing anarchy. In the Western world Seneca, the Stoic philosopher of the first century AD echoes this view when he "looked upon the institution of society as being the result of vice, of the corruption of human nature. They are conventional institutions made necessary by the actual defects of human nature". St Augustine too upheld that "the institution of government was made necessary by sin and is a divinely appointed remedy for sin".[4] The Hindu thinkers adopted analytic methodology to understand the nature of the State. They began by differentiating it from non-State and then tried to find how a non-State grew into a State.

Shanti Parva 59, 15-21 of the *Mahabharta* describes the effects of various factors responsible for the depravity of human nature on the extant state of affairs, thus: "Then delusion or stupidity (*moha*) seized their minds. Their intelligence being thus eclipsed, the sense of justice (*dharma*) was thus lost. Cupidity or temptation or greed (*lobha*) overpowered them next. Thus arose the desire (*kama*) for possessing things not yet possessed. And this led to their being subjugated by attachment (*raga*) under which they began to ignore the distinction between what should and what should not be done. Consequently, there appeared sexual license, libertinism in speech and diet, and indifference to morals. When

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4. Cf,. AJ and RW CarIyle, *Mediavel Political Theory in the West*, II, pp. 143-6.

such a revolution set in among men, Brahman–the Godhead disappeared, and with it vanished the law (*dharma*). As a result of this confusion righteousness perished. The ensuing situation was one of non-State".

Non-State is a state of total anarchy. In it 'justice is non-existent', 'people prey upon one another', 'a free man is made a slave', 'women are assaulted', 'enjoyment of wealth and wives is impossible', 'tyranny of robbers is in full play'. In it the law of the jungle prevails. No one is happy. Everyone lives in fear. Everyone lives under the constant threat to his life and property. Everyone doubts the intentions of everyone else; there is no trust among men. A thief, a robber, a cheat may have momentary happiness when he is successful in stealing something, robbing someone of his possessions, or cheating someone by deceiving him but even their happiness is short lived because 'a single man is deprived of his loot by two, and the two are robbed of their ill acquired possessions by several combined'. In such a non-State the whole world is in a mess as 'men tend to overthrow one another'. Men in such a non-State behave like the 'creatures that cannot see one another when the sun and moon do not shine', or like 'fish in the shallow water', or like 'birds in places safe from molestation where they can fly at one another's throats in a suicidal strife'. "Might is right" is the ruling maxim in the non-State. In it *matsaya-nyaya*–the law of the fish, that is, the bigger fish eating the smaller one, or the law of the jungle, that is the survival of the fittest prevails. Men even shirk from engaging in agriculture, commerce and other means of livelihood and start seizing by force the food, property, wives and children of the weak and start living a life of 'slothful ease' and adopt the 'primrose path of dalliance'.[5] As a consequence in such a non-State there is no industry, no development and no progress. As mind of man in the non-State is all the time occupied with the ideas of developing new ways of stealing, innovating methods of cheating and inventing new techniques of robbing others of their wealth and property and whatever rightfully belongs to them there is no spiritual process either.

According to Kamandaki, "in the world (society) people move about in different directions trying to push their own interests by devouring (usurping) others, as if out of greed for their flesh (*amisataya*)". In such a society men "run after material pleasures and are completely dominated by them".[6] For enjoying the material pleasures men "tend even to perse-

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5. *Mahabharta*, XII.68.10-11, 14-15, 18-21.
6. *Nitisara*, 2.40, 2.43.

cute their mothers, fathers, the aged, the teachers, the guests and the pre-ceptors".[7] In such an age, as Draupadi who is being stripped in full view of all her relatives–including her five husbands, father-in-law *et al* laments, "the origins of eternal law have dried up and one can no more identify it; positive law is doubtful and changing; there is no justice; power alone reigns".[8] Because of this bewitchment of their intelligence men forget their *swadharma*–the duties corresponding to their station. Everyone starts doing everything irrespective of his own nature and abili-ties, as well as the nature of work. As a result of this mayhem there is nei-ther justice, nor law, nor duty in the non-State.

Since such a situation was not in harmony with the real and true nature of person as described in the first section, and the prevailing conditions were not conducive to the realisation of their true goal of life which is lib-eration (*moksha*), they desired an end to it. They wished to do away with the non-State in which *matsaya nyaya* prevailed and wished to establish a State in which *dharma* reigned supreme. According to *Brihadaranayaka Upanishad,* even after the creation of the four *varnas* (castes or classes) the Brahman–the creator god was unhappy with his creation and "He project-ed that excellent form, righteousness (Dharma). This righteousness is the controller of the Kshatriya–the king and the warriors. Therefore, there is nothing higher than that. (So) even a weak man hopes (to defeat) a stronger man through righteousness, as (one contesting) with the king. That righteousness is verily truth. Therefore they say about a person speaking the truth, 'He speaks of righteousness', or about a person speak-ing of righteousness, 'He speaks of truth', for both these are righteousness. Discussing the relationship between righteousness and truth, it says, "The same thing when it is practised, is called righteousness, and when it is understood to be in accordance with the scriptures, is truth".[9]

Dharma, therefore, is above the king. The king is subjugated to it. He has no right to interfere with the dictates of *dharma*. It is his duty to carry out the dharma; his duty, so to say, is to carry out the dictates of dharma. The dharma is sovereign; the king can not question it. If he does, he is liable to be punished. Not only the king but even dharma can not violate its own dictates If it does it is has to undergo punishment. The narrative of the sage Animandava in the *Mahabharta* emphasises this feature of

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7. *Mahabharta*, 68.18.
8. *Ibid.*, 199.29; XI260, 6.88.I.
9. 1.iv.14.

dharma. In brief the parable goes as follows. Animandava was a very renowned seer who performed his austerities regularly and without fail. His conduct throughout was exemplary. However due to ignorance and misunderstanding the king punished him by implanting him on a stake. Animandava summoned Dharma, the god of justice and asked him, "What, pray, is that sinful act committed by me unconsciously, for which I am bearing this punishment?" The god of justice replied, "O thou of ascetic wealth, a little insect was once pierced by thee on a blade of grass. Thou bearest now the consequence of the act. O sage, as a gift, however small, multiplieth in respect of its religious merits, so a sinful act multiplieth in respect of the woe it bringeth in its train". When the sage asked dharma when this act was committed by him, he was told that this was done when he was a small child. The sage then reminded the god of justice that whatever is done by a child below the age of twelve years is not accepted by the scriptures as sinful. The sage then told the god of justice that the punishment inflicted by him for such a venial offence was disproportionate in severity and cursed the god thus, "Thou shalt therefore, O god of justice, have to be born among men even in the Shudra order". As a result of this curse the god of justice had to be born as Vidura in the shudra order. The moral of the story, according to Arvind Sharma is: "it is Dharma himself, *Justice itself, who is being challenged for being unjust and being punished for it.* In other words, Justice itself is not above justice! This goes beyond nobody being above justice; or even the king not being above justice, or the gods not being above justice; even the god of justice is not above justice." Making a finer distinction between law and justice Sharma goes on to add, "It should also be noted that it is not just a question here of no one being above the law, but no one being above justice. After all even law cannot claim to be above justice."[10]

This feature of Hindu polity distinguishes it from the conception of state in the West especially German Idealism. Hegel described the state as 'form of the absolute spirit', which is the essence of all things'; 'the state is absolute power on earth'; 'the state is divine will'. So the state is absolute as it has legislative, executive and judicial powers. On the Hegelian conception therefore nothing is superior to it. But in the Hindu conception though the judicial and executive powers are vested in the state, it does not have legislative powers. State is considered to be an instrument of *dharma*, it is not *dharma* itself. Its duty is to uphold *dharma*. It is not the

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10. *Modern Hindu Thought*, *An Introduction*, Oxford University Press, 2005, p. 143.

source of *dharma*, nor can it in any way interfere with it. Dharma is superior to the state and the state is subservient to it. This view in many respects is similar to the political theories propounded by Krabba in Holland and Duguit in France. *A la* Duguit one can say that *Dharma*, and not the state, is sovereign because *dharma* is beyond and free from the political organisations. State is directed by *dharma* and not vice versa. *A la* Karbba one can say that *dharma* is superior to the state and therefore is sovereign. State is controlled by an external authority and that is natural or rational law which is nothing else but *dharma*. Highlighting the importance and nature of *dharma*, in Hindu polity Sri Aurobindo says: "A greater sovereign than the king was the Dharma, the religious, ethical, social, political, juridical and customary law organically governing the life of the people. This impersonal authority was considered sacred and eternal in its spirit and the totality of its body, always characteristically the same, the changes organically and spontaneously brought about in its actual form by the evolution of the society being constantly incorporated in it, regional family and other customs forming a sort of attendant and subordinate body capable of change only from within . . . and with the Dharma no secular authority had any right of automatic interference. . . The king was only the guardian, executor and servant of the *Dharma*, charged to see its observance and to prevent offences, serious irregularities and breaches".[11] According to *Mahabharta*, "one became a king for advancing the cause of *dharma* and not for acting capriciously. All creatures depend on *dharma* and *dharma* depends on the king. He, therefore, is the true king who maintains *dharma*".[12] It was because of this supremacy of *dharma* over the king that there was always a distinction between the judiciary and the executive. The king was not allowed to hear the cases by himself alone. He heard all the petitions in the *sabha*–congregation of his nobles, consulted them as and when necessary, and pronounced the judgement in their presence.

Dharma, it must be noted is a very elastic and complex concept. It like *jus, droit, diritto* has more than one meaning. *Yajnavalakya Smriti defines dharma as sadachara*, i.e., the practice or conduct of good men, what seems pleasant or good to one's self and the desire that springs from mature consideration. One of the generic definitions of *dharma* in the

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11. *Foundations of Indian Culture*, pp. 372-73.
12. XII.90.3-5.

Mahabharta goes as follows: "Dharma is that which is conducive to the advancement of everybody, which prevents injury to everybody and which is capable of upholding everybody. It need not be precisely what is stated in the Vedas, because everything has not been ordained in them". This definition at least has a singular merit of exhibiting that *dharma* is not a static concept. It is an ever evolving dynamic notion. The Sanskrit term *dharma* has both legal as well as ethical connotation. It is really strange that the English language does not contain any generic term which can combine both these meanings. The term law therefore is a very loose and inappropriate translation of the term *dharma*. This demonstrates what Wittgenstein meant by saying that "language is a form of life". So, in order to understand the true meaning and import of the term *dharma* we have to understand the form of life of a Hindu. The difficulty in explaining the precise meaning of *dharma* is further compounded by the fact that over the long period of its use, it has undergone several vicissitudes ranging from 'the whole body of religious duties' to 'desirable goals' to 'the whole teachings of the Buddha'. From this diversity of usages of the term PV Kane has concluded that "its most prominent significance came to be the privileges, duties, and obligations of a man, his standard of conduct as a member of the Aryan community, as a member of the castes, and as a person in a particular stage of life".[13] For the purpose of this paper I shall use the term *dharma* to mean law, justice, and duty. It is that "which constraints the unruly wills and affections of people".

State, therefore, on this definition of *dharma* is originator of law, justice and duty. The basic function of State is to remove a*dharma*–unrighteousness, and establish *dharma*. This maxim implies firstly, that State as opposed to non-State is a law giving institution; secondly that State is a justice dispensing institution; and thirdly that State is a duty enforcing institution. According to the Hindu thinkers all the three functions of the State are infact rooted in its power of punishment–*danda*. *"Danda"*, according to Kamandaki, "stands for suppression (of anti-social elements by inflicting necessary punishments)".[14] That is why the treatises in polity are also called by the generic term *dandaniti*–Treatise of carrying out punishment. These treatises deal with moral or ethical principles, and principles of polity which are also called the principles of punishment (*dandaniti*) as opposed to the principles of righteousness (*dharmaniti*). The princi-

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13. *Hindu Dharmasastra*, I., p. 2.
14. *Op. cit.,* 2.15.

ples enacted in them apply to the realm of *artha* and *kama*–the earning of wealth and its related sensual enjoyment at the individual plain, and to the governance of state at the social level.

Many schools of thought regard the texts of *dandaniti* to be superior to all others, irrespective of whether they deal with the philosophical issues which help in the development of mental faculties (*anviksiki*), or those concerned with agriculture, cattle rearing or trade (*varta*) which help us in the acquisition of wealth and in the prevention of the loss of wealth, or even the Vedas themselves (*Trayi*) which are the source of morality and immorality. Kamandaki declares that "The school of Usanas declare that *Dandaniti* is the only one branch of learning and all other branches originate from and are imbedded in it".[15] It is because "when a ruler acquires thorough mastery over Dandaniti (i.e., when perfect law and order is established by the sound application of the rules of polity), those learned in Anviksiki, Trayi and Varta can devote themselves to the pursuit of their respective branches of study in peace".[16]

In the social sphere paramount importance is given to punishment for it is held that men follow their *svadharma*–duties for fear of punishment. It is fear of punishment (*danda*) which makes not just human beings but all creatures keep to their respective duties–*svadharma*, virtue of Plato, 'functions' of Bradley and other non-Hegelians like Bosanquet and Croce. It is what makes them co-operate with one another in procuring the enjoyment or pleasure or happiness of all. According to *Shukra Nitisara*[17] it is the fear of punishment which makes people 'virtuous' and refrain from committing aggressions on others or telling lies. On the positive side punishment softens the cruel to become mild, and the wicked to give up their wickedness. It terrifies the thieves, dacoits and enemies into submission. It makes the unmindful or the vain professionals belonging to different classes to follow their respective vocations with sincerity and devotion. It is the foundation of civic life, being the "great stay of all virtues". In its absence all the "methods and means of statecraft" become fruitless. Even *a la* Durkheim the *division du travail* of work is controlled by the fear of punishment. "The whole world is kept in order by punishment", according to Manu, "for a guiltless man is hard to find; through fear of punish-

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15. *Op. cit.*, 2.5.
16. *Ibid.*, 2.9.
17. IV, 1.

ment the whole world yields the enjoyments (which it owes)".[18] Kamandaki endorses this by saying, "A righteous person is indeed rare. Just as a lady of high family serves her husband even if he is weak and lean or deformed, diseased or poor, only out of fear of *danda* (social sanctions)".[19]

Manusmriti attaches so much importance to punishment that it says, "Punishment is in reality the king . . . Punishment alone governs all created beings, punishment alone protects them, punishment watches over them while they sleep; the wise declare punishment (to be identical with) the law".[20] But punishment has to be awarded by "just and proper application of the knowledge of Dandaniti". It is only the punishment which is "properly inflicted after (*due*) consideration" that makes people happy. If it is inflicted without due consideration "it destroys everything". According to Kamandaki, in inflicting punishment "the king should act like a surgeon so that the people may be disciplined and prosperous" because "severity of punishments terrifies the people (as a result the king becomes repulsive to them), and leniency makes him contemptible. Hence the punishment should be meted out impartially and proportionate to the seriousness of the offence".[21] It is the fear of punishment which controls the "lust for material pleasures including passionate desires for women and wealth". It makes the subjects "to follow the traditional ways indicated by the pious".[22]

No one is exempted from punishment. What to talk of a relative of the king, the king himself has to be awarded punishment proportionate to the violation of law or offence committed by him. According to Yajnavalkya, "no one who has transgressed the law is exempted from punishment, be he the king, or a brother, a son, an object of worship, a father in law or a maternal uncle".[23] Even Manu holds that, "Neither a father, nor a teacher, nor a friend, nor a mother, nor a wife, nor a son, nor a domestic priest must be left unpunished by a king, if they do not keep within their duty".[24]

But it must be remembered that punishment is a double edged weapon. Administered in a just way it establishes a peaceful world order which

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18. *Manusmriti*, VII, 22.
19. *Op. cit.*, 2.43.
20. *Op. cit*, VII, 17-18.
21. *Op. cit.*, 6, 11-13, 15.
22. *The Nitisara*, 2.42.
23. *Yajnavalkaya Smriti*, I.358.
24. *Op. cit*, VIII.335.

adds to the welfare of the state and brings happiness and prosperity for everyone but unjust punishment adds to the strife in the society and multiplies the unpleasantness and disorder in the society. "Punishments" according to Kamandaki, "should be just, in conformity with the Sastras (legal texts) and conducive to the people (respecting their customs and traditions). When the mode of punishment does not infuriate the people, it brings about prosperity, otherwise due to excitement of the people the course of *dharma* is disrupted (*adharma* flourishes) ultimately causing ruin of the ruler".[25] Unjust punishment–punishment wrongly awarded, excites anger even in those who are not directly affected by it. Even they tend to revolt against the state. It results in the law of the jungle. That is why Manu says, "if the king without tiring, inflicts punishment on those worthy to be punished, the stronger would roast the weaker, like fish on a spit".[26] So the subjects fear punishment only where the "punishment with black hue and red eyes stalks about, destroying sinners, there the subjects are not disturbed, provided that he who inflicts it discerns well".[27] In other words, he uses it justly after due consideration and without ill-will, anger or contempt.

The importance attached to just dispensation of punishment or justice in general, which as has been stated above is also one of the connotations of *dharma*, is reflected in Manu's saying: "Justice, being violated, destroys; justice, being preserved, preserves: therefore justice must not be violated, lest violated justice destroys us". Not doing justice is promoting injustice. And "where justice is destroyed by injustice, or truth by falsehood, while the judges look on, there they shall also be destroyed". The blame for awarding unjust punishment or doing injustice is to be shared by those responsible for the judgement. "One quarter of (the guilt of) an unjust (decision) falls on him who committed the crime one quarter on the (false) witness, one quarter on all the judges, one quarter on the king". If a king does not punish the guilty, the guilty person is freed from the guilt but the king "takes upon himself the guilt of the thief". He goes on to say, "Unjust punishment destroys reputation among men, and fame (after death), and causes even in the next world the loss of heaven".[28] But where justice is done and the one "who is worthy of condemnation is con-

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25. *Ibid.*, 2.39.
26. *Manusmriti*, VII, 20.
27. *Ibid.*, VII, 25.
28. *Ibid.*, VIII, 127.

demned, the king is free from guilt, and the judges are saved (from sin); the guilt falls on the perpetrator (of the crime alone)".[29]

The Indian law givers answer the question 'what does being just consist in?' or 'what is justice?' in a very practical and pragmatic manner. According to Manu a just king is one who correctly applies the law to the instant case. The law is known and derived from the customs, practices and traditions as well as from the law texts, that is, Smritis of Yajnavalka, Gautam et al. Justice, according to Shukra consists of two elements. First of these is the sense of discrimination between good and bad, proper and improper, right and wrong, appropriate and inappropriate as determined by the law. Second, and I think more important, is the component of being pragmatic and utilitarian in the sense that it enhances the virtues of the rulers and the ruled and promotes the common ties between the subjects. It creates conditions in which each individual achieves perfection in his chosen field. In some way this conception of justice is analogous to Plato's conception when he says, "Justice is not mere strength, but harmonious strength … justice is not the right of the strong but the effective harmony of the whole".

One of the characteristic features of *dharma* as justice which distinguishes it from morality is the principle or the ideal of equality. Indian thinkers much before Plato to Rawls in the Western tradition recognised that treating equals as equals and unequals as unequals, or in other words treating similars similarly and dissimilars differently is the inherent principle of social justice. Plato in his *Republic* advocates that justice is rendering everyone his due and Rawls in his *A Theory of Justice* says that everybody has equal right to the basic liberties unless an equal distribution of any social value is to the advantage of everyone. Equal treatment has to take into account, according to Indian lawgivers the merit, needs and circumstances of the persons or the groups involved. Since the classes or *varnas* of men differ from each other in terms of their functions, their capabilities, their merits, their worth the treatment to be met to each one of them has to be differential, even preferential, depending upon the requirements and situational factors and general social context in each case. They argue like Aristotle in the *Nichomachean Ethics* that a just distribution is, in effect, an unequal one. That is why they prescribe different status in the court of law and differential punishment to the persons

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29. *Ibid.*

belonging to different *varnas.*

According to Manu though anyone in the know of the matter in question can be a witness in the case, but as a general rule, "women should give evidence for women, and for twice-born men twice born men of the same (kind), virtuous Shudras for Shudras, and men of the lowest castes for the lowest". Even in the oath taking in the court of law Manu legislates: "Let the (judge) cause a Brahmana to swear by his veracity, a Kshatriya by his chariot or the animal he rides on and by his weapons, a Vaishya by his kine, grain, and gold, and a Shudra by (imprecating on his own head the guilt) of all grievous offences (*paataka*).

Though the gravity and kind of offence may be the same, the punishment and the quantum to be meted out to the persons belonging to different *varnas* (classes) also varies. The quantum of punishment varies with the varna of the punished. According to Vyasa, "Repentance punishment and purificatory rites should be the highest for the highest, medium for the middling and the least for the lowest class". Elaborating the same Katyayana states, "for the same offence for which the *shudra* is lawfully punished, the punishment in the case of the kshatriya and brahmana should be progressively doubled". This differential treatment is justified on the ground that the one belonging to the higher class is much more aware of the heinousness of the crime than those who belong to the lower rungs of the ladder. This differential treatment in meting out the punishment can be called 'preferential option for the poor' or 'special consideration for the underprivileged'. This special consideration is applied as a general rule to women as a class or group belonging to all varnas, the old men over the age of eighty and the male children below the age of sixteen and the female children below the age of twelve. As a general rule less punishment is awarded to women for all crimes, compared to men. As per the Hindu law women of all varnas are tax exempt; they could not be arrested or jailed in several cases and there was a special provision for judicial review in their case. According to Katyayana, 487, "in case of all offences women are to suffer half of the fine in money which is prescribed for a male offender (of the same kind) and when punishment is death for a male, the punishment for a woman would be the excision of a limb". "This", according to Arvind Sharma "in its own way, parallels the doctrine of social justice which advocates preferential option for the underprivileged". That this differential or preferential treatment does not violate the principle of equality can be explained with the help of an analogy of an orchestra, or a group of mechanics. The members of the orchestra or the

choir though play different instruments, they are treated equally as members of the group. Each of the members plays the instrument of which he has the expertise, which may even be unique to him, his place and his contribution to the overall effect is equal to the others. Likewise, though there are different mechanics for repairing different machines, they are all called mechanics, though each one of them is treated differently on the basis of his expertise.

So, Indian thinkers supported the view that justice is giving everyone his due, even if it results in inequality, for inequalities are inborn. They are so to say genetic. The two tests for determining whether a state is just or not, according to them are: First, people may sleep at night without anxiety 'with doors of their homes open'. Secondly, women decked with ornaments may walk without fear though 'unattended by men'.[30]

Justice is not an end in itself. The aim of establishing a just society is to enable man to discharge his obligations and attain liberation–*moksha*. In the Indian thought men do not enjoy any rights, they have only duties which they are supposed to perform for their own sake without any concern for the fruits of their action. They own a debt right from their birth. *Taittriya Brahmana* declares that, "verily whoever exists, is born as owing a debt to gods, to the rishis–sages, to the fathers, and to men". One can attain liberation the *summum bonum* of human life only by getting rid of these debts. That is why there is a prayer in the *Atharva Veda* which says: "Debtless in this world, debtless in the other, debtless in the third world may we be; what worlds there are traversed by the gods and traversed by the fathers, may we abide debtless on all these paths". In addition to the duty to get rid of these debts, there are prescribed duties for each stage– *ashrama* of human life as well as the *varna*–class to which he belongs. Without discharging these duties one can not even think of attaining liberation. According to Manu, one can apply his mind to the attainment of final liberation only after he has paid all his debts, "he who seeks it without having paid his debts sinks downwards".[31] The purpose of a just state, in the Indian conception is to create conditions conducive to the efficient discharge of one's duties. An individuals right consists in performance of such duties as prescribed by the state.

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30. *Mahabharta*, XII. 68, 30-32.
31. *Op. cit*, VI, 35.

7

Religious Harmony in Human Security and Human Rights Issues

Md. Iqbal Shahin Khan

Introduction

Religion is an essential element in human life especially in the Arab world and the Asian region. Religion plays an important role in relation to human security and human rights issues, which are the burning questions of the present world too. Sometimes in this region, human security and human rights issues are problematic in the case of religion only. But if we think intensely about some problematic issues (antagonistic to human security and human rights), which are committed in the name of religion, we see these are false and fabricated from the religious point of view as these are committed for vested interests. Although there are fundamental differences among the dominant religions in the Arab and the Asian regions, it is possible to reconcile different religious ideals in social context. Basic differences among these religions are related to the nature of beliefs, rituals and practices. We see no chaos and violence regarding the monotheism, polytheism or otiose deity issues as these exist mainly in human mind. There is no problem about the religious rituals and festivals as these are practiced mostly in their respective religious places. The diversity of religions can neither create any problem in the society nor it threats the human security and human rights. In spite of the basic differences, human security and human rights issues are somehow minimal basic consensus relating to binding values, irrevocable standards and moral attitudes, which can be affirmed by all religions despite their undeniable dogmatic or theological differences and should also be supported by non-believers. It is inconceivable to unite different religions and it would be ridiculous to consider universal ethics as a substitute for the Torah, the Sermon on the Mount, the Qur'an, the Bhagavad-Gita, the Discourses of the Buddha or the Sayings of Confucius.

The paper finds out some common principles of different religions, which can easily harmonize all kinds of people irrespective of religions. Then on the basis of these principles it will look for ensuring human security and human rights issues. It will highlight different excerpts related to humanity from different religious books as we think that present problems regarding human security and human rights issues are totally against humanity. Human rights and human security issues in the Arab world and the Asian region involve different factors such as freedom of speech, gender inequality, religious minority problem, abuse of power, fair trial, freedom of religion, freedom of free association, status and dignity of workers, terrorism, communal violence, social security problem and so on. The paper at first underlines the religious faith how it works as the controlling center of human conduct generally. Secondly, the paper presents different religious principles regarding these issues and tries to show that the different religious principles assimilate each other. It intends to convince that diversity and different ideals are immutable factors but one must seek unity in diversity, which reflects Hegelian principle as well.

Significance of Religion

From the creation of human being in this earth a divine order has been set up. From the evolution of time, different religions arise in this world in different shapes. It has been observed that religions play a vital role in controlling people of Arab and the Asian world. Present world is a strife-torn world where there is no universal control of human behaviour and it is not possible also by any central power. Only religions can unite whole

Relations	Impacts on Life-Structure
Relation between human beings and God	Rituals, religious practices, prayers depended. A kind of Divine order or discipline established.
Human-to-Human Relation	Social relationship created.
Relation with other Creations (i.e., other living creatures and matter)	Fulfillment of human being's demand.
Relation with one's own self	Internal or spiritual or mental discipline established

world by creating social homogeneity and social solidarity. The present world is suffering from universal values and there is no clear-cut distinction between right and wrong, good and bad. Although religion is totally faith depended, we get some relations by religion ensuing significant impacts on life structure, which are as follows:

By these relations a kind of reconciliation among God, human being and other creatures living or non-living being is established. As a result, a natural world peace is ensured, as Hans Kung argues:

> "– There will be no peace among nations without peace among the religions.
> – There will be no peace among the religions without a dialogue among the religions.
> – There will be no successful dialogue among religions without the considering of Common ethical standards for our globe.
> – There will therefore be no survival of our globe without a global ethics." (2000, p. 18).

