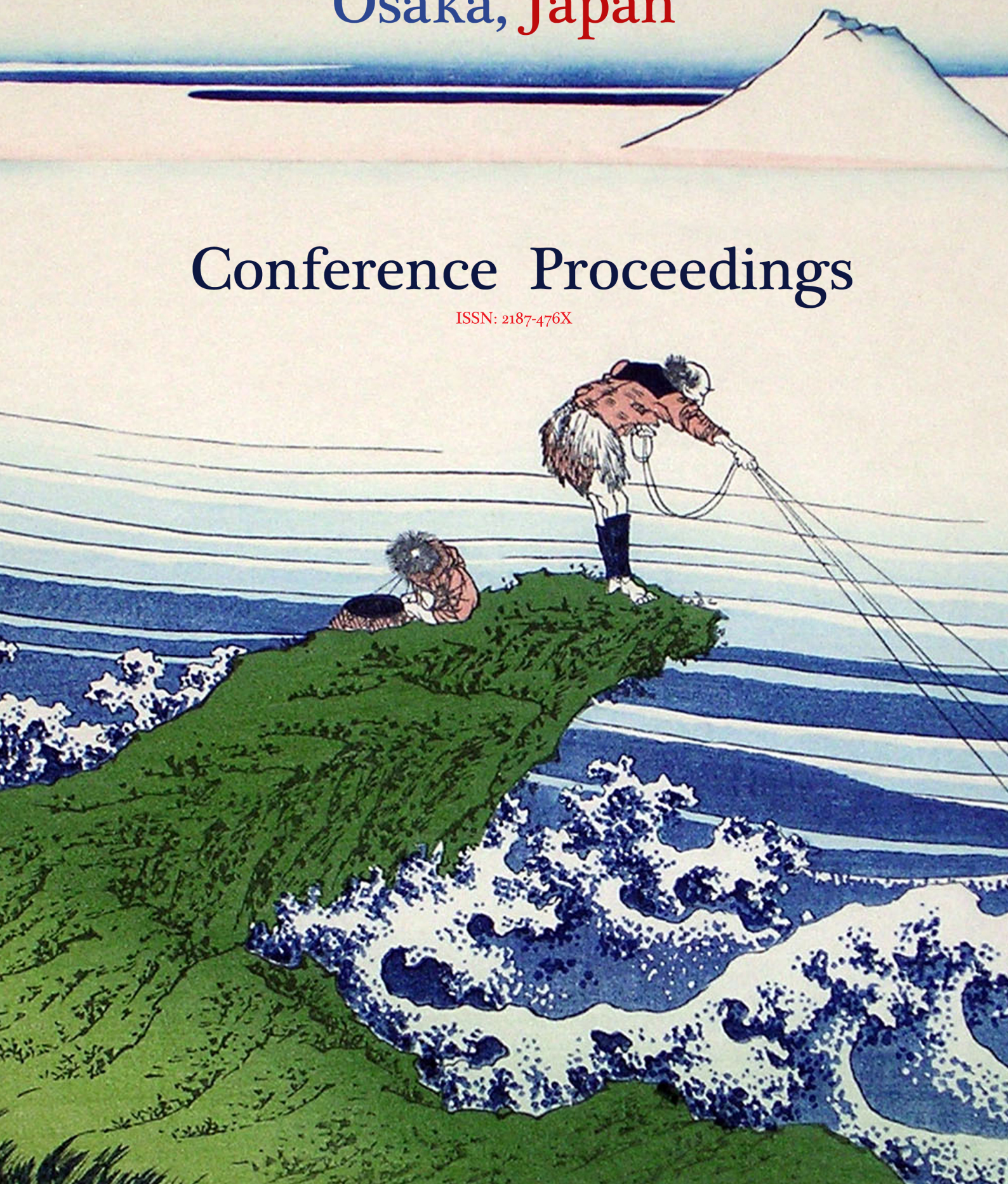


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## **Five Replies to Kant's Moral Despair Argument against Atheism**

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## Five Replies to Kant's Moral Despair Argument against Atheism<sup>1</sup>

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### Introduction

In the *Critique of Pure Reason*, Kant rejects the traditional metaphysical – i.e., the ontological, cosmological and physico-theological (or teleological) – proofs for God's existence.<sup>2</sup> In the *Groundwork of the Metaphysics of Morals*, Kant argues that our duties are not grounded in the divine will, but *solely* in the moral law (G 4:431).<sup>3</sup> Otherwise, morality would be based on religion, which would amount to theological morality and heteronomy. Hence, faith in God seems to be no requisite for a virtuous life and atheism seems to be compatible with morality within Kant's philosophy. Yet, in many of his other works, including the *Critique of Practical Reason*, *Critique of Judgment*, *Religion within the Boundaries of Mere Reason* and his different *Lectures on the Philosophical Doctrine of Religion*, Kant argues that 'morality leads inevitably to religion' (CPrR 5:125; Rel 6:6) and insists that faith in God is necessary for the intelligibility of the possibility of the highest good, i.e. the harmonious and proportionate union of virtue and happiness, as the final end of the moral law. Hence, Kant defends moral theism understood as faith in God based on morality, viz. 'a conviction of the existence of God on practical grounds' (LPR/Volckmann 28:1151).<sup>4</sup> Furthermore, Kant condemns atheism on *moral* grounds arguing that – by rejecting the idea of God as a sufficient cause of the highest good – it rules out additional religious incentives to morality (CPR A 812, B 841),<sup>5</sup> leads to moral despair, weakens respect for the moral law, damages the moral disposition (CJ 5:540), causes social disorder (O 8:146) and robs fellow citizens of incentives to morality viewed as commanded and enforced by God (LE/Vigilantius 27:531). This paper explores (1) Kant's moral criticism that atheism leads to moral despair by lacking the cognitively determinate and psychological reassuring view offered by rational faith for rendering the possibility of the highest good intelligible, and (2) five rational, non-theistic strategies that atheists could embrace for upholding the possibility of the highest good and resisting moral despair.

### Kant's moral despair argument against atheism

Kant's practical arguments for rational faith in God (CPrR 5:110–14, 124–46)<sup>6</sup> are directed to the possibility of the highest good. Kant's argument starts from the unquestionable validity of the moral law as a fact of reason. This law commands categorically through reason. If the moral law commands us to pursue the highest good as the final end, we have to do so and the highest good has to be possible (CPrR 5:57). If this were not the case, we would not act rationally – for rational agency entails that if we intend an end by our agency, it should be possible to realize this end – and the moral law that commands us to seek this end would be invalid. However, given our finite (physical) capacities and the amoral nature of the world, which does not systematically connect virtue with proportionate happiness, it remains unclear how we are to establish the highest good. Yet, if there were an omnipotent, omniscient, omnipresent author of the world who is at the same time a holy, beneficent and just world ruler, i.e., God according to moral theism, such a being could supplement our limited endeavours and complete the realization of the highest good. Since theoretical reason cannot demonstrate the impossibility of God's existence and rational faith in God does not conflict with theoretical reason, we are justified in assuming the existence of God (CPrR 5:135–43). Moreover, Kant argues that rational faith in God is the *only* cognitive pathway for understanding *how* the highest good is to be brought about. Hence, he concludes that we have to believe in God (CPrR 5:125–6, 142–6). Faith in God is thus grounded in the necessity of being



able to think the possibility of the highest good so that we can rationally execute the commands of the moral law.<sup>7</sup> Precisely for this reason, Kant argues that faith in God is morally necessary and that morality inevitably leads to religion (CPrR 5:125, Rel 6:6) in this sense that religion, while not being necessary for *grounding* the *principles* of morality, is necessary for rendering the *completion* of the final *object* of morality intelligible. Consequently, Kant contends that if one doubts the possibility of God's existence, one has to give up the highest good, fall into despair and hold all moral laws for empty imagination.

Kant's criticism that atheism leads to moral despair is most fiercely expressed in the *Critique of Judgment*, where Kant conceives of a righteous man who is convinced that there is no God and who 'would merely unselfish establish the good' (CJ 5:450). Yet, so Kant argues,

his effort is limited; and from nature he can, to be sure, expect some contingent assistance here and there, but never a lawlike agreement in accordance with constant rules [...] with the ends to act in behalf of which he feels himself bound and impelled. Deceit, violence, and envy will always surround him, even though he is himself honest, peaceable, and benevolent; and the righteous ones besides himself that he will still encounter will, in spite of all their worthiness to be happy, nevertheless be subject by nature, which pays no attention to that, to all the evils of poverty, illnesses, and untimely death, [...] and will always remain thus until one wide grave engulfs them all together (whether honest or dishonest, it makes no difference here) and flings them [...] back into the abyss of the purposeless chaos of matter from which they were drawn. – The end, therefore, which this well-intentioned person had and should have had before his eyes in his conformity to the moral law, he would certainly have to give up as impossible; or, if he would remain attached to the appeal of his inner moral vocation and not weaken the respect, by which the moral law immediately influences him to obedience, by the nullity of the only idealistic final end that is adequate to its high demand [...], then he must assume the existence of a *moral* author of the world, i.e., of God, from a practical point of view, i.e., in order to form a concept of at least the possibility of the final end that is prescribed to him by morality. (CJ 5:452-3)<sup>8</sup>

Kant's moral despair argument against atheism argument can thus be summarized and reconstructed as follows. Its premises are: (P1) the amoral nature of the world, the failings and sufferings of the righteous and the futility of their moral endeavours offer no perspectives for establishing the highest good; (P2) moral theism offers the *only* concept, i.e., the existence of an omnipotent, intelligent and just moral world ruler, for rendering the possibility of the highest good intelligible; (P3) (dogmatic) atheism rejects the concept described in (P2). Its main conclusions are: (C1) an atheist has to abandon the highest good; and (C2) (dogmatic) atheism leads to moral despair. It is this argument that I challenge by proposing the following five replies.

### **First reply: the appeal to a non-theistic, moral teleology**

Is Kant right in arguing that moral faith in (the idea of) God as a just world ruler provides the *only* concept for embracing the possibility of the highest good? If we could conceive non-theistic, moral-teleological accounts that render the highest good intelligible, the atheist would *not* have to abandon the possibility of the highest good. While denying the existence of God, an atheist can still commit himself – because of the authority of the moral law directing an agent to pursue the highest good – to embrace *some* non-theistic, moral-teleological schema that suffices to be able to think the possibility of the highest good. An atheist can assume an intelligent, rational world order through which a moral teleology necessary for establishing the highest good can be presupposed. For example, Fichte holds that the morally well-disposed subject believes that the world in which he acts is in conformity with his moral actions without believing in (the idea of) a personal and transcendent God over and above this impersonal, rational and teleological world order. Theravada Buddhism embraces the concept of karma as a moral-teleological mechanism that is operative in nature and that lets us think a harmony of virtue and happiness but that does not appeal to a God. By analogy, an atheist may dismiss moral theism and yet ground the possibility of the highest good in *some* (unknown) moral-teleological mechanism in nature through which the natural and the moral world are brought into harmony and through which the highest good will be attained by virtue of moral agency. A drawback to such an account seems to be that it is *less* cognitively *determinate* and *specific* than Kant's moral theism regarding the

precise mechanism of *how* the highest good is to be brought about. Yet, as Byrne (2007:93) notices, avoiding commitment to ‘metaphysical assumptions containing rich pictures of the possible mechanism behind moral teleology is more “Critical” than Kant’s own apparatus of postulates.’ Hence, an atheist embracing the possibility of a non-theistic conception of the realization of the highest good need not necessarily succumb into moral despair.

### **Second reply: the appeal to a non-theistic, natural teleology**

In the *Critique of Practical Reason*, Kant himself considers the possibility of a non-theistic, natural-teleological conception of the realization of the highest good:

I said above that in accordance with a mere course of nature in the world happiness in exact conformity with moral worth is not to be expected and is to be held impossible, and that therefore the possibility of the highest good [...] can be granted only on the presupposition of a moral author in the world. [...] In fact, the impossibility referred to is *merely subjective*, that is, our reason finds it *impossible for it* to conceive, in the mere course of nature, a connection so exactly proportioned and thoroughly purposive between events occurring in the world in accordance with such different laws, although, as with everything else in nature that is purposive, it nevertheless cannot prove – that is, set forth sufficiently on objective grounds – the impossibility of it in accordance with universal laws of nature. (CPrR 5:145)

Kant thus argues that – *objectively* speaking – there are two *equal* possibilities for conceiving the highest good: moral theism and natural teleology. He concedes that *objective grounds* for the possibility that nature itself provides the unification of virtue and happiness in accordance with its own natural laws cannot be ruled out. However, so Kant argues, since human reason is not capable of fathoming in detail *how* the latter possibility has to be conceived, he concludes that there are compelling *subjective grounds* for human reason to dispense with this possibility and to prefer the theistic conception of how the highest good is to be brought about:

But as for the way we are to represent this possibility [of the highest good], whether in accordance with universal laws of nature without a wise author presiding over nature or only on the supposition of such an author, reason cannot decide this objectively. Now a *subjective* condition of reason enters into this, the only way in which it is theoretically possible for it to think the exact harmony of the realm of nature with the realm of morals as the condition of the possibility of the highest good, and at the same time the only way that is conducive to morality. (CPrR 5:145)

Both moral theism and natural teleology are thus two *objectively equal* ways to represent the possibility of the highest good. The difference between these two options is that the latter is cognitively less determinate and specific: it falls beyond the scope of our reason to conceive *how* natural teleological laws may establish an exact proportion of happiness and virtue, whereas faith in God as moral world ruler does seem to provide us with a more vivid and concrete account of the possibility of such a harmony. Kant thus concludes that human beings will prefer moral theism for conceiving the possibility of the highest good because the postulate of God is *subjectively* more comprehensible to our human cognitive faculties than a view according to which the highest good would be in conformity with mere laws of nature.<sup>9</sup> Yet, it is important to keep in mind that Kant himself concedes the validity of appealing to a natural teleological world order as an objective alternative for considering the possibility of the highest good without appealing to a supersensible entity. As such, Kant implicitly provides the atheist with a non-theistic account for affirming the possibility of the highest good. And although Kant thinks that moral theism is *subjectively* more attractive or persuasive for human reason by offering a more specific and determinate account of *how* the highest good may be brought about, he has no conclusive *objective* arguments for tipping the balance in favour of moral theism.

### **Third reply: the appeal to an alternative, ‘negative’ rationality claim**

However, appealing to some non-theistic, metaphysical schemes such as a teleological world order for guaranteeing the possibility of the highest good may be a leap to far for some radical atheists as it still relies on some kind of metaphysical faith. Moreover, an atheist may also advocate a Darwinian view on nature and reject the existence of a teleological world order. Yet, even such atheists could still uphold the possibility of the highest good by adopting the moderate epistemic stance that – in spite of what Kant thinks – the impossibility of the highest good is not *sufficiently* or *objectively* proven and hence recognize – because of their commitment to the moral law – that the highest good is something valuable to be pursued. As long as there is no sufficient, objective proof for the impossibility of the highest good, there is no reason to regard our moral efforts for realising it as irrational, especially if it is our well-considered free and rational choice to put great value on this moral ideal. This negative rationality claim yields a stance that is genuinely ‘critical’ and that is more consistent with present-day scientific insights and growing secular pluralism in ethics.

The idea that it is not irrational to pursue the highest good as long as its impossibility is not proven does not contradict Kant’s philosophy itself. Both in *On the Common Saying* and the *Metaphysics of Morals*, Kant contends that in the case of an end set as a duty it suffices that its possibility is *not demonstrably impossible* in order to render its pursuit rational. In *On the Common Saying*, he argues that the *thought* that a moral end has not yet been realized and for this reason will probably be never realized does not in itself justify to abandon this end ‘as long as its achievement is not demonstrably impossible’ (TP 8:309–10). Kant thus argues that if an end is morally valuable, the absence of proof of the impossibility of it suffices to render our efforts in its behalf rational. In the *Metaphysics of Morals*, Kant argues that our duty consists in acting in accordance with the idea of a moral end ‘even if there is not the least theoretical probability that it can be achieved, as long as its impossibility cannot be demonstrated either’ (MM 6:354). Once more, Kant contends that if it is a duty to achieve an end, all that is needed to make the pursuit of that end rational is not a guarantee that it can be achieved, but rather the absence of a demonstration that it cannot be achieved. The idea that rational agency directed to pursuing an end set as a duty only requires that the impossibility of the end is not proven – rather than that its possibility has to be proven by postulating God, provides the atheist with a rationally stable alternative to moral theism in order not to abandon the highest good.

This approach also resists Hare’s claim that the atheist has only three options: (1) abandoning his pursuit of the highest good, (2) abandoning his atheism, and (3) staying caught in the dilemma between (1) and (2) (Hare 2006:64). Consequently, Hare argues that if the atheist replies to the dilemma by refusing to abandon his pursuit of the highest good, he *has* to assume the existence of God: ‘It is not that a person will do this, but that he must. He must, that is to say, if he is to be rational. This is what I mean by saying atheism is, for Kant, *rationally unstable*’ (Ibid.). Yet, by showing that the atheist need not abandon the pursuit of the highest good by adopting the epistemological stance that this pursuit is not irrational as long as the *impossibility* of the highest good is *not sufficiently proven*, not even in the case of a lack of faith in God, which will be argued in the following reply, it can be concluded that Hare’s dilemma fails and that the atheist *must* not assume God’s existence in order to be able to act rationally.

However, in defence of Kant, it might be argued that the atheist’s approach leaves it unclear *how* the *systematicity* and *proportionality* of virtue and happiness as core feature of the highest good can be guaranteed. Although it suffices to be convinced that the attainment of the highest good is not *per se* impossible in order to be able to rationally pursue it, one might question whether such an approach suffices for conceiving a *systematic* and *necessary harmony* – instead of a merely *contingent aggregate* – of virtue and happiness in the highest good. It is precisely this feature of *systematicity* that Kant thinks a righteous atheist like Spinoza lacks in conceptualising the possibility of the highest good. Yet, as we shall see, there are also strands in Kant’s philosophy that do not primarily emphasise this systematic and proportionate union of virtue and happiness, but rather advocate an account of the highest good as a moral world of virtue and happiness *conditioned* by morality. Furthermore, we can stick to the argument that as long as there is no sufficient proof for the impossibility *per se* of *some* harmonious system of virtue and happiness,

there is no reason to conclude that we act irrationally in striving for such a system. With respect to the question of *how* such a system might be conceived and thought, it seems that Kant's ethico-theology provides us with a *cognitively determinate* and – perhaps above all – a *psychologically reassuring*, hence *subjectively* more attractive view on the realisability of the highest good: 'in order to provide my heart with conviction, weight and emphasis, I have need of a God who will make me participate in happiness in accordance with these eternal and unchangeable laws, if I am worthy of it' (LPR/Pölitz 28:1116–7).<sup>10</sup>

#### **Fourth reply: no sufficient proof for the impossibility of and hope for the highest good in case of a lack of faith**

If Kant were really to succeed in arguing that moral theism offers the *only* pathway for guaranteeing the possibility of the highest good, he would also have to prove its impossibility in case of a lack of faith. But Kant has no real *sufficient, objective* arguments for this. This is where Kant's first premise comes in. In fact, Kant relies mainly on *empirical* and *subjective* evidence according to which the world's amoral nature and the failures and sufferings of the righteous rule out the success of man's moral actions, display their futility and prove the (empirical) impossibility of the highest good. Yet Kant's evidence here is rooted in a pessimistic anthropological worldview, which is at odds with his optimistic beliefs about the final destiny of mankind in his *Lectures on Ethics* and *On the Common Saying*, where he argues that many proofs show that in the course of history the human race has made a substantial progress toward self-perfection (LE/Collins 27:470–1; TP 8:310). Surely, the world taken as a realm of nature is completely amoral and we cannot deny that we are faced with sufferings and failures even of the most virtuous and righteous people. But, contra Kant, I contend that there are enough reasons to be more optimistic in this regard. Despite all its cruelties, mankind's history has also abundantly shown its moral successes, such as the abolition of slavery, the spreading of democratic regimes, the promotion of equality between men and women, the institution of international human rights organizations, the right to free public opinion and speech, and so on. As Denis (2003:212) rightly notes: 'despite Kant's observations about the amoral nature of the world [...], our day to day lives give us ample reason to see the world as amenable to our efforts'.

Viewed as such, Kant's first premise seems to be first and foremost rooted in a *particular* and *pessimistic* anthropological stance and hence can neither appeal to universality, nor to objectivity. Moreover, in *On the Common Saying*, Kant himself recognizes that 'empirical evidence against the success of [...] resolves undertaken on hope does not count for anything' (TP 8:309). Hence, an atheist who recognizes that the impossibility of the highest good is not *objectively* proven and who is confident in the future does not have to abandon the highest good and needs not succumb into moral despair. Furthermore, as Wood (1970:160) points out, Kant's view that amorality of the world and the suffering of the righteous yield moral despair is only *provisional* and hence *limited*:

Such a despair must always be premature, in the sense that it is always beyond the power of a finite being to know absolutely that the world is destitute of moral goodness, that it provides *no* ground for the realization of his final end. His despair is always therefore a presumptuous judgment about the world. [...] The uncertainty of the world and the finitude of his knowledge rather leave man suspended between hope and despair.

Although man's natural condition seems to *exhaust* hope, as Kant holds, it does not *refute* it altogether and there are ample counterexamples furnishing evidence that confidence in a morally better future is not unwarranted.

#### **Fifth reply: appeal to Kant's alternative, 'secular' and 'historical-immanent' highest good**

Finally, dogmatic atheists may also bypass Kant's conception of the highest good as happiness *proportionate to* virtue and restrict themselves to Kant's conception of the highest good as the creation of a moral world of virtue and happiness *conditioned by* morality, the possibility of which depends on *human* – but not *divine* – agency. The former account is 'ideal-transcendent' because it refers to the unconditioned final end of pure practical reason as a mere object of thought, and because the intelligibility of its realization depends on assuming the existence of a moral world ruler and the immortality of the soul. Hence, it is also a 'theistic' account of the highest good. The latter account is 'historical-immanent' because it refers to social end to be pursued collectively by the human race in *this* world over the course of history. Hence, it is also a 'non-theistic' account of the highest good. While Kant's 'ideal-transcendent' account as happiness in perfect proportion to virtue is predominant in his philosophy,<sup>11</sup> some passages suggest the alternative 'secular', 'historical-immanent' account of the highest good. In this context, Kant approaches the highest good as 'a system of well-disposed human beings' (Rel 6:97–98), 'the existence of rational beings subject to moral laws' (CJ 5:444, 450), 'a final end' determined by the moral law, viz. 'the *highest good in the world* possible through freedom' (CJ 5:450), 'the highest physical good that is possible in the world and which can be promoted, as far as it is up to us, as a final end, [i.e.] *happiness* – under the objective condition of the concordance of humans with the law of *morality*' (CJ 5:450), 'a final end assigned by pure reason and comprehending the whole of all ends under one principle (a world as the highest good and possible through our cooperation)' (TP 8:280, fn), and 'the inner worth of the world', namely 'freedom according to a power of choice that is not necessitated to act' (LE/Collins 27:344).<sup>12</sup> This account of the highest good does not so much stress the *systematic proportionality* between happiness and virtue, but rather happiness *in conformity to or conditioned by* moral agency and virtue: it acknowledges the importance and necessity of happiness but makes its value dependent upon the morality of the maxims on which it is pursued.<sup>13</sup> Hence, the realization of the 'historical-immanent' highest good does not depend on the existence of God and the immortality of the soul, and offers a more fruitful account that is suitable to serve as the end of *our* autonomous moral conduct and that lies entirely within the scope of our human agency. Adopting this 'historical-immanent' account of the highest good provides even the most rabid atheist with a legitimate alternative to moral theism for affirming the possibility of the highest good and hence for resisting moral despair.

## Conclusions

In spite of his rejection of the traditional metaphysical proofs of God's existence, Kant defends moral theism, i.e. a subjective, rational conviction in the existence of God as a moral world ruler on behalf of the intelligibility of the highest good as the final end of the moral law. In the third *Critique*, Kant argues that atheism leads to moral despair by rejecting moral theism as the sole cognitively determinate and psychologically reassuring view for rendering the highest good intelligible. Yet an atheist could invoke different strategies for refuting Kant's argument: (1) adopting some non-theistic, moral-teleological world conception through which the highest good can be conceived, (2) adopting a natural teleology through which nature itself is conceived as the ground for the highest good, (3) adopting the epistemological stance that striving for the highest good is not irrational as long as its impossibility is not sufficiently demonstrated, (4) showing that Kant has not sufficiently proven the impossibility of the highest good in case of a lack of faith in God, and (5) appealing to an alternative, secular and historical-immanent account of the highest good as the creation of a moral world of virtue and happiness conditioned by morality.

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<sup>1</sup> This paper is a (slightly) modified and revised version of part of my forthcoming (2011) article 'Kant's Moral Theism and Moral Despair Argument against Atheism', *The Heythrop Journal: A Bi-Monthly Review of Philosophy and Religion* (DOI: 10.1111/j.1468-2265.2010.00656.x.). I wish to acknowledge *The Heythrop Journal*, Trustees for Roman Catholic Purposes Registered and Blackwell Publishing for the right to re-use material from this article in other publications of my own work.

<sup>2</sup> For a careful analysis of Kant's appreciation and refutation of these proofs, see Wood (1978:95–146).

<sup>3</sup> With the exception of Kant's *Lectures on Ethics Brauer* and *Lectures on Ethics Kaehler*, in which case I refer to Menzer (1924) and Kant (2004) respectively, all references to Kant's works are to Kant (1900ff.). Volume numbers are followed by page numbers. Used abbreviations: CPR: *Critique of Pure Reason* (1781/1787), CPrR: *Critique of Practical Reason* (1788); CJ: *Critique of Judgment* (1790); G: *Groundwork of the Metaphysics of Morals* (1785); LE/Brauer: *Lectures on Ethics Brauer* (1782); LE/Collins: *Lectures on Ethics Collins* (1784–5); LE/Herder: *Lectures on Ethics Herder* (1764–5); LE/Kaehler: *Lectures on Ethics Kaehler* (1774–1777); LE/Mrongovius I: *Lectures on Ethics Mrongovius I* (1782); LE/Mron II: *Lectures on Ethics Mrongovius II* (1784–5); LE/Powalski: *Lectures on Ethics Powalski* (1782); LE/Vigilantius: *Lectures on Ethics Vigilantius* (1793–4); LM/Dohna: *Lectures on Metaphysics Dohna-Wundlacken* (1792–3); LM/K2: *Lectures on Metaphysics K2* (1790–1); LPR/Pölitiz: *Lectures on the Philosophical Doctrine of Religion Pölitiz* (1783–4); LPR/Baumbach: *Lectures on Rational Theology Baumbach* (1784); LPR/Volckmann: *Lectures on Natural Theology Volckmann* (1783–4); MM: *Metaphysics of Morals* (1797); O: *What Does It Mean to Orient Oneself in Thinking?* (1786); OP: *Opus Postumum*; R: *Reflexionen*; Rel: *Religion within the Boundaries of Mere Reason* (1793); TP: *On the Common Saying: That May Be Right in Theory, but Is of No Use in Practice* (1793). Unless mentioned otherwise, English translations are taken from Kant (1992ff.).