Flourishing Human Being in the Religious Format

Human being is defined as a rational animal but we can add another adjective here i.e., which has the power of faith. In other words, human being is a rational animal who is able to be faithful to God or supernatural being. In Buddhist context, human being is a rational animal who is able to transcend the sensible world for attaining nirvana. It means that faith, rationality and sensuality reside side by side in the human being. Faith resides in the spirit/self/ego/mind whereas rationality resides in the human brain and sensuality in the total sensual body. Faith is superior to rationality and rationality is superior to sensuality. By these threefold qualities human being flourishes himself or herself in the following way:

Faith: Faith is so powerful that it liberates rationality and sensuality and then it reaches the summom bonum. In other words, it overcomes the earthly matter. In this stage, human being identifies himself or herself with God. In Islamic religion, this stage is called fana baqa and only sufi (i.e., saint in Islamic term) can reach this stage. In every religion, this is the higher spiritual stage. In Buddhist tradition it is called nirvana although it does not believe in God.

Faith & Rationality: In this stage faith and rationality both liberate sensuality and there grows a sense of positive fundamentalism which teaches tolerance, liberalism, pity, democratic attitude, sacrifice, brother-

hood, moral values which are necessary for the human rights and human security issues. Positive fundamentalism helps human being to be connected to God; it helps to be conscious about hereafter life.

Faith, Rationality & Sensuality: Here there remains a balance between earthly life and hereafter life. In this stage human being can get earthly benefit and at the same time can expect the benefit of hereafter life. Ordinary people are included in this stage.

Faith & Sensuality: The direction of faith is towards God only and the direction of sensuality is towards the sensual matter. So there may arise a kind of contradictory situation and by this situation there develops an extreme fundamentalism, which can be called improper or negative fundamentalism. In this connection, one point should be clear that true religious people must be fundamentalist and without fundamentalism no people can reach the highest position. Negative approach creates negative fundamentalism, which is dangerous for the peace of society. Terrorism, violence, abuse of power, dictatorship, extremism, and fanaticism are the common characteristics of negative fundamentalism.

Rationality & Sensuality: Without faith there might be a combination of rationality and sensuality. For earthly matter, it can work very well but pragmatically it is not a proper and intelligible stage, as it can never bring any welfare to the human being in hereafter life, what famous pragmatist philosopher William James also shows.

Sensuality: In this stage all humane qualities are ceased and only sensuality remain. So naturally it is understood that human being remains human by name only and qualities of animal affect human being. As a result, he can only work, think for his sensual demand. A kind of barbarism may develop then in him.

Human Security and Human Rights Issues and the Role of Religions

Human security means to secure human beings in this world, to ensure well-being of the people in the world, to assure a war-free world, to ban nuclear, biological weapon, land mines, to reduce ozone or global warming, hunger etc. Human rights are connected with human security issues to a great extent since if human security is ensured; obstacles to human rights are removed also. Human rights comprise into several rights such as personal rights, ethical rights, economic rights, social and political

rights etc. Rights have a relation to obligations and these are inter-depended. We should not mean that rights only indicate power, but they also imply some duties and responsibilities and these should be emphasized in human rights (Nadvi, 1966). In general, people want to exercise their rights but are reluctant to fulfil their obligations to their fellow beings and society. For this purpose, there needs a shadow of religion to remind human responsibilities, duties and obligations to the society which can ensure justified human rights and human security.

The Universal Declaration of Human Rights is affirmed within all the major religious traditions in the world and many religious leaders and institutions are working cooperatively for the protection of human rights through law. This is a declaration for mankind, a guidance and instruction to those who fear God (The Qur'an, 3:138).

Thus, faith in human rights is not merely international but inter-religious. Despite differences of doctrine, men and women of various religious traditions are in fact working together with those who profess no religious conviction, to secure human rights for all peoples. To understand the significance of religious faith in human rights, Kirpal points out, "The ultimate sanction of the true observance of human rights rests in the faith and commitment of societies as reflected in the beliefs and values of individuals." (1986: p. 28). It is observed that principles for human rights and human security issues are included in different religious scriptures or revelation especially in the monotheistic traditions of Jews, Muslims and Christians. As Ricardo Antoncich observes that human rights are ensured through the belief in a transcendental God as irrational and illogical worshipping can be avoided by this way (1983, p. 56).

Another point should be clear that faith does not mean only faith in God. The religious tradition of Buddhism does not clearly acknowledge God but it has a role of faith also. It is now argued that the faith of Buddha strongly influenced history and individual life of human being although its faith does not move round God but of the Universe.

Martin Luther King also mentions about the power of faith, which can ensure freedom, justice, cooperation, love, mutual understanding etc. and he describes faith as a "Hindu-Muslim-Christian-Jewish-Buddhist belief about ultimate reality." (1986, p. 242).

Common Ideals in Different Religions

Although the religious faith has a significant role regarding the issues of human security and human rights the major religions in the world especially in the Arab and the Asian region differ a lot from each other. Hinduism has many beliefs and Gods whereas Islam, Judaism and Christianity are monotheistic. On the other hand, the purpose of Buddhism is to bring enlightenment to the earth instead of submission to God. Their prophets and founders are different. Every religious tradition has its own practising or praying system. In spite of the differences among the religions we have to look for common ideals of different religious traditions especially in relation to human security and human rights issues.

In Hinduism, there are some general duties to be performed by different sects, which are Steadfastness, Forgiveness, Application, Non-stealing, Cleanliness, and Restraint on the sense organs, Wisdom, Learning, Truth, and Freedom from anger. Besides these, Ahimsa (Non-violence), Satya (Truth), Asteya (Non-stealing), Brahmacharya (Celibacy, Aparigraha (Non-attachemnt) were recognized as the most basic virtues or duties that a Hindu must practice in all dealings of his life. Ahimsa negatively refers to abstention from injury or harm to any living being in any form, but positively, it refers the virtues of love, kindness and compassion towards all beings. Satya refers to abstention from telling a lie or speaking cruel and abusive language. Asteya implies abstention from taking away anybody's property without his consent. Taking undue profit in business, restraining someone from earning the gains of his legitimate rights etc., all come under stealing and they must be avoided. Brahmacharya refers to a life of purity, celibacy, non-adultery etc. Aparigraha is a general attitude of non-attachment towards worldly objects. We have seen that attachment towards worldly objects is at the root of all vices according to Hinduism and therefore it must be avoided. Thus Hinduism, in general, emphasizes the virtues of love, kindness, compassion, truth, purity, celibacy, self-restraint, non-attachment etc. as virtues to be inculcated and cultivated (Tiwari, 1987, pp. 33-34).

Buddhism is basically a humanistic religion and a practical religion of pure ethical discipline. For this reason it is always against such kind of human actions, which are antagonistic to human security and human rights issues and some of its important ideals are given below.

On Toleration

Buddha always dislikes anger and he prefers tolerance against anger and this is one of his great qualities as he asks his disciples:

> "If others speak against me, or against my religion, or against the Sangha there is no reason why you should be angry, discontented or displeased with them. If you are so, you will not only bring yourselves into danger of spiritual loss, but you will not be able to judge whether what they say is correct or not."(Barua, 2004, p. 24).

Respect to other religions

The Buddhist King Ashoka's respect and support to every religion during his time is well known. His tolerance towards other religions was very significant. One scripts engraved in the stone on Ashoka's pillar which still stands today says:

> "One should not honour only one's religion and condemn the religion of others, but one should honour other's religions for this or that reason." (Barua, 2004, p. 28)

Non-violence and peace

Buddha was one of the earliest and foremost advocates of non-violence which is called ahimsa in Sanskrit. So he says, "Hatred never ceases through hatred in this world; through love alone it ceases. This is an eternal law". (Barua, 2004, p. 6).

Freedom

Buddha also understands the significance of the ideal of freedom as a natural birth right of human being. This is reflected in his famous maxim:

> "All that is subject to another man's or woman's will is pain, all that is self-willed is ease." (Barua, 2004, p. 16.)

Judaism is primarily an ethical religion prescribing moral rules of conduct and a way of life–of justice, mercy, humility, modesty, etc. According to this religious tradition, the world is not to be treated as a place of scorn and lamentation; rather it is to be taken as a working ground for righteousness, justice etc. In the form of his existence on earth, man has got an

opportunity to lead a life of righteousness and serve the purpose of God. Judaism asks men to avoid the actions God hates which are pride or arrogance, lying, shedding innocent blood, devising wicked plots, creating mischief, presenting false witness and sowing the seed of misunderstanding amongst brethren (Tiwari, 1987, pp. 124-125).

In Christianity all human beings are treated equally and given high esteem as beings of the equal worth as proclaims the Genesis, the first book of the Bible:

> "So God created humankind in his image, in the image of God he created them; male and female he created them." (Genesis 1: 27 NRSV)

So to scorn, brutalize, murder, impoverish, silence, or cause another human to starve, is to insult, betray, and crucify God. According to St. Paul, a true Christian has a duty to his God, other human beings in the society and to himself. And for this reason, he must follow nine virtues i.e., love, joy and peace in relation to God; patience, kindness and goodness in relation to others; and faithfulness, gentleness, and self-control in relation to oneself. As some negative injunctions, Christianity imposes some prohibitions from murder, adultery, stealing, false witness and greediness (Tiwari, 1987, p. 147).

According to Islamic religious tradition, the actions, which are clear threats to human security and human rights are prohibited and the actions, which are helpful for ensuring human security and human rights are encouraged in its religious scriptures or ideals. Some of these are given below:

Right to Life

> "Because of that We ordained for the children of Israel that if anyone killed a person not in retaliation of murder, or (and) to spread mischief in the land–it would be as if he killed all mankind, and if anyone saved a life, it would be as if he saved the life of all mankind…" (The Qur'an, 5: 32)

Right to protection of property

> "And eat up not one another's property unjustly, nor give bribery to the rulers that you may knowingly eat up a part of the property of others sinfully." (The Qur'an, 2: 188)

Right of Minorities

"There is no compulsion in religion" (The Qur'an, 2: 256)

Against Terrorism

"The way (of blame) is only against those who oppress men and rebel in the earth without justification; for such there will be a painful torment." (The Qur'an, 42: 42)

Right to justice

"Verily! Allah commands that you should render back the trusts to those to whom they are due; and that when you judge between men, you judge with justice. Verily, how excellent is the teaching which He (Allah) gives you! Truly, Allah is Ever All-Hearer, All-Seer" (The Qur'an, 4: 58)

Right to Freedom of Religion

"To you be your religion, and to me my religion" (The Qur'an, 109: 6)

Right to Freedom of Belief, Thought and Speech

"And insult not those whom they (disbelievers) worship besides Allah, lest they insult Allah wrongfully without knowledge. Thus we have made fair-seeming to each people its own doings; then to their Lord is their return and he shall then inform them of all that they used to do." (The Qur'an, 6: 108)

Principle of Tolerance

"… and do not aggress; GOD dislikes the aggressors." (The Qur'an 5:87)

"… You shall resort to pardon, advocate tolerance, and disregard the ignorant." (The Qur'an: 7:199)

Conclusion

Most of the people in the world have beliefs in religions although there is a degree of believing and practising religious ideals. It will not be an exaggeration to say that religions act as the determinants of human being's conduct, values, cultures, daily lives, habits and so on. There is no doubt

that huge differences prevail among religious ideals but we have to look for the common ideals. We all are aware that the present world especially Asia and Arab are facing serious problems regarding human security and human rights issues. It is also true that the occurrences, which are the threat to human security and human rights are done sometimes in the name of religion only. This is the critical problem that must be resolved. In fact, these occurrences are done for the interest of vested quarters. By doing these kinds of activities they are doing harm to religions also. On the contrary, we observe that all major religious ideals strongly oppose such kind of activities, which are clearly menacing to human security and human rights issues. We find very common views regarding the issues of human security and human rights in the ideals, principles or the scriptures of Hinduism, Buddhism, Judaism, Christianity and Islam. The purpose of maximum religious traditions is to secure hereafter life, which must come to every individual. So to ensure prosperous, desired and happy life after resurrection one cannot do any chaotic activities threatening to human security and human rights. If everyone consciously remembers this point and acts accordingly, all problems can be hopefully resolved.

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The Bible

The Qur'an

PART III

Comparative Models of Democracy

Reflections on Democratic Thoughts in the Modernization of Japan:
From the Mid-19th Century to the Present

Naoshi Yamawaki

The modern history of Japan, which began with the Meiji Restoration, shows quite a different figure from other Asian countries. It is a really important theme how to evaluate the democracy in modern Japan, especially in consideration of its relationship to Asia. Starting from this concern, this paper aims at reflecting on democratic thoughts, which were developed in the modernization of Japan since the mid-19th century to the present time.

I would like to deal with this theme in three stages.

First Stage: The Movement for Freedom and People's Rights from the 1870s until the 1880s

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First, I will discuss the so-called Movement for Freedom and People's Rights from the 1870s until the 1880s.

As is widely known, Japan's modernization began with the Meiji Restoration(明治維新) in 1868 when the New Emperor replaced the Tokugawa Shogun ate, the feudal status was abolished and the new construction of an integrated national polity started. It should be stressed on that this restoration was not a coup d' etat but a quasi revolution by the corporation of upper and lower samurais who wished to change the Japanese system as a whole and to cope with Western great powers since the 1850s. In this process, I would like to direct my attention to a Neo-Confucian public philosopher who exercised an intellectual influence on this movement, i.e. Yokoi Shonan (横井小楠, 1809-1869).

After Commodore Matthew Perry of the United States arrived in Japan suddenly in 1852, there was a hot debate between Samurai on whether to

open the country and to trade with foreign countries or to battle with foreigners and to keep national isolation. Then, Shonan converted from the latter position to the former based upon a Neo Confucian thought, "Universal or Transversal Public Principle (Logos) of Heaven and Earth"(天地公共の實理). According to him, this principle has a universal or transversal validity to distinguish between decent and indecent countries. On the international level, Shonan approved of opening Japanese country, because America and other Western countries could be regarded as more decent countries than Japan. On the domestic level, he considered that the ultimate legitimacy of politics lies in the public discussion of people(公論, 公議) and Japan should become more virtuous country by it.

Although he was assassinated by chauvinists who mistook him for a Christian, his political thought exercised a great influence through his disciple Kimimasa Yuri(由利公正 1829-1909) on the Five-Article Oath (五箇條のご誓文) of 1868. This encouraged the public discussion and the equality of Japanese nation as follows.

> 1. Deliberative assemblies shall be widely established and all the matters decided by public discussion. 2. All classes, high and law, shall unite in vigorously carrying out the administration of affaires of state. 3. The common people, no less than civil and military officials shall each be allowed to pursue their own calling so that there may be no discontent. 4. Evil customs of the past shall be broken off and everything based upon the just law of nature. 5. Knowledge shall be sought throughout the world so as to strengthen the foundations of imperial rule.

Indeed, it was against the background of these articles that the so-called Movement for Freedom and People's Right (自由民權運動) occurred from the 1870s till the 1880s. This movement achieved to establish some modern political systems such as parliamentary government. As for the political philosophy, the important works of J.S. Mill and J.J. Rousseau were translated and introduced by the representative thinkers in this Movement. Nakamura Masanao (中村正直, 1832-1891) who started his career as a Confucian and converted to a Christian after studying in England translated "On Liberty" of J. S. Mill into Japanese and encouraged young students to participate in this Movement. Nakae Chomin(中江兆民, 1847-1901) who studied in France translated "Contrat social" into Japanese and urged on the government the radical right of people. In my view, his

thought was influenced not only by Rousseau but by Mencius.

This democratic movement resulted, however, in a frustration because the Meiji Constitution, which was modeled after the Prussian Constitution and promulgated in 1889, declared the imperial (emperor's) sovereignty. Although this Constitution endorsed some modern political systems such as parliamentary government and plural party systems which can be regarded as outcomes of the Movement, there is no denying that it brought the first stage of democracy in Japan to an end. After that, the nationalistic as well as expansionist tendency became stronger and stronger in order to cope with European Powers of those days. Even the liberal enlightened thinkers began to be involved in this tendency. To clarify this tendency, I would like to illustrate the case of Fukuzawa Yukich (福澤諭吉, 1835-1901), who was one of the most famous modern enlightened thinkers in Japan.

Fukuzawa was of the opinion that the independence of each individual as a private person would enable a nation-state to be independent. Fukuzawa's concepts represented the liberal-nationalistic way of thinking that prevailed in Japan during this time. His social thought was characterized in the slogan he advocated in 1885 after the breakdown of the revolutionary project led by Kim Ok-kyun 金玉均 in Korea: "Let's leave Asia (for Europe) 脱亞論. This was, in fact, a very ironic statement because the Europe of this time period knew no substantial public space beyond the limits of each nation-state. As a matter of fact, Fukuzawa intended to establish a state-sovereignty in Japan that would be just as strong as that seen in European Powers. He proposed that the Japanese nation should attain independence via the independence of its (一身獨立一國獨立) individuals, but he showed at least after 1885 little interest in the other Asian countries and much more interest in the promotion of Japanese power. Consequently, his thoughts on enlightenments did not offer the Japanese people any critical viewpoint against the colonialist behavior of the Japanese state in China from 1895 and in Korea from 1910.

Second Stage: Taisho Democracy from 1912 to 1926

The second stage of democracy flourished mainly in Taisho era (大正時代, 1912-26) and therefore is called "Taisho Democracy". Thanks to Anglo-Japanese Alliance (1902-22), Japan in this Era could share the victory of The First World War with other great powers. It must not be for-

gotten; however, that Taisho Democracy has developed in the context of the imperial Japan, for Japan in those days has taking colonial control of Taiwan since 1895 and Korea since 1910. Japan was really an Empire in East Asia then. On the domestic level, the important political outcomes of Taisho Democracy were the Party Cabinet since 1918 and the establishment of universal male suffrage in 1925.

The most famous democratic thought in this era was represented by Yoshino Sakuzo (吉野作造, 1878-1933) at the University of Tokyo, who was a Christian and quasi- Hegelian thinker. He advocated in 1916 the idea of constitutional politics and political systems "rooted in the people (民本主義, Minponshugi) instead of the term of democracy (民主主義, Minshushugi), which could be associated with Rousseau's theory of general will. According to him, the former is compatible both with monarchism and republic, though the latter is compatible only with republic. Like Hegel's "Philosophy of Rights", Yoshino attached much importance to the role of professional policy makers such as governmental officials and political parties entrusted by the Japanese People.

On the international level too, Yoshino, in a quasi-Hegelian view of history, considered the victory of Japan over Russia as well as the revolution of China in 1911 as a victory of freedom over despotism. He studied intensively the modern history of China, especially focusing on revolutions, and tried to even vindicate the protest movement of Chinese students against Feudalism and Japanese Imperialism broken out 4. May 1919, because it aimed for freedom and Minponshugi (民本主義).

Regarding the Japanese colonial policy in Korea since 1910, he was not so radical to claim to abolish it, and indeed that was obviously one of his limits, but he was very critical of the assimilation policy in those days which ignored the cultural identity of Korean nation.

The democratic thought of the Taisho Era was also represented by an economic philosopher Fukuda Tokuzo (福田德三, 1874-1930) who introduced the German Historical School of economics in Japan. Fukuda's thought on public space stressed the importance of social movement against the government for the right of the individual to exist in the well-being. This liberal-democratic thought of Yoshino and Fukuda were, however, frustrated in the 1930s, in which Japan made a mad dash for invasion into China. The democracy was changed into a kind of Fascism in which liberal interpretation of Meiji Constitution was suppressed and Emperor's despotism became more and more dominant.

As for the thought about the relationship to Asia during this time peri-

od, there were a few Japanese thinkers such as Miyazaki Toten (宮崎滔天, 1871-1922),who advocated a solidarity against Western colonialism with revolutionary China and admired by Yoshino, and Tachibana Shiraki (橘 樸, 1881-1945), who advocated the inter-social solidarity among communities in China and Japan. But they exercised only a minimal influence on the Japanese nation. Instead, the ultra-nationalistic tendency grew in increments to such an extent that the Japanese government established the puppet-state of Manchukuo and allied itself with Nazi-Germany. In this situation, nothing was so deceptive as the ideology of "The Greater East Asia Co-Prosperity Sphere(大東亞共榮圈)" put forward by Japanese government in 1940, because the reality in East Asia was by no means of the co-prosperous nature. Rather, it was merely imperialistic in nature as evidenced by the policy by which Japan forced East Asian peoples to speak Japanese in their countries' schools. In addition, the ideology of the "overcoming of modernity," i.e. Western individualism, liberalism and capitalism advocated in 1942 by some Japanese intellectuals, was based on the total negligence of imperialistic behavior of Japan in Asian countries.

In this context, I feel obliged to mention one Japanese first-class-scholar on Islam; Okawa Shumei(大川周明, 1886-1957). Indeed, it is just by Okawa that the Islamic thoughts were introduced in modern Japan. He translated Koran into Japanese and published an introductory book about Islam. Unfortunately, however, he was so captured by the nationalism that his sympathy with Asian thought and antipathy to Western colonialism did not lead him to the solidarity with other Asian people but to a Japan-centric expansionism. As a result, he was charged with war crimes after the Second World War. It is a great pity that he could not develop his knowledge on Islam in a more cosmopolitan way.

Third Stage: Post-war Democracy and Democratic Thought since 15 August 1945

Lastly, I will discuss the significance and limits of the post-war democracy in Japan. With the new constitution promulgated in 1947, which declares that sovereign power lies with the Japanese peoples and guarantees civil rights including social rights, Japan became a democratic country. The status of Emperor was downgraded to a symbol of the state. It would be important here to note what the preamble to this new constitution declares.

> We, the Japanese people, desire peace for all time and are deeply conscious of the high ideals controlling human relationship, and we have determined to preserve our security and existence, trusting in justice and faith of the peace-loving peoples of the world. We desire to occupy an honored place in an international society striving for the preservation of peace, and the banishment of tyranny and slavery oppressions and intolerance for all time from the earth We recognize that all peoples of the world have the right to live in peace, free from fear and want.

The radical democratic thought, which emphasized the new mentality as a Japanese citizen or nation, became influential. In my view, the most important thinker among them were Nanbara Shigeru (南原繁 1889-1974) and Maruyama Masao (丸山眞男 1914-1996).

Nanbara was the first president of the University of Tokyo in postwar Japan and strongly influenced by Christianity as well as Kant und Fichte. As a Kantian Christian, he believed the ultimate purpose of politics is the realization of truth, good and beauty. Against the totalitarian interpretation, he vindicated Fichte as a cultural nationalist of resistance. According to him, the democratic nation must rest on the independence of each individual and pursue freedom and peace and the post war Japan should become an ethical nation with high cultural ideals. Though he was critical of Marxism, which had been very influential in postwar Japan, he emphasized the importance of social rights and justice of the people. In this sense, he was a social democrat. As for the international relations, Nanbara maintained that Japan should play an independent role for the world peace. With this thought, he was against San Francisco Peace Treaty signed mainly with Western countries in 1951 and instead maintained the peace treaty with all belligerent nations including China, India, The Soviet Union etc.

Maruyama, who was a disciple of Nanbara, exercised more influence on the young people than his teacher. Influenced not only by Kant, but also by Hegel, Marx, Tocqueville and even Fukuzawa, he radically criticized the mentality of Japanese Ultra-statism and enthusiastically advanced his democratic thought. According to him, the prewar political system, which led Japan to the Second World War, can be called the "system of irresponsibility" and therefore it is very important for the postwar Japanese people to combine the radical individualism with the radical democracy, which should be regarded as an unfinished task. In my view, Maruyama's democratic thought was similar to Habermasian deliberative democracy. But unlike Habermas, Maruyama attached much importance to cultivating a

sound nationalism, which is compatible with individualism and democracy. He considered that the Ultra-statism in prewar Japan had occurred because the development of sound nationalism had been frustrated.

I highly appreciate both Nanbara and Maruyama especially because their heritage was ignored more and more and even attacked by unsound nationalists now in Japan. For all that, I cannot but point out that their democratic thought has a kind of limitations, i.e. the neglect of Asia, which began with the idea of Yukichi Fukuzawa as was mentioned above. As a matter of fact, Maruyama seems to have overestimated Fukuzawa's enlightenment thought.

Concluding Remark

In this way, the development of democratic thoughts in modern Japan showed three stages, which were closely connected with each political and historical circumstance. Based upon this reflection, I think it is a desideratum for the Japanese people and intellectuals to construct the transnational democratic public space together with the other Asian countries.

The situation of Western Europe after the Second World War has greatly changed. The nightmare and trauma of two World Wars forced European statesmen and people particularly in Germany and France to construct a public space that would go beyond the level of nation-state. Though the future of EU still remains to be seen, the transformation of public from the national to transnational public space continues to take place in today's Europe.

To be sure, it would be difficult and even unnatural to copy EU model, which has the common background of civilization, in other countries. Indeed, the construction of the transnational democratic public space in Asia has proven to be a formidable task, in part due to the complex political situations in China and Korea caused by the Cold War. In my view, however, the serious problem lies within the postwar Japanese government, which made it a rule to follow the international policies of the United States of America uncritically. Japanese intellectuals, too, are not without their faults as they have focused on the modernization of the individual as a nation and did not attach much importance to the problems of overcoming the history of modern Japan in Asia. This is why Japan, unlike Germany, has not yet acquired the trust of the Asian countries.

Facing these circumstances and faults, it is indispensable for Asian peo-

ple to conceive of the public space, which goes beyond the nation state and makes the trans-national democracy work especially in view of the contemporary unstable age of globalization. Nowadays, the economic globalism seems to become more and more dominant all over the world, and on the other hand, the anachronistic nationalism or ethnocentrism began to revive as seen in the new notorious textbook of Japanese history. To overcome such situations, we should co-memorize the different process of modernizations and open our common future.

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South Korean Democratization Revisited in Light of Western Experiences*

Jung In Kang

Introduction

Ever since Korea's liberation from the yoke of Japanese imperialism in 1945 and the subsequent division into North and South Korea in 1948, the goal of modernization in South Korea has been to promote economic development through industrialization, to establish democracy, and to build a modern nation-state through reunification. Looking back over the past sixty years, South Korea has made notable progress in terms of economic development and democratization, although there has been little progress on the reunification problem.