<sup>4</sup> My translation. Cf. LPR/Baumbach 28:1246.

<sup>5</sup> Cf. LE/Collins 27:304, 311; LE/Mrongovius I 27:1456; LE/Vigilantius 27:530; LE/Mrongovius II 29:634; Rel 6:29–31; LPR/Pölitiz 28:1010, 1011–2, 1065–6, 1071–3.

<sup>6</sup> For a meticulous reconstruction and analysis of Kant's practical arguments for faith in God, see Wood (1970).

<sup>7</sup> See also Denis (2003:201).

<sup>8</sup> For a defence of Kant's argument, see Mariña (2000).

<sup>9</sup> See also Rauscher (2007:46).

<sup>10</sup> Cf. LPR/Volckmann 28:1221.

<sup>11</sup> Cf. CPR B 842; CPrR 5:110, 125, 128–30; LE/Powalski 27:101; LE/Collins 27:247f.; LE/Mrongovius I 27:1400; LE/Mron II 29:600; LE/Vigilantius 27:483, 717; LE/Brauer in Menzer (1924:7); LE/Kaehler in Kant (2004:11); LM/Dohna 28:690, 697, 699; LM/K2 28:776, 791–2, 793, 810; LPR/Volckmann 28:1132; O 8:139; R 17:608; R 18:459, 464, 468; R 19:95.

<sup>12</sup> My translation. Cf. LE/Mrongovius I 27:1482; LE/Brauer in Menzer (1924:151); LE/Kaehler in Kant (2004:177).

<sup>13</sup> See also Denis (2003: 212).

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**The Impact of Confucianism on Ancient Chinese Family and Marriage  
Law**

Working Paper for ACERP 2011 - The Asian Conference on Ethics, Religion  
and Philosophy 2011, Osaka, Japan

Conference Theme of “Ethics, Law and Justice”

by

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## **The Impact of Confucianism on Ancient Chinese Family and Marriage Law**

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### **Abstract**

The legal culture of Confucianism developed mainly out of Li. Different from Fa which emphasizes the authoritarian monarchy and the implementation of penalties, Li is a cognitive reflection on both the patriarchal system based on the notion of “integration of country and family” and the divine kingship. The legal culture of Confucianism created the ancient Chinese legal system through its unique outlook on life, values and ethics, and still has a subtle and far-reaching influence on China’s modern legal system. Confucianism developed Chinese civilization in coordination with other traditional cultures.

This paper addresses the influence of Confucianism on marriage and family law which is related to the conference theme of “ethics, law and justice”. Specifically, this paper examines the general impact of Confucianism, and studies ancient Chinese family and marriage statutes in order to explain how patriarchal relations shaped marriage ceremonies and divorce laws. The paper is divided into three parts: first, a study of the philosophies of Confucianism and its development, as well as an analysis of the general impact of Confucianism on Chinese law; second, a review of China’s statutes of family and marriage law in different dynasties; and third, an examination and analysis of the impact of Confucianism on Chinese family and marriage law, focusing in particular on the legal regimes for marriage and divorce. In developing the paper, I employ interdisciplinary, historical, comparative and theoretical methodologies.

The legal culture of Confucianism created the ancient Chinese legal system by its unique outlook on life, values and ethics. Confucianism developed Chinese civilization in coordination with other traditional cultures. This paper addresses the influence of Confucianism on marriage and family law. Specifically, this paper will examine the general impact of Confucianism and will study ancient Chinese family and marriage statutes in order to explain how patriarchal relations shaped marriage ceremonies and divorce laws.

## I. General Impact of Confucianism on Ancient Chinese Law

The legal culture of Confucianism was mainly stemmed from, and developed out of *Li*. Different from *Fa* which emphasizes the authoritarian monarchy and the implementation of penalties; *Li* is a cognitive reflection on both the patriarchal system based on the notion of “integration of country and family” and the divine kingship. As Confucius said, “The rule of *Li* was by those rules that the ancient kings sought to represent the ways of Heaven, and to regulate the feelings of men.”<sup>1</sup>

In ancient China, *Li* was used by emperors as rules to adjust people’s behaviour through standardized ceremonies and etiquettes, and to regulate the whole of society through ethics and patriarchy. Just as *Li Ji · Li Yun* stated,

“*Li* forms a great instrument in the hands of a ruler. It is by it that he resolves what is doubtful and brings to light what is abstruse; that he conducts his intercourse with spiritual beings, examines all statutory arrangements, and distinguishes benevolence from righteousness; it is by it, in short, that government is rightly ordered, and his own tranquillity secured.”<sup>2</sup>

In a word, “*Li* is used to govern, secure the society, regulate the people, and benefit the posterity.”<sup>3</sup>

In the Western *Han* Dynasty, Confucians initiated the activity of “applying *Li* to trial practices” (*yin jing jue yu* 引经决狱), which introduced Confucianism into law and started the codification of *Li*. Afterwards in the Eastern *Han* Dynasty, Confucians launched the event of “applying *Li* to the interpretation of law” (*yin jing zhu lv* 引经注律). Subsequently, in the *Tang* dynasty, the theory of “applying *Li* to all aspects of law,” (*yi zhun hu li* 一准乎礼) finally established the priority of *Li* in law. *Li* stood for the proposition that “penalty should assist morality; Yin should assist Yang”<sup>4</sup> Therefore, the law in ancient China was a product of the influence of Confucianism, which was, in turn, based upon *Li*, which served as the basis

<sup>1</sup> See the original Chinese text in 《礼记·礼运》(*Li Ji·Li Yun*): “孔子曰：夫礼，先王以承天之道，以治人之情。”

<sup>2</sup> *Ibid.* 礼运：是故，礼者君之大柄也，所以别嫌明微，儆鬼神，考制度，别仁义，所以治政安君也。

<sup>3</sup> See the original Chinese text in 《春秋左传·隐公十一年》(*Chun Qiu Zu Zhuan·Yin Gong the eleventh year*): 礼，经国家，定社稷，序民人，利后嗣者也。

of legislation and the criteria for the implementation and interpretation of law.

## II. Statute of Family and Marriage Law in Ancient China

With the dominant influence of Confucianism, ancient China pursued a concept of “the integration of family and country”, according to which, family was regarded as a microcosm of the whole country. Therefore, family was not only responsible for reproduction and filial piety, but was also regarded as the most basic unit of agricultural economy and society. Furthermore, family was the smallest entity of culture, and thus had a specific political function of sustaining social orders. The patriarchal system played a very important role in social policy, economy, and family life. As a consequence, the protection of the patriarchal system was so important that family and marriage law had been established in almost every dynasty in ancient China. In the statutes of various dynasties, family and marriage relationships were not only regulated, but also secured and enforced by penalties. For instance, pursuant to *Tang Code· Marriage and family*, “all those who committed *yi jue*<sup>5</sup> must divorce, otherwise will be sentenced to one year in prison.”<sup>6</sup>

Table 1: Family and (or) Marriage Law Statutes in Different Dynasties

Dynasty	Statute
Warring States B.C. 476-221	《法经·户律》 ( <i>Fa Jing · Family Law</i> )
Han B.C. 206-A.D.220	《汉律·户律》 ( <i>Han Code · Family Law</i> )
Three Kingdoms A.D. 220-265	《魏律·户律》 ( <i>Wei Code · Family Law</i> )
Jin A.D. 265-420	《晋律·户律》 ( <i>Jin Code · Family Law</i> )
Southern & Northern Northern Qi Northern Zhou	《北齐律·婚户律》 ( <i>Northern Qi Code · Marriage and Family Law</i> ) 《北周律》 ↗ 《婚姻》 <i>Marriage</i> ( <i>Northern Zhou Code</i> ) ↘ 《户禁》 <i>Family</i>
Sui A.D. 589-618	① 《开皇律·婚户律》 ( <i>Kai Huang Code · Marriage and Family Law</i> ) ② 《大业律》 ↗ 《婚律》 <i>Marriage Law</i> ( <i>Da Ye Code</i> ) ↘ 《户律》 <i>Family Law</i>
Tang A.D. 618-907	《唐律·户婚》 ( <i>Tang Code · Family and Marriage</i> ) 46 articles in Chapter 4 Involving four aspects of issues: household registration, land, tax, and family and marriage relationship
Song A.D. 960-1280	《宋刑统》 ( <i>Song Xing Tong</i> )

<sup>4</sup> See the original Chinese text in 《春秋繁露·天辨在人》 (*Chun Qiu Fan Lu·Tian Bian Zai Ren*): « 刑者，德之辅，阴者，阳之辅。 »

<sup>5</sup> A measure of divorce was actually used when the crime of assault, murder, and rape happened between couple’s families, or when wife murdered her husband.

<sup>6</sup> See the original Chinese text in 《唐律·户婚》规定：诸犯义绝者，离之，违者徒一年。

Yuan	A.D. 1280-1368	《大元统治》 (Da Yuan Tong Zhi)
Ming	A.D. 1368-1644	《大明律》 (Da Ming Code)
Qing	A.D. 1644-1911	《大清律》 (Da Qing Code)

### III. Impact of Confucianism on Ancient Chinese Family and Marriage Law

“Three cardinal guides and five constant virtues” (*san gang wu chang* 三纲五常) was considered as the core of Confucianism and the basic principle of family system, which introduced patriarchal values into the ancient Chinese law. It contains two parts: First, “*san gang*”, which consists of the three cardinal guides, namely the ruler guides the subject, the father guides the son and the husband guides the wife; second, “*wu chang*”, made up of the five constant virtues, i.e., benevolence, righteousness, propriety, wisdom, and fidelity. With the influence of Confucianism, especially its ethical requirement of “*san gang wu chang*”, the ancient Chinese family and marriage law had its special characteristics.

#### A. The Impact of Confucianism in the process of getting married

##### 1. “Matchmaker’s Communication” (媒妁之言)

Confucianism influenced family and marriage law by highlighting the characteristic of formalism. In ancient China, marriage and family law strongly emphasized the forms, especially the ceremonies of getting married. Only if a marriage strictly complied with certain procedures and consisted of certain form elements, would it be considered as a legal marriage. Otherwise, the marriage was illegal, and thus would not be recognized nor accepted by society.

The emphasized ceremonies were called “*Liu Li*” (六礼)<sup>7</sup>—six necessary procedures of establishing a marital relationship. The ceremonies are, in chronological order, *na cai*, *wen ming*, *na ji*, *na zheng*, *qing qi*, *qin ying*. The first, *na cai*, was the procedure of proposal, during which a man’s family sent a matchmaker to a woman’s family to show their intention of getting married. The second is called, *wen ming*, namely asking names. If the woman’s family approved of the marriage, the man’s family would send the matchmaker again to ask the woman’s name and date of birth, to judge whether the couple were really a match with each other, or whether the marriage would bring some misfortune to both families, which is called “*suan ming*” (算命) in Chinese. The third was, *na ji*, during which the man’s family informed the woman’s family of the result of *suan ming* through the matchmaker. Forth, *na zheng*, if the result of the fortune-telling was good, the man’s family would give presents to

<sup>7</sup> The six necessary procedures of establishing a marital relationship - *Liu Li* (六礼): *na cai*(纳彩), *wen ming*(问名), *na ji*(纳吉), *na zheng*(纳征), *qing qi*(请期), *qin ying*(亲迎).

the woman's family. As stipulated in the *Tang Code · Family and Marriage*, wedding should be secured by sending presents.<sup>8</sup> Fifth, *qing qi*, both groom and bride families determine the wedding date. Six, *qin ying*, the wedding. It was the only procedure the couple could meet each other, during which the groom went to the bride's home and took her back to his family. That is because in the ancient China, according to the family and marriage law, a wife had to live with her husband's families in order to take care of them.

It can be seen from the *Liu Li* that with the influence of Confucianism, it was the family and parents, but not the young couple themselves, made the decision to marry. The meaning of marriage for the wife was mainly to fulfill her duty of filial piety to the husband's family. Moreover, the purpose of the *Liu Li*, which was mainly embodied in *wen ming* and *qing qi*, was to achieve the families' patriarchal interests, rather than to realize children's love. Furthermore, because the implementation of *Liu Li* was mainly depended on the work of a matchmaker who acting as a mediator, the formalism characteristic in ancient Chinese marriage was called matchmaker's communication.

## 2. "Parents' Order" (父母之命)

Confucianism influenced family and marriage law by highlighting the characteristic of patriarchy, which was named parents' order in ancient China. According to the ancient Chinese law, a male elder family member was in absolute control of family members' marriages. As long as parents approved, and after certain procedures, a marriage could be set up, and children had no right to reject or disobey. This had been recognised and strongly supported by both the society and law. Proof could be found in the *Tang code · Family and Marriage*, which stated that "Grandparents and parents take charge of marriage."<sup>9</sup> Without parents' consent, a man and a woman would not dare to marry, even if they loved each other. A secret marriage was regarded as "licentious escape" (淫奔), which was unacceptable by both *Li* and *Fa*. According to the *Tang code · Family and Marriage*, a penalty of beating with a stick one hundred times would be imposed by magistrates.<sup>10</sup>

The reason for the characteristic of paternalism was based on Confucianism, which believed that:

"Given the emphasis on patriarchal importance, mate choice was determined by parents or grandparents, but not by the young couples themselves. Because marital relations were part of one's filial duty to parents, the choice was more important for parents taking a daughter-in-law to continue the family line and to help out with the household chores than for the son taking a wife. Romantic love between husband

<sup>8</sup> *Supra* note 6, Chinese original text regulated as "婚礼先以聘财为信".

<sup>9</sup> *Ibid*, Chinese text regulated as: "凡嫁娶皆由祖父母、父母主婚".

<sup>10</sup> *Ibid*, "仗一百".

and wife was considered detrimental to the supremacy of filial piety between the parent-son relationships.”<sup>11</sup>

An ultimate purpose of marriage was “*he er xing zhi hao*” (和二姓之好), which means to achieve a good integration of two families with different surnames. This requirement was also used to protect and expand patriarchal interests. In ancient China, people with the same surname were considered to belong to the same patriarchal system, thus a marriage between them breached the ethics that highlighted by Confucianism. Additionally, the marriage between two people with the same surname prevented their families from achieving the goal of expanding patriarchal interests by combining two families through marriage.

However, this does not mean that any people with different surnames could get married. Another requirement called “inter-class marriage” (阶级内婚), required people to marry someone belonging to the same class. This was reflected by the rule of “*shi shu bu hun, liang jian bu hun*” (士庶不婚、良贱不婚), which means officials should not marry normal citizens, and within citizens themselves, higher classes should not marry lower classes. For instance, in the Southern and Northern Dynasty, people belonging to different classes were even not supposed to contact with each other. Moreover, *The Interpretation of Tang code* regulated that “there are various classes of people; people in every class should only contact with the one in the same class. The distinction between people from different classes is so huge that how they can match with each other and get married.”<sup>12</sup> So it is not surprising to find that the requirement of inter-class marriage was also used to protect patriarchal interests and stability among various classes.

## B. The influence of Confucianism in the process of getting divorced

With the influence of Confucianism, in ancient China, there were three ways of getting divorced: “*qi chu*”(七出), “*xie li*”(协离), and “*yi jue*”(义绝).

### 1. “*qi chu*”(七出)

There was “*qi chu*”, or the seven grounds based on which husbands, and only husbands, could initiate a divorce without through a magistrate. In accordance with their severity, the seven grounds were: a. Disobedience to parents-in-law (*bu shun fu mu* 不顺父母). The rationale of this ground lies in its breach of ethics and patriarchal etiquette, especially the “*san gang wu chang*”, i.e. the three cardinal guides and five constant virtues. b.

<sup>11</sup> Hugh Baker, *Chinese Family and Kinship*, (Macmillan Press Ltd, 1979).

<sup>12</sup> See volume 14 of *The Interpretation of Tang Code · Family and Marriage*. 《唐律疏议》：“人各有耦，色类须同，良贱既殊，何宜配合？”。

Failing to have a son (*wu zi* 无子), which would cut off the family line, and thus was against the Confucianism. c. Adultery (*yin* 淫), which would doubtlessly disrupt family origin, and consequently disrupt the patriarchal relationship. d. Jealousy (*du* 妒), which would imperil family members' relationships, especially based on the policy of "one husband one wife, one wife many concubines" (*yi fu yi qi, yi qi duo qie* 一夫一妻, 一妻多妾). Women were required to tolerate to some extent that their husband would have concubines in order to maintain the stability of family. e. Incurable disease (*you e ji* 有恶疾), which brought the family a number of inconveniences, in that family members could not use the same tableware. It might also affect the whole family's health if the disease was infectious. Additionally, the wife's disease might impede her from having a healthy baby or even have a baby to continue the family line. f. Gossiping (*kou duo yan* 口多言), which would discord family members' relationship and hurt the family's harmony. g. Theft (*dao qie* 盗窃). In ancient China, a wife had no possession of any family assets; therefore, her unauthorized use of the assets was regarded as theft. The aim of this ground for divorce was to protect family property. Furthermore, theft also violated the requirement of justice and righteousness of *san gang wu chang*.

However, there were three exceptions to the *qi chu*, which were called "*san bu qu*"(三不去).<sup>13</sup> First, *yu geng san nian sang* (与更三年丧), meaning a wife mourned for her husband's parent's death for three years. The aim of this exception is to commend the wife's filial piety. Second, *qian pin jian er hou fu gui* (前贫贱而后富贵), which means Husband's family became rich and prosperous after a wife married in the family. Third, *you suo qu er wu suo gui* (有所娶而无所归), means that a wife became homeless after she married into her husband's family. The last two exceptions were also influenced by Confucianism, in particular the requirements of benevolence and righteousness in *san gang wu chang*. Whereas, in the Dynasty of *Tang* and *Song*, failing to have a son and adultery could still be used as grounds of divorce, and thus were considered as exceptions to the exception of *san bu qu*.

## 2. "*xie li*"(协离)

A divorce could also be initiated by *xie li*, which literately means mutual agreement, from which it means that in ancient China, young couples, even the female, had rights and freedoms to divorce. In fact, with the deep influence of Confucianism, being restricted by the notion of chastity and the morality rule of "*Three obediences and four virtues*"(*san cong si de* 三从四德)<sup>14</sup>, it was really difficult for women to initiate a divorce. *Xie li* was actually used by men's family to initiate a divorce when *qi chu* was not applicable. This does not mean a husband had the freedom to divorce, because family's approval of the divorce was still

<sup>13</sup> Original Chinese text can be found in 《大戴礼》：“有所取无所归”、“与更三年丧”、“前贫贱后富贵”。

<sup>14</sup> 《仪礼·丧服·子夏传》：“妇人有三从之义，无专用之道。故未嫁从父，既嫁从夫，夫死从子。”《周礼·天官·九嫔》：“九嫔掌妇学之法，以九教御：妇德、妇言、妇容、妇功。”

The rule of "Three obediences and four virtues" is spiritual fetters of wifely submission and virtue imposed on women in feudal society. First, the three obediences: obey father before marriage, obey husband when married, and obey sons in widowhood; Second, the four virtues: morality, proper speech, modest manner and diligent work.

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required. So the right was still in the elder's hand and used to protect patriarchal system.

### 3. “*yi jue*”(义绝)

Lastly, divorce could be initiated by order of the authorities, which was called “*yi jue*”. It literally means severing affection; however, it is a misleading since the couple did not necessarily have feelings of each other when they married. This measure of divorce was actually used when a crime of assault, murder, and rape happened between the couple's families, or when a wife murdered her husband. Therefore, it also aimed to protect the patriarchal relationship and to consolidate ethical values and family order. Different from *qi chu*, *yi jue* was a mandatory condition of divorce. So as long as “*yi jue*” was committed, the couple had to divorce, otherwise they would be punished by magistrates. For example, pursuant to the *Tang Code·Family and Marriage*, “all those who committed *yi jue* must divorce, otherwise will be sentenced to one year in prison.”<sup>15</sup>

## Conclusion

As a whole, with the influence of Confucianism, family and marriage law in ancient China all worked towards safeguarding patriarchal interests, while individual rights and personal relationships were not important. It did not reflect the will of young couples nor elders' own interests or wishes. Instead, it was put in place to protect institutions rather than individuals. The elders' “rights” were actually used to maintain the family's safety and the security of patriarchal order.

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<sup>15</sup> *Supra* note 6.



**Keeping a part for human nature**  
**——On the concept “Concealment from Kin”**

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## **Keeping a part for human nature**

### **— On the concept of “Concealment from Kin”**

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#### **1. Chinese are amazed by the book “toxic parents”**

##### **Susan Forward’s toxic parents**

Toxic parent means parents who abuse their children mentally, physically or sexually. Sometimes these negative patterns are so established that they continue into adulthood, and often are not recognized. Usually when those abused children grown up, who in turn, learn from their parents. Some toxic parents continue negative patterns of parenting and leave a feeling of guilt and shame within their children.

However, few people make the connection between their parent's parenting style and their own emotional problems. These emotional difficulties only become apparent to them as they become parents themselves and hurt their own kids.

In this book, Dr. Susan Forward propose a therapy method for those adults who have an abused childhood--- let’s parents take responsibility and make atonement. Parents also make mistakes. Sometimes the most difficult part about parenting is recognizing that our questionable behavior is due to the negative influences of our parents on us, especially if we are conditioned never to criticize or to see faults in our parents.

Dr. Forward suggest children should accept the opinion that parents are not gods. They make mistakes. And we should never deny their mistake and conceal their sin. These only may let the tragedy happen again.

##### **Toxic Parents in China**

This book from Dr. Susan Forward was sold out in the largest Chinese online book store: Dangdang.com<sup>1</sup>. And about 87 Chinese readers have left their reviews on net. When I read these reviews on net, I find that Chinese Young men are deeply impacted by Dr. Forward’s opinions, and show lots of curiosity. Many of them said that the ideas from this book are so converse to Chinese tradition. I will provide a few pictures about reviews on Chinese internet. In case Chinese is hard to understand, I will translate the comments underlined for each picture. All these pictures are copied from the webpage of Dangdang.com.<sup>2</sup> These reviews come from normal people in

<sup>1</sup> Headquartered in Beijing, E-commerce China, Dangdang Inc. is a leading business-to-consumer, or B2C, e-commerce company in China. Dangdang Inc have focused on selling books online and have become the largest book retailer in China in terms of both revenues and selection. With a large, loyal and rapidly growing customer base established, Dangdang Inc. expanded into select general merchandise categories with revenue growing at over 150% year-over-year. As of September 30, 2010, Dangdang Inc offered more than 590,000 book titles, including more than 570,000 Chinese language titles which we believe is the largest selection available both online and offline from a single retailer in China. Dangdang Inc also had approximately 460,000 stock keeping units, or SKU, of general merchandise products for sale at Dangdang.com website, including approximately 50,000 SKUs of products dangdang.com sell directly to customers and 410,000 SKUs of products offered by third-party merchants. Dangdang.com is the number-one ranked brand among China's e-commerce companies.

<sup>2</sup> The review page is <http://comm.dangdang.com/review/reviewlist.php?pid=7399133>.

China, and I could assert that their comments imply a clash between different culture and tradition.

### Comment 1



**这是一本非常值得认真阅读的书**

个人评分: ★★★★★

发表于 2009-09-23 10:21:10

这本书内容很好, 我受益良多。中国目前的教育(从幼儿园到大学)都有一种背离教育规律的倾向——以“训练”代替教育, 以灌输代替引导……其中家长自身学习和受教育的缺失严重的是至关重要的因素之一。

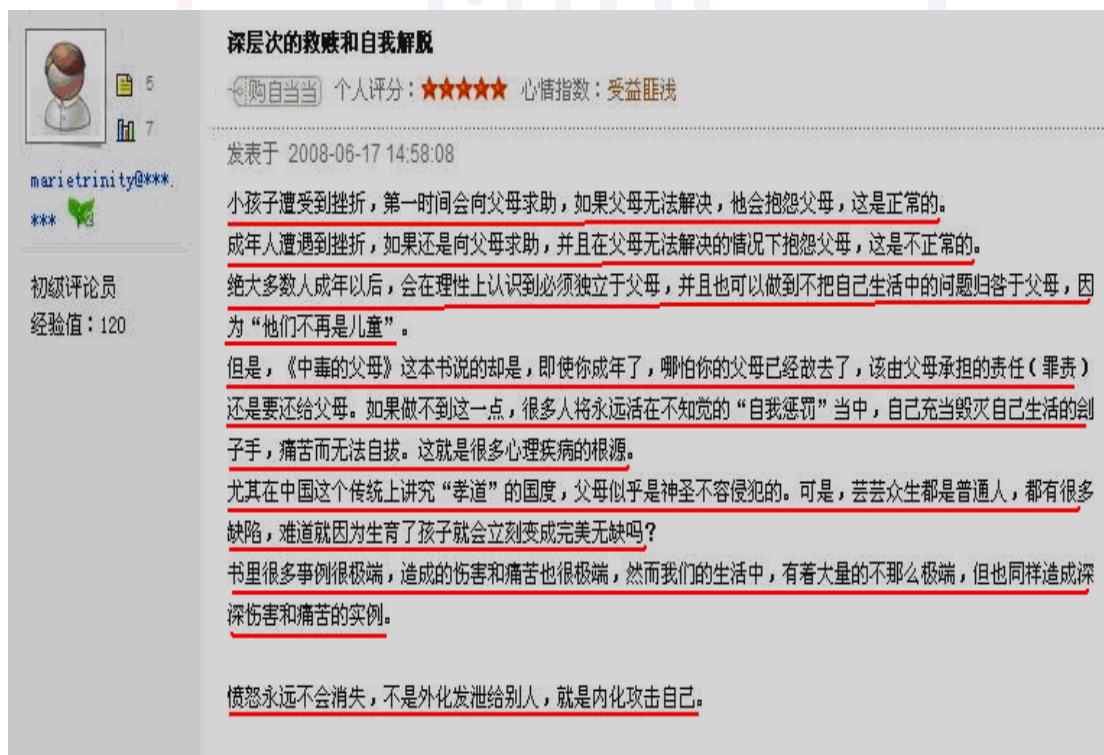
这本书内容好, 但是翻译很、很……第38页上, 有一个句子长达44个字, 其中竟然没有一个标点符号, 仅仅一个句号告终! 太强了!

回复(0) | 举报

有1人认为此评论有用。 [有用] [没用]

There is a tendency deviated from the laws of education in China, past and present; that is instead education with domestication, instead introduction with Indoctrination. One reason for that is parents are seriously lack of education to learn how to be a eligible parent.