The last fifteen or more years, beginning with the June Uprising of 1987, can be judged to have been the most democratic period in Korea's contemporary history. During that time, Koreans witnessed four consecutive presidents elected through peaceful and reasonably fair elections. In 1993 Kim Young-sam was elected the first civilian president since 1961. The election of Kim Dae-jung as president in December of 1997 marked the first-ever peaceful transfer of government power to the opposition party. The Kim Dae-jung government was, on the whole, successful in overcoming the so-called IMF-crisis, which descended on Korea at the end of 1997, and placing Korea's journey to democracy on more stable ground. Finally, Roh Moo-hyun, a populist political leader, was elected in the historic 2002 election with his unprecedented use of the Internet in his campaign. Although Kim Dae-jung had to ally himself with conserva-

tive forces in order to get elected in the 1997 election, Ro Moo-hyun won the election even without allying himself with conservative political forces but solely through the support of democratic and some moderately radical political forces. Then, the general election, which was held in April of 2004 during the so-called turbulent "impeachment politics,"[1] was of no less historical significance than the presidential election in 2002. For conservative political forces, notably represented by the Grand National Party, this meant that the oppositional majority party had lost majority status for the first time since the foundation of the Republic of Korea in 1948. The ruling Uri Party which was determined to further democratization gained the majority seat, and the Democratic Labor (Minju Nodong) Party with social-democratic orientation emerged as the third party, pushing aside two important parties and entering the institutional sphere of politics triumphantly for the first time in Korean history as a party with an explicitly socialist cause. Thus, the last twenty years of democratization in Korea was characterized by the remarkable shrinking of conservative (authoritarian) forces, the phenomenal growth of liberal democratic forces, and the impressive stride of socialist forces represented by the Democratic Labor Party. Seen from this perspective, Korean democracy after democratization has recorded impressive gains during the last twenty years, albeit with some regrettable detours and crises, although some Korean scholars have diagnosed this as a "crisis of democracy."

Thus, Koreans should have felt proud of their successful transition to and consolidation of democracy. However, many Koreans remain greatly dissatisfied with the current state of democracy in Korea. Some demand further democratization, while others are turning away from a politics that is torn apart by perennial regionalism and factionalism. There are strong and deep disappointments from both democrats and conservatives in the pace of democratization for obviously opposite reasons. Besides, due to the neo-liberal reform drastically enforced by the Kim Dae-jung government and virtually put into force by the IMF, the numbers of unemployed and poor people have rapidly increased, and as a result, more people's lives have deteriorated under the so-called "democratic" governments since 1998 than before. Thus, contrary to pre-transitional expectations trust in the government has fallen dramatically in the last twenty years, in

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1. It was triggered by the conservative oppositional majority party, in alliance with other opposition parties, to try to pass a resolution for the impeachment of President Roh Moo-hyun in the National Assembly.

comparison with the preceding period of military authoritarian governments.

Comparing Korean and Western experience in this paper, I will reexamine first the democratic transition in the Republic of Korea over the half century since its inception along the theme of Eurocentrism,[2] then the problem of "democracy and trust," and finally the persistence of developmentalism in the form of neo-liberalism, which works against the deepening of democracy in post-transitional Korea.[3] This reexamination may prove valuable to other non-Western societies, including ex-communist countries that are still struggling for democracy, as well as Western countries that may wish to reexamine their past experience of democratization in light of non-Western societies like South Korea.

Democratization in Latecomer Countries under the Shadow of Eurocentrism

It should be noted that democratization in many non-Western countries, especially in the late twentieth century, differs from that of Western European countries, notably Britain and France. For, once some advanced Western nations established democracy as a hegemonic political system, they radically transformed the structural conditions of world politics, to which many latecomer countries had to adapt. This was true of the world after World War II, when allied democratic countries defeated the totalitarian regimes of the German Nazis, the Italian Fascists, and the Japanese militarists. It is all the more true since the collapse of many "socialist" regimes in 1989. Therefore, the characteristics of democratization in late-

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2. Eurocentrism as used in this paper consists of three general propositions. First, modern European civilization has reached the highest stage of development in the history of humankind (European superiority). Second, the developmental stages in European history are universally applicable to all human histories, applying not only to the West, but also to the rest (universalism and historicism). Third, non-European societies placed in lower stages of development in history can improve themselves only by emulating and accepting European civilization (Westernization/modernization thesis). Originally European civilization referred to that of Western Europe, but later extended to cover that of countries, including the U.S., Canada and so on, which have inherited and developed European civilization. See Kang (1999) for further discussion.

3. By the "deepening of democracy" I mean the broadening of people's participation in democratic decision-making and the increase in socio-economic equality.

comer countries in the last quarter of the twentieth century are necessarily different from those of "early-comer" countries in the West. I will trace these differences as found in the South Korean experience since 1945.

1. Teleological Change vs. Causal Change

The Western-oriented modernization that Korean society has undergone in the last 60 years has exhibited both causal and teleological changes.[4] Notable characteristics of the social transformations since Korea's incorporation into the Western-centered world order are that, like most non-Western countries, the necessity for change came from external pressure and dynamics, so that the change dictated was often opposed to, or premature for, Korea's own internal dynamics. Thus, the transformations inevitably exhibited more teleological characteristics in the sense that they were propelled more by externally defined imperatives than by any internal dynamics. Korea had to conform to goals imposed by the outside world, with advanced Western nations as models. Therefore, while the changes Western nations experienced historically were caused predominantly by internal dynamics and logic, those in Korean society have shown a dualistic nature, being both teleological and causal. This may well apply to other non-Western nations that have pursued Western-directed change.

However, one might plausibly raise the objection that such a difference is a matter of degree, not of kind. This point may be more applicable to some European nations, but not to most non-European countries in Asia and Africa. Partha Chatterjee, an Indian political theorist, has made a telling point with regard to the rise of nationalism in latecomer countries, which seems useful to our discussion of democratization. According to his argument, when Britain and France set the pace of progress in modern Europe, some other European nations might have felt that they were at a comparative disadvantage. Yet they might also have found that they were already culturally equipped to make the attempt necessary to overcome those deficiencies. However, many Eastern European countries and non-Western societies might have realized that they were far behind global standards. They were also aware that those standards came from an alien culture, and that their inherited cultures did not provide the necessary

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4. In this paper I define causal change as that in which the process determines the outcome, and teleological change as that in which the goal (telos) determines the process.

adaptive leverage for them to reach those standards of progress (Chatterjee 1986, 1-2). Chatterjee's insight applies to the modernization of non-Western societies in general, including capitalist industrialization, democratization, and nation-building. These countries have had to go through teleological change in order to make up for the absence of the necessary adaptive leverage.

The change that Western nations experienced presents itself to latecomer nations as the universal current in world history, further imposing itself upon them. That is to say, they have had to accommodate and emulate global changes–either industrialization or democratization–to catch up with Western nations. Thus, in order to examine the adaptive ability of non-Western nations like Korea, we need to distinguish between original and derivative democracies and note that the preconditions for their respective installations are different.[5]

Seen from this perspective, we need to understand that democratization in Korea is different from democratization in Western nations. If democratization in the latter has pristine characteristics, that in Korea has derivative ones. As a consequence, democratization in Korea had to proceed by assimilating Korean politics into the Western model. To make an analogy, Korea had to fit herself into the clothes of democracy, instead of fitting them onto herself. Thus, historically, "democratization" in Korea has gained more attention and emphasis than the "Korean-ization" of democracy. Let me elaborate this point further.

When democracy was established in the modern West–especially in Britain, France, and the United States–it was a conjunctural outcome of social, political, economic, and cultural variables, all of which were shaped and produced by the Renaissance, the Reformation, the Enlightenment, scientific revolutions, industrial capitalism, the English Civil War, the French Revolution, etc. As these countries have demonstrated their political legitimacy through intellectual and moral appeals as well as economic and military prowess in Europe, not only neighboring European nations, but also non-European nations have had to emulate them in order to survive intense international competition and to secure domestic and international political legitimacy.[6] That is, the emergence of democra-

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5. The following four paragraphs are drawn from Kang (1999, 323-325).

6. Consider the standard of civilization that was applied to and imposed upon non-Western nations in the nineteenth century (Gong 1984).

cy and its subsequent attainment of hegemony have drastically altered the conditions for establishing democracy not only in the rest of Europe but also in the rest of the world. This point becomes more persuasive after the end of World War II and even more compelling after the demise of socialism as a rival system to liberal democracy in the 1990s.

Therefore, once democracy was established as the hegemonic political system, latecomer nations could import it without repeating the specific historical experiences of the early democratic nations or satisfying the necessary conditions for democracy that were once required. Latecomers may also make use of the so-called "advantage of backwardness," although they have to confront and overcome their own diverse difficulties. In this context, it is also meaningful to discuss the "diffusion" or "demonstration" effects of modernization. As a latecomer nation consciously seeks to emulate an early-comer country, voluntaristic elements tend to become more pronounced and influential in its process of social change. Thus, teleological change plays a more dominant role than causal change in latecomer nations in comparison with Western nations. That is to say, if it took two or three hundred years for advanced Western nations to democratize themselves, as a matter of course, it would take less time for latecomer nations to do so.

Therefore, the distinction between teleological and causal changes leads us to the insight that the conventional approach to democracy, which posits efficient causes or preconditions for democracy on the basis of Western experience, does not readily fit into the Korean experience.[7] A notable example of this approach is class analysis. However, it is evident that Barrington Moore's famous thesis, "no bourgeoisie, no democracy," does not apply to Korean democratization, although it may to the British experience.

In opposition to the hegemonic bourgeois interpretation of history, however, some progressive Western scholars have persuasively argued that the role played by the working class was crucial to the evolution of Western democracies (Thompson 1963; Therborn 1977; Rueschemeyer et al. 1992). According to them, it was the strenuous struggles of working people that democratized liberal oligarchies in Britain and France. Class dynamics, i.e., struggles for political power between the ruling bour-

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7. However, as the recent consolidation of new democracies have shown, some preconditions such as the level of economic development or education of a given country have influenced the success of democratic consolidation.

geoisie and the working class, they argue, established democracy as a historical agenda and determined its trajectory. This interpretation might be useful in analyzing the democratization process of Korea. Thus, relying on the "authority" of Western scholars, some progressive Korean scholars have argued that the recent democratization in Korea was made possible by working class struggles for democracy, yet without offering any substantial evidence. An interpretation of Western history is substitute for the empirical analysis of Korean political reality.

Furthermore, we should note the differences in decisive events for democracy between Korea and Western nations. In the West, one such decisive event was the granting of universal suffrage. It was natural, then, that the working class, which had been excluded from politics, struggled for inclusion–under the name of universal suffrage–in the West. However, universal suffrage was given to the Korean people in 1948 when an independent government was established, without any struggles for it. Therefore, no class in Korea could claim credit for it. Critical for most non-Western nations, including former socialist ones, has been the holding of fair and open elections–and particularly for Korea, direct election of the president–which culminated in peaceful transitions of government. As in many non-Western nations, the perversion of elections, more than anything else, has blocked the proper working of democracy in Korea since independence. Thus, struggles for democracy in Korea have been primarily focused on the establishment and operation of fair and open elections.

Taking such contexts into consideration, we cannot overemphasize that Western theories and interpretations of democratization are not universal or consistently applicable to the Korean case. Nevertheless, due to their preoccupation with Western theories, some Korean scholars have sought to apply them to the Korean reality, even beyond the intent of Western scholars. In that process, they selectively edited out some features of Korean reality so as to force it into a Procrustean bed of Western theories instead of engaging them critically in light of Korean experiences.

2. Democracy and "Borrowed" (or "Unearned") Legitimacy

It is a paradox that lively ideological debates over the legitimation of democracy prevail in Western nations–where democracy appears stable and settled–while there are no such sustained debates in Korea. Should not the reverse be true? That is, should not people living in stable democratic nations take democracy for granted and thus feel less need to legit-

imize it? In contrast, should not intellectuals and politicians living in a country in which authoritarian tradition still remains strong and thus democracy is still fragile be more engaged in such debates, so that citizens and politicians accept democracy as a desirable and legitimate political system?

Deploring the paucity of political theory in Korea, many Korean intellectuals have been troubled by the question of why intellectual and ideological debates over the legitimacy and desirability of democracy remain scarce in a country like Korea where democracy has not yet been fully established. However, the question can be easily resolved by a simple and perhaps unexpected answer: because most Koreans have already agreed that democracy is a desirable political system. Although the general populace does not reflect on what democracy is and why it is a good system, they appear to accept it as desirable without hesitation, and are preoccupied with the question of how they can transplant it into Korea. This attitude is, of course, deeply intertwined with the preceding dis-cussion that change in Korea–for example, democratization–is of a teleological and derivative kind. In the eyes of Koreans, the desirability of democracy has been fully demonstrated by Western theories and further confirmed by the material affluence, freedom, and equality Western democratic nations have enjoyed thus far. Therefore, it would appear quite natural that Koreans should become preoccupied with the question of realizing democracy (the question of "how") rather than taking pains to follow Western debates about legitimating democracy (the question of "why"). Koreans in the catch-up process have been more concerned with the issue of speed or method–how (or how quickly) to arrive at the destination–than with the question of values and ideas–why the destination is good or desirable.

As a result, although Koreans make much of democracy, over the last 60 years it has enjoyed a derivative legitimacy rather than an original and internal one. Since liberation in 1945, liberal democracy in South Korea has been nothing more than a borrowed cultural mode which represented the seemingly ideal system of the United States, the liberator. Since it has been teleologically imposed rather than developed endogenously in Korean politics, and it depended upon unearned legitimacy, democracy, although being supported on the surface by people all over the country, was not able to take deep roots in the minds of politicians and people, as it could have through internalization deriving from active debates over its legitimacy. As a consequence, ideological and theoretical debates in Korea were inevitably poor in comparison with Western nations which have had

to legitimize and defend democracy continuously from the criticisms and attacks of both radical and conservative ideologies and forces, while pioneering new political ideas and ideals.

3. Too Much Idealization of Democratization in the West

Korean political and academic elites, like those of Western and non-Western nations, have hitherto shown a tendency to perceive their modernization experience as deviant and perverse, while idealizing modernization in the West as normal and natural. They often regard their democracy as deviant, their nationalism as perverse, their conservatism as abnormal, and their anticommunism as exceptional, thereby positing fundamental differences between Korea and the West. This perspective might well have played some useful function in the sense that it spurred Koreans to put more effort into emulating and catching up with the idealized Western model. But it also has some negative effects as they have internalized perennial self-contempt and self-humiliation deep in their minds. This attitude is derived partly from their uncritical acceptance of Eurocentrism, which often presents a doctored version of Western history, and partly from the comparison which Koreans themselves make between Korea's current transitional picture of democracy and the completed picture of Western democracy–a comparison which also makes Koreans all the more impatient and disappointed with their current state of affairs.

According to the Eurocentric interpretation of European history, democratization in Europe began relatively early and proceeded smoothly, steadily and peacefully, although there were regrettable exceptions of Fascism and Nazism in the interwar period. However, a brief review of political development in Europe indicates that democracy and political stability are not old and enduring characteristics of the European experience, but rather recent acquisitions. According to Sandra Halperin's persuasive observation, "[B]efore 1945, what had uncritically been accepted as democracy in Europe was a severely limited form of representative government that excluded the great majority of adults from participation" (Halperin 1997, 168). For instance, in 1910 only some 14 to 22 percent of the population was enfranchised in democratic countries such as Sweden, Switzerland, Great Britain, Belgium, Denmark, and the Netherlands. Thus, stable, full democracy is a recent phenomenon observable in parts of Western Europe only after 1945 (Halperin 1997, 168-169).

Until 1945, as in parts of the Third World today, European nations

experienced partial democratization and reversals of democratic rule. Political institutions in Europe were established by the elite for the purpose of preserving and extending their social and economic power. And they were continually compromised and undermined by efforts of the privileged strata to forestall the acquisition of power by subordinate groups and classes. Where liberal electoral politics were introduced, governments had difficulty in maintaining them for sustained periods of time (Halperin 1997, 26-27). Parliaments were dissolved whimsically, election results were often cancelled, and constitutions and democratic civil liberties were continually curtailed "by extralegal patronage systems, corruption, and violence" (Halperin 1997, 168). In most of Europe, socialist and communist parties did not become fully legitimate participants in the political process until after World War II (Halperin 1997, 182-187).

Finally, if we can interpret Fascism and Nazism not as aberrations from the European ideal of enlightenment, but as European colonialism brought home to Europe by countries that had been deprived of their overseas empire after World War I, then we might further suggest that the democracy enjoyed by some Western European countries in the interwar period might have been made possible in part by the existence of overseas colonies where many Europeans could find guiltless outlets for their anti-democratic passions and violence vis-a-vis local natives (Young 1990, 8).

However, when Western scholars projected their image upon the world, they devised a doctored version of democratization on the basis of a Eurocentric and teleological view of history, thereby presenting the world with an idealized picture of a smooth, unilinear, and consistent evolution of democracy in Western societies. Besides, Westerners who were caught in the midst of turbulent political upheavals in the nineteenth century could not actually attach a teleological character to their democratization process. That is to say, they did not have their final destination in full view, so they were not forced to perceive their transformation process as deviant and perverse. The same also applies to Westerners in the twentieth century who saw only their own history in a comfortable, idealized version.

As this version of history became orthodox in the West and diffused into many non-Western countries, Korean and Western scholars adopted unduly severe attitudes towards Korean democratization, evaluating it in light of the doctored historical version of Western democratization. To make an analogy, Westerners, as they did not have an idealized mirror of democratization, did not have to feel that they looked ugly and perverse

against that mirror. In contrast, non-Western people, as they looked at their experience reflected in the idealized mirror of Western democratization provided by Westerners, could not but feel ugly, and consequently internalized self-contempt ("After all, we cannot!"). However, as I indicated earlier, the idealized mirror played mutually contradictory functions. On the one hand, non-Western people were so enchanted with the idealized mirror that they were firmly determined to pursue democratization at any cost. On the other, the idealized mirror made their reality appear all the more shameful and wretched, so that democracy was often projected as an unattainable utopia beyond their reach. This can also make people in non-Western societies all the more cynical when democracy is finally attained, even if at an elementary level, for they have considered it as a panacea to all kinds of problems and soon find themselves disillusioned when they discover it is not.

Democracy and Trust in South Korea

The drastic decline in trust in government in the aftermath of the democratization of Korean politics since 1987 has been a baffling paradox. If we acknowledge democracy as the only viable form of government in the contemporary world in general, especially since the demise of socialist regimes, and consider the Korean people's long and strenuous struggles for democracy in particular, should not people's trust in the newly installed democratic governments prove to be much higher than that in the preceding military-authoritarian governments? However, such is not the case with Korea.

Korean people's trust in government has recently shown a drastic decline. According to the results of the World Value Survey, confidence and trust in the National Assembly fell from 70% to 15%, and confidence in government officials and the judiciary system fell from 80% to 45% in the twenty years between 1981, when the military government reigned, and 2001, when the democratic Kim Dae-jung government took the stage (quoted from Han 2003, 32). Trust in the government fell not only during the transitional period from military regime to democratic regime, but also during the period of democratic consolidation after 1987. For example, the average level of confidence in the government, including the National Assembly and the Judiciary, fell from 49.5% to 40.2% from 1996 to 2001. However, Korea is not exceptional in this regard. This

drastic decline in trust has been observed in other countries experiencing rapid political and economic changes, including former socialist regimes in Eastern Europe. For example, in the case of Poland, confidence in the parliament and the government, which had reached confidence levels ranging from highs of 85% to lows of 65% in the years between 1989 and 1993, fell to 20% in the late 1990s (Sztompka 1999).

Moreover, the decline of trust and confidence in institutions has been widely observed even in many affluent and democratic nations, such as the United States, countries in Western Europe, and Japan since 1960s. For example, about three quarters of Americans reported a sense of confidence in the U.S. government during the mid-1960s, but no more than a quarter of the people reported such confidence in the late 1990s (Nye, Zelikow and King 1997).

Even though we have witnessed a decline in trust, both in nascent democratic countries like Korea and Poland and in affluent and democratically mature countries such as the United States, the reasons for such declines are different, as each is located in a different political context. That is to say, there are different reasons for why the trust in government has become problematic. I would like to suggest the following three reasons for this difference.

First of all, while the concern for trust in Korea is closely associated with the problem of democratic consolidation after democratization, the problematization of trust in Western democratic nations has something to do with the task of filling the moral vacuum brought about by the decline of communal cultures and moral values. Thus, the point of departure for dealing with the problem of trust is different between the two. While Korea faces the task of building trust in government in the stage of democratic consolidation, Western nations are confronted with the task of filling the moral vacuum with trust as is shown in the recently burgeoning literature on social capital.

Second, debates over social capital, including trust in the West, is basically associated with the crisis of the welfare state since the 1980s. In the case of the United States, the concern over social capital has risen due to the "fear that models of social integration, civic engagement, and associational life, which once were taken for granted and suited industrial society rather well, are being strained by new forms of social diversity, institutional transformation, economic, scientific, and technological change" (Cohen 1999, 211). Thus Jean Cohen argues that "neither the centralized state nor the magic of the marketplace can offer effective, liberal, and democra-

tic solutions to the problems of 'post-industrial' civil societies in a context of globalization" (Cohen 1999, 211).

Moreover, neo-liberal reforms drastically carried out in many Western nations have led to the broadening of social inequality and an increase in unemployment since the 1980s. Thus, citizens in Western nations demanded that their governments increase their welfare budgets to cope with such problems. However, because these governments have been confronted with increasing fiscal deficits, a high inflation rate, and low economic growth rate, they have not been able to properly satisfy popular demands. As a result, citizens' distrust in government has deepened. Furthermore, as the overall subjective sense of well-being among citizens has deteriorated, the interpersonal trust in civil society has also declined. Thus, in order to solve the crisis of trust in society at large, the theory of social capital has been articulated as an alternative to the state and market.

However, this perspective, which seeks social capital as an alternative to the failure of the welfare state, does not hold in Korea, as the level of social welfare in Korea is too low to speak of the crisis of the welfare state. If we compare Korea with OECD countries in terms of the ratio of the total amount of social welfare budgets to the GDP in the period between 1990 and 1998, Korea's spending was less than a quarter of the OECD countries' average spending. Korea spent only 5.2%, while the average spending of the OECD countries amounted to 22.5% (Park 2003, 13). Thus, the theory of social capital which was presented as an alternative for coping with the failure of the welfare state in the West does not have much relevance to the Korean context.

Third, even if both Korea and Western nations are concerned with the decline of trust in government, the crucial reasons for this decline are radically different. Of course, the problem of trust in Western societies has much to do with the decline of confidence in government as in Korea. However, as Joseph Nye points out, a certain amount of vigilance and skepticism towards the government keeps democracy healthy. The increased distrust in government in Western societies has come from people's inflated expectations for the government following World War II, the adversarial culture of the mass media, and the widespread diffusion of post-materialist values of challenging authority, etc., rather than from governmental incompetence and corruption (Nye and Zelikow 1997, 268).

In contrast, the situation in Korea is quite different. When we define corruption simply as the abuse of public power for private gain, corrup-

tion, especially in the form of cronyism, has been widely pervasive in the public realm, which in turn has led to the strong distrust of institutions. The popular perception of corruption has not even diminished during the period of democratization between 1995 and 2002 (Park 2003, 14-15). Hence, distrust of institutions in Korea is qualitatively different from that in advanced Western nations. That is, while the decline of confidence in advanced Western democracies has been caused by the governmental inability to match citizens' higher expectations, the strong distrust of the Korean government has been brought about by the popular perception that the government does not have the capacity to deal with problems nor even the qualifications for doing so.

Even if all these differences are presented and understood, I still think that the successive Korean democratic governments since the beginning of democratization in 1987 have been, overall, more legitimate, less corrupt and more social welfare-oriented than the preceding military regimes. One clear piece of evidence is the fact that there have been no serious student demonstrations, labor unrests or popular rebellions since 1987 which were strong enough to challenge the legitimacy of the government and topple the government.[8]

Then, we need to investigate the different reasons for the decline of trust in government in nascent democracies such as Korea. I would like to present three different plausible interpretations. First, the progress of democratization may hamper the objective performance of political institutions, which in turn can lead to the decline in trust and confidence. When democratic government engineers institutional reform, such reform triggers stubborn resistance by vested interests and brings about unexpected confusion and turmoil with the abolition of long-time routines, so that the performance of various institutions is likely to decline temporarily. Besides, if democratic reform is carried out in various spheres simultaneously, the performance of political institutions will rapidly deteriorate, which may in turn cause the drastic decline of confidence in government.

Second, it is plausible to suppose that previously misplaced confidence in government may now be withdrawn, as democratization proceeds. If democracy is a political system which institutionalizes distrust in order for the people to monitor and control government, then authoritarianism is a regime which admits no distrust in or doubt about government. This

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8. One significant exception was the May Struggles under the Roh Tae-woo government in 1991.

is why the freedom of the press is so tightly muzzled under authoritarian governments. However, in the turbulent process of democratization, all the suppressed information and opinions erupt violently and circulate widely among the people. Also, information about irregularities and problems of various institutions become widely known and publicly criticized. As a consequence, people begin to withdraw their previously misplaced or inflated confidence in various institutions that existed under the authoritarian governments. Based on this explanation, the decline in confidence in political institutions does not reflect the problematic performance of the current democratic institutions so much as the process of rectifying previous wrongs.

Third, popular aspirations and expectations in the process of democratization expand rapidly so as to outmatch actual improvement of the objective reality or actual institutional reform, so that people's dissatisfaction rises and their distrust in political institutions subsequently increases. This explanation is similar to the relative deprivation theory, a social psychological theory of revolution. The third explanation is distinguished from the first in that the performance of political institutions have improved objectively but not enough to match inflated popular expectation in the third, while the inferior performance of political institutions itself works as the cause for the decline of trust in the first. All three factors may work simultaneously to cause the decline of confidence in government.

The Persistence of Developmentalism

Developmentalism has been widely diffused throughout newly independent countries since Former U.S. President Harry Truman's announcement of the Four Point Program in January 1949 after World War II. Under American influence, South Korea's military regimes, beginning with Park Chung-hee, ardently pursued developmentalism in order to secure economic superiority over North Korea, and they did so with stunning success. Developmentalism in Korea, however, has gone through a subtle transformation since the beginning of democratization. I will elaborate upon this point in three ways. First, if we understand developmentalism, on a more fundamental level, as an ideology to justify quantitative growth–sometimes the balanced harmony of growth and distribution in social democratic governments–it can be seen as an ideology that no mod-

ern states have been able to escape, whether they are capitalist or socialist, and whether they are advanced Western nations including Japan or non-Western developing nations. Regardless of the economic system, all political forces within countries, whether progressive or conservative, have been captivated by it, albeit with some differences in degree. Perhaps one of the most notable indicators of the idea of progress, which was a fundamental element of the Enlightenment, has been quantitative growth of the economy. This insight also indicates that developmentalism would remain a strong ideology, capturing Korean governments even after democratization, albeit with some transformation in its short-term strategies and goals. Thus, the Roh Moo-hyun government which has not hesitated to lavish the most progressive rhetoric of any of the Korean administrations, has had to proclaim the goal of having Korea achieve a $20,000 per capita income and thereby joining the club of affluent nations. In this sense, the Roh Moo-hyun government is no exception to the preceding governments. Second, while developmentalism was previously implemented as a mode of playing catch-up in competition with other developing nations, it has now been called for as a strategy to enter the club of affluent nations in competition with the latter. As a result of impressive economic growth in the last four decades, Korea's economic competitors have now changed. Of course, signs of change were noticeable even in the early 1980s, when the Chun Doo-hwan military government reigned. President Chun adopted significant changes in economic policy, emphasizing an "open and autonomous economy" in order to accommodate Western pressures to open up the market, thereby switching from "protective" to "open" developmentalism. The subsequent Roh Tae-woo government also sought to maintain growth-oriented developmentalism, stressing stability over reform. In this case, "stability" was another word for adhering to the previous policy of growth-oriented developmentalism.