### Comment 2



**深层次的救赎和自我解脱**

个人评分: ★★★★★ 心情指数: 受益匪浅

发表于 2008-06-17 14:58:08

小孩子遭受到挫折, 第一时间会向父母求助, 如果父母无法解决, 他会抱怨父母, 这是正常的。

成年人遭遇到挫折, 如果还是向父母求助, 并且在父母无法解决的情况下抱怨父母, 这是不正常的。

绝大多数人成年以后, 会在理性上认识到必须独立于父母, 并且也可以做到不把自己生活中的问题归咎于父母, 因为“他们不再是儿童”。

但是, 《中毒的父母》这本书说的却是, 即使你成年了, 哪怕你的父母已经故去了, 该由父母承担的责任(罪责)还是要还给父母。如果做不到这一点, 很多人将永远活在不知觉的“自我惩罚”当中, 自己充当毁灭自己生活的刽子手, 痛苦而无法自拔。这就是很多心理疾病的根源。

尤其在中国这个传统上讲究“孝道”的国度, 父母似乎是神圣不容侵犯的。可是, 芸芸众生都是普通人, 都有很多缺陷, 难道就因为生育了孩子就会立刻变成完美无缺吗?

书里很多事例很极端, 造成的伤害和痛苦也很极端, 然而我们的生活中, 有着大量的不那么极端, 但也同样造成深深伤害和痛苦的实例。

愤怒永远不会消失, 不是外化发泄给别人, 就是内化攻击自己。

When children suffered some serious reverses, they will ask parents for help at the first time. If parents can't resolve problems, they would complain. People will confirm this is normal.

Suppose an adult did the same thing, no one would agree with him or her. When we became adults, our rationality makes us independent from our parents. We can't blame parents for every problem in our private life, because "we are no longer children". However, what the "toxic parents" book say is that even if you are an adult, and your parents have passed away, you don't have to feel guilty about their wrong. People will always live in non-perceived "self-punishment". If they don't realize that, they will destroy their own life as an executioner. These are the original of pain and psychological illness. Especially in China, a traditional "filial piety" country, parents seems to be sacred and inviolable. However, we are all human beings. We all have many defects. And nobody could be perfect just because he or she raised kids. Anger will never disappear by itself. It is just right there, inside or outside our mind.

### Comment 3

**净化心灵**  
 个人评分: ★★★★★☆ 心情指数: 沉重 阅读场所: 床上 沙发  
 发表于 2008-11-22 17:24:47

主题很棒,但文字描述欠缺,是翻译的问题吗?  
 还是推荐有相关困惑的朋友看看的  
中国人尊老爱幼的文化中很少敢批判父母长辈的,  
其实很多父母并不称职,对孩子造成一辈子的伤害  
我们都会长大的,不要埋怨父母,父母的能力也是有限的  
关键是如何调整自己,不要让同样的错误在自己的孩子身上延续

回复 (0) | 举报  
 还没有人对此评论进行投票。 [有用] [没用]

Because of our culture, Chinese young people rarely dare to criticize parents and elders. Actually, many parents are not competent and leave their child a scar for a life. When children grow up one day, what they should do is not complain but adjust themselves, and do not let tragedy repeat.

Susan Forward's book "Toxic Parents" , I thought that she wanted to provided a penetrating model of how heal the frozen grief of our dysfunctional past . As a therapist, she draws on case history and real life voices of children who were from toxic parents' family. She introduced many ways in establishing an exciting new world of self-confidence and inner strength in her book. Though I doubt very much whether her methods can guide adult children, because a frustrating childhood has negatively influence his or her personality and attitudes for life, her views in this book do provoke many Chinese young people. But why?

Child abuse is a international phenomenon, not only in US, but also in Chinese family and other families all over the world. Nobody is 100% right, so are parents. It could be universally acknowledged that parents are not 100% right and some times they did wrong thing. Why Chinese show so much amazing about Dr. Susan Forward's book and the concept "toxic parents"? Perhaps most Chinese will answer that it is related our culture and customs.

Then what kind of culture and customs is conversed to a universally acknowledged truth, denied parents' wrong, and conceal their sin? But there are so many Chinese believing that we have such kind tradition, our tradition "filial piety and obedience to elders", we infer to denied our parents' sin and conceal for them. However I am not a person without spirit of doubt. Are there really such incompatible differences between East and West culture? I doubt! The principle of "filial piety and obedience to elders"

"Concealment for kin" is a traditional concept from the work of Confucius. All that the author to do in this paper is proving that there is something universal behind this old concept in East Asia. Through the development of society, "concealment for kin" principle is diminished not disappear, as an ethic principle. It's replaced by "concealment system" in modern law. Some intrinsic property of "concealment for kin" principle kept by modern system of law must be universal. And this universal thing is loves insides human nature which never changed through time and space.

## 2. The fundamental element in the "concealment for kin" concept

In "*Analects of Confucius. Tzu Lu*", there was a dialogue between the Duke of Sheh and Confucius. This dialogue refers to the concept of "Concealment from Kin" in a formal way.

**The Duke of Sheh told Confucius: "In my land, there are Just men. If a father steals a sheep, the son will testify against him."**

**Confucius said, "The Just men in my land are different from this. The father conceals the wrongs of his son, and the son conceals the wrongs of his father. This is Rightness!" (*Analects of Confucius. Tzu Lu*)**

There is the normal reading of this dialogue. In the opinion of the duke of Sheh, if a father steals a sheep, the son tell the truth and testify against his father, that action means integrity and is right. While as the view of Confucius, the right thing is that, the father conceals the wrongs of his son, and the son conceals the wrongs of his father. And such a rightness is the presentation of the principle of "filial piety and obedience to elders" which means loving your family.

There is a common idea about Confucius that loves between family members is more important than other kind of social relationships, and what' more, love for family is the origin of love. And the logic would be like this: I love my family, then I love other people. Did Confucius really want to represent such a meaning? Let's see one fundamental sentence in *Analects of Confucius*.

In most Chinese version "*Analects of Confucius. Xue er*", the very sentence is always understood like that "**Filial piety and obedience to elders , it is the fundamental to the enactment of humaneness !**". Does the very sentence give a conceivable reason to the moral principle "Concealment from Kin"? All that we should take a notice is that this sentence could be understood not only as a Declarative Sentence, but also as an interrogative sentence—"Are not filial piety and obedience to elders fundamental to the enactment of humaneness?". Which reading is the correct understanding of the very sentence? Different answer to this question will lead to opposite attitudes to the concept of "Concealment from Kin".

Confucius had always advocate that we should inherit Rites of the Zhou dynasty (1046-256BC). The resent dominators should imitate Rites in old time which provides more protections for the heavenly principle and the normal human relationship in Chinese tradition.

**Confucius said: "The people of the Chou were able to observe the prior two dynasties and thus their culture flourished. I now follow the Chou." (*Analects of Confucius. Ba yi*)**

Confucius may acknowledges that filial piety and obedience to elders is an essential principle between the relationship of normal people. The author will agree with such a point. However, the last thing I would agree is a declaration that some scholars try to allege--- Confucius advocate and admire the principle “filial piety and obedience to elders” in the same extent as admiring Rites of the Zhou, or the very principle is just the Rites. Such a declaration is putting the incidental before the fundamental. If the principle “filial piety and obedience to elders” is the Rites, then such a principle would be fundamental to the principle of nature and the relationship between normal people. And that is almost what we discuss at the beginning of this paper-----" whether filial piety and obedience to elders is fundamental to humaneness or not?"

What is fundamental to Rites, and even fundamental to humaneness? Confucius will answer “love inside our human nature”. Suppose that someone only ostensibly obey the principle “filial piety and obedience to elders”, but he got no feeling and love for his son and father; should we call such actions “fundamental to humaneness”? let’s read following sentences from Confucius.

**Nowadays, people believe taking care of elderly parents only requires food and shelter. However, people also do these for pets, there will be no difference without respect. (*Analects of Confucius. Wei zheng*)**

**Lin Fang asked about the fundamentals of ritual. Confucius said, "What an excellent question! In ritual, it is better to be frugal than extravagant; in funerals deep sorrow is better than ease." (*Analects of Confucius. Ba yi*)**

**Confucius said: "A young man should serve his parents at home and be respectful to elders outside his home. He should be earnest and truthful, loving all, but become intimate with humaneness. (*Analects of Confucius. Xue er*)**

The intrinsic property of Rites is love insides human nature, which would make people transform their love for family members into love for all ordinary people. “love for family member” and “love for all”, we just take grand that we may love our family first ,then we love other. so we conclude that all loves come from “love for family”. This is not the truth. The truth is that, there is an universal love inside myself; so I will love everyone include my family. “filial piety and obedience to elders” are loves for family members. It’s not a good reason to support the concept “concealment for kin”. If there is a good reason for “concealment for kin”, the reason will be “loves inside human nature”.

### **3.Concealment system in modern society and “concealment for kin” principle**

The system of misprision of treason, which has a deep social base and a long history, is a typical system in our ancient society. But it's not concealment system in modern society. "concealment for kin" principle and concealment system, Comparing the scopes of the privilege between two different system, the privilege in latter system are reduced through the development of modern society. The privilege in former system may include Covering up facts of the crime of their families. While in the latter system, people can have the right to refuse accusing their families. The difference is that one is a positive right while another is a passive right. Differences can be expressed in an extreme example-----children abuse.<sup>3</sup> Children suffered violation from their parents, will children also hide it? In ancient China, a feudal society, under the thinking of "body is given by the parents", the child is simply impossible to sue their parents. But in the modern law, it's clear that children have a right to sue their parents if they suffer abuse from parents.

Social and historical reasons can be found for "concealment for kin". Blood Relationship and hierarchy is the core and foundation of the feudal and patriarchal society. In such a society, family harmony and stability directly determines the stability of the country. "concealment for kin" system protects such a society of which the basic unit is small-production family. There is also historical reason why "concealment system in modern society" instead of "concealment for kin". In the history we have past, modern people accept several thoughts from different culture and modern civilization. The construction of society is changed. The principle in the time of Confucius can't work out in modern society. In such a society, we have experienced two self-destructive wars. The reason may be that people always hold principle in their own culture. Now, we have to consider our action in a universal principle in Kant's sense---"Each of our behavioral principle should be universal principle." Obviously, "concealment for kin" could not be a universal principle. But there must be an universal thing behind "concealment for kin" principle---"loves inside human nature" Such a property is our instinct.

In the worldly range, the concept "Concealment for kin" in the system of modern laws is defined as systems with three conditions. First, concealment is a equal right not commitment. It's a right to refuse being witness in the case of persons involved are our bloody kin. Second, the contemporary Concealment System will need be reduced and clarified the range of relatives. This range should be limited to parents and children, husband and wife and grandparents and grandchildren, and nothing else. Third, the range of concealing rights should be limited according to Concealment methods and types of crime. The concealing methods should be only negative, that is every one have the right refusing to censure, refusing to testify or refusing to provide relevant information. Positive behaviors are never included in Concealment rights, including perjury, helping the suspect to escape, hiding facilitate. Positive activities should be subject to the existing criminal penalties. And if the crime is against public safety or the crime among relatives which is contrary to the spirit of "concealment for

<sup>3</sup> I think difference not just between modern and ancient society, but also between east and west society. In American psychologist Dr. Susan Forward's book "*Toxic Parent*", she asks abused children to hate their parent, as a therapy for their psychological troubles after their miserable childhood. Dr. Forward's therapy methods show a radical difference between east and west culture. Because it's impossible for an East Asian grown-up child telling publicly that he or she hates their parents.

kin”, Concealment of crime shall not be implement.

#### 4.Conclusion

Not just in Asia, but also in western, there are similar discussions about “concealment for kin”, like, Plato’s work “Euthphro”. The law is the bottom line of the ethics. Through the development of society, “concealment for kin” principle is diminished not disappear, as an ethic principle. It’s replaced by “concealment system”. That means some intrinsic property of “concealment for kin” principle kept by modern system of law is universal. This universal thing is loves insides human nature. There must be something never changed through time and space ---“human nature”. After we make clear what the core of Chinese tradition is, in both literal and metaphysical meaning, some gaps between west and east assumed inside our mind will disappear.

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### Keeping a part for human nature

#### —— On the concept of “Concealment from Kin”

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Title: Philosophy and Culture

Abstract: "Concealment for kin" is a traditional concept from the work of Confucius. All that the author to do in this paper is proving that there is something universal behind this old concept in East Asia. Through the development of society, “concealment for kin” principle is diminished not disappear, as an ethic principle. It’s



replaced by “concealment system” in modern law. That means some intrinsic property of “concealment for kin” principle kept by modern system of law is universal. This universal thing is loves insides human nature which never changed through time and space.



## **Urban Biodiversity, Economics & Ethics**

(The Asian Conference on Ethics, Religion and Philosophy 2011  
20-22 March, 2011, Osaka, Japan)

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### **Abstract**

It might be reasonable to make a distinction about cities with regard to biodiversity: There are cities that are green, and there are greens that are urbanized. The former is highly sophisticated cities with strong economic infrastructure. These cities are not happy with the gray buildings and concrete structures, and hold green campaigns to reproduce biodiversity. There are some other cities that are built in jungles or wetlands. These cities have literally attacked the biodiversity by unplanned encroachment. These are especially common in Southeast Asia where urbanization is relatively young. Sustainability triangle is very well known in urban planning. It points out the conflict that arises from economic, social and environmental aspects. From the economic perspective, the cities are considered to be the engine of growth as they are the seat of industries, service sector and ICT companies. Most of the time, the success of a city government is measured by economic performance such as the increase in foreign direct investment, in the number of high rises etc. From the social corner of the triangle, rapid urbanization, informal housing in outskirts, grassroots democratization initiatives, crime rates, access to municipal services etc are hot topics. As the cities are growing formally by the projects of construction sector and informally by slum dwellers, various ethical dilemmas emerge that pit urbanites against the urban flora and fauna. After presenting some of these ethical dilemmas, this paper proposes an ethical framework for urban biodiversity including Homo sapiens.

### **Contents**

- 1) An Overview of Urban Biodiversity
- 2) Threats to Urban Biodiversity
- 3) Ethical Dilemmas Involving Urban Biodiversity
- 4) Recommendations
- 5) Conclusion

## Urban Biodiversity, Economics & Ethics

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### 1) An Overview of Urban Biodiversity

Biodiversity involves species diversity, habitat diversity and genetic diversity (Hostetler & Main, 2010a; 2010b). The main policy guideline on biodiversity is the Convention on Biological Diversity (CBD) (1992, Rio de Janeiro). It has been ratified by 191 countries (Müller & Werner, 2010). Unfortunately, CBD views biodiversity as a mainly nonurban issue, although the urban impact on biodiversity in the cities and out of the cities is getting stronger and stronger (Müller & Werner, 2010). Puppim de Oliveira et al (2010) state that 3 levels of interaction exist between cities and biodiversity. The first is urban biodiversity which involves impact of human settlements over biodiversity of the cities. The second is 'regional biodiversity influence' which refers to the fact that urban human life affects not only urban biodiversity but also biodiversity surrounding the city. Thirdly, 'global biodiversity influence' involves the impact of cities over far distant lands, as cities are the centers of global consumption. At another level of analysis, 3 main research areas and policy topics emerge out:

- 1) The influence of cities and people over biodiversity.
- 2) The influence of biodiversity over cities and people.
- 3) Which biodiversity to preserve? (Puppim de Oliveira et al, 2010)

It is obvious to the experts -although not always to the urbanites- that urban biodiversity provides ecosystem services and other benefits such as clean air, parks, refreshment etc. However, along with the benefits, urban biodiversity may also lower urban quality of life as in the case of mosquitoes, invasive species etc (Puppim de Oliveira et al, 2010). (Petersen et al (2007) provide a comprehensive list of ecosystem disservices, along with ecosystem services.) That is why third question is also necessary. In some other cases, urban biodiversity preservation can be detrimental to local people earning their subsistence by natural resources, if their needs are not addressed at project, program and policy levels.

Puppim de Oliveira et al (2010) state that preserving urban biodiversity is not enough, as urban settlements also affect neighboring biodiversity as –e.g.- urban demand for food leads to deforestation of surrounding areas, since urbanization commercializes subsistence activities of exurban food producers. Another example provided by Puppim de Oliveira et al (2010) in that sense is wild species trade in Vietnam and elsewhere.

Puppim de Oliveira et al (2010) point out that urban expansion is mainly formal in cities of 'developed' countries, while informal in 'developing' countries. Furthermore, the latter is faster than the former in expansion. Urban sprawl and suburbanization are the main problems of the former where compact cities is the recommendation. Informal settlements are the main problem of the latter where low-cost housing and pro-poor planning policies are the recommendation.

Puppim de Oliveira et al (2010) present an archetypical case in Mumbai where Sanjay Gandhi National Park which is one of the largest metropolitan parks of the world is encroached not only

by the informal settlements of the poor, but also large bungalows of the wealthy encroachers. The judiciary decided to evacuate poor people, but did not touch the wealthy encroachers. As correctly stated by Puppim de Oliveira et al (2010), decisions like this don't solve the problem, but relocate it, as poor people are moving to nearby areas to build their slums, much in the line of David Harvey's statement: "Capitalism never solves its problems, it just moves them around" (Harvey, 2010). Puppim de Oliveira et al (2010) suggest pro-poor planning and proper housing policies as solutions. The discussion of the case leads to the idea that environmental ethics is a luxury item for poor people, as they are on survival mode. Many of the informal settlers were displaced or dispossessed and moved to cities (cf. Tides Foundation, 2009). Thus urban biodiversity discussions and accompanying ethical issues are not only urban but also exurban.

As especially low and middle income countries rapidly urbanize, cities appear as the focus of various environmental and social problems, since the urban demand for natural resources and ecosystem services is a dramatic driver of depletion of natural resources (Wu, 2008), as stated above. Rapid urbanization is in low and middle-income countries, and these countries are high on biodiversity (Müller & Werner, 2010). Thus global urbanization trends are relevant for biodiversity issues by definition. We can't stop urbanization, but we can design and plan better cities (Wu, 2008). Wu (2008) states that "[u]rbanization should not be viewed merely as a cause for environmental problems, but also as an inevitable path to regional and global sustainability. Cities have lower per capita costs of providing clean water, sanitation, electricity, waste collection, and telecommunications, while offering better access to education, jobs, health care, and social services. At the present, urban areas are home to more than 50 percent of the world population, while accounting for less than 2 percent of the earth's land surface" (p.46-47).

Converging with Wu (2008)'s balanced approach, Kraas (2007) discusses not only negatives, but also positives relevant to cities and ecological issues. Kraas (2007) lists the following as the ecological dimension of 'problems, risks and disadvantages' of mega-urbanization:

- Urban expansion, urban sprawl and fragmented land use mosaic
- Air, water, soil pollution, sewage water problems
- Waste disposal; uncollected, illegal and toxic waste
- Inundation and land subsidence
- Environmental health problems
- Expansion in ecologically fragile areas (e.g. coasts, slopes, mangroves)
- Sealing and degradation of fertile soils" (p.14).

On the other hand, Kraas (2007) states that mega-urbanization has its 'benefits, chances and advantages' in ecological dimension such as:

- Decreased land consumption (per head), partly through high-rise construction
- Optimised land use patterns, efficient land use planning
- More efficient resource use (e.g. water, food, energy)
- Closure of material, water, energy flows (recycling)
- Comprehensive monitoring and management of nature-human interaction
- Diversity and management of urban biodiversity (biocorridors, habitat diversity)
- Sustainable urban agriculture and green space policy" (p.14).

The traditional approach to urban biodiversity is based on the assumption that distance to the urban center is negatively related with biodiversity, since it provides a continuum of human disturbance of nature. Urban fringes are considered to be more biodiverse than the city center (Müller & Werner, 2010). However, Strohbach, Haase & Kabisch (2009) found that urban

biodiversity (in the case of avian (bird) biodiversity) was a function of land use (urban green space) and socioeconomic patterns (population density, income, and unemployment) in Leipzig. Districts with high SES are species-rich, while low SES districts are species-poor; and districts with high population density are low in biodiversity. Of course, these findings may not be readily applicable to other cities, as species-poverty in Leipzig may mean species-wealth in other cities with lower biodiversity thresholds (Strohbach, Haase & Kabisch, 2009). That is why each city needs its own biodiversity research. There is no ready-made template for urban biodiversity. Nevertheless, it is clear that the resources that can be used to implement a biodiverse community model by household depend on household SES (Kinzig et al, 2005). Inequality in intra-city biodiversity is a case of environmental injustice, as poor neighborhoods are not only poor economically, but also environmentally (Kinzig et al, 2005).

Wu (2008) points out another significant bias in discussions of urban ecology: “[E]cologists know more about the habitat of penguins in the Antarctic than the ecology of cities in which they reside; they know more about the ozone hole in the stratosphere than the urban heat island in their neighborhoods. Most existing ecological studies in urban areas have focused primarily on the negative impacts of human activities on biodiversity and ecosystem processes. There even seems to have been a perception that ecologists are professionally at odds with developers, architects, engineers, and the like because almost everything that humans do to nature was traditionally viewed as ecologically negative” (p.46).

The logo for 'iafor' is centered on the page. It consists of the lowercase letters 'iafor' in a light blue, sans-serif font. The text is enclosed within a circular graphic composed of two overlapping, semi-transparent arcs: a larger light blue arc and a smaller, slightly offset light orange arc.

## 2) Threats to Urban Biodiversity

The most evident impact of urban development over biodiversity is in change in land use and land covers (Puppim de Oliveira et al, 2010). Some cities are strict about zoning to protect natural and agricultural lands while others are not. Two main threats are visible to the security of the green lands: Unplanned settlements and informal housing (Puppim de Oliveira et al, 2010), and real estate speculators (including government officials in many cases). In addition, Puppim de Oliveira et al (2010) mention formal housing which affect biodiversity as in the case of urban sprawl i.e. authorized suburban development which is common in high-income countries.

On the negative side, Puppim de Oliveira et al (2010) list 9 “obstacles to improve the governance of the CBD”:

- “1. Cities are not in the core discussions of CBD
2. CBD implementation by national governments is limited
3. CBD is still not mainstreamed in the cities’ agenda
4. Conceptual clarifications are needed to move the biodiversity agenda
5. Citizens lack awareness of the importance of biodiversity and ecosystem services
6. There is a lack of proper instruments to deal with biodiversity at the city level
7. Lack of coordination among different levels of government and among local governments for joint action
8. Differences in the challenges among cities
9. Political resistance for change at various levels” (pp. 39-43).

As stated above, the main driver of biodiversity loss is land use change by urbanization and by agriculture due to increasing urban demand for food (Müller & Werner, 2010). Secondly, urbanization leads to biotic homogenization which means that a small number of non-native species of plants is planted in urban areas at the expense of native vegetation (Müller & Werner, 2010). There are cases where biotic homogenization is observed for animal species as well (Müller & Werner, 2010). In this context, Braimoh et al (2010) mention 5 drivers of biodiversity loss: “Land use change, climate (change), nitrogen deposition, biotic exchange, and atmospheric carbon dioxide” (p.16). Furthermore, Braimoh et al (2010) develop a comprehensive model for biodiversity loss in Southeast Asia which covers underlying drivers (human population growth, poverty, urban expansion, policy failures, institutional failures, trade and globalization, climate change and other natural factors), proximate factors (agricultural expansion, biofuel production, wood extraction, infrastructure development, and biomass burning), and processes of biodiversity decline (habitat conversion, habitat degradation, habitat fragmentation, species introduction, and overexploitation) (p.18). As to agricultural expansion, Asian export-oriented economic models which are based on agricultural products put pressure on exurban green areas; fertilizer runoff is detrimental to biodiversity; unregulated forest use and access work against biodiversity, and finally, agricultural activities emit greenhouse gases which ultimately affect biodiversity negatively due to climate change (Braimoh, 2010). Additionally, the trade of agricultural products leads to biodiversity loss by monoculture plantations and resource overexploitation. Trade of endangered species is another additional specific driver of biodiversity loss as in the case of some of the wild animals such as elephants, tigers, bears, reptiles etc. Secondly, regardless of the fact that whether biofuel production is environmentally-friendly is under discussion, it is clear that biofuel production is one of the factors that has precipitated agricultural conversion of natural vegetation. Biofuel production is also a contributor to pollution, climate change and fertilizer runoff. As biofuel plantations are less friendly to

biodiversity compared to forests, biofuel production is considered to be a driver of biodiversity loss (Braimoh, 2010).

Likewise, Australian Research Centre for Urban Ecology (2009) lists the following threats for 'sites with biodiversity values' in metropolitan Melbourne:

- “- High levels of internal fragmentation
- High risk of site loss due to proximity to major road
- High risk of urban effects (e.g. heat island, pollution)
- High risk of human impacts (e.g. trampling, rubbish)
- Impact by proposed roads
- High risk from introduced plant species
- Likely risk of predation by dogs, cats and red foxes
- High risk from edge effects” (p.20).



### 3) Ethical Dilemmas Involving Urban Biodiversity

Puppim de Oliveira et al (2010) state that “biodiversity is increasingly considered to have an intrinsic value. As a result, more voices are currently articulating that biodiversity should be conserved irrespective of its contribution to human well-being (i.e. irrespective of the ecosystem services it provides)” (p.18, fn 6). This corresponds to one of the key issues in urban biodiversity ethics: Conserving biodiversity for its services vs. caring for the nature as a responsibility flowing from higher ethical values transcending immediate needs of Homo sapiens. At a more specific point of view, Dunnett et al (2007) pose another central dilemma which resembles Puppim de Oliveira et al (2010)’s third question mentioned above (“which biodiversity to preserve?”): “When considering biodiversity in gardens, is the central concern the range of different fauna and flora, the rarity of the species sighted, or simply the abundance of wildlife? Is it just as valid to have a large number of common species, as it is to have one rare species?” (Dunnett et al, 2007, p.8). Third dilemma is about vegetarianism. Vegetarianism is more eco-friendly. Thus, a main ethical dilemma for urbanites is whether to go veggie or not. Fourth ethical dilemma is based on the conflict between aesthetic vs. ecological choices in urban vegetation. Most of the time, urban flora is planted to look good rather than its ecosystem services (Dunnett et al, 2007). This mode of choice determines the prevalence of attractive plant species which may crowd out better ecosystem servers.

Fifth ethical dilemma for urbanites which is quite enormous is the purchase and consumption of ecologically certified products such as Fair Trade products, organic products etc which are directly relevant for biodiversity conservation, and the promotion of sustainable consumption and production practices. These practices involve biodiversity certification, green consumerism, ecolabels, green product life cycles, green supply chains, accountable and responsible consumption and production, green accounting and a whole bunch of new approaches. Each of these can be discussed in separate papers. Unfortunately, movements to protect biodiversity are not as strong as green consumerism movements in cities (Petersen et al, 2007). ‘Biodiversity’ has not been elevated to the status of a common everyday word yet; it is still considered to be jargon, a technical term or sophisticated philosophy (Dunnett et al, 2007).