Third, this trend toward open developmentalism became more pronounced under the Kim Young-sam government in the early 1990s. The Kim government proclaimed and circulated widely the so-called segyehwa (globalization) policy, announcing its slogan of "strengthening national competitiveness" through internationalization and openness, in order to cope with the global diffusion of neo-liberalism. The Kim government then sought to introduce a drastic neo-liberal transformation of the economy through restructuring industry, liberalizing the financial sector, opening up the economy to free trade, and redefining the role of the state vis-a-vis the market. However, the ill-prepared loosening of financial control

over the economy in combination with other factors brought Korea into the 1997 financial crisis, which resulted in a request for a bailout from the IMF. The Former President Kim Dae-jung, who was elected at the height of the economic crisis in December 1997, had to implement a full-scale, neo-liberal structural adjustment package under the close scrutiny of the IMF. Even though the economic crisis was resolved overall with economic growth recovered in a few years, the side effects, which included massive job losses, reduced employment security, and falling household incomes with widening income disparities, have produced widespread socioeconomic discontent and the subsequently remarkable decline of confidence in government.[9] The neo-liberal economic reform symbolizing transparency, efficiency, and competitiveness was carried out in return for political reform, such as the liquidation of undemocratic elements left over from authoritarian days under the Kim Young-sam government, as well as for so-called "productive welfare," such as the National Basic Livelihood Security Act under the Kim Dae-jung government. Judging from this situation, the successive governments installed after democratization in Korea had to adapt themselves to the structural pressures of global neo-liberalism, whether they were progressive or conservative. Thus, even governments such as the Kim Dae-jung and Roh Moo-hyun administrations, which are considered progressive in the Korean political terrain, have had to carry out neo-liberal economic policies which have overall conservative implications. Despite these conservative implications, however, neo-liberal economic reform policies have been accepted by the general populace without any strong resistance for two reasons. First, it was implemented by two popular presidents, Kim Young-sam and Kim Dae-jung, who had long records of democratic struggles under the military regimes, thus securing their political legitimacy. Second, many Koreans including *chaebol* (large conglomerates) acknowledged the necessity of economic reform to straighten out past perversions and enhance market rationality.

Taking into consideration what has been examined so far, developmentalism in the form of neo-liberalism has been applied even in the democratic era in order to legitimate the delay or reservation of social democrati-

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9. According to the statistics released by the National Tax Service in 2004, the number of households belonging to the highest income group earning more than 500 million won (US$500,000) a year increased 15.8% in 2003, while the number of households belonging to the lowest income group earning less than 10 million won (US$10,000) a year increased 9.9% (*Yonhap News*, January 19, 2004).

zation, while it was mobilized to suppress or postpone political democracy during the preceding military regimes. In other words, underlying the "total crisis" diagnosed by the Roh Tae-woo government, the "strengthening of national competitiveness" stressed by the Kim Young-sam government, and the drastic neo-liberal structural adjustment policies carried out by the Kim Dae-jung government, was the criticism of the soaring labor disputes and subsequently inflated wages in the post-transition period as being the primary source of economic crisis. However, as pointed out earlier, the neo-liberal reform policies, a kind of refurbished developmentalism, have destroyed employment security for many workers and driven not only part-time but also full-time workers to lower wages, with the result of widening economic inequality, as the previous form of developmentalism had done in the pre-transition days.

Reflecting over the development of citizenship, the eminent English sociologist T. H. Marshall once distinguished between the civil, political, and social dimensions of citizenship to explain how European societies successfully tackled these dimensions one after the other. According to Marshall's simplified scheme, the eighteenth century witnessed major battles for the institution of civil citizenship–that is, individual freedom and rights as dramatically declared in the American and French Revolutions. In the course of the nineteenth century, it was the political aspect of citizenship, that is, the right of citizens to participate in the exercise of political power, that made major strides as the right to vote was extended to ever–larger groups. Finally, the rise of the welfare state in the twentieth century extended the concept of citizenship to the social and economic sphere by recognizing the minimal conditions of education, health, economic well-being, and security as essential to the meaningful exercise of the civil and political attributes of citizenship (Marshall 1965, chap. 4).[10] According to this sequence, political democracy was first secured, and then socio-economic democracy was gradually realized with the diffusion of social democratic or welfare state ideals in the West. In the case of Korea, democratization since 1987 was primarily directed at securing the civil and political aspects of citizenship. As the latecomer countries experience more compressed development, Korean politics was about to enter

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10. Having witnessed the rise and diffusion of globally fashionable neo-liberal economic reform as the backlash against the welfare state and the reaction to the weakening of progressive forces after the demise of communist regimes worldwide since the late twentieth century, Marshall's scheme seems to have been overly optimistic.

the third phase of citizenship, although the preceding two tasks had not yet been completed.

However, the neo-liberal reform, which has been implemented on a full scale since 1998, has cast a dark shadow upon the socio-economic democratization of Korea. While advanced Western nations have been experiencing the erosion of social democracy hitherto attained with the onslaught of global neo-liberalism, symbolized by the "20 versus 80 society," Korea has been confronted with this tide even before making any significant progress in social democracy. That is to say, the economic role of the state should have naturally been extended to assume the function of redistribution in Korea. However, the state in Korea has been forced to carry out the task of diminishing its role to help promote the international competitiveness of its domestic firms. This strategy has been naturally accompanied by some measures to maximize market autonomy to expand the free activity of capital. However, such measures are sure to produce many side effects in Korea, where the market, which had been distorted for a long time due to the state-led economic development strategy, has not been properly reformed. Of course, it should not be denied that a series of neo-liberal reform measures taken under the Kim Dae-jung government has made significant contributions to the enhancement of the rationality of market economy and the transparency of business corporations. However, when a *chaebol*-dominant economic structure, that is, a seriously unequal and asymmetrical economic structure has not been reformed in the direction of relative equality and symmetry, the guarantee and extension of market autonomy can only lead to the deepening of socio-economic inequality, which is already serious to say the least.

Putting all this together, the economic reform implemented by post-transitional Korean governments to cope with the pressures of global neo-liberalism is only a transformation from state-led developmentalism to a market-oriented one. The progressive social democratic parties or welfare-oriented parties in the West have pursued the so-called "Third Way," adjusting their party programs to accommodate the demand of neo-liberalism to a certain degree and, at the same time, to prevent the complete dismantling of the welfare state. The same global situation has also forced the relatively progressive governments of Kim Dae-jung and Roh Moo-hyun to implement neo-liberal reform without any corresponding redistributive measures for workers and the poor. Under such structural constraints of global neo-liberalism, it is not easy to estimate how much discretionary space is available for a Korean progressive government to

maneuver in. However, at present those conservative forces which espouse free market liberalism with their entrenchments in business, mass media, and academic and research institutes have called for the implementation of more thorough neo-liberal reform, criticizing the Roh government for being "leftist." Thus, the Roh Moo-hyun government has been under heavy cross fire, being simultaneously criticized for being too conservative by progressives and for being leftist by conservatives. Just as the Cold War had worked as a stumbling block to political democracy in pre-transition Korea, so has global neo-liberalism now posed itself as a chief obstacle in Korea's journey to social democracy. But there is no such thing as a free lunch. Western nations historically paid their own dues to achieve their present level as welfare states, fighting strenuous uphill battles and over-coming all kinds of difficulties. It is now Korea's turn to pioneer its own road to social democracy by transforming this stumbling block into a stepping stone.

Concluding Remarks

Thus far I have presented some reflections on the nature of democratization in South Korea along the theme of Eurocentrism, democracy and trust, and the persistence of developmentalism. Acknowledging that as of the year 2005, the reality of Korean democracy does not correspond fully to the democratic ideal or the advanced democracies of the West, it is nevertheless quite encouraging. This is especially true if one considers that it has taken more than two hundred years for the West to evolve its currently existing democracies. It follows then that the anguish of Korean democrats in the early twenty-first century is not much different from that of their Western counterparts. It is essentially a question of how to perpetuate the ideal of democracy and translate it into viable reality without, at the same time, succumbing to easy disillusionment and cynicism, caught in the midst of the contradictions and dilemmas thus far examined.

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10
Questioning People Power*

Rainier A. Ibana

Bernard Lewis, Emeritus Professor of Near East Studies at Princeton University, once remarked in his comparative analysis of "The West and the Middle East" that "When people realize things are going wrong, there are two questions they can ask. One is, 'What did we do wrong?' and the other is 'Who did this to us?' The latter leads to conspiracy theories and paranoia. The first question leads to another line of thinking: 'How do we put it right?'" He said that putting things right was critically adopted in the Middle East from the early eighteenth century onward in order to modernize their social institutions.[1]

Following up on the work of Professor Lewis, David Landes, showed how Latin American cultures produced conspiracy theories in the latter half of the 20th century which eventually led to their "self-defeating sense of wrong." They blamed other people, such as the United States for their miseries and thus failed to solve their own problems. According to Landes, Japan, on the contrary, took up the first set of questions during the second half of the nineteenth century, and consequently made significant strides towards modernization and economic progress. Japan's Meiji restoration, according to him, is a stark contrast to the Latin American Dependency Theory and its consequent romanticism for revolutionary upheavals because the Japanese deemed their modernization project as a form of restoration, a quasi-revolution, that aspired to normalize the institutionalization of political processes.[2]

This paper will show how both trends of thinking are prevalent in contemporary Philippine politics. The Latin American heritage of Philippine

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1. Bernard Lewis, "The West and the Middle East" *Foreign Affairs* (January-February, 1997), p. 121.
2. David Landes, "Culture Makes almost All the Difference" *Culture Matters* Ed. By Lawrence E. Harrison and Samuel P. Huntington (New York: Basic Books, 2000), p. 7.

history can be discerned in the deadening mantra of our ultra-nationalists who blame "the US-Arroyo or US-Estrada or US-whoever-is-in power-Imperialist Regime" for almost every political misfortune that afflicts our country.

The relative economic success of our Asian neighbors who have achieved political stability and economic progress beyond our wildest dreams, however, has led us to question our penchant political demonstrations in the streets. Even a certain Alawi S. Saeed Abduhlla of the Kingdom of Bahrain recently wrote to one of our major newspapers and offered the following advice:

> "See the countries around you, where they are now and compare them to where the Philippines is–still behind and going further backwards because of some narrow-minded or paid people sent out to disturb businesses and the government. This will backfire. They are wasting their time and the government's time. My advice is to back your government, let it work and it will really support you. No government in the world wishes misery for its people."[3]

Although Mr Abdullah may sound naive from the historical perspective of our colonial experience, his observation on the comparative prosperity of our Asian neighbors deserves our outmost consideration. The literature on the relationship between cultural traditions and prosperity have confirmed that the Philippines is really lagging behind our Northeast Asian neighbors primarily because of our distinctive cultural context.[4]

The Dispersal of People Power

The People Power Revolution that ousted Ferdinand Marcos in 1986 is indeed "a significant break in Philippine history."[5] It marked the apparent renewal of our democratic institutions as opposed to the explicit authoritarianism of a previous regime. That the current President of the Republic has recently issued a Presidential Proclamation that imposed a state of

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3. *Philippine Daily Inquirer* (November 25, 2005), p. 16.
4. Ronald Inglehart, "Culture and Democracy" *Culture Matters*, pp. 89-90.
5. Benedict J. Kerkvliet and Resil B. Mojares, *From Marcos to Aquino* (Quezon City: Ateneo de Manila University Press, 1991), p. 1.

emergency that saw the arrest and detention of her detractors and the intimidation of a daily newspaper that had been critical of her administration suggests that we have probably gone full circle in our efforts to rid ourselves of one-man/woman rule.

Recent events in the Philippines, such as the failure of some leaders of civil society, business, and academic institutions to topple the government of Gloria Macapagal-Arroyo further reveals the pivotal role of such hierarchical organizations as the church and the military even in the critical transitions of our political history. The main players in the drama of "People Power" in 1986 were, afterall, Cardinal Sin of the Catholic church and General Ramos, along with Mr. Enrile, the Minister of National Defense.

The appeal to the so-called "people's sovereignty" as the basis of some sectors of the citizenry to demand the resignation of Mrs. Arroyo for her alleged involvement in electoral fraud were failed to galvanize the critical mass of personalities and social institutions from turning their backs against her administration. Other political branches of the state such as the local government units, the military and the police, along with political personalities like former President Fidel Ramos himself, have proven to be more than enough to tilt the balance against those who miscalculated their mastery of plotting another people power uprising.

The memory of the second people power movement of 2001 that installed Mrs. Arroyo by ousting its former President, Mr. Joseph Estrada, and the riots that preceded the latter's arrest and detention, have made people wary of polarizing the nation again between those who are for and those who are against Mrs. Arroyo. Some local governments actually threatened to secede from the Philippine Republic if Manila-based activists succeeded in ousting the incumbent President, even if opinion makers have depicted her as an illegitimate President in the first place.

Inspite of the dramatic calls for her resignation by several sectors of Philippine society (with the exception of the Catholic Bishops' Conference of the Philippines, the military, the leaders of Mrs. Arroyo's political party and the local government units), Mrs. Arroyo succeeded in diverting the upheaval in the streets to the hallowed halls of Congress for the initiation of an impeachment proceeding which was subsequently quashed by her allies in the lower house before it reached the Senate.

Her opponents then returned to the streets and employed extra-parliamentary strategies to plot for her ouster but these efforts lost their steam for lack of state recognition and political mandate. The notice sent by her

accusers for a public hearing of her misdeeds before the bar of public opinion were simply ignored, in fact, publicly ridiculed by tearing the notice apart in public, by a minor functionary of the executive branch of government.

Church leaders then called for a prayer meeting for Mrs. Arroyo and her foes with the Archbishop of Manila admonishing his flock to let God be the judge of these misdeeds. A symposium on "People Power and the Rule of Law" was then scheduled the following week at the University of the Philippines, the hotbed of academics who oppose Mrs. Aroyo; an ominous sign that the calls for her resignation and ouster are most likely relegated now as merely moot and academic.

Constitutional Reform: From Presidential to Parliamentary Government

At the height of the controversy over her governance, Mrs. Arroyo astutely capitalized on the support of local government leaders and called for a shift from the current Presidential form of government towards a parliamentary federation of several states. She argued that

The economic progress and social stability of the provinces, along with the increasing self-reliance and efficiency of political developments and public services there, make a compelling case for federalism.

Perhaps it's time to take the power from the center to the countryside that feeds it.

… We should consider that legislation could be quickened and laws made more responsive to the people under a parliamentary system, similar to that of our progressive neighbors in the region.[6]

Although this proposal to shift the system of government from presidential to parliamentary form of government was well calculated to enhance her political survival, it is significant that she alluded to "our progressive neighbors in the region" as the geopolitical context and exemplar of governance.

This proposal was likewise applauded by local government leaders who took such a change in the form of government as an opportunity to emancipate themselves from the neo-colonial mandates of a centralized and

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6. Gloria Macapagal-Arroyo's *State of the Nation Address* (2005).

bureaucratic political system that has siphoned the natural resources of their local communities while crowding the "imperial city" of Manila with informal settlers who continue to flock to metropolitan centers in order to seek cultural and economic opportunities for advancement.

Although this proposal has been touted as a form of graceful exit from power for Mrs. Arroyo, it has become the most likely scenario for a constitutional resolution of the conflicts that has plagued her presidency. In their Pastoral Letter, entitled *Restoring Trust: A Plea for MoralValues in Philippine Politics*, the Catholic Bishops.

Conference of the Philippines emphasized that "Resolving the crisis has to be within the framework of the Constitution and the laws of the land so as to avoid social chaos, the further weakening of political systems, and greater harm in the future." (par. 11).[7]

Such a warning was made against the background of extra-constitutional solutions that were propounded in the Philippine public sphere that advocated for revolutionary or transition governments and even the possibility of a coup d'etat. These proposals, however, failed to capture the imagination of the majority of the citizenry for fear that it will merely lead them to chaos and uncertainty.

A more sober compromise was propounded by Fr. John Carroll, a Jesuit sociologist and a founding father of the influential "Institute on Church and Social Issues". He advised social development workers to consider the fragility of our social institutions and the adverse effects on the poor as a consequence of their possible break down when pushing for their quest for truth and accountability against Mrs. Arroyo.[8] He then proposed that we continue to organize discussion and action groups at the local level, "from the ground up," so that new economic and political structures can be born from the ruins of the current elitist form of democracy. This micro-level form of social transformation actually coincides with the macro-political shift from the Presidential to the Parliamentary form of government.

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7. http://www.rcam.org/Homilies/2005/statement_cbcp_gloria_gate_issue.htm.
8. *Philippine Daily Inquirer*, October 6, 2005.

The Dialectics of the Nation and the State

A federal-parliamentary system of government can actually suit the needs of the variety of national traditions within the Philippine state because it acknowledges the plurality of constituencies within itself. Conflicting claims to sovereignty can then be rationally adjudicated within legal frameworks instead of threats of violence and structural domination by the more advantaged sectors of society. Max Weber's definition of the modern state as the institution that wields the monopoly of violence can then be realized as the police and military institutions of the state apparatus become professionalized and kept from participating in the petty political bickering of the competitors for state power.

People power will then come to refer to not only to the dramatic historical ruptures that bring about changes in political systems but also as daily events that transform social institutions that work for their local and constituencies. The interests of the marginalized sectors of society will then be better served because their plight is intimately bound to the local communities where they belong.

The relative success of local initiatives in solving housing and educational problems within their communities attest to the relevance of translating "people power" from the protest rallies along the main streets of Manila to the lively discourses of our people who gather around the variety stores of our countryside. For the first time in our nation's history, the local governments have made, and can continue to make, a difference in the national political arena.

Respect for the plurality of communities and the relative autonomy of the state in adjudicating the differences that arise from this plurality is precisely characteristic of modern states where the military and the Church will no longer be held captive by political interest groups while the latter shall likewise will find it unnecessary to solicit the support of the military and the Church to advance their agenda in the political public sphere. The political battle ground will then shift from the chaos and potential violence of the streets to the legislative and judicial arena. Laws will then serve as problem-solving mechanisms that mediate social conflicts instead of finger-pointing at the fault of individual personalities for the failure of the political system in promoting the common good. The universal and consistent application of laws will then serve as the key towards modernizing our social institutions.

The State as a Contested Arena of Conflict

If the Philippine state is to modernize by applying the rule of law on its citizens, its political leaders will no longer find it necessary to short circuit the processes and procedures laid out within the institutions of the state no matter how flawed these political systems may happen to be. Stepping out of these systems will leave power in the hands of the pre-modern instincts of our tribal chieftains and leave the much needed systems for socio-political reforms in a state of perpetual revolution. It is unfortunate that our politicians have resorted to not only short circuiting our social institutions but destroying it altogether by not allowing it to resolve the social conflicts that pervade our daily lives.

The lesson to be learned from our more progressive neighbors is not so much their tendency to sacrifice their precious political liberties in favor of economic prosperity but in their successful attempts to advance the evolution of new forms of democracy that respond to the cultural and historical contexts of their people. The disfunctionalities of our formal democracy that are attributed to the substantive economic injustice among our people have actually commodified our civil liberties and have produced political platforms drawn from movie scripts along with its movie actors.

Our revolutionary traditions that stem from the French and Russian upheavals, moreover, have failed to produce viable models for governance save that of continuing the cycle of violence and marginalization of many peoples.[9] Even Chinese Maoists today have realized that their political experiments have failed to harness the fullest potentials of the people whom they intended to serve.

The "sovereign people" can be preserved and made to flourish precisely in and through the state and its representatives if we are not to devolve into chaos, non-governance, and violence. These representatives may fail to perform the tasks vested on them by their constituencies. But since we cannot all fit inside one room to exercise our democratic rights, our second best alternative is to create systems and procedures that will guarantee that those who would like to share in the burden of governance may do so in due time and due course.

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9. Hannah Arendt made a similar claim in *On Revolution*. (New York: Viking Press, 1963).

A nation trapped in a state of perpetual revolution will merely sink into the quicksand of petty intrigues and internecine quarrels. The only way to improve our governance is to allow it to evolve its systems and procedures so that it will eventually work for the legitimate needs of its constituencies. The state is the only institution that holds a nation together. To abandon it will merely throw the systems of governance to the hands of others who will be just as eager to instrumentalize the state for their own personal ends.

Since Mrs. Arroyo was abandoned by the social reformists in her cabinet in July, 2005, she has veered to the right of the political spectrum by relying on the military and the police to provide solutions to the problems that confronted the nation and her own political survival. The political arena, like a physical space, abhors a vacuum; it merely fills up the gaping gaps within the system with other political forces that remain within the interstices of the state apparatus.

In the meantime, exponents of people power uprisings may cry their hearts out to demand for the justice that they probably deserve. But unless their demands are heard and are granted by the state, such cries will turn hoarse and degenerate into violent confrontations were its children will be ultimately devoured by the only game that their revolutionary tradition allows them to play. They will continue to blame each other for their faults while their neighbors in the Asian region continue to enjoy the progress and prosperity that they have earned by learning from their mistakes and thus allowing their political systems to evolve and work for the benefit of their peoples.

Postscript

Last February 24, 2006, the Filipino people commemorated the 20th Anniversary of the People Power Revolution with an alleged attempted coup d'etat and an abated people's march to the shrine that celebrates what was once touted as a world-shaking event. The key players of the original people power revolution are now unfortunately divided between the military faction along with the independent minded Mr. Fidel Ramos, on the one hand, and Mrs. Cory Aquino and civil society movements, on the other hand. Splinters are likewise evident in our socio-economic institutions–the academe, the church, the media, businessmen's associations and non-government organizations, etc.–that either support or subvert

the status quo. Even legislators are divided along political allegiances with an apparently critical Senate on the one hand, and a pro-administration lower house on the other hand.

The political public sphere is further polarized today by the question of whether we should allow constitutional change or keep the status quo or postpone the debates altogether for another date and venue. The more relevant questions raised in this paper, however, have not yet been asked:

"Where did we go wrong and how can we make things right?"

The People Power Revolution of 1986 have held us in awe with the promise to make things right. After 20 years of being captivated by our old and tested ways of handling our political affairs, our current political impasse is prodding us to take stock of ourselves and to at least attempt to evaluate the socio-cultural baggage that has led our people astray from our promised land.

Democracy and Reflexive Consensus:
Korean Context and Global Relevance

SangJun Kim

Introduction

In the beginning years of the new millennium the Korean society has been beset by increasing lay activism of "critical citizens." Their two main agendas are to criticize and intervene in government policies and to enforce the practice of transparent management in the corporate sector. Their demands cover an expansive field: current political issues, social justice, development, environment, human rights, deployment of troops, and accountability of corporate governance. The rise and growing influence of critical citizens and NGOs and NPOs upon government and economic sector are not a phenomenon exclusive to Korea. Advanced countries are more prone to such phenomenon (Norris, 1999; Salamon and Anheier, 1999). However, in the case of Korea, the organized status of civil society actors and institutional, legal support for them are not systematized enough to exert much influence; it lacks a system, a conduit, to channel such powers. For that very reason, it becomes more and more difficult to reach agreements on policy issues between government, corporations, and civil society actors, and even in tentative agreements, parties cannot truly consent to their counterparts. In this regard, the need for a practical framework based on mutual agreement, which covers the state–market–civil society, is quite critical.

An ideal social system where mutual agreement amongst various interests is smoothly embraced can be described in the following way: The customary method for dealing with current issues requires the main bodies or representatives from government, market and civil society to come together democratically and reach a consensus. These practices are initiated and conducted voluntarily by the concerned citizens and stakeholders within a civil society. The idea of such an ideal social system was once envisioned

by the great social theorists of the 17th and 18th centuries to replace the one that existed during the Middle Ages. We interpret that ideal as a vision of "The Civil Society." This idea becomes more valuable in the post-Cold War era and this paper aims to discuss how that ideal society can embody the characteristics of the high modernity of the 21st century. The Reflexive Consensus System, which operates on the "R+PAD Governance Model"–"R" stands for "Representative democracy", "P" stands for "Participatory democracy", "A" stands for "Associational democracy" and "D" stands for "Deliberative democracy"–is critical to resolving the ever-deepening tension amongst various sectors in Korea, but its overarching principles and implications are relevant to other democratic societies as well.

What is "The Civil Society?"

We are going to use the notion of civil society in double sense. One, a component of the usual division of state–market–civil society; the other, the ideal society as a whole where reflexive consensus between state-market-society is systematically constructed. This paper distinguishes the two calling the former 'civil society', that latter 'The Civil Society.' The relationship is shown in the following diagram (Kim, 2003).

The Civil Society
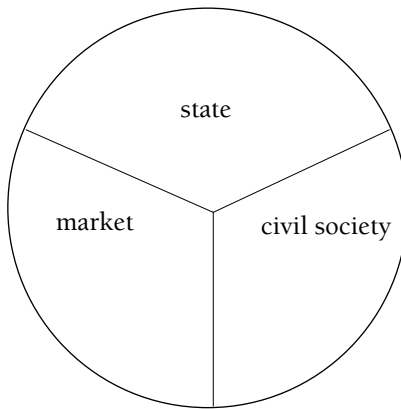
<Figure 1> **The Civil Society and Civil Society**

The reason for the dot representation of the three lines within the circle, instead of the solid ones, is to symbolize their interconnectedness, rather than their isolation or exclusivity. If one realistically considers the current situation, the reason for the dot representation becomes quite clear. When we consider civil society in the modern context, it can be said that citizens are both consumers and vendors of products and labor, respectively. And as citizens of a nation, they exercise their rights during elections and have a say in the process of forming government policies. Thus, state, market and civil society are closely interrelated in the workings of the system. For example, if the market principles were not supported with legal regulations, i.e., any transactions from trade or economic relations were conducted apart from that fundamental premise, the system would simply fail to work.

As such, state-market-civil society is deeply interrelated. The idea of The Civil Society is based on that understanding. This is not an absolutely novel idea; historically speaking, since the inception of the notion of civil society the underlying meaning had already been established. This paper attempts to discover and reconstruct that underlying meaning of 'The Civil Society.' In this regard, we can say that even though the idea of The Civil Society is not absolutely novel, it has to be recovered through theoretical interpretation.

The original notion of civil society underscores "a civilized society." Such idea is foreshadowed in the backdrop of emerging modernity. Historically speaking, the term civil society was a conceptual expression that meant society as a whole in modern sense. The etymology of the word "civil society" and its usage in Europe was derived from the 13th entury Latin translation, *societas civillis* (civilized society), of *koinonia politike* (political community) of Aristotle's *Politics*. From the 16th century, the French version *societas civilis*, *societe civile*, was widely used. The first English translation of societas civillis and *societe civile*, civill societie, soon appeared (Colas, 1997).

During the Middle Ages, the ecclesiastical church and militarized feudal lords dominated the world. The idea of civil society introduced at the beginning of the Modern Age stood for a 'civilized' society replacing the barbaric, militaristic, or ecclesiastical one of the Middle Age. Thus at the beginning, the term civil society did not imply the idea of 'civil society' separated from the state. During the period between the 16th and 18th centuries, for example, the word 'commonwealth' was used synonymously with civil or political society. Hobbes in *Leviathan* used the term common-

wealth alternately with civil society. Locke used "political society" or "commonwealth" to convey the notion of civil society in *The Second Treatise on Civil Government*. Thus, for Hobbes and Locke, "commonwealth" and "civil society" are actually the same.

In this paper, the term "The Civil Society" is used in the same context as was first conceived in the early modern Europe; it attempts to resurrect the innovative definition first realized at that time. Further expanding on that premise, the word "Civil" in The Civil Society reflects the civilized, polite and well-ordered society that includes the state–market–society framework. The rebirth of the definition used between the 17th and 18th centuries represents an organic relationship between state and civil society. Furthermore, the definition also emphasizes the interrelatedness of market (or economic sector) and civil society as well. This point takes prominence in the 18th century when the underlying notion of "commercial society" spreads throughout the masses. Until the 18th century, the implications of the term 'commerce' and 'commercial society' were quite different from those of today.

Montesquieu in *Spirit of Law* argued that 'commerce' exerts great influence over the standard of civilization, morale, etiquette, manners and even one's habits, and that it has the power to bring about cultural change. He argued that because commerce allows for broader cultural exchanges, it helps to civilize the society and the world. He also claimed that isolated cultures are rigid and quite exclusive and thus unrefined or uncivilized. Montesquieu did not use "commerce" only to represent the exchange of material wealth; instead, he used it in the broad context of cultural alternation. During the 17th and 18th centuries, the word "commerce" (in English and French) actually meant cultural intercourses as well as material exchanges (Montesquieu 1949; Hirshman 1977).

A similar school of thought appears in the writings of yet another notable figure of the 18th century, Adam Smith. We need to remember that Smith is the author of not only *Wealth of Nations* but also *The Theory of Moral Sentiments*. He was an accomplished philosopher in ethics, a prominent theorist of jurisprudence, and an elegant prose writer. Smith's *Wealth of Nations* contains more than just arguments about how pursuits based on self-interests enhance the wealth of a nation. The other notable argument that often goes unnoticed in this monumental work is how highly critical Smith was of the practices of the privileged mercantilists of his time. He denounced the government's absolute control of the economy and how it conspired with privileged, monopolizing merchants to pave

the way for mercantilism based on a system endorsed by an absolutist government (Smith, 1981, 1979). He argued that this system is not only authoritarian in nature, which suppresses freedom, but is also inefficient and economically unproductive. Furthermore, it dries up people's ethical standards, enslaving the unprivileged. The privileged uses their status of monopoly to enforce the less– or unprivileged to succumb to their arbitrary demands.

Theoretically speaking, economic exchanges and transactions made in free market are not supposed to depend upon any kind of ascriptive conditions like ethnicities, nationalities, religions, and social status. Thus when Smith mentions 'commercial society' he mainly stresses the egalitarian situation of the market. Critics of capitalism have not sufficiently considered Smith and Montesquieu's arguments regarding the progressive and civilized aspects of the market. Even though their criticism against the mechanisms of capitalist market that worsen inequality of classes is basically valid, they tend to ignore to evaluate the counter-tendency of modern social systems to maintain the equal term including market. When Smith emphasized sympathy towards others in *The Theory of Moral Sentiments*, we need to consider the fact that his arguments were based on the Montesquieu's understanding of the 'commercial society.' That is, Smith considered commercial society as kind of a quasi-ethical network of people who has the capacity of sympathy toward others and thus intentions to improve the situation of them. Therefore, Smith's arguments of sympathy and commercial society can be interpreted to contain some clues to alleviate the ever-deepening problems of class stratification.

We can say Smith may foresaw the end of the system operating under privileges based on an absolute government, the vestige of the Middle Ages. A new era and a new society, which Smith called commercial society, was emerging, replacing the old system. Smith saw the principles of the commercial society developing in his time and was certain of what was to come. We need to take heed the message that springs forth from the tips of his brush: Smith strongly advocated the destruction of a system that runs on special privileges, which was dominant during the Middle Ages, and acceptance of the new free and equal civil society. His message was certainly not the one embraced by the Absolutist mercantilists to protect their economically vested rights.

We can summarize the discussion above in the following ways: Civil Society symbolized the transitional phases of the new social order, from the hierarchical privileged to the civil and democratic. Thus the notion of

The Civil Society embraced the idea of a commercialized system based on free exchange and promoted a national system that allowed for social contracts between individuals. The idea of social contract in the free market traces its roots to a system relatively devoid of traditional ascriptive ties so a society founded on such ideals differed dramatically from the traditional system. Based on equal relations, The Civil Society (*Societas Civilis*) stands for a civilized, polite and well-ordered society, and offers an innovative school of thought replacing the medieval social order. The Civil Society described here is a novel social project that embraces the innovative ideology rooted in history.

A Model of Existing Relationship between State-Market-Civil Society and Its Limitations

The purpose of this paper is to establish the ideals of civil society and to successfully develop them in the context of globalization in the 21st century. It is an attempt to actively form a new relationship between state, market and civil society and these ideas will be discussed in-depth in Section IV. But before we proceed, we must first examine the old prevailing models that define the relationship between state, market and civil society. These theories will be covered in a discussion of the "statist-authoritarian" and "interests-bargaining" models in the subsequent pages.

1. Statist-Authoritarian Model and Its Flaws

Hobbes's State-Civil Society theory is the prototype of the statist-authoritarian model. The State in this model possesses exclusive and indivisible powers over the entire society. This model is based on the authoritarian representative system and minimizes the participatory factor. Thus, any citizen participation is limited to the polls and once the ballots are counted, all authority and power is then transferred over to the elected party and official. In this model, the election process itself, written on the basis of the constitution and the law of a nation, is minimized and is levied with the universal, public and secret-based principles of free election.

In reality, this model represents statist corporatism (which includes Nazism and Fascism), state socialism and developmental dictatorship. A similar model was prevalent in Korea prior to the 90s. In the societies under fascism, the state promotes and organizes all social standings on

which the society and the economy operate. All unionized organizations from the various social strata are managed under the exclusive rights and power of state. Soviet type socialist regimes have attempted to go further: to abolish the price-finding function of the market. In both systems, civil society would not exist because all matters are handled by state without any input from the citizens. These state-led mass organizations do not allow for citizens to share ideas or opinions; it is a form of control used to monitor people's activities.

At a glance, the statist-authoritarian model may appear to disharmonize; but it can utilize the ideology of *laissez-faire* free marketism for its legitimacy. This trend of advocating the free market order is completely different from instituting fairness, transparency and social responsibility of corporations; instead, it exclusively demands an ideal environment for more profits of corporations. It is a coalition of *laissez-faire* corporatism and statist-authoritarianism. In reality, such a coalition can only translate into a corporate system that only seeks profit and imposes harsh policies on other social classes. Examples of these models are soft fascism and developmental dictatorship. Korea operated under a similar system during the 70s and 80s.

This model, which minimizes citizen participation, is referred to as the *Elitist Model of Governance.* The cardinal points of this model can be summarized as follows: Any major political or social policies should not consider ambiguous public opinion. Instead, solely the well-trained and qualified elite should handle all matters to yield the maximum benefit for all. A looser interpretation of the elitistist theory argues that since all feedback from state and civil society is mediated through elections, the feedback should be restricted to this medium. Public officials are elected through a freer methodology. As such, these elites should carry out their duties using intelligence and discernment, and pursue national interests when participating in debates and the decision-making process.

Problems of this model are as follows: first, state exclusively run by the elites tends to go near to authoritarian or dictatorship system. Second, we cannot exclude the dangers of bureaucratism warned by Max Weber. Third, suspicions arise as to whether decisions made from such a process are fair, appropriate and efficient.

Let us suppose that the system is indeed authoritarian or based on a dictatorship. If there is a Philosopher King, with high intelligence and moral character, there won't be any problems. Such a system was idealized in the beginning of ancient civilization. In this realm, this figure will teach

the inhabitants how to live the most meaningful and fruitful lives. Let us assume the existence of such Philosopher King and that the teachings are truly beneficial and valuable. But such an ideal world does not coincide with our current state. As Kant sharply pointed out, our life is not lived fixated on one particular teaching or doctrine; the ability to determine the meaning and value of life lies in the individual's conscience (Kant 1993). Furthermore, our freedom cannot be dictated and emphasized by the guidance of some superior other. Needless to say, in our reality, groups of average elites do exist, who are vulnerable to putrefaction and corruption. Our own experiences, as well as the history, clearly tell us that the wise men, even with their knowledge and wisdom, could fell into the swamp of corruption, if they were given exclusive power.

On the same note, there is another myth: if such a high bureaucratic group, armed with public responsibility and loyalty, was established, there wouldn't be any problems. But what Max Weber points out as the central problems of bureaucratic system is not the quality of bureaucrats but the unintended consequences of bureaucratic rationalism and professionalism (Weber 1978). The more national policy decision-making is concentrated on bureaucracy, the greater the likelihood of standards on which affairs are judged and executed exclusively on means-ends rationalities, excluding the feedbacks from citizens related to the policy.

For those reasons discussed above, we have question the validity and legitimacy of statist-authoritarian model. Can it achieve justice and efficiency as well? Perhaps due to efficiency, it may appear to have clear, strong points. But in this fast-paced modern society, change-causing factors vary widely and decisions made by this elitist group do not necessarily guarantee efficiency. For example, the issues of constructing a coastal dike at Sae-man-geum area and forming Wi-island as the nuclear waste disposal site in Korea demonstrates a scenario where the elite faced a major setback as they hurriedly tried to resolve the issues. The policy environment of these days is quite different from that of developmental dictatorship when there did not exist much counteractions or feedbacks from civil society. Nowadays, in every case and policy, there are many concerned and active individuals as well as an increased tendency for unintended consequences and post-effects of externality. Such phenomena are characteristic of high modernity and in this situation, statist-authoritarian model loses its ground.

The limitations of the statist-authoritarian model we've discussed previously can also be applied to international situation. Even at the level of

international politics, Hobbesian theory of sovereignty is being challenged. National security matters and international economic ties require greater cooperative efforts from the international community. Unbound global capitalism frightens even the superpowers. Also, international terrorism is fundamentally reshaping the national security environment. As a result, new models are being developed which include commonality and inclusive sovereignty (Beck 1999; Held et al. 1999). The most well developed model to date is the European Union and its introduction of common currency and unified constitution. Sovereignty in such a model is no longer bound to the administrations of designated nations. Such occurrences predict the construction of global civil society in order to supplement an international system empowered by international states (Turner 1998; Kaldor 2003).

2. Interests-bargaining Model and Its Limitations

The interests-bargaining model symbolically assumes a more pliable and flexible relationship between state-market-civil society than the statist-authoritarian model. This model encourages a pluralistic approach for organized interests and seeks to practice democracy on rational participation, i.e., through negotiations and conversations, when dealing with pluralistic situations of interest groups. The theoretical basis of pluralism of this model is based on Dahl's classical writings (Dahl 1961, 1967). Currently in Korea, there is a transition from the statist-authoritarian model to the interests-bargaining model, where the relationship of state-market-civil society is interlocked. The word *interest groups* used here includes not only the corporate groups but also various vocational groups and civil associations. If we focus on regulating powers of those big interest groups and the states, it becomes either plural corporatism or soft corporatism. Two elements are added to this model: participation and association. But this model also has limitations. Even in our modern society, there is a gradual increase of conflict deepening amongst various interest groups. Such occurrences have been painfully felt and deeply experienced during 60s and 70s in Europe and American.

On the one hand, this model is superior to the statist-authoritarian model in that it permits the commitments of civil associations in the policy making process. But it still denotes a fundamental problem in that the direction of policy making is determined by a power struggle between interest groups. This problem can be summarized in the following ques-

tion: Could there be appropriate, mutual, and reasonable agreement from organized bargaining of interests? Examining this very question illuminates the very significance and limitation of this model. When we consider the many possibilities, answers resulting from such endeavors seem pessimistic or yield obvious limitations. The kinds of circumstances this question anticipates can be divided into three scenarios. These scenarios assume that even subjects involved with public policy–political parties, politicians, departments within the government, public officials, and on a larger scale, even the government itself–look to fulfill interests of their own. This assumption is theorized by Public Choice Theory.[1]

<Case 1>: If the organized interest groups are diverse enough to include all relevant stakeholders and conduct interests-bargaining fairly, sincerely and transparently (What Habermas calls the "Ideal Speech Situation"), we may suppose that such a possibility can exist. In a process where all members involved with interests-bargaining carry out fair and sincere negotiations, such endeavors can properly illuminate the issues at hand on a wider and deeper perspective. As a result, the interest groups can reflect on the situation reciprocally and holistically. "Reflecting reciprocally" here does not mean "reflecting on oneself" as an ethical obligation but instead stands for a process of reviewing everyone's demands multilaterally in order to offer mixed and constructive feedback. The result is the operation of deliberative reflexivity and output that closely resembles justice.

However, even at a theoretical level, we can assume that it would be difficult for all interest groups to deal with all sides of the issues with sufficient amount of attention and care. This problem is analogous to mathematicians' satirical proposition that states, "Any puzzle can be solved if given plenty of time." In reality the crux of the issue is quite important. No matter how great the solution, if too much time is required to solve the problem, the result itself becomes meaningless and the method absurd. The aforementioned mathematician's proposition has its following: "Life is short."

<Case 2>: Hypothetically, even if there was an instance where sufficient amount of time is granted for the adjusting process to take place, the result from such endeavors can completely overthrow the theoretical

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1. This stance is explained by the principles of "maximization of utility" and "self-interests." It derives its arguments from public domains turned economical postulation. See Downs (1957), Buchanan and Tullock (1962), Buchanan (1967) for additional classical works on this particular stance.

premise. Likewise, the lengthy and complicated negotiating process is not indicative of the rational, proper and mutually agreed attainment through *deliberative reflection.* Instead the diverse interest groups already in existence may merge to become a small number of large interest groups. The possibility of such a scenario unfolding is quite high since organized interest groups already have predetermined goals. According to Habermas, the "Ideal Speech Situation" rarely occurs amongst organized interest groups. The bargaining process between interest groups usually takes place via "pushing and shoving" instead of practicing reasons. All organized interest groups should take heed of an old Korean saying, "Don't start low from Kwa-chon before actually arriving at Seoul" (which translated means, "Don't be low too early in bargaining or negotiation"). As a result, strategic reflection dominates over *deliberative reflection.* If at some point, an interest group does not feel confident in achieving its agenda, that group will seek out alternative ways to accomplish its goal. In circumstances where many interest groups exist, several groups will try to merge with more influential groups to get what they want. If such practices become more common, then only a small number of dominating large interest groups will survive. Similar to the *Situation of Warring States in Ancient China,* if such circumstances persist, all the theoretical premises would fall apart and the bargaining processes would be left to the remaining minority, the dominating large interest groups, and perhaps the strongest one in the end.

<Case 3>: In reality, there are no circumstances where there are sufficiently many organized interest groups in every issues and arenas of the interests . Instead on most issues–density and manner may vary–people will form subjective feelings based on limited knowledge or align themselves to "standards" fabricated on non-coherent or mutually contradictory information. In such circumstance, the views of a minority of dominating large interest groups cannot fully reflect the true concerns of those groups. Varying interests will always exist that are completely different from the interests of other groups. Also, there are no preventive measures to even out the power and influence held by the minority groups. As a result, attained agreement means utilizing a limited part of the concerned groups and that too reflects an uneven power distribution; it is difficult to securely sustain the settled agreements. There must be active management to prevent any problems after the fact, and in the event of a major conflict, agreements can be reversed. However, this can lead to a scenario of lost efficiency and justice.

<Final reflection>: If we compare all three instances, Case 1 is the most ideal. But Case 1 involves the important factors of time and efficiency, and assumes the most ideal conditions and progressions. Therefore, it is also that much more unrealistic. The next ideal scenario is Case 2. With the cohesion of a small number of interest groups, ultimate agreements may mean that all efforts were made with compromises. Such endeavors reflect the work of repeated and accumulated consent of concerned groups related to the interest groups. Thus, such results may have a reverse effect due to repulsions and also have the problems related to time and efficiency. Here again, such a premise seems unlikely. Lastly, Case 3 shows the low ratio of justice coinciding with the attained agreement. Here also is a great possibility to spend too much time and waste resources to maintain and sustain the agreements. Like Cases 1 and 2, it too may lose the time and efficiency factors, both of which are the supreme advantages of Cases 1 and 2. Ultimately, Case 3 contains the most flaws in regards to time, efficiency, expenses and justice, however it is also the most realistic scenario.

What these examples show us is that in dealing with social friction, "bargaining through organized interest groups" is not the most useful option for our current situation. The problems within the interests-bargaining model may allude to Hobbesian statist-authoritarian model. But this path is definitely misleading; you fall into the bosom of a lion while trying to escape from a hungry wolf. We need to look beyond the statist-authoritarian and interests-bargaining models to a future-oriented model. Such an approach retains the strengths of the interests-bargaining model and reinforces the inherent weaknesses with other viable principles. The advantages of the interests-bargaining model can be described as the affirmative recognition of the civil society's activeness and the market's pluralistic association. On the other hand, limitations refer to the actual "bargaining practices of the interest groups." These limitations must be overcome by principles of mutuality and an organization based on public knowledge to overcome the narrow pursuits of those groups' bargaining practices.

Characteristics of High Modernity

In the previous pages, we looked at the limitations of the statist-authoritarian and interests-bargaining models. If we consider the environmental characteristics of what we're currently experiencing in terms of policies

and its effects, we can have a clearer understanding of those models' limits. The current times clearly expose the limitations of those models. Such conditions are not exclusive to the specific regions in Korea; it extends universally throughout the world. What these developments explain is that at the core, the speed in which the policies and the feedback from citizens travel is rapidly increasing. Sociologists explain this phenomenon as the characteristics of "high modernity." Social theories of "Post-industrial Society," "Information Society," "High-tech Society," "Risk Society" and "Reflexive Society" are indicating the core factors that have reshaped our era (Giddens 1990; Beck 1992, 1998).

The prediction that advanced professionalism and high-tech society would make the average citizen passive and unable to adapt is no longer accurate. Rather, we are experiencing the opposite effect. During the time of developmental dictatorship, it is difficult to imagine the issue of developing tidelands, hills, and waterways, for instance, to pique the interest of the whole nation and all concerned citizens. But as more scientific professionalism is added and influences the policies, the level of feedback received from citizens will likely increase. The primary reason is because "external factors," not considered or unanticipated, lead to unwanted consequences and may pose greater problems. What is worse is that those "external factors" are becoming the very issue themselves, causing quite a controversy. Issues like nuclear waste or genetically engineered foods are examples of social denunciations against the backdrop of greater social issues. The professional circles divide upon those very same issues. The second reason is that citizens are able to access greater information on these issues. With technology advancement, Internet, and a little effort, anyone can now become a quasi-professional on various issues. As a result, there are more "actors" on the social stage, the quasi-professionals as well as the experts, raising concerns and voicing complaints. This phenomenon is the very beginning of concerns and opinions becoming more diversified, covering more depth and breadth. As a result, we see the emergence of "critical citizens" in high modernity, unlike the passive citizens of the past (Norris 1999).

Sociologists call this phenomenon "Increasing Reflexivity" (Giddens, Beck, et al.). "Reflex" means a reaction of nerves; however, in this context, we are including another dimension to the word: a conscious self-introspection or systematic feedbacks. Thus the idea behind *reflexivity* contains dual function: systematic feedback and conscientious self-introspection. High modernity strengthens the importance of self-introspection on those

premises. Prior to the modern era, most occurrences were either based on traditions or customs. Even the changes within traditions or customs took a great deal of time but what is interesting is that for us to be aware now of those changes in our conscience requires much effort. So at this very level, it seems as if the fate of humans and their society are fueled by some unknown yet immutable and natural principles. These so-called natural principles, in modern society, are replaced by principles built on artificiality. When we examine industrial society, we see the science, speed, and breadth that affect our day-to-day lives. This in turn accelerates the changes taking place around us to another level. Just like the principle of cause and effect, when artificiality is strengthened and the level of speed increases, systematic and conscientious opposition to such new phenomena will deepen in its intensity and cover more area. As mentioned earlier, the reason for this is because knowledge based on artificiality will grow and people will take greater precautions to these effects. This then triggers greater study in dealing with issues with increased density and consistency.

Reflexivity then means that knowledge pertaining to all social phenomena is integrated during the progression and unfolds in order to change the outcome. In other words, the following cyclical process in social phenomena-knowledge pertaining to social phenomena–that knowledge through intervention yields new social phenomena–is reproducing itself. For instance, if we label the issue of tideland development as a social phenomenon and this phenomenon yields a model–"developmental model"–which takes into consideration all environmental and economical value for developing the tideland, the actions are then based on knowledge and interest of this phenomenon. This pooled knowledge on this phenomenon will then transform the old model into a new form.

 If we look at the situation mentioned above from the past when all policy-making decisions were monopolized by the government, such phenomenon may seem as if policy making was infinitely difficult. That is, the process may have been unproductive and decision making indecisive, yielding only a series of debates and arguments. Before we start criticizing that perspective, however, there is a greater problem that we all need to consider. It is important to note from all the situations we referred to above that they are not random, single course of events. Rather, they are structurally high modern and consequently have a long-term effect. If we ignore the structural components and consider reflexivity solely to infer decisions from the external side of the cyclical chain, then we will only

find a temporary escape (even though we're suspicious of just how long "temporary" might be), and not a permanent alternative. We must seek resolution internally within the cyclical chain.

We need to examine the alternative model and its effects and results. The idea here is to place the decision making process within the link of reflexivity or a reflexively mutual structure. Using the tideland development example again, what is most important from the beginning is that when devising a plan, we must draw forth ideas from the reflexivity domains. First, take the primitive outlook of the development and present it to the established professional groups and selected regions so that discussion can begin. Then, establish a model after it passes through the deliberation process. All of this will take longer than the time it would take some government business affairs department to deal with it independently. But if the task is pursued in such a fashion, within a set framework, there may come forth some unseen advantages. One advantage is that such an approach is open to unexpected changes and is resilient. Big projects are prone to such unexpected changes, and if there are many instances of change, this approach may be productive. If those in charge of the project are leaders of public consensus and changes occurring become problematic, then such problems will yield minimal disruption. This point is related to the long-term stability of the overall project. That is, any project that is placed within the reflexivity mutual structure has from the start relegated responsibility; therefore, the progression of the project and its result ensures stability. Such advantage is in sync with political legitimacy as well as long-term efficiency on housing development.

The ever-deepening breadth of reflexivity is not limited to the local or national level but covers the global arena. Reflexivity is in sync with the compression of time in information, technology, and transportation reform. As a result, the desserts in Inner Mongolia, the primitive forest in the Amazon, and the livelihood of Seoul's citizens are all linked together. International NGOs' wide-ranging interests and their aggressive activities are gradually appearing in the backdrop of Korean society, such as foreign policy and economic situations. Foreign relations today face plenty of new conflicts, which would have been unexplainable in the context of Cold War Antagonism. The dynamics of foreign relations are constantly changing as well as the kinds of issues being raised in those institutions. Even the problems within foreign policy are exposed to unintended consequences. Corporation management and economic policies likewise share

similar dilemmas. The phrase "heightened challenges and risks," which has been used habitually by policy makers in both government and corporations (a buzz word), is the very manifestation of a concern over unintended consequences in high modernity. The recent arguments about 'market failure,' 'government failure,' and 'the emergence of the third sector' reflect these changes. (Salamon and Anheier 1997)

What these phenomena suggest in light of this discourse is that there must be a way to establish preventive countermeasures to deal with heightened risks and dangers. These countermeasures also need to consider state-market-civil society and apply to the society as a whole. More specifically, we need to share the responsibility of unintended consequences should they occur and try to minimize the challenges and risks. Sharing responsibility means strengthening qualitative participation in the policy making process. This is what's known as "strengthening of systematic reflexivity" amongst Sociologists. In all phases of the decision-making process, we should increase the level of sensitivity overall and support it with legal codes to strengthen the livelihood of rotation and operations of the system. This countermeasure is called the "R+PAD Governance Model" or the "Reflexive Consensus System.

R+PAD Governance Model (Reflexive Consensus System)

Here we will examine the deepening tension between interest groups and the outputs of unintended consequences from the progressions of high modernity. There are four alternate models or systems that would complement the strengths and overcome the shortcomings of both the statist-authoritarian and interests-bargaining models: the representative model, participatory model, associational model and deliberative model. These will be presented in order to construct a new relationship between state-market-civil society.

### 1. Characteristics of R, P, A, D and Their Relationship

In order to enhance our understanding of the R+PAD Governance Model, we must first conduct a detailed analysis of the acronyms R, P, A and D, and how each was defined and functioned in the past. The representative approach is an embodiment of democracy embraced by nations with a large population. From a democratic perspective, the representative

system is fundamentally a form of restricted participation; thus, it is a restrained democracy. This representative system boasts its strength by entrusting the experienced and qualified representatives to carry out the deliberation process over pending social issues. However, should this system adapt or become influenced by the exclusive, monopolizing character of the statist-authoritarian model, it can seriously jeopardize the fairness of the system.

Quantitative participation is critical in the representative system. Quantitative participation is reflected through election results, the number of votes obtained. Schumpeter theorized this model in his classical work (Schumpeter 1947). The roles between the policy makers (elites) and those who vote for the policy makers (voters) are clearly distinguished. Even in the interests-bargaining model, that fundamental distinction is difficult to overcome. In the interests-bargaining act, bargaining of interests becomes the very manifestation of democracy; therefore, it prioritizes rationalities and formal representatives over the deliberation process or pursues democratic means to an end.