The ethical dilemmas facing urbanites are not only at the primary theoretical level. There are also meta-ethical dilemmas that need solutions or guidelines: Firstly, should we have a separate ethics for urbanites vs. urban planning professionals? Connected to this is the meta-ethical dilemma which involves a uniform single ethics code vs. specific multiple ethics codes. Thirdly, given that biodiversity is mostly luxury for low SES urbanites, should we have separate ethics based on different levels of SES? Fourthly, should we have separate urban biodiversity ethics for adults and kids? Before all, should underageds be a part of the ethical discussion? (Of course, this question is explored in different sub-branches of ethics on various occasions.) Fifthly, given that urban biodiversity is linked to regional and global biodiversity, what should be the scope of urban biodiversity ethics? Urban? Exurban? Periurban? Global? Sixthly, is biodiversity more important than other values? Is a hierarchy of ecological values possible and necessary for an ethical framework? Seventhly, the relationship between laws, rules, policies and ethics relevant to urban biodiversity should be investigated and clarified. This topic needs to be discussed in another paper. Actually, the list of 5 ethical dilemmas and 7 meta-ethical dilemmas presented here can be extended; but even the total of 12 dilemmas can’t even be discussed here, as they need separate treatment in a pure ethics paper.



Animistic natives attribute animacy/spirit to nature and consider her as a service provider whose services are borrowed, and not totally tamed and owned. However, modernist view of nature is that of enslaving nature, and putting priority of human needs over the renewability needs of ecosystems (Groenfeldt, 2010). The needs of nature and people should be balanced (Groenfeldt, 2010) keeping in mind that people not only have economic needs, but also environmental and social needs (eg green spaces, enjoyable leisure time etc).



#### 4) Recommendations

Dunnett et al (2007) list the following as “barriers to realising opportunities” for “the role of horticulture in supporting biodiversity” in urban areas: “a lack of understanding; public opinion; corporate culture (‘organisational inertia’); cost, operation of the market and possible consumer resistance; policy issues (local and central government policies); and shortage of skills in the horticultural sector” (p.33-37). Formal and nonformal forms of education/training are necessary for urban biodiversity conservation (Dunnett et al, 2007). This is especially relevant for rapidly ageing populations such as Japan and Europe. Biodiversity training can be viewed as part of more inclusive and elderly-friendly urban planning. Biodiversity and ethics training for elderly and children can go together. Combined on-site training programs for grandparents and grandchildren can be especially useful. This would provide an opportunity to enjoy quality time together with 3 generations of family, out of choking shopping malls and gaming centers.

Puppim de Oliveira et al (2010) list the following as “instruments for improving the contribution of cities to the CBD (Convention on Biological Diversity)”:

1. Development and implementation of proper housing and infrastructure policies
2. Provision of a good network of urban green spaces and functional aquatic habitats
3. Local sustainable production methods for biodiversity in urban areas
4. Improvements in public transportation and more compact cities
5. Increasing awareness among urban dwellers and decision-makers
6. Stronger links with national and international networks” (pp. 27-38).

Furthermore, Puppim de Oliveira et al (2010) list 6 “opportunities to move the CBD agenda forward” in line with Kraas (2007) and Wu (2008):

1. Cities as an efficient body to protect biodiversity
2. Cities’ involvement to tackle global problems and development of new instruments
3. Urban dwellers tend to be more educated and environmentally sensitive
4. Policies can be more effective at the city level because of the scale
5. Opportunities for win-win situations between biodiversity conservation and other benefits
6. Convergence of the movements on biological diversity and urban planning” (Puppim de Oliveira et al, 2010, 43-47).

One way to conserve biodiversity is the protection and promotion of native species (Hostetler & Main, 2010a). One way in that direction is promoting native flora that feed native fauna (Hostetler & Main, 2010a). Turf-grass lawns and non-native ornamentals are detrimental to urban biodiversity, as they are artificial, and they don’t provide a feeding ground for native species (Hostetler & Main, 2010a). Part of this effort is of course taking measures against invasive species (Hostetler & Main, 2010a). Pets can affect local species; thus, pet management should be considered for biodiversity conservation (Hostetler & Main, 2010a).

Although supporting native flora and fauna is recommended by experts (this is what we can call as ‘nativism’ or ‘natural conservatism’ in the age of economic, social and ecological globalization), Miller (2008) challenges this nativism bias, as human activity has already changed the habitat. In some cases, the urban habitat has changed so rapidly that native species could not survive; in those cases, exotic species are introduced for a greener habitat (Miller, 2008). There may also be some beneficial outcomes of introduction of exotic species in some cases (Miller, 2008). Furthermore, a careful introduction of exotic species would add to the

urban biodiversity (Miller, 2008). Finally and more significantly, most of the vegetables are non-natives anyway (Dunnnett et al, 2007; Gezgin, 2009). On the other hand, precautionary principle should be applied for endemic species (not natives, but endemics) which exclusively inhabit that particular urban habitat.

Models and designs that promote win-win scenarios are necessary where both humans and biodiversity are well-off (Miller, 2008). One of these is green roof and/or rooftop garden approach (Mazereeuw, 2005; Miller, 2008) while the other is living wall models (Loh, 2008), in other words vertical gardens (Tarran, 2009). Both are conducive to urban biodiversity conservation. To support urban biodiversity, incorporation of biodiverse models into EIAs (Environmental Impact Assessment) is not enough; a long term perspective at program or policy level such as SEA (Strategic Environmental Assessment) is sine qua non (Countyside Council for Wales, 2007).

Promotion of urban biodiversity leads to green and blue spaces which attract professionals and companies which is positive for economic development of the city (Petersen et al, 2007). Biodiversity also increases the value of real estate in urban areas (Petersen et al, 2007). Many of the urbanites value urban vegetation due to aesthetic and visual reasons, but they are not knowledgeable enough about the ecological functions such as “human comfort, energy budgets for buildings, mitigation of urban heat islands, air quality improvements, carbon dioxide uptake and stormwater and catchment benefits” (Tarran, 2009, p.1). Urbanites benefit from urban vegetation not only ecologically but also psychologically and socially, although in many cases they are not aware of that. Tarran (2009) and Mazereeuw (2005) provide an overview of research on psychological and social benefits of urban vegetation. Thus, the urbanites should not only be informed about the ecological services of urban biodiversity, but also psychological and social services. On the other hand, from an economic point of view, one should take into account that urban vegetation is mostly a public good which is and will be undersupplied by market mechanisms. Government involvement is critical, along with the promotion of greening of industries. Local government should take the initiative to promote intensive and extensive green roofs by subsidies and other forms of incentives. This has been the main factor behind the success of the growing trend towards green roofs in Belgium (Claus & Rousseau, 2010). Green roofs provide a green network to foster urban biodiversity.

The focus on ‘urban forest’ rather than individual trees in the city is relatively new. ‘Individual tree’ approach does not consider each tree in the city as part of a green infrastructure and network; while ‘urban forest’ approach has a holistic focus. The interest in forests out of the city accordingly translates slowly to the less concentrated ‘forests’ in the city (Tarran, 2009). As forests out of the city are more concentrated and visible, they are more protected compared to urban forests. A slow but hopeful conceptual shift is observed at this point. For example, Berlin protects urban trees by the legal status of ‘natural monument’ (Senate Department of Urban Planning, 2003). Secondly, tree planting activities out of the cities are more frequent than those in the cities. Thirdly, trees are more visible and more valued compared to other forms of urban vegetation; however, the latter is also part of the green infrastructure. All vegetation types are nurturing urban biodiversity. On the other hand, it should be kept in mind that the existence of green areas does not guarantee biodiversity. In some cases, brownfields (abandoned industrial sites) are more biodiverse (Petersen et al, 2007). Thus the assumption that greening of the city automatically boosts biodiversity should be avoided. It depends on vegetation type and many other factors. Furthermore, Dunnnett et al (2007) point out that urban green areas especially parks are still considered to be primarily recreation sites as a legacy of the Victorian dirty industrial

city model, and thus they are still under recreational management authorities in many cities. Thus a focus on ecosystem services provided by urban green areas needs a reshuffling of municipal structures.

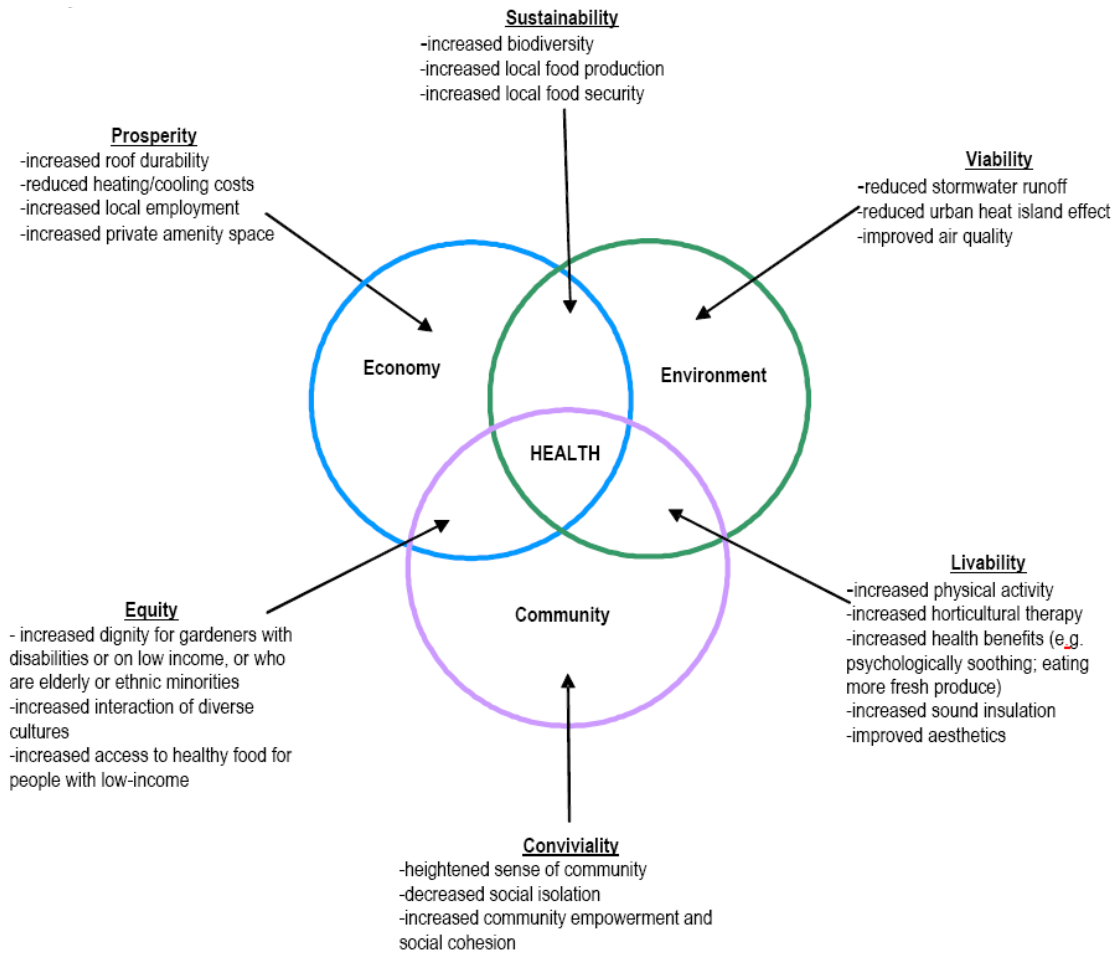
There are 4 general drivers for urbanites to build urban biodiverse communities:

- 1) Top-down: This is by the enforcement of local or central governments (Kinzig et al, 2005).
- 2) Bottom-up: This is by the grassroots movement of residents as an individual unit or as in the case of neighborhood, district and city associations. Neighborhood relations, peers and kinship are critical in planting decisions along with natural constraints (Marco et al, 2010).
- 3) Lateral: In this case, cities impressed by good examples of other cities copy those practices.
- 4) Internal: In this case, a member of a household or an employee of government, company or organization takes initiative as a green intrapreneur or sustainability champion.

Petersen et al (2007) report the example of Zagreb, Croatia in which urban biodiversity information was publicly accessible, and local people were encouraged to take the initiative to protect and monitor the biodiversity. These examples can be especially addressed to children, as monitoring of butterflies, birds etc is like a game for them. Public participation and a broader understanding of stakeholder involvement in urban planning are vital for the protection of biodiversity (Dunnett et al, 2007; Petersen et al, 2007). Utilization of local ecological knowledge provided by local residents is necessary to build a more realistic model of urban biodiversity (Petersen et al, 2007).

Mazereeuw (2005) discusses the current state of urban agriculture in Waterloo (Canada) which is categorized into community gardens, green roof and rooftop gardens, and private gardens (backyards). Although green spaces are under stress by rapid urbanization and expansion of construction areas, Mazereeuw (2005) recommends promotion of urban agriculture as a solution to many problems of urban life. Unfortunately, it is quite unrealistic to promote urban agriculture in cities where real estate speculators attack even public parks; but Mazereeuw (2005)'s list of benefits is comprehensive enough to lobby for at local and central government levels. Furthermore, Mazereeuw (2005)'s recommendations are mainly focusing on green roofs and rooftop gardens which are relatively easier to promote than urban community gardens. Figure 1 summarizes Mazereeuw (2005)'s conceptualization of urban agriculture:

Figure 1. Benefits of Urban Agriculture



Source: Mazereeuw, 2005, p.2.

We close this section by concise and insightful remarks of Berkessy & Gordon (2010): “Effective conservation of biodiversity will require changes to current approaches to land use, pollution control, resource consumption, waste and recycling, valuation of natural resources and the role of the community and individuals in protecting the environment. Good government policy is fundamental to implementing the changes needed. However, history has shown that policies relating to biodiversity conservation are not commonly matched by effective policy implementation and good biodiversity outcomes. Ecologically sustainable development in urban areas will not be possible unless many more financial and human resources are directed to support improved understanding and management” (p.6).