In short, the R+PAD model attempts to complement the restricted quantitative participation found in interests-bargaining or Hobbesian model with qualitative participation. So, the basic idea of associational and deliberative democracy is in essence a part of the qualitative participation methodology. If we display the relationship between the participatory, representative, associational, and deliberative democracy in a graph, it would look like this:
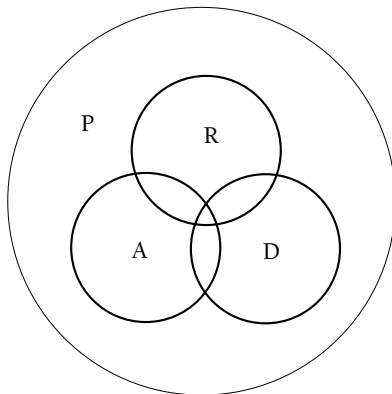
<Figure 2> Relations between Participatory (P), Representative (R), Associational (A) and Deliberative (D) Aspect of Democracy

The overlapping relationship of the three constituents–R, A and D–was alluded to in the previous discussion. In any representational system, in order to elect its representatives, it presupposes a certain degree of associational element in the beginning and again during the election process itself. It also triggers the deliberative function to a certain degree during the representative's decision-making process.

The Hobbesian Model, in the figure above, is represented by the circle "R" excluding the areas that overlap with the circles "A" and "D." The interests-bargaining model applies to the whole circle "R." The R+PAD model, on the other hand, is represented through all three circles of "R," "A," and "D." The link between the three inner circles within the big circle "P" represents the overlapping domains of the political, legal and systematic phases of democracy in the most expansive way.

The reason Figure 2 above represents the R+PAD model is because the participatory (P) constituent within the overall representative (R) model is strengthened[2] and has the added associational (A) and deliberative (D) constituents added to the idea of democracy. Stated in a different way, it can be said that only when the representative (R) model is complemented with the PAD constituents, can appropriateness and efficiency be achieved in high modernity. During the process of supplementing the representative model with qualitative participation, the participatory and associational constituents cover the breadth of the decision-making practices, or the "formal" aspect thereof, whereas the deliberative constituent deals more with the decision-making approach or methodology, the "contents" aspect. Naturally, the "formal" and the "contents" aspect are mechanically linked and not severed.

The way associational constituent accomplishes the task of expanding qualitative participation is by using the following approach. Within the democratic system, the participatory element supports the principle of sovereignty of people with substance, and the associational constituent sets the framework for participatory consensus and matures its overall quality. Only when the foundations of associational constituent in a voluntary culture are strengthened, can participation be protected from any undesirable, momentary, accidental, isolated, or mob-like behaviors. Tocqueville persuasively argued the importance of a voluntary, associa-

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2. See Barber (1984) for additional information on inclusive theoretical positions on strengthening participatory constituent democratically.

tional system forming the groundwork on which the right practices of democracy stand. From his point-of-view, in a democratic society where ideology fuels and strengthens equality, it may induce isolation or atomization of individuals, and when these isolated individuals rule over other atomized individuals within democracy, it could paradoxically paved the way for yet another scenario of emerging dictators. Tocqueville believed that Europe around the beginning of the 19th century was an ideal place for such phenomenon to occur, especially in his country, France. What he experienced in newly emerging America was a unique, traditional, and political culture, which he thought at the time could prevent the rise of a new dictator from atomized individuals. From *Township*, where town citizens gathered to debate and mediate on all town-related issues and resolved public matters cooperatively through democratic means, Tocqueville observed that Americans were used to such practices of forming civil groups through associational practices. He argued that even though individualism is embraced and cultivated, it does not lead to isolated, mob-like tendency, and thus allows people to exercise their political freedom through voluntary, associational practices.[3]

There has been mounting criticism of Tocqueville and how he idealized America and its practices in order to propose an antidote for the problems in France. However, even if that was the case, many don't deny the importance of his political stance–the role of voluntary, associational practices to create a sustainable democratic system. Needless to say, this type of voluntary, associational political culture needs the support and practice from the masses in order to be truly effective. Even if these practices become diverse, the possibility of leaders from the upper class monopolizing such operations and converting it into yet another form of "authoritarian elitism" is not completely out of the picture. Recently, two American sociologists, Skocpol and Fiorina, conducted a study on the participating citizens of associational practices between 1970-1980 and found out that most of them fell prey to upper class-oriented "civil movement without citizens." They point out that such movement became another form of the elitist profession, scattering and minimizing grass-root participations (Skocpol and Fiorina 1999).

Deliberative constituent, on the other hand, is based on the same premise

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3. For more information on theory of associational democracy, see Tocqueville (1945), Durkheim (1992), Cohen and Roger (1992), Hirst (1994, 2001), Hirst and Bader (2001).

of participatory and associational elements, but also seeks to enhance the quality of participation. Stated in another way, participatory and associational culture can be considered the fertile soil of democracy and the well thought out deliberative system the flowers growing on such soil. It also acts like manure to fertilize the soil. The deliberative constituent was widely experimented in European and American societies, and it is comprised of Consensus Conference, Scenario Workshop, Citizen Jury, Negotiated Rule-Making, and Deliberative Polling. The unique characteristics in these systems is that each component extracts a sample of populace to secure fairness, and on such a group, they obtain consensus based on fair and considered information. This group, then, evaluates the information in the feedback process before policies made from such sources are enforced. The advantage of this system lies in the fact that it reflects the consensus of the opinions and views from the entire population, rather than relegating leaders from various interest groups to monopolize with decisive powers. The ways to obtain the sample group are two: one, random sampling, the other, via public advertisement. The strength of the deliberative factor can be found in the fact it can overcome the limits of the participatory and associational constituents as well as the politics and inner struggles of interest groups through the fair and just viewpoint in Rawlsian sense.[4] If the deliberative element works well with the participatory and associational components, it can prevent and disperse heightened challenges and risks during the decision-making process, and also spread out the responsibility over unintended consequences, jointly and democratically.

At this juncture, let us critically compare the PAD model with the existing corporatist or the win-win negotiations approach. The win-win negotiations approach is by far a more "closed" system than the PAD model. Because subjects of the win-win negotiations (usually comprised of representatives of large organizations) usually look for public measures after allowing overlap of viewpoints from all sides, they usually bring ulterior motives, such as "self-interests" or "self-stance," to the negotiating table, which remains unchanged until the end of negotiations. The PAD model, on the other hand, assumes the possibility of completely changing one's stance at the negotiation table from the influence or consideration of other participating members. The representatives from this group also

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4. For more discussion on deliberative democracy, see Habermas (1984, 1987, 1996), Rawls (1971, 1993), Fishkin (1991, 1995), Elster (1998), Bohman and Rehg (1997).

assumes the possibility of having to persuade the group they represent, should the need arise. The participants of the PAD negotiations can consist of representatives of groups or may even come from a group of randomly chosen citizens. What these two methods have in common is that both groups of participants are relieved of obligation to "represent" their organization and, instead, are able to participate in the negotiation through discussion, optimizing fairness. As a result, with everyone's input, they can all share the responsibility for their actions. This PAD is based on the premise of systematic reflection through deliberative negotiations; it has many similarities to the "reflexive governance" (Hoekema 2001). We will refer to reflexive governance as "reflexive consensus governance" and <R+PAD Governance>, <Reflexive Governance> and <Reflexive Consensus Governance> all share similar context.

In Figure 2, the big circle P is located outside the R, A, D circles because we need to consider other diverse forms of direct action that exist out of legal boundary. For instance, certain actions of the Automia Movement[5] in Italy were illegal, thus located out of the three circles of RAD, still they were surely a form of participatory democracy. Some kind of those direct actions (like violent occupation of public building etc.) could be denounced as 'anti-social', but some of those could upgrade or intensify the content of RAD from the circles of RAD through a very conscientious method (like civil disobedience).

The limits of participation lie in the individual and private domains. Certain parts of those domains are synonymous with the legal or systematic assurance domain, but are differentiated from the so-called "democratic" public or political domains. The outer line of P is perforated to show the double-sided relationship of the two: On one side, it is distinct (public/private) while the other side is connected or related to the other (legal, systematic assurance). Of course, the dividing lines between public and private are not absolute. Private domains should be explicitly distinguished from public domains in the sense of receiving protection and a sense of security, but when that isn't achieved or experienced, the unprotected and unsecured areas of individual rights will undoubtedly surface as public agenda. The recent issue of recognizing homosexuals and transsexuals' social rights is an example. In Figure 2, the progression can be seen by imagining one proceeding from the outer ring of participatory

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5. A movement that originated in Italy stands for bottom-up free activity movement of the mass.

constituent, gradually entering the participatory domain, and finally pene-
trating the RAD domain. In other words, an individual "comes out" or
takes part in a limited and restricted activity as a symbolic act of entering
into the participatory domain. And in the event that such activity or
movement develops or matures, it will gradually pass through the associa-
tional constituent and into the deliberative institutional process. Follow-
ing this course, fragmented individual rights reach the legal system and
then most doers or participants are able to exercise their individual rights
in their world (turn-back). To sum, Figure 2 represents the relational
aspect between participatory, representative, associational and deliberative
constituents of democracy, and relationship between the private and pub-
lic domains. It also displays their dynamic and circular linkage with each
other.

2. *The Reflexive Relationship between State-Market-Civil Society*

If we represent such relationship through another diagrams, they look
like the following:
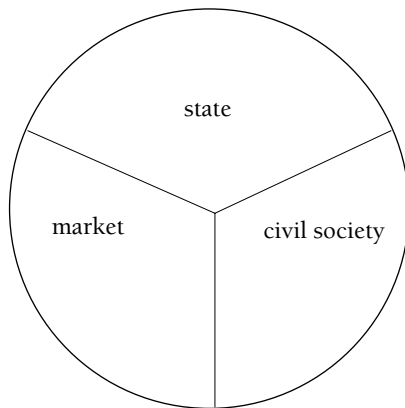
**<Figure 3> Relationship of State-Market-Civil Society
in the Old Prevailing Model**
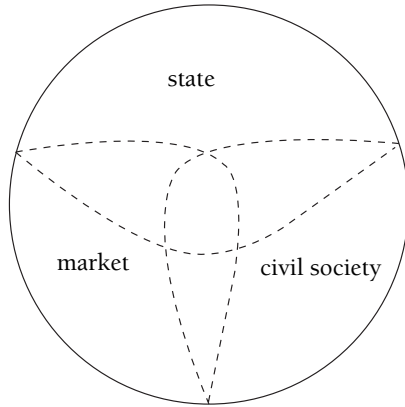
<Figure 4> Relationship of State-Market-Civil Society in R+PAD Governance Model

Figure 4 represents the advanced, developed model of Figure 3. In Figure 3, state, market, and civil society are distinct and isolated from each other. In Figure 4, they are overlapped and interrelated to each other; in other words, they are in reflexive relationships. We can see, in Figure 4, the state domain interconnecting with market and civil society, and the domains of market and civil society returning back to the linked state domain. Such is the case of participatory activity in operation today. When the agents of market and civil society participate in the policy making process of relevant issues within their pertinent domains, it strengthens the authority of the state, not weaken it. When the state receives proper feedback, i.e., knowledge based on accurate information, and the parties concerned fully understand the issues at hand, from agents of the market and civil society domains, the state can then upgrade justice, responsibility and even efficiency in the overall policy making process, inviting participation from the concerned parties. Such process can allow the policy to properly reflect the status of concerned parties on the issues and share the responsibilities such policies with a greater number of involved agents. Also, such process entrusts complex policies and its necessary investigation as well as the decision-making process to the parties concerned from the relevant domains and considers examination over the administrative practices.

Also in Figure 4, we see the domains of market interconnecting with the domains of state and civil society, and vice versa. This explains the rising demands inside and out for corporation's social responsibility and corporate ethics.[6] It also represents the privatization of some state-owned corporations. Furthermore, Figure 4 reflects the phenomena that state and civil society are actively engaging to upgrade the fairness, transparency and responsibility of the market. Lastly, it further illustrates the activities of NGOs and NPOs interconnecting civil society with state and market.

The R+PAD Governance Model is identical to the Reflexive Consensus System or Reflexive Governance. In these reflexive models, the roles of parties at various levels are quite important. In the pre-existing representative model, the basis of legitimacy comes from representation. From this viewpoint, some has questioned the legitimacy of NGOs, because they don't apparently have voters they represent. However, within the Reflexive Consensus System, the basis of legitimacy is not only on representation but the compact or partnership between relevant agencies as well. These legitimate bases of compact and partnership should be stabilized and supported by legal codes.

VI. Conclusion: Institutionalizing Reflexive Consensus System

The R+PAD Model, or the "Reflexive Consensus System," needs to be institutionalized. The issue of supporting democratic participation with legal codes has been brought up continuously from Korean civil society actors (Park 2003). Korean government likewise has attempted that kind of legislation. The Act of Administrative Procedure and Information Publicity in 1998, the act Citizen Legislation Initiative in 2000, and the act of Citizen Lawsuit suggested in 2004 are some of the examples. While sup-

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6. The intensity of such tendency may vary within a single nation since within every country, the corporation's social responsibility may be rooted in cultural climate and differences may exist thereof. Recently, at the global level, such bearings were being emphasized. In 1999, the UN Secretary General, Kofi Anan's motioned project of Global Compact is such an example. It is a system that networks the various departments of UN with corporations, labor organizations and civil society who are following the 10 principles (In the beginning there were 9 principles but one more was added to a total of 10 at the 2004 Global Compact Symposium) that are divided into four parts: Human Rights, Labor Standard, Environment and Semi-putrefaction.

porting the direction of those reforms, this paper argues that they have to be expanded and deepened.

In addition to the various experiments of negotiated role-making, consensus conference, and deliberation polls in many countries, we suggest to constitutionalize 'the Citizen Assembly' as one of the overarching institutions of the reflexive consensus system. As the details for this suggestion can be found in Kim (2006), I proffer here a brief outline of it. The crucial difference that distinguishes the Citizen Assembly from the National Assembly is the principle of the selection of its members. The members of the National Assembly are selected by election; but the members of the citizen Assembly are selected by random sampling. The Citizen Assembly is convened to deliberate specific public issues which cause sharp social conflicts and disagreements. The President, the National Assembly, and people can convene the Citizen Assembly according to the specified legal process. The decisions of the deliberation of the Citizen Assembly have the status of legal codes, and thus can be objects of judicial review. The Citizen Assembly can attenuate persistent, increasing conflicts and disagreements between civil society and the state upon public policies, and thus strengthen the legitimacy of the state. The idea of the Citizen Assembly is developed from the expanded theories of democracy, especially theories of deliberative democracy. As a similar concept ('the popular branch of government') has been suggested by an American scholar (Leib 2004), the idea of the Citizen Assembly is not exclusively Korean. Confronting the emergence of critical citizens and necessity of more reflexive governance, democratic systems in global sense have enough reason to adopt various reflexive consensus institutions including the Citizen Assembly.

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PART IV

Preserving Identity and Preventing Exclusion

12

"In the Shadow of Flowers":
Women's Narratives of Subjectivity in the Short Stories of Yi Hye-gyŏng

Ann Lee

The collection of stories entitled *Kkot Kŭnŭl* Arae (In the Shadow of Flowers), by Korean woman writer Yi Hye-gyŏng (b. 1960), depicts Korean women's experiences as the "other" of masculinist culture,[1] through narratives about women's readings of male-authored texts, women's thoughts about family and neo-Confucian ritual,[2] women's use of symbol and narrative, and women's relation to the "other" of the foreign woman. I will discuss these narrative themes, and, moreover, how these narratives use metaphor and image.[3]

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1. Choi Hye-sil writes about how the *sin yŏsŏng* or "new woman," was the "other" of Korean male intellectuals, in early modern Korean society. Choi Hye-sil, "Sin Yŏsŏng ŭi Sarang kwa Kobaek," *Hanguk Yŏsŏng Munhak ŭi Ihae* (Seoul: Yesim kihoek, 2003), 87. The "other" is "an aspect of selfhood which the subject (for example, the male subject) finds unacceptable, and so casts out, projecting it onto some other creature." Jill Barker, "The Self, the Other and the Text: Psychoanalytic Criticism," in Julian Wolfreys, ed., *Introducing Literary Theories: A Guide and Glossary* (Edinburgh: Edinburgh University Press, 2001), 99. The other may also designate "those 'unlivable' and 'uninhabitable' zones of social life which are nevertheless densely populated by those who do not enjoy the status of the subject, but whose living under the sign of the 'unlivable' is required to circumscribe the domain of the subject … the subject is constituted through the force of exclusion and abjection." Butler, Bodies that Matter: on the Discursive Limits of 'Sex' (New York: Routledge, 1993), cited in Nina Cornyetz, *Dangerous Women, Deadly Words: Phallic Fantasy and Modernity in Three Japanese Writers* (Palo Alto: Stanford University Press, 1999), 7.
2. O Se-ŭn has written about Korean womens' fiction and neo-Confucian ritual. O Se-ŭn, "Yŏsŏng Kajoksa Sosŏl ŭi Ŭirye wa Yŏndaesŏng'–*T'oji, Mimang, Honpul ŭl Chungsim ŭro*," *Yŏsŏng Munhak Yŏn'gu* (Seoul: Yerim kihoek, 2002): 266-292.
3. Literary critic Son Chŏng-su has commented on Yi Hye-gyŏng's skillful use of image and metaphor; critics have praised Yi's meticulously crafted writing style. Son Chŏng-su, Sim Sŏn-ok, Chŏng Kwa-ri, "Kongŏp Kwaing Sidae ŭi Han'guk Munhak," *Munhak kwa Sahoe* (Autumn 2002): 1209.

Yi does not idealize her woman characters, but portrays them without censoring their less than perfect personality traits. The story "Mŏrŏjinŭn Chip" (Home, Further and Further Away) (2002) depicts the lives of women who are flawed in ways that include accepting bribes and stealing from other people's mail. The narrator's mother spent bribe money that had been offered to the narrator's father, who worked in construction. The narrator, Sŏn-ae, wishes that her mother would express remorse for that, but her mother never does. The narrator and her sister believe that their father died because the incident was devastating to him. The incident is traumatic to the narrator and her eldest sister.

The narrator of "Mŏrŏjinŭn Chip" articulates her feelings about her relations with existing narratives of family. She sees herself as "other" in patriarchal, neo-Confucian society. She is an unmarried woman, living with her widowed mother. The narrator is financially dependent on her mother, because she is unemployed. Her employment situation is depicted as affected by a combination of gender-based oppression, and global capitalism. The story is set in post-IMF Korea, after the restructuring imposed on Korea by the International Monetary Fund. At a job interview, the company president makes comments about her appearance–with her looks, she could get married, does she have plans of getting married. He assumes that women get married at a certain age and quit the workplace. The narrator has difficulty finding narratives that describe her experiences. Society's existing narratives see single women living with their widowed mother in certain roles. She finds these roles self-alienating and othering. She looks at some of the roles available to her from the repertory of roles in existing, patriarchal narratives.

> I picked up one of the masks that lay in layers. The daughter who watches over her aged, feeble mother, with tenderness and pity. Tenderness and pity? I could not play that role. Most of all, I didn't think mother would play the role of the feeble old woman. For me to show pity to mother would be as impudent as a small lizard the size of my wrist saying to a carnivorous dinosaur who was trying to catch it and eat it, "Will I be enough to satisfy your hunger? Tsk, tsk. I'm so sorry." I picked up a different mask. The old maid who was abandoned by her mother during her childhood and did not fit into society once she grew up? I was not sentimental enough for *sinp*'a theatrics. The daughter who looks at her mother with the eyes of the younger sister who sees her old sister 'before the mirror.' That was an improvement, but it did not really appeal to me that much. I gave up trying to follow the advice

of the woman's magazine that I had just been reading, and went out with a bare face.[4]

The narrator others her mother, thinking of her as a "carnivorous dinosaur." This is an expression of her own self-image; in a different passage, she says that she feels like a parasitic plant because she is financially dependent on her mother. Her mother can walk only using a walking stick, and goes to the bank herself once a month; mother doesn't want to show her checkbook to her daughter because she doesn't want her daughter to worry. The narrator feels defensive about her dependency on her mother; when her mother asks her questions, she reacts with hostility. It is a side-effect or symptom of having been unemployed for such a long time, she thinks to herself, and regrets that she is not kinder towards her mother. The narrator's use of the predatory image of the "carnivorous dinosaur" reflects her own lack of feminine self-affection. She sees herself as parasitic. She tries to find texts that narrate experiences similar to her own, but she feels herself othered by male discourse. The narrator of "Mŏrŏjinŭn Chip" is a woman; in order to identify with the subject of the Sŏ Chŏng-ju poem "Beside a Chrysanthemum," she changes the narrator of the poem–a boy looking at his older sister standing before a mirror–to a girl looking at her older sister standing before a mirror. In examining the layers of masks, the narrator expresses her consciousness of the self-alienating effects that male-authored discourse can have on female subjectivity. She questions the way in which such roles have been naturalized. Her use of the metaphor of layers of masks, interrogates the formation of depictions of women in patriarchal society.

Contemporary Korean woman poet Kim Sŭng-hŭi has also written about masks as masculinist images of woman. In the poem "Na Hye-sŏk K'ompŭlleksŭ" (Na Hye-sŏk Complex), Kim writes about women who flee from a room where two masks are displayed on the wall: those of Pune and Miyal, women characters who appear in Hahoe and Pongsan traditional masked drama (*t'alch'um*).[5] The Punae and Miyal masks signify stereotypes of women as either young woman and object of male desire, or old woman and not object of male desire. Masked drama, however, sati-

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4. Yi Hye-gyŏng, "Mŏrŏjinŭn Chip," *Kkot Kŭnŭl Arae* (Seoul: Ch'angjak kwa Pip'yŏngsa, 2002), 47.

5. Chŏng Sun-jin, *Han'guk Munhak kwa Yŏsŏng Chuŭi Pip'yŏng* (Seoul: Kukhak Charyowŏn, 1993), 334.

rized the *yangban* elite; the Pune and Miyal characters could be satirical representations of stereotypical roles given women in Chosŏn dynasty elite culture. It is possible that t'alch'um invites women to laugh with the actors, since Punae and Miyal are populist (*minjung*) representations of gender-based roles that are being satirized. Sŭng-hŭi's reference to masked drama can be seen as either a feminist critique of *minjung* culture, or an effort to use the discourse of *minjung* culture to make a feminist critique of masculinist, patriarchal society.

The mother-daughter relationship seems affected by consumer culture. Mother's actual conversations with her eldest daughter always end quickly. Eldest daughter maintains an emotional distance from her mother. She resents mother because mother used money that a construction builder's wife brought to bribe their father. Father thought mother had returned the money, but she bought foreign cosmetics, a handbag and clothes. Mother is vulnerable to consumerism: she spent the bribe money because she felt the compulsion to buy foreign cosmetics, a handbag, clothing.[6] Mother does not seem to be sorry about what she did, or aware of her daughters' resentment over that action of hers. She thinks her daughters resent her because she was away from home; she worked as a door-to-door cosmetics saleswoman. Eldest sister's resentment makes it difficult for her to acknowledge her mother's feelings. Eldest sister contradicts everything her mother says, and doesn't reciprocate mother's efforts to open conversation between them. The narrator and eldest sister became disillusioned with their mother because mother accepted the bribe money. However, the narrator herself is like her mother, in her vulnerability to consumerism, and how she uses unethical means to supply her compulsion. The narrator steals free sample cosmetics from other people's mail. Both mother and youngest daughter use cosmetics to signify feelings of anxiety about loss.

The narrator, Sŏn-ae, constructs narratives around cosmetics–signs she uses to symbolize, replace and repeat primordial loss.[7] She steals a free

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6. Ryu Po-sŏn has written that Yi Hye-gyŏng depicts the family as a space that manifests the contradictions of capitalism–that is, a space in which ethics and altruism have disappeared, and people fight one another for money. Ryu Po-sŏn, "Punno lŭl Tasŭrinŭn Chŏngsin, Hogŭn Riŏllijŭm e ŭi Kil," *Segye ŭi Munhak* (1995 Autumn), p. 164. Cited in Kim Mi Hyun, *Yŏsŏng Munhak ŭl Nŏmŏsŏ*, 277.

7. Cf. Jacques Lacan's theory of subjectivity and language. "A being that uses language is constructed out of loss… It is "in the absence of a desired object that language becomes necessary, and through the use of language that a self comes into existence." Jill Barker, "The Self, the Other and the Text: Psychoanalytic Criticism," 99.

sample "travel kit" of cosmetics, from the lobby of her apartment building one day; the sample kit was sent to someone else. The makeup "travel kit" makes her feel as though she were about to leave home for travel.

> Someday I will put the travel kit in a travel bag. When I leave, my plans will be for a short trip of two or three days, but because of an inevitable situation that arises at my place of destination, and an unavoidable agitation in my heart, I will walk step by step in the opposite direction from home, going farther and farther away. A little bit further, I will tell myself, and in so doing, I will go farther and farther away from home, until I can no longer return. Later, I will hear from someone of mother's death, and I will return home to pay my respects to the deceased. At that time, if one drew a line on a map, connecting all the cities that I have passed through, the line would form the shape of a large teardrop. Or maybe it would look like the sole of a worn-out shoe. I am getting farther away from home.[8]

She repeats symbolically the trauma of loss, experienced at birth. She imagines herself leaving home, and emotionally prepares herself for when her mother will die. The narrator in "Mŏrŏjinŭn Chip" sees herself as a linguistic "outlaw."[9] She steals the travel set that she uses to signify loss. Her language practice is "illegal," and subversive of masculinist discourse.

Mother, too, develops a private language to signify loss:

> "There isn't a part of me that doesn't hurt. My good leg seems to keep losing strength. At least I have this to make the pain bearable."
> Mother sat up on the bio-thermal mat on which she was lying, and adjusted the angle of a u.v. heat lamp that looked like a desk lamp, then switched the lamp on. Mother's neck looked red in the ultraviolet light, like a piece of meat in a butcher's shop. A hot bubble spa that soothed one's tired feet, a thermotherapy machine, hot packs, a high-frequency therapy machine for relaxing aching shoulder muscles–Mother used the living room as her physical therapy room.[10]

Mother substitutes the home shopping channel for interpersonal com-

8. Yi Hye-gyŏng, "Mŏrŏjinŭn Chip," 63-4.
9. Cf. bell hooks, *Outlaw Culture: Resisting Representations* (New York: Routledge, 1994).
10. Ibid., 54.

munication.[11] She sees the faces on the screen, calls to place her order, and then a package is delivered to her home. The devices she purchases are heat-producing, like human touch. In the above scene, her eldest daughter is visiting her, but gets up to leave when a delivery man arrives with a new product that mother has purchased from the home shopping channel.

In the story "Kogaennmaru" (Mountain Ridge), the woman narrator, Sŏn-ae decides not to attend the neo-Confucian ritual observed each year to commemorate her mother's death, and decides instead to visit her hometown, Myŏng-ch'ŏn, and see her friend Min-ja, from middle school. Sŏn-ae rejects the male-centered symbolic order of neo-Confucian ritual, and creates woman-centered narratives of subjectivity. She and Min-ja attend a party given by a friend who is opening a new *noraebang*[12] business. Seeing the women who have been hired to advertise the *noraebang* to passersby, Sŏn-ae realizes how exhausted she feels because of her job as a door-to-door instructor for a scholastic tutoring journal. She thinks of herself as a weed growing against the corners of old buildings.

> Nasal voices spread through the streets, amplified by hand-held microphones. Two young women wearing mini-skirts, and caps that looked like those worn in the Korean navy, were dancing and calling out to potential customers through hand-held microphones. They looked as though they had just turned twenty, and their short skirts and high heels made their legs look long. At night, in a hotel in a strange city, or in a car going home late at night, they would massage their legs. The moment they took off their stockings, their skin, which had been bound tightly beneath their stockings all day, would breathe a long-suppressed sigh. Unable to take my eyes away from their long, sleek legs, I realized that my own legs felt swollen.
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> The area that I was responsible for consisted of a low-rise apartment complex that had been rumored for years to have been slated for "re-development," and old housing on the outskirts of that housing complex. Since there was no elevator, one had to walk up and down count-

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11. Kim Mi Hyun discusses Yi Hye-gyŏng's depiction of technology, from the perspective of eco-feminism. Kim Mi Hyun, "Umŏnt'op'ia, Tek'ŭnot'op'ia Sok ŭi Ik'ot'op'ia," *Yŏsŏng Munhak ŭl Nŏmŏsŏ* (Seoul: Minŭmsa, 2002): 269-292. Chŏng Hye-gyŏng describes the family as what is there when one "shuts off" the "online world," with its information and illusions. Chŏng Hye-gyŏng "Haedap Ŏmnŭn Murŭm ŭl Kyŏndinŭn Cha–Yi Hye-gyŏng Cha–Yi Hye-gyŏng Non," *Maehok Kwa Konhok* (Yŏllimwŏn, 2004), 205.

12. A *noraebang* is a Korean karaoke business.

less stairs. The narrow, filthy stairs were covered with wads of chewing gum. There were days when I regarded with affection those wads of gum that were stuck so tenaciously to the stairs, and there were times when they put me in a fiercely wretched mood. Sometimes I would walk briskly up the stairs, arms and legs pumping, in order to be on time for an appointment, only to find the door locked and no one answering the door. I would wait for awhile, then leave because I had another "class," which is what we called the tutoring sessions.[13] Then the next day I would get a phone call from the person who had not answered the door; they would say they were cancelling their subscription. On days like that, I would especially notice weeds like dandelions that grew against the corners of the old buildings. Weeds had no competitive advantage, but were very capable of adapting themselves to circumstances. Weeds were plants that had fallen behind in competition, and had been eliminated from competition through the process of natural selection. They thus cultivated an ability to adapt to circumstances, so that they could survive no matter how dry and infertile the soil in which they found themselves. This was how a television documentary defined weeds. At night, the weeds' legs were swollen. They would wake up in the midst of sleep, with cramps in their legs; this happened more and more often. When they felt a numbness moving up their left leg, a fear would cross their mind, that perhaps the numbness would eventually reach all the way to their head.[14]

Sŏn-ae depicts the salesgirls and herself through the metaphor of "weeds." She describes how she feels seeing the young women calling to passersby, and how she feels about her work as a door-to-door tutor. In identifying with the salesgirls in her hometown, Sŏn-ae creates woman-centered narratives of self and home, instead of only situating herself within neo-Confucian ritual, which marginalizes her subjectivity. The description of the women as weeds that have been eliminated from competition by natural selection, moreover, presents a feminist parody of social Darwinism. Patriarchal ideology uses science to rationalize gender-based oppression. The text tries to shed light on the workings of patriarchal ideology in the historical formation of images of women.

Sŏn-ae realizes that neo-Confucian ideology can be othering to men. The traumatized man Min-jae becomes a part of her narratives of self and

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13. She works for a magazine company that publishes a study journal for grade school students and provides tutoring in subjects such as math.
14. Yi Hye-gyŏng, "Kogaennmaru," *Kkot Kŭnŭl Arae*, 81-82.

hometown. Min-jae was beaten up because he fell in love with Sŏn-ae's father's cousin. Rejected by the patriarchal order, and a victim of violence, he too inhabits the realm of abjection. When Min-jae appears at the *norae-bang* to beg for food, Sŏn-ae asks her friends about where Min-jae lives, and she remembers his story. Her interaction with Min-jae, and memories of Min-jae, form an alternative symbolic representation of home, instead of masculinist neo-Confucian ritual.[15]

Sŏn-ae thinks about her relationship with the neo-Confucian family system. She sees herself as a "hinge" that keeps eldest brother from being completely rejected by his younger brothers. The younger brothers resent eldest brother for losing the family house in Myŏng-ch'ŏn, through debt. Sŏn-ae feels a conflict between her sense of duty to be a good sister who attends mother's neo-Confucian ritual and helps eldest brother restore his authority as eldest son, and her personal life. She decides not to attend the ritual. She wants to visit Myŏng-ch'ŏn and see Min-ja, and does not want to have to mediate between eldest brother and the younger brothers.

Sŏn-ae seems to empathize, however, with eldest brother, and the narrative depicts eldest brother's experiences of not having quite lived up to the expectations that an eldest son be the patriarch of his generation.[16] The loss of the family house and, eventually, the relocation of father's grave away from their hometown, metaphorically represents the dislocation of the self[17] when it is othered in the field of another subject's gaze. The self becomes alienated from itself, and splits into the self as subject and self-as-other.

A Korean woman sees herself as "other"[18] in the face of an Indonesian woman, in the story "Kkot Kŏnŏl Arae" (In the Shadow of Flowers).

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15. Laurel Kendall discusses Korean women's practices of shamanistic ritual as existing parallel to male-centered neo-Confucian ritual. Laurel Kendall, *Shamans, Housewives and Other Restless Spirits* (Honolulu: University of Hawaii Press, 1987).

16. Chŏng Gu-yŏng, a graduate student in my Korean Literature Graduate Lecture at Kyung Hee University, Autumn Semester 2005, expressed his feelings in class of feeling othered by expectations that he participate in neo-Confucian ritual just because he is a male.

17. Elizabeth Bronfen theorizes that the "subject's own internal difference"–of conscious and unconscious–is a kind of displacement, and that this displacement is what inscribes "any imaginary notion of home." Elizabeth Bronfen, *Home in Hollywood* (New York: Columbia University Press, 2004), 23.

18. Writer Pang Hyŏn-sŏk has written of his 1994 journey to Vietnam, that he wanted to see himself in the other of Vietnam. Pang Hyŏn-sŏk, "Reinbo Asia: Hanoi–Sŏul–Keip'ŭt'aun," *Asia* vol. 1, no. 1 (Summer 2006): 15-35.

A round face with dark, lustrous skin; an expression so calm and dignified that it seems almost stern; and, on her bluish lips, a smile that seemed like something she had bitten off and held clamped between her gritted teeth. There had clearly been a time when destiny had brought her life in contact with that of someone who looked like her, only her skin was somewhat lighter.[19]

Who was it? A thought came to mind, but Sŏ-yŏn erased it, as though from conditioned reflex. Perhaps a karmic tie from a time since past. Or from a previous life. Maybe they would be sisters in the next life.[20]

The Indonesian woman is a symbol of Sŏn-ae herself as "other" in the field of another subject's gaze. Just as Sŏ-yŏn is the other of Korean patriarchy, the Indonesian woman is the other in Sŏ-yŏn's perspective.

A Korean in Indonesia tells Sŏ-yŏn that a Korean anthropologist whom he knows tried to photograph Indonesian spiritual rituals, but only two photographs could be developed out of fifteen rolls of film. Sŏ-yŏn's perspective is like that of the Korean anthropologist: when she tries to photograph the Indonesian woman whose face reminds her of herself, her camera malfunctions, and she cannot take the picture. The Korean anthropologist's story and the coincidental malfunctioning of Sŏ-yŏn's camera, represent the desire of the Korean narrative to restore Indonesian ritual to its original state before its destruction through ethnology.[21] The camera lens of ethnology destroys that which it observes. The desire to believe in spirits that elude the camera is the desire of ethnology to put Indonesian ritual and its spirits in a protected space before ethnology, a space that eludes the camera lens.[22]

In the story "Ilsik" (Solar Eclipse), the Korean woman narrator, Yŏng-wŏl, becomes aware of how an Indonesian woman named Tamai suffers oppressions of gender, class and nation. At first, Yŏng-wŏl thinks that Tamai wants to learn about Korean cooking just because she has a vague interest in Korean culture. Yŏng-wŏl herself has been collecting spices used in Indonesian cooking, though she has no definite food in mind that she was going to try to make. Then Yŏng-wŏl realizes that Tamai is inter-

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19. Yi Hye-gyŏng, "Kkot Kŭnŭl," 13.

20. Ibid., 35.

21. Cf, Jean Baudrillard's discussion of ethnology and the Tasaday Indians. *Simulacra and Simulation*, trans. Sheila Faria Glaser (Ann Arbor: The University of Michigan Press, 1994), 7-8.

22. Ibid., 11.

ested in Korean cooking because she wants to emigrate to Korea, and work as a maid. Yŏng-wŏl realizes that Tamai's interest in cooking is not like Yŏng-wŏl's leisurely interest in Indonesian cooking; Tamai's interest is not one that comes of luxury or leisure, but of economic necessity. The text uses contrasting paragraphs to describe Yŏng-wŏl and Tamai's "research" about foreign foods. In the paragraph about Yŏng-wŏl, there are descriptions of the spices that she collects on her kitchen shelves–their shapes and their smells. In the paragraph about Tamai, the narrative describes how Tamai asks Yŏng-wŏl about how much Southeast Asian laborers make each month in Korea, and about the cost of a meal in Korea. Tamai seems to be storing away the answers in her mind. Yŏng-wŏl hoards spices and smells, for no particular purpose; Tamai hoards what she needs to know about work conditions in other countries, because she wants to emigrate and find work. The contrast is similar to that in the film "Los Diarios Motocicletas," in which miners looking for work are astonished to hear Che Guevara and Alberto say that they are traveling for the sake of traveling. The miners travel to look for work; they cannot afford the luxury of travel for the sake of travel.

Yŏng-wŏl becomes interested in interviewing an Indonesian who became blind after looking at the sun during a solar eclipse. She is in love with a married man, and she thinks that she has glimpsed a love that she should not have seen. "They had committed the sin of looking upon that which they should not have looked upon, and wanting that which they should not have desired."[23] Blindness becomes a metaphor of phobic desire.[24] The blinded and the adulterers have looked upon what they should not have seen. The image alludes, moreover, to violation of the incest taboo, and thus, to abjection, or that which is cast aside in order to define the subject.

Another image of abjection is that of an Indonesian woman throwing herself into the ocean. Yŏng-wŏl sees a woman at the beach, plunging into the water. Tamai has a recurring dream in which a woman wearing a green dress casts herself into the sea. One is not supposed to wear green because the sea goddess takes people who wear green. Tamai realizes that the woman is herself. Woman is identified in these images, with fluidity

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23. Yi Hye-gyŏng, "Ilsik," 100.
24. A phobic object can represent "disappointed desires, desires diverted from their objects". Julia Kristeva, *Powers of Horror* (New York: Columbia University Press, 1982), 35.

that threatens the boundaries of the dominant, male subject in patriarchal society.[25]

The story "Kŏmŭn totpae" (Black Sailboat) depicts the woman narrator's feelings about having been rejected by her mother because she was not a boy. Her mother had gotten pregnant out of wedlock, and a wealthy family offered to take her in and adopt her child if her child was a son. The narrator's mother resented her daughter for not having been a boy. The narrator has deep feelings of sadness and resentment over having been rejected by her mother; however, she has not been taught to value her feelings. She feels shame over her feelings, and describes them as the rantings of a vengeful ghost. She has strong feelings of guilt about her feelings, and seems to think that she has caused the death of her husband, who dies in a car accident. The description of woman's feelings as the rantings of a vengeful ghost, renders woman as a demonic other. The story depicts the destructive effects on women, caused by images of woman as other.

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25. Nina Cornyetz, *Dangerous Women, Deadly Words: Phallic Fantasy and Modernity in Three Japanese Writers* (Stanford: Stanford University Press, 1999), 14.

Avicenna Heuristic Concept for
the Identity Problematic

Mostafa Younesie

In this paper communicatively and according to the content of the Avicenna Persian and Arabic texts I want to introduce the categories of identity preservation and exclusion prevention into the broader topic of philosophical identity. Therefore he has texts about the identity but my focus is on philosophical identity although it seems that Avicenna's texts are more or less related to this aspect or dimension–that is more appropriate for our discussion. Therefore I will assume Philosophical Identity as a general subject matter and the concepts of preservation and exclusion have to be presented to or introduced into this specific area. And for this the problem of approach becomes crucial and important. As I said I want to present and make it possible in a friendly way, it means that Avicenna as the author is alive and has an identity and I do not want to assume that he is dead, without identity or excluding his identity. This way can give us the guarantee that we are not privileging modern habits of thoughts and concepts and prejudices over Avicenna's own intentions, thinking and categories. For doing this task I will adopt interpretation as a communicative approach and at the same time choose a heuristic concept as a mediator or inter-world between Avicenna's ideas and thinking about philosophical identity and our two contemporary introduced and presented categories.

Philosophical Identity as Actualization of
the Universal Human Substance

Here in this section I want to represent my understanding of the term philosophical identity. When we introduce identity as a problematic it is possible to discuss about identity term according to these proposed levels (e.g. object and meta), contexts (extensional and intensional), kinds of

languages (materic, topological, formal / semiformal, event and process), different senses and different uses, and various and different aspects. Among these some of them are explicit but some of them are implicit, paradoxical or undefined. Therefore in what follows I have to make relatively clear the understanding of Avicenna with regard to these various categories. But primarily I will not discuss merely or generally about identity but I have in my mind a special kind of identity or identity in the sphere of philosophy. For in Avicenna there are different kinds of identity or identity can be used for different spheres and also this conception seems more appropriate with the main topic of this conference. Moreover, I want to talk about human being as an individual or a collectivity, for Avicenna says that we can use this term for animate and inanimate things and entities. But here first I discuss about animate entities called humanity or human beings. For gathering and then understanding Avicenna conception about human beings first I will present his general idea about this concept and then in relation with it I will introduce "self" and "person" concepts. In accordance with his crucial categories he differentiates between form and substratum or matter of humanity or human beings as an ethical entity. Form, which is in the soul of the knower, is what is known. Such a form is allegedly separated or abstracted from the substratum of human beings whose form is a known entity.

Interconnected with this conception of human beings it seems more proper to speak of "self". In him it is possible to assume "self" as a "process" or "event" both with their specific results. It means that we can take self as a kind of static condition or as a process that develops into various states such as connection with God or the other things. (And among other things our conception of self as self–realization needs a special language, namely process language that is different from the self as an event namely event language.)

Interrelated with the human being concept a specific event or realization and development of "self" is "person". Avicenna's ideas about person is very complex and sometimes paradoxical, notwithstanding this complexity it can be said with confidence these points, firstly, person has constituents of the best ones–the best soul, namely rational soul and the best substratum, namely that substratum which contains the most harmonious mixture of elements. Secondly, "person" possesses a body, a soul and intelligence that is an aspect of the soul. Therefore "person" is a composition. And lastly, person has many aspects such as perspective (that has relation with happiness, and completeness); descriptive (body, soul, and intelli-

gence); epistemological and intentional (knowledge and will); and norma-tive (the relation between persons with each other and with the God and world with regard to the good and value).

Therefore it seems that when Avicenna speak of "human beings" as a synthesis of form and matter he makes an interplay (that means a kind of relation and differentiation) between "self" as a process and event and "person" as a composition that has different aspects and constituents.

At the next step human being has a substance that is universal. There-fore now I have to explore the term substance in Avicenna. In him sub-stance (*gauhar/jauhar*) as an ordinary and usual word means the main-spring of, the inner core of, or the fundamental element of something that is always very wanting and valuable. But as a technical philosophical term in its intensional description or its meaning (apart from its kinds, uses and aspects) substance is neither predicated of a subject nor is it in a sub-ject, and contextually he relates it to the concept of being. In this context he says that being is applied primarily to substance, and it applies to acci-dent only by the intermediacy of substance. In other words, we can say that Avicenna adopts the distinction that Aristotle makes between primary and secondary substances, and labeling these respectively the particular substance and the general substance. By means of his essence-existence distinction he is able to distinguish between these two senses of sub-stance. But more importantly, there should be a connection between these two senses of substance and they should not be separated or divorced from each other.

After discussion about human substance it would better that I explore the universality of this substance. First of all it seems that we have to be cautious about any attempt for putting Avicenna's theory or conception about universals in one of the three traditional philosophical schools of the "realists"; " nominalists"; and " conceptualists". It seems that his theory about universals can be best understood with special reference to his essence–existence distinction. In such a framework universals are essences and particulars are existents. (But these two are not related causally and essence can not be the cause of its existence).

Based on Avicenna's distinction between essence and existence in regard to our main topic we can say that the unity of humanity is to be found in the fundamental essence rather than in the sensible instances of an essence, or the form of humanity exists in separation from particular per-sons. Besides, the idea of universality, for the very reason that it is a uni-versal is not an actual existent except in thought. However, its reality both

exists in the thought and it is external to the thought. Lastly, an idea that is universal can not have many particulars that are not distinguishable due to a particular characteristic or relation.

Up to know for understanding Avicenna's conception about philosophical identity I have explored the three interconnected categories that are universal substance of humanity. But it is not enough and the aforementioned categories have to be actualized. First of all it must be mentioned and emphasized that for him the actualization of an entity is better than non-actualization. Hence the greatest defect for any entity is non- realization. And it seems that according to this importance he can arrange his entities on the scale of actuality beside potentiality. (He mentions in this context to pure actuality; actual actuality; mixtures of potentiality and actuality; and conceivable pure potentiality).

For him whatever is realized is called an actuality, which is the act of realization rather than the act of affecting something else. In this context actuality has a double meaning, possibility of actualization, and actualization or existence. In the first case whenever passive and active potentiality are connected with each other, then an act and a possibility are necessarily realized. In the second case whatever comes into existence due to a cause comes into existence by necessity because it can not be possible for the necessity of a thing not to be realized. For in this case usually the nature is sufficient and the will and accidental conditions are complete. But if the first one is insufficient and the second and third ones are incomplete there will not be actuality.

Therefore, for Avicenna in the sphere of moral philosophy philosophical identity (in contrast with mythical one) is mainly and fundamentally a kind of actualization of the universal substance of humanity or human being. But this actualization is not completely an innocent and unproblematic event. Thus it can have different faces and features, but interestingly it has relations with the preserving of identity and preventing exclusion. Notwithstanding, there are very few clues about this topic in the Avicenna's own text.

Heuristic Concept for Preserving Identity and Preventing Exclusion

With regard to the explicitness of Avicenna's thought about philosophical (individual or collective) identity but very few clues about preserva-

tion of identity and prevention of exclusion in his texts, we should search for a suitable heuristic concept. With regard to the quality and nature of identity in Avicenna and also simultaneous presence of preserving and preventing in identity we need a relational concept. That means that according to his theological background this identity in its individual or collective form must always be in a kind of relation with the Necessary Existent. Because without this relation that is a real and ideal one there is no identity for anything and anybody. Furthermore according to his philosophical background identity is always rooted in the different relations that exist between ego and alters. In other words, we need a relational term in order to connect individuality and commonality (that contain a range of concepts but surely is not one dimensional or limited). Individuality in its common sense meaning preserves particular identities in their individual or collective forms; and commonality prevents the exclusion of the community by the other individuals and the individual by the community or the other individuals. Prevention is a two-faced or concept or has two aspects. Therefore we need a concept that can make relations between individuality and commonality both. More importantly, it seems that the concept of logos or *nutq* as an unexplored notion have synthetic and not analytic connotations for him and this point has many fundamental affects on this subject. This point can be affirmed and vindicated by the general sociological and historical context of Avicenna's period too. He lives in a period that is coincided by the renewal and renaissance of his community. In this situation the community as a whole seeks and wants to redefine its identity. But for him it does not mean the scarification of the individual identities as some mystics introduced and propagated. Schematically, in comparison with "*I am You*" of the most mystics he proposes "*I and You are here*"–really and actually different individual and collective identities exist and should preserve their identities–*I and You* are here, and at the same time they should prevent their exclusion by any individual or community or community and individual exclusion by them–I and you are here(Amin Banani and Speros Vryonis jr., P. 35ff.).

Therefore our proper heuristic concept must be chosen from the vocabulary of Avicenna with attention to the mentioned points. Accordingly, I will choose union (*paiwand/ittahad*) from the texts of Avicenna for our search about identity preservation and exclusion prevention. For him this term has four meanings:

1. The sharing of (identities) things in one attribute, be it essential or acci-

dental. For example, the sharing and commonality of different human identities in rationality.

2. The sharing of attributes in one (identity) object. For example, the sharing of rationality, affections, and in morals in human beings.
3. The combination of object and attribute in one essence. For example, the combination of body and soul in human beings.
4. The combination of many substances, as through contiguity or contact or juncture. For example, the congruity of cities, the contact of chairs and beds, and the juncture of the limbs of animals (Ibn Sina , 1987, 33-34).

When these different meanings of the term union are translated into the terms of our discussion we can suppose the below mentioned cases or alternatives:

– A kind of union that is based on symmetrical relations between or among different individual identities and thereby these identities are preserved in connection with a subject. Besides, these identities prevent exclusion among themselves and their relations with the other unions like themselves is more or less clear and predictable but their relations with other collectivities are not always clear and predictable. Family can be this kind of union.

– A kind of union that is based on the symmetrical relations between and among different identities that in which identities of some members are destroyed although neither of them is destroyed. But here the identities can not exclude each other, for the union could not be formed and shaped without the existence of all. The union of the blue and yellow colors that make the green color can be the example of this kind.

– A kind of union in which the relations between and among different identities are asymmetrical and some of identities are preserved but not all of them.

– A kind of union in which the temporary interrelations happening during an interval coming between the persistent and reappearance of individual identities. In this way some identities disappear temporarily and thereby destroying the union.

– A kind of union that is more near to blending and evolving of different identities, there is an undetermined and undisclosed interval during which one can say with certitude that the identities are distinct from each other and they can preserve their identities. Although gradually in the other stages of this process they will blend with each other or evolve, in this particular state those which are united continue to exist though has lost their identities (Ibn Sina, 1973, pp. 245,246).

– A kind of union based on the similarity of different identities in which all preserve their identities and differentiate themselves from those identities who are unlike them. This mentioned differentiation and distance can lead to different behaviors or actions and a priori we can not specify them precisely and exactly. Friendship can be an example for this kind of union.

By applying or introducing the above mentioned cases and alternatives to the texts of Avicenna or his theory about philosophical identity as the conclusion we can infer these points:

– Union can be between entities and process of actualization and realization both. In other words, we can take preservation and prevention as events and processes and the interconnection or union may be within events and processes.
– Somehow Universal and particular identities preserve their identities except in generation and corruption. Therefore there can be different and various possibilities or a range about existence of identities or there are many exception. And
– There seems no specific and categorical discussion about the factors or entities that can prevent from the other identities. In other words, for Avicenna preservation of the philosophical identity is the first and last thing and prevention is only the lack or negation of preservation–he has no positive theory of prevention.

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Cultural Hermeneutics:
Interpretation of the Other

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Two Types of Hermeneutics

Hermeneutics has obtained such a prominence in contemporary philosophy that it is not an exaggeration to say that one cannot understand contemporary philosophy without an appropriate understanding of hermeneutics. However, using Richard Rorty's distinction between self-fulfillment and human solidarity (see Rorty 1989), contemporary hermeneutics is primarily a hermeneutics for self-creation. When interpreting a text, a tradition, a culture–in short, an "other"–the interpreter's main concern is what we can learn from the "other." In other words, the primary or ultimate purpose of our interpretation of the "other" is not to understand the "other," but to understand ourselves through our understanding of the "other." For example, in his hermeneutics, Hans-Georg Gadamer emphasizes the idea of *Bildung*, which normally means "the properly human way of developing one's natural talents and capacities" (Gadamer: 10). However, Gadamer adopts the Hegelian interpretation of *Bildung*, according to which it means "to recognize one's own in the alien, to become at home in it" and to return "to itself from what is other" (Gadamer: 14). Since the primary purpose of hermeneutics is not to understand the other but to understand oneself through an understanding of the other, Gadamer points out, "the real meaning of a text, as it speaks to the interpreter, does not depend on the contingencies of the author and his original audience. It certainly is not identical with them, for it is always co-determined also by the historical situation of the interpreter and hence by the totality of the objective course of history" (Gadamer: 294). Richard Rorty makes this point more clearly. According to him, the main feature of Gadamer's hermeneutics is that it is "interested not so much in what is out there in the world, or in what happened in history, as

in what we get out of nature and history for our own uses" (Rorty 1979: 359). Translating *Bildung* into edification, Rorty thinks that hermeneutic activity is edifying discourse, which is supposed "to take us out of our old selves by the power of strangeness, to aid us in becoming new beings" (Rorty 1979: 360). With this, Paul Ricoeur, another master of contemporary hermeneutics, also concurs. Ricoeur does think that Gadamer's hermeneutics takes a short cut. In his view, an interpreter should first grasp the world unfolded, discovered, and revealed by and in front of the text. However, Ricoeur agrees that the ultimate purpose of hermeneutic action is not to understand the text or the world revealed by the text but "*to understand oneself in front of the text*" (Ricoeur: 88, emphasis original).[1]

In this essay, I shall focus on a different type of hermeneutics, hermeneutics for human solidarity. When interpreting a text, a tradition, and a culture, our main concern here is not self-understanding, but to understand the other, whether as an individual or a community, that may become the recipient of our actions. In other words, the purpose of our interpretation of the "other" is not merely self-understanding, self-enrichment, or self-creation; it is rather to understand the unique ideas and ideals, habits and customs, cultures and religions, likes and dislikes of the "other" who may be very different from us, to ensure that our action towards them be appropriate. Thus, in such a hermeneutics, the "other" that we aim to interpret and understand is not a text or any other symbols but the living person, who may be the author or user of such texts and symbols, as only a living person, and not the texts or symbols, can become our moral patient. Thus, while it is often necessary to understand the texts and symbols, it is not enough simply to study the texts and symbols independently of the other who creates and uses them, for the purpose of our understanding such texts and symbols is to understand the people who create

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1. In this respect, Jürgen Habermas seems to hold a different view: "In its very structure hermeneutic understanding is designed to guarantee, within cultural traditions, the possible action-orienting self-understanding of individuals and groups as well as reciprocal understanding between different individuals and groups" (Habermas: 176). Here he emphasizes the mutual understanding between different individuals and groups. However, Habermas does not think such mutual understanding only serves one's self-understanding, nor does he think that it aims to understand the other as the other, as someone who may be very different from us. Rather, in Habermas's view, such mutual understanding "makes possible the form of unconstrained consensus and the type of open intersubjectivity on which communicative action depends" (Habermas: 176).

and/or use them. So, when understanding these texts and symbols, we should do our best to understand them as they are understood by the people we want to understand. In other words, instead of understanding the texts or symbols through our understanding of the people who create and use the texts and symbols, we are here attempting to understand the people through the texts and symbols they are creating and/or using.

In this context, the former Harvard scholar of comparative religion, Wilfred Cantwell Smith, has made a very important point. In his view, "if we would comprehend these [the Hindu, the Buddhist, the Tierra del Fuegan] we must look not at their religions but at the universe, so far as possible through their eyes. It is what the Hindu is able to see, by being a Hindu, that is significant. Until we can see it too, we have not come to grips with the religious quality of his life" (Smith 1991: 138). In other words, when understanding a text or a symbol, as Paul Ricoeur says, we need to discover the world presented by the text and symbol. However, unlike Ricoeur who aims to understand ourselves through the world presented by the text, we try to understand the other living in the world presented by the text. Obviously, in order to understand the other living in this world, it is not appropriate for us to understand the world merely from our own perspective. We should do our best to see the world from the perspective of the people we try to understand. In Smith's view, every culture, religion, or civilization has its own colored glasses from which it look at things around them. For this reason, in order to understand people in a different culture, religion, or civilization, it is not enough simply to look at the things they are looking at; it is imperative to learn to look at the things from their colored glasses. It is in this sense that Smith perceptively denies the possibility of the so-called idol worship:

> Actually, no one in the whole history of man has ever worshipped an idol. Men have worshipped God–or something–in the form of idols. That is what idols are for. Yet that is quite a different thing. "The heathen in his blindness", sang the nineteenth-century hymn, "bows down to wood and stone". Yet it is not the heathen here who is blind, but the observer. Even at his most restricted, the "idolator" worships not the stone that I see, but the stone that he sees. (Smith 1991: 141)

In Smith's view, if we only see them kneeling down to a rock, we cannot claim that we understand them. Only when we see the same thing they see in the rock they worship can we say that we see what they see.

Thus, hermeneutics for human solidarity is significantly different from contemporary hermeneutics largely defined by Gadamer. However, it should also not be confused with the modern hermeneutics the Gadamerian hermeneutics tries to transcend. Modern hermeneutic philosophers, including their rare contemporary advocates such as Emilio Betti, try to avoid the subjectivist tendencies they perceive as present in contemporary hermeneutics. In their view, the task of interpretation is to grasp either the objective meaning of a text or the original intention of its author. To some extent we can even claim that it shares the goal with contemporary hermeneutics for self-creation. The only difference is perhaps its insistence that we can learn something really new only after we grasp the objective meaning of the text or the original intention of the author. Thus it, no less than contemporary hermeneutics for self-creation, is different from our hermeneutics for human solidarity. *First*, hermeneutics for human solidarity is not so much interested in the "objective" meaning of the text; it is rather interested in the understanding of the text by those with whom the interpret has to interact, even though such understanding is incorrect or not the best one from the interpreter's point of view. Here, what the interpreter really wants to understand is not the text, but the person who reads the text. *Second*, it is true that hermeneutics for human solidarity has some similarities to the modern hermeneutics that focuses on the original intention of the author, as both are concerned about persons and not texts. However, this is so only when the author of a given text is the one the interpreter needs to interact with. Since authors of ancient texts are no longer existent and therefore cannot be the possible recipients of the interpreter's action, hermeneutics for human solidarity is not interested in the original intention of such authors. Even for a contemporary text whose author is around, if our immediate concern is a particular reader (or readers) of the text, hermeneutics for human solidarity is interested in this particular reader's understanding of the text and not the author's original intention, even if the former is inconsistent with the latter.

Making this distinction between hermeneutics for self-creation and hermeneutics for human solidarity, I do not intend to make any evaluation of their respective importance or my preference of one to the other. They are equally important, although for different purposes. Hermeneutics for self-creation is not something selfish, as what it concerns here is the interpreter's (whether as an individual or as a community) efforts of self-cultivation by learning from the other. Thus, while indeed quite different from

hermeneutics for human solidarity, hermeneutics for self-creation is not always in conflict with hermeneutics for human solidarity. As a matter of fact, in many cases, they are mutually supportive.[2] The proper purpose of hermeneutics for self-creation is the interpreter's self-cultivation. Such self-cultivation, however, may also include the cultivation of the interpreter's sensibility to the pain and suffering of the other and the other's difference from the interpreter, and cultivation of such sensibility is precisely the goal of hermeneutics for human solidarity. At the same time, the proper purpose of hermeneutics for human solidarity is to increase our understanding of others so that our actions toward them can be more appropriate. The resultant sensibility to the uniqueness of others can also be regarded as self-cultivation, which precisely is the goal of hermeneutics for self-creation.

In this essay, however, I shall focus on hermeneutics for human solidarity, out of two main considerations. First, since contemporary hermeneutics, as well as the modern hermeneutics it attempts to transcend, is primarily hermeneutics for self-creation, hermeneutics for human solidarity as I define it here is as a matter of fact non-existent and so has yet to be developed. Second, while these two types of hermeneutics are indeed not incompatible, hermeneutics for self-creation does not necessarily lead us to the goal of hermeneutics for human solidarity. While Rorty is perhaps wrong in thinking that we should keep self-creation and human solidarity in separate compartments, he is certainly right that a person who becomes very interesting and creative through hermeneutics for self-creation may be insensible to pains and sufferings of the other. That is the reason he thinks that we need to have two different type of heroes. For self-creation, we should learn from such authors as Kierkegaard, Nietzsche, Baudelaire, Proust, Heidegger, and Nabokov. For human solidarity, Marx, Mill, Dewey, Habermas, and Rawls have much more to contribute (see Rorty 1989: 13).

The Necessity for Hermeneutics of Human Solidarity

If modern and contemporary hermeneutics is primarily hermeneutics for self-creation, why do we need the hermeneutics for human solidarity

2. Here, we are moving beyond Rorty, from whom we have borrowed the distinction between self-creation and human solidarity. Rorty also thinks that these two are equally important, but for him, they are "forever incommensurable" (Rorty 1989: xv).

today? Our answer is that it is a moral necessity. In this increasingly global world, what used to be members of remote clans have now become our immediate neighbors, in both actual and virtual realities. With the emergence of such a global village comes the increasing need for a global ethics. Traditional ethical systems were developed primarily to deal with human relationships within a particular ethnic, religious, and cultural group. In this global village, however, we are more and more interacting with people with ideals, ideas, cultures, religions, and customs very different from ours and from each other. An appropriate global ethics should thus enable us to deal with such entirely new interpersonal relationships in an appropriate way.

One of the common approaches to global ethics is to appeal to the so-called golden rule, which can be found in almost every major cultural and religious tradition in the world. Positively stated, it is "Do unto others what you would have them do unto you," and negatively formulated it is "Don't do unto others what you would not have them do unto you." The golden rule is based on two assumptions: First, moral patients have the same or at least similar likes and dislikes as the moral agents; and so, second, a moral agent's knowledge of him/herself as a potential moral patient of his/her own projected action can be used as the criterion to judge one's action toward his/her actual recipients. Thus, when moral agents and moral patients indeed have the same or similar likes and dislikes, as they often do, the golden rule can play its important role in our moral life. However, when and where moral patients have likes and dislikes different from the moral agents, the golden rule becomes problematic. As Alan Gewirth points out,

> the agent's wishes for himself *qua* recipient may not be in accord with his recipient's own wishes as to how he is to be treated.... For example, a person who likes others to quarrel with him or intrigue with him would be authorized by the golden rule to quarrel with others or involve them in network of intrigue regardless of their own wishes in the matter; a *roué* who would want some young woman to climb into his bed at night would be justified in climbing into her bed at night; a fanatical believer in the sanctity of contracts who would want others to imprison him for defaulting on his debts would be allowed to imprison persons who default on their debts to him and so forth. (Gewirth: 133)[3]

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3. Nevertheless, Gewirth, together with many other contemporary philosophers, thinks that such serious problems of the golden rule can be avoided by some refinement or

Thus, as an alternative to the golden rule, I have recently developed what I call (for lack of a better term) the copper rule. Positively stated, it is: "Do unto others as they would have you do unto them," and negatively expressed, it reads: "Do not do unto others as they would not have you do unto them" (see Huang 2005). The crucial and also obvious distinction between the copper rule and the golden rule is that, when we decide whether our actions unto others are morally appropriate or not, the primary consideration is not what I would or would not like to be done unto if I were in their positions; rather, we need to consider what the actual persons who will receive our actions would or would not like to be thus done unto. In other words, when we make decisions about the appropriateness of our actions affecting others, what really matters morally is not the desires of us as agents or subjects, but those of others as patients or recipients of our actions. More importantly, the way to learn about the unique likes and dislikes of our moral patients is not simply to close our eyes and imagine what we would like or dislike if we were in their position; rather, it requires that we read about, observe, communicate with, and sometimes even live with them.

In developing this idea of the copper rule, I have primarily drawn on the rich resources in the Chinese Daoist and Confucian traditions. In this paper, I shall focus on the Daoist resource only.[4] It is well known that Zhuangzi paid special attention to the differences of things. In "Equality of Things," arguably the most important chapter in the *Zhuangzi*, there is a famous passage:

> If a man sleeps in a damp place, he will have a pain in his loins and will dry up and die. Is that true of eels? If a man lives up in a tree, he will be frightened and tremble. Is that true of monkeys? Which of the three knows the right place to live? Men eat vegetables and flesh, and deer eat tender grass. Centipedes enjoy snakes, and owls and crows like mice. Which of the four knows the right taste? Monkey mates with the dog-headed female ape and the buck mates with the doe, and eels mate with fishes. Mao Chiang and Li Chi were considered by men to be beauties, but at the sight of them fish plunged deep down in the water, birds soared up in the air, and deer dashed away. Which of the four knows the right kind of beauty? (*Zhuangzi*, 44)

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reformulation of this rule. I have argued why such contemporary attempts to save the golden rule have all failed (see Huang 2005: 395-402).

4. About the Confucian resource for Copper Rule, see Huang 2005: 404-406).

What Zhuangzi tries to tell us here is that, when we do something affecting others, we need to pay special attention to the uniqueness of the recipients of our actions. Appropriate actions, in his view, are precisely those that take into consideration the uniqueness of our moral patients. So in contradiction to the common misunderstanding of Zhuangzi as a relativist, Zhuangzi made it clear that there is an absolute criterion about what is the best place for an eel to live, the best place for a bird to live, and the best place for a human being to live. What he emphasized is that the best place for one to live is not necessarily the best place for another to live.

For this reason, we should not regard what we like or dislike as what others like or dislike. Otherwise there will be very bad consequences. Thus, Zhuangzi pointed out,

> the perfectly correct way is not to violate the real character of the nature with which a thing is endowed.... What is long should not be considered as superfluous, while what is short should not be considered as insufficient. For example, a duck's feet are short, but if we try to lengthen it, it causes pain; a crane has long legs, but if we try to cut off a portion of them, it causes grief. So we should not amputate what is naturally long or lengthen what is naturally short. (*Zhuangzi* 8.1, 247)

This point of Zhuangzi is made even more vivid in the story of the Marquis of Lu raising a bird:

> Of old, when a seabird alighted outside the capital of Lu, the Marquis of Lu went out to receive it, gave it wine in the temple, and had the *Jiushao* music played to amuse it, and a bullock slaughtered to feed it. But the bird was dazed and too timid to eat or drink anything. In three days it was dead. This was treating the bird as he would like to be treated, and not as a bird would like to be treated. Had he treated it as a bird would like to be treated, he would have put it to roost in a deep forest, allowed it to wander over the plain, to swim in a river or lake, to feed upon fish, to fly in formation with others. (*Zhuangzi* 18.5; 475)

Here, Zhuangzi made it clear that the problem with the Marquis of Lu in his treatment of the seabird is that he treated "the bird as he would like to be treated." This is precisely what the golden rule would require him to do: as he liked wine, he let the bird drink the wine; as he liked the *Jiushao* music, he let the bird "enjoy" the music; as he liked banquet, so he "entertained" the bird with the banquet. The result is the death of the bird.

The moral of this story is very similar to that of the story about Boluo

(the legendary first tamer of horses) taming horses. Although Boluo is praised even today for being good at taming horses, Zhuangzi actually looked down upon him: for when he tamed horses,

> he proceeded to singe and mark them, to clip their hair, to pare their hoofs, to halter their heads, to bridle and hobble them, and to confine them in stables and corrals. After being treated this way, two or three of ten horses died. He further proceeded to subject them to hunger and thirst, to gallop them and race them, and to make them go together in regular order. They are worried about the bondage of bit and breast-plate in the front and are threatened by whip and switch. Having been treated that way, more than half of them died. (*Zhuangzi* 9.1; 257)

The reason that Zhuangzi, going against the common opinion about Boluo, criticized him is that Boluo did not treat horses according to their true nature, as the horses would like to be treated, which is "to tread on frost and snow with their hoofs, to withstand wind and cold with their hair, to feed on grasses and drink water, and prance with their legs" (*Zhuangzi* 9.1; 257). Here, in the sense of not treating horses according to their true nature, Boluo is doing the same thing as the Marquis of Lu who did not treat the seabird according to its true nature. The result is also the same: the death of horses in Boluo's case and the death of the seabird in the case of the Marquis of Lu. It is true that there is also some difference. When taming horses, Boluo did not treat horses as he himself would like to be treated, as it is obvious that Boluo himself does not want to be singed, marked, chased, made thirsty and hungry, etc. In contrast, when taking care of the seabird, the Marquis of Lu "treated the bird as he himself like to be treated." In other words, treating the bird, the Marquis of Lu follows the golden rule, which is not followed by Boluo in taming horses. Thus, in appearance, if we use the golden rule as the moral criterion, we have to say that the action of the Marquis of Lu is moral, while the action of Boluo is immoral. However, in Zhuangzi's view, Boluo is indeed wrong in his action toward horses, but the Marquis of the Lu is equally wrong in his action toward the seabird, as neither considers the uniqueness of the recipients of their actions in their actions toward them. As we have seen, in Zhuangzi's view, the Marquis of Lu should have "treated the bird as the bird would like to be treated": to "have put it to roost in a deep forest, allowed it to wander over the plain, to swim in a river or lake, to feed upon fish, to fly in formation with others." This is exactly required by what I advocate here as the copper rule.

To treat horses and seabirds according to their true nature and feelings, of course, requires one to take time to learn about the unique likes and dislikes of horses/seabird before one could decide what his/her appropriate actions toward them are. It is in this sense that Zhuangzi is against any subjectivist view. In the chapter of "Equality of Things," we are told that "if we follow our preconceived opinion as a guide, then who will not have such a guide?" For him, to have such preconceived opinion is as "to go to the state of Yue today and yet arrived there yesterday" (*Zhuangzi* 2.3; 57). What Zhuangzi refers to here is precisely the situation that happens when we try to apply the golden rule: even before we try to understand the other, we can already claim to have understood the other: just imagine what we would or would not like to be done unto if we were in the position of the other. This is as paradoxical as to say that we go somewhere today and yet already arrived there yesterday. In order to overcome such subjective preconceptions, Zhuangzi developed the ideas of "the perfect person as selfless" (*zhi ren wu ji*) (*Zhuangzi* 2.1; 17), "losing myself" (*wu shang wo*) (*Zhuangzi* 2.1; 38), "the fasting of mind," and "freeing the mind of pre-conception to wait [for the appearance of things" (*Zhuangzi* 4.1; 126). All these require us to get rid of our subjective standards and understand things in their own terms. The rationale behind them is that things are different. That is how Zhuangzi describes the music of heaven (in contrast to that of earth and that of humans): "the music blows in a thousand different ways, but the sounds are all produced in their own ways. This is because they are naturally so" (*Zhuangzi* 2.1; 39).

As we can see, Zhuangzi likes to talk about the difference between us humans and other species, telling us that we cannot assume that our human likes and dislikes are also the likes and dislikes of these other species. However, it is obvious that what Zhuangzi really tried to say is that different people are also different from each other. Thus when we treat our fellow human beings, we should always pay special attention to the uniqueness of the recipients of our actions.[5] How can we know the unique desires and preferences, ideals and ideas, culture and religion,

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5. In appearance, my copper rule, as an alternative to the golden rule, raises more questions than it solves. For example, it may be asked: If there are people who want us to help them cause harm to some other people, or want us to be their slaves, or want us assist them to use drugs, does the copper rule require us to help them to do what they want us to do in all these situations? I have made some detailed replies to such questions in a different place (Huang 2005: 410-416).

habits and customs of the potential recipients of our actions then? It is here that we need hermeneutics for human solidarity, whose primary concern is to understand the other.[6]

The Possibility of a Hermeneutics for Human Solidarity

In the last section, I have argued that, in our interaction with the other, people with different ideas and ideals from ours, the most appropriate moral principle is not "Do (or do not do) unto others as we would (or would not) have them do unto us," the so-called golden rule, but "Do (or do not do) unto others as they would (or would not) have us do unto them," what I call the moral copper rule. To follow such a moral principle, it is imperative that we understand these "others" who may become the recipients of our actions (or lack thereof). To this purpose, the predominant model of hermeneutics in contemporary philosophy, the one that aims at self-understanding through an understanding of the other, obviously is helpless in this regard. What is needed here is hermeneutics for human solidarity, whose primary purpose, instead of self-understanding, is the interpreter's understanding of the other.

If we have successfully argued that such a hermeneutics for human solidarity is indeed necessary, however, we have yet to deal with the question of its possibility. Now, in Gadamer's view, understanding essentially is the fusion of the interpreter's horizon and that of the other being interpreted. When he makes this claim, he emphasizes that he is not merely making a normative claim that we should or ought to understand the other in such a way; rather, he claims that he is making an objective observation of what

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6. Here I have basically focused on the work of Zhuangzi. In a recent article, Wang Qingjie provides an interpretation of Laozi's conception of self-so (*ziran*, normal translated as "natural") in relation to his idea of non-action (*wuwei*), which is alone the same line as the Daoist view that I present here. In Wang's view, Laozi's self-so includes two meanings: one's own self-so and other's self-so. By being self-so and therefore non-action toward others, one can allow other's being self-so. This amounts to saying that one should not do unto others as others would not like us to do unto them. At the same time, by simply doing nothing, one cannot guarantee that the other can be self-so, as it is possible that another other interferes with the other and so the other cannot be self-so. In this case, Wang thinks that Laozi uses another sense of self-so and non-action: supporting all things in their natural state or in their being self-so (*Laozi* 64). This amounts to saying that one should do unto others as others would have us do unto them (see Wang).

is actually involved in our activities of understanding (see Gadamer: 266). The reason is that, as Heidegger points out, when interpreting the other, the interpreter has always already had a fore-structure of understanding, which is unavoidably projected onto the other being understood. In other words, this fore-structure is not something we can decide either use or not use when we try to understand the other; it is rather a necessary condition for any activity of understanding. Without such a fore-structure, understanding is simply impossible.

We have to acknowledge the plausibility of what Gadamer says. However, we do not have to be pessimistic about the goal of hermeneutics for human solidarity. Here, we have to keep in mind a significant difference between hermeneutics for self-creation and hermeneutics for human solidarity. Hermeneutics for self-creation, the hermeneutics that Gadamer has in mind, is primarily interested in understanding classics and/or their authors who are normally not the interpreter's contemporaries. Neither classics nor their ancient authors can help us confirm whether our understanding of them is correct or not. However, hermeneutics for human solidarity is concerned only with understanding of the people who are the potential recipients of our actions. Thus we can always check with them whether our understanding of them is correct or not: whether what we understand as their ideas and ideals, preferences and desires, likes and dislikes, etc., are indeed what they consider as theirs. Here again, Smith's distinction between observation in nature sciences and observation in human sciences (what he regards as corporate critical self-consciousness) is illuminating: "In objective knowledge, that a first observer's understanding has done justice to what is observed is testable by the experience of a second and a third observer. In corporate critical self-consciousness, that justice has been done to the matter being studied is testable by the experience of other observers but also by that of the subject or subjects" (Smith 1981: 60). It is in this sense that, while acknowledging the importance and difficulty of understanding the other as the other understands him/herself, Smith is able to avoid the radical claim that one cannot understand a member of a different religion unless one first converts him/herself to that religion.

It is true that Gadamer also emphasizes the importance of letting the other correct the interpreter's pre-understanding to avoid possible arbitrariness of understanding. However, since the goal of his hermeneutics is the interpreter's self-enrichment, what he aims at is the continuing and open-ended process of fusion of horizons. For this reason, Gadamer

argues that, of the same other, different people with different pre-understandings can have very different and yet equally justified understandings. However, in hermeneutics for human solidarity, an interpreter's pre-understanding horizon will not only be corrected by the horizon of the other being interpreted, but should be corrected in such a way that it will be gradually identified (not fused) with the horizon of the other being interpreted. In this process of identification, the interpreter gradually overcomes, in his/her pre-understanding horizon, what is alien to the horizon of the other. In other words, the interpreter gradually grasps the horizon of the other, which overcomes his/her own horizon. So successful understanding is not Gadamer's endless fusion of horizon, but the eventual conquer of the interpreter's horizon by that of the other. In this sense, of the same other, different interpreters' understandings, if correct, must be identical, because the correctness of all these understandings has to be confirmed by the same other that all these interpreters try to understand, if the purpose of their understanding is to ensure that their actions toward the other be morally appropriate.

Hermeneutics for human solidarity thus does not acknowledge the possibility of understanding the other better than the other understands him/herself.[7] Schleiermacher, the father of modern hermeneutics, once held that an interpreter can reach a better understanding of an author than the author does him/herself. In his view, this is because we can "become aware of many things of which he [the author] himself may have been unconscious" (Schleiermacher: 112). Thus, "a better understanding than the author's" has become a catchword in contemporary hermeneutics. Gadamer, for example, also endorses this idea. In his view, this is possible because the interpreter can know better the subject matter discussed by the author (see Gadamer: 192-197). However, the purpose of hermeneutics for human solidarity is not to understand the subject matter, but to understand the person who is a potential recipient of our action, and so a better understanding of the other than the other does him/herself is simply impossible. For example, if our purpose is to understand *Koran*, then at least theoretically it is possible for us to have a better (or at least "better" as it appears to the interpreter) understanding than a Muslim. However, our purpose here is not to understand *Koran*, but to

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7. I would like to thank Minghui Li's question that invites me to consider this issue of "understanding better than the author." For related discussions of this issue, see Bollnow: 16-18 and Huang 1996: 251-262.

understand this Muslim's understanding of *Koran* as a way to understand the Muslim him/herself. Here obviously an interpreter cannot know how the Muslim understands *Koran* better than the Muslim him/herself. After all, the Muslim knows better than anyone else how he/she understands *Koran*. Of course, it is possible that the Muslim is confused in his/her understanding of *Koran* and the interpreter has a better understanding of it than the Muslim does. However, if the Muslim is indeed confused in his/her understanding, a correct understanding of the Muslim should be the understanding of a person who has a confused understanding of *Koran*. In this case, the interpreter can of course try to show that the Muslim's understanding of *Koran* is incorrect, confusing, or inconsistent and try to persuade the Muslim to accept what the interpreter considers as a better understanding. The Muslim may or may not accept the interpreter's view. If not, the interpreter has to accept the fact that this is how the Muslim understands *Koran*, even though the interpreter may disagree on such an understanding.

To completely understand the other, whether as an individual person or as a community, is indeed a difficult if not impossible task. However, this cannot become our excuse for not making efforts to understand the other. As we have tried to argue, without an appropriate understanding of the other, we cannot assure ourselves that our actions toward or affecting them are appropriate ones. In this sense, to understand the other as a unique being is a moral imperative. The question we have to answer here is not whether we can, but whether we ought to, understand the other. It is true that we may never completely understand the other, and for this reason our actions affecting others may never be absolutely appropriate. However, if we thus give up our attempts to understand others, then our actions affecting them will be absolutely immoral, as this is an indication that we do not care about the unique needs and desires, ideas and ideals, likes and dislikes of those who may be affected by our actions or lack thereof. In such cases, even if our actions or lack thereof do not actually cause harm to the other or even happen to bring benefits to the other, our actions cannot be considered as truly moral.

Of course, we cannot entirely separate the question of "ought" and the question of "can." As Kant has pointed out, "'ought' implies 'can'" (Kant: A548, B576).[8] In other words, morality cannot require people to do things

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8. For discussion of this Kantian principle, see Alston and Feldman. For criticism of this principle, see Saka.

that they simply cannot do. However, while perhaps we can never fully understand the other, as long as we keep trying our best, we can have an increasingly better understanding of the other, and thus make our actions affecting the other increasingly more appropriate. It is true that we often have to act before we fully understand the other. Yet such actions themselves should be regarded at the same time as a way for us to understand the other better. If we find that our actions toward the others have caused unexpected harm to the other, we can correct or improve our understanding of the other so that our future actions affecting the other will become more appropriate. Moreover, the object of interpretation, the other, in hermeneutics for human solidarity, is human beings, and human beings are historical beings, whose ideas and ideals, preferences and desires, likes and dislikes are also subject to change. Thus, even if one day we indeed have obtained a full, complete, and correct understanding of the other, this still does not mean that we can therefore cease to make efforts to understand the other. Most importantly, since the central concern of hermeneutics for human solidarity is the moral appropriateness of our actions affecting others, the importance of our efforts to understand the other lies not only in its actual result, our understanding of the other, but also in our very efforts to understand the other. Our efforts to understand the other can indeed make our actions toward the other morally more appropriate, but such efforts themselves also express our respect for the unique ideas and ideals, customs and religions, desires and preferences of others. To respect others, of course, we should not impose our likes or dislikes upon them, but we should also not ignore their unique likes and dislikes.[9] Otherwise, as pointed out by Wolterstoff, we are treating his/her particularity, and him/her in his/her particularity, as of no account (see Wolterstorff: 110).

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9. Of course, to say that it is a moral imperative to understand the other and that to understand the other is one way to respect the uniqueness of the other does not mean that we should invade the privacy of the other. Also, it is possible that the other in question is unique precisely in that he/she prefers the life of a hermit and does not want to be bothered by us who try to understand him/her. However, still we will be unable to know this uniqueness of the other unless we try to understand the other. I wish to thank Gordon Kaufman for raising this question in a private conversation.

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