## 5) Conclusion

5.1) The author of this paper has no option to initiate urban agriculture in his rented apartment flat, and millions are imprisoned in ungreen architectural structures like him. Thus, we need to be realistic, although that doesn't mean that we should be pessimistic.

5.2) The 'alien' (Klingon) in 'Star Trek VI' (1991) is right: 'Human rights is racist'. But to notice the racism of 'human' rights, we don't need to wait for the arrival of 'barbarians' 'a la Kavafis' or of Klingons 'a la Star Trek'. We are only one of the species of the enormous biodiverse community called 'nature'.

5.3) In Star Trek IV (1986), the extinction of humpback whales equals to the extinction of Homo sapiens. This story is related to urban biodiversity for two reasons: Firstly, the whales were kept in captivity in San Francisco due to the urban demand for recreation and fear of human hunters; secondly, the whales are hunted due to increasing urban demand for food and other related products. We can't wait for the end of the world to realize the truth in this holistic equation of extinction.

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## THE NEED TO INCORPORATE “AKINNAH” CONCEPT AS A STRATEGIC AND HOLISTIC MODULE FOR HUMAN CAPITAL DEVELOPMENT PROGRAMS FOR ENGINEERING STUDENTS

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### Abstract

The issue in human capital development is of two kinds; the interaction in physical views and spiritual enhancement. This paper discusses the second kind on how spiritual element leads to develop a notion of human capital development. Drawing from key Islamic texts, relevant prior literature, and interview with an expert, we elaborate and discuss definition of “*akinnah*” concept and delineate what it suggests for developing the module for a strategic and holistic program on human capital development. The study was conducted based on available published articles from Quran (sacred text), Al-Hadith (prophet said), journals, books, and other reliable sources related to the study of sustainability of human development based upon Islamic principles. The study also focuses on selected materials and concentrates on Islamic perspective and the examples presented in this article provide new information on the importance of spiritual development towards successful human capital development programs. This study is perhaps one of the first to address the definition of “*akinnah*” and its importance as a baseline to create a holistic module for human capital development programs.

**Keywords:** “*Akinnah*”, spirituality, human capital development.

### 1.0 Introduction

Human capital development is an agenda that should be prioritized because it is fundamental to sustainability, excellence and glory of civilizations. Due to its importance to the nation, Malaysian Government has allocated about RM45.1 billion to finance programs related to human capital development in the Ninth Malaysia Plan 2006-2010.

Human development is the current phenomenon as everyone is sensitive, committed to excellence and strive to develop in order to become more knowledgeable, more skillful and more effectively able to address problems in life (Abdul Rahman Aziz, 2001). According to scholars of Islam, human is divided into two parts, physical body, and spiritual elements. Therefore, to develop it, both aspects should be taken seriously. Even the spiritual element is the main basis for the development.

The real goal of the process of human capital development will not be achieved when the spiritual aspect is not taken seriously. The behavior of individuals, whether good or bad is a result of a spiritual aspect. More specifically, it refers to aspects of the formation and educating the heart (Khalim Zainal Aminudin, 2008). Therefore, it is necessary to explore and understand deeply the description of “*akinnah*” which is in the heart of a person. The study was conducted to describe the characteristics of “*akinnah*” in the effort to develop human. In fact, the understanding of these concepts can help to develop human capacity building modules for engineering students.

## 2.0 Literature review

The efforts to develop human module from the Islamic perspective must be digested by the five types of human intelligence which God has created for human. As Allah said in the Quran (39:9) *"But He fashioned him due proportion, and breathed into him something of His spirit. And He gave you (the faculties of) hearing and sight and feeling (and understanding): Little thanks do you give?"* According to KH Toto Tasmara (2001) these verses have given a sign that human were prepared by God ever since he or she was born with the five other intelligences, namely:

- i. Spiritual intelligence: ability to listen to one’s conscience, good and bad in the moral sense of how to place him or her in the association.
- ii. Intellectual Intelligence: the ability to play the potential of logic, the ability to calculate, analyze, and mathematics (logical-mathematical intelligence).
- iii. Emotional intelligence: ability to control oneself and understand the rhythms, tones, music and aesthetic values.
- iv. Social intelligence: the ability of a person in a relationship with another person either individually or in groups. Included in this intelligence are the interpersonal, intrapersonal skills and ability to communicate (linguistic intelligence)
- v. Physical intelligence (bodily-kinesthetic intelligence): ability to play in coordinating and body signals.

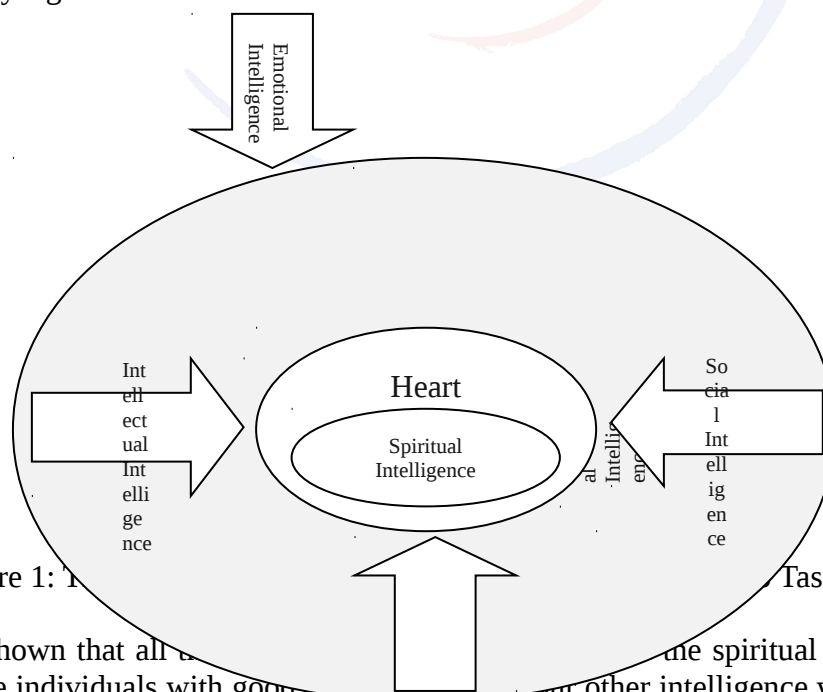


Figure 1: The Heart and the Five Intelligences (Tasmara, 2001)

Figure 1 has shown that all the other intelligences are heart driven. The spiritual intelligence until it is able to produce individuals with good character. The other intelligences which are heart driven will only give added value to contribute to the ambience of a prosperous and peace among human. Furthermore Hawley (1993) observes that spirituality is a transcendent personal which states is often difficult to describe and must be experienced since it is seen as being beyond one's physical senses,

mind and feelings. In this state individuals are able to transcend their normal limitations to see fresh new realities and possibilities have a holistic perception of reality, and perceive the underlying oneness of life (Vaughan, 1989).

Varied definitions were given on the meaning of spirituality. Literally, spiritual is defined as sensitivity or attachment to religious values (Merriam-Webster). Spirituality is also defined as a value which relates to or affects the human spirit or soul and it touches that part of us that is not dependant on material things or physical comforts (Living Words of Wisdom). For some individuals it involves religious connotation (Vaughan, 1989). While this study is, to discuss a concept that is related to the development of spiritual intelligence of people based on Islam. The concept of “*akinnah*” which will be debated in this paper is actually derived from the verses of the Quran.

## 2.1 The Quranic verses and their connection with *akinnah*

In the Quran there are four verses that mention clearly about these concepts. According to Yusuf Ali (2005) the verses which were translated are:

Allah SWT said in Surah Al-An'am verse 25 *“Of them there are some Who (pretend to) listen to thee; But We have thrown Veils (“Akinnah”) on their hearts, So they understand it not, And deafness in their ears; If they saw every one Of the Signs, they will Not believe in them; in so much that when they come to thee, they (but) dispute with thee; The Unbelievers say: “These are nothing but tales of the ancients”.*

As Allah said in the Quran Surah Al-Isra' verse 46 *“And We put coverings (“Akinnah”) over their hearts (and minds) lest they should understand The Quran, and deafness into their ears: when thou dost mention thy Lord- and him alone-in the Quran, they turn on their backs, fleeing (from the truth)”.*

According to the comment made by Yusuf Ali:

*“The invisible veil being put against the ungodly on account of their deliberate rejection of truth, the result is that their minds are fogged so that they cannot understand and their ears are clogged so that they cannot hear. In other words the effects of Evil become cumulative in shutting out Allah's grace.”*

In Surah Al-Kahf verse 57, Allah has said that *“ And Who doth more wrong than one who is reminded of the Signs of his Lord but turns away from them, forgetting the (deeds) which his hands have sent forth? Verily We have set veils (“Akinnah”) over their hearts so that they understand this not, and over their ears, deafness. If thou callest them to guidance, even then will they never accept guidance”.*

Yusuf Ali response to this verse as quoted as follows:

*“Considering the power of sin, and how it gets hold of the hearts of men, and considering all the wrongs that men have done, it is the height of folly and injustice on their part to turn away from warnings which are given expressly for their good. But a stage of callousness is reached, when, by their own choice, they have rendered themselves impervious to Allah's grace. At that stage a veil is put over their hearts and they are left alone for a time that they may commune with themselves and perhaps repent and seek Allah's Mercy again. If they do not, it is their own loss.”*

As Allah said in the Quran Surah Fussilat verse 5 “*They say: “Our hearts are under veils (“Akinnah”), (concealed) from that to which thou dost invite us, and in our ears is a deafness, and between us and thee is a screen: so do thou (what thou wilt); for us, we shall do (what we will!)”*”.

Yusuf Ali comments as a response to this verse;

*“This either a superiority complex adopting the sarcastic tone of an inferiority complex, or it expresses calculated indifference to spiritual teaching. In effect it says: ‘Our hearts and minds are not intelligent enough to understand your noble ideas, nor our ears sufficiently acute to hear their exposition: you and we are quite different; there is a gulf between us. Why worry about us? You go your way, and we shall go ours!’”*

## 2.2 Definitions in terms of language

It is crucial to understand the meaning of the word “*akinnah*” in language terminology in order to understand the true meaning of the concept which will be discussed in this writing.

The word “*akinnah*” is derived from Arabic and it functions as a verb (كَنَّ). The root words for it are (الكَنَّة), (الكنُّ), and (الكنان). It is defined as to have a purpose in maintaining and protecting something. The word (الكنُّ) means a building or shelter that protects from the cold and warm like home. The plural forms of this word are (الكنان) and (أكنة). Meanwhile the word (الكنان) in plural form (أكنة) is defined as (الأغطية) which means a closure which is available in the human heart. (Ibnu Manzur, 1990). This word when used to something that is in itself a means to hide such knowledge (Al-Munjid, 1999).

According to Abu Hayyan (1993), the word “*akinnah*” rather than a cover because it is included in the chapter “*Isti'arah Mahsus Li al-Ma'qul*” which uses a word that can be seen to represent something abstract to easily understood by the logical mind.

The conclusion from the language point of this word carries two purposes, namely an outer cover, such as houses or buildings and cover an abstract in the human heart.

## 2.3 Definition of Islamic Scholars in the opinion of exegesis

According to Al-Qurthubi as quoted by Khalil Mahyudin Al-Mais (1993), we have made the cover of their hearts in return for their disbelief. They are not being heard and understood but not to take advantage of what they hear and be guided to the truth. Their position is as such they do not listen and understand what is being said.

In addition to this, Ibn 'Asyur said “*akinnah*” is the plural of the word “*kinan*”. It is defined as “*al-Ghita*” for it is hiding something in order to protect it. The cover is seen as an abstract because the heart does not accept the truth like something is being blocked.

Meanwhile, Wahbah al-Zuhailiy (1991) response to this definition as he said “*akinnah*” is the cover has made the heart is unable to absorb meanings, rules, secrets and mysteries which are available in the verses of the Qur'an.

Al-Mawardi views “*akinnah*” as a cover that prevents the understanding and ability to understand better. He also believes that there is coverage in the verses of the Quran is an abstraction barriers are

likened by God with the obstacles that can be seen. Thus, the heart does not understand and take no heed of such a container which is placed a cover so there is nothing to enter.

According to Abu Hayyan (1993), God uses the word “*akinnah*” the cover as a parable to illustrate cautious infidels a lesson in understanding and revelations.

#### 2.4 Remarks and conclusions on the meaning and conceptual exploration of “*akinnah*”

The authors conclude that the word “*akinnah*” in the Quran is a negative concept of the human heart that should be taken serious attention. Research and in depth exploration of this concept is based on the reviews of some Islamic scholars in this paper is hoped to get us closer to the understanding of the barriers which are at the human’s heart. These barriers are called “*akinnah*”. Clearly, its existence would hinder efforts to develop integrated human capital.

### 3.0 Methodology

The study was conducted based on available articles collected from journals, books, and other reliable resources related to “*akinnah*” concept. Drawing from Muslim sacred text, relevant prior literature, we elaborate and discuss the concept and definition of “*akinnah*” (veils) and what is suggested for human capital development approach.

### 4.0 Results and discussion

#### 4.1 Incorporating “*akinnah*” concept into integrated holistic module

Civilization literally derives from Latin word *civitas* which means city (Osman Bakar et.al 2009). Longman Dictionary of Contemporary English (2001) defines it as “a society that is well organized and developed”. Terminologically, the word refers to achievement in physical development like infrastructure and human development. (Osman Bakar et. al 2009). Undoubtedly, humans have played very important role in moulding and transforming world from a state to another and from nowhere to a great civilization and again to the downfall.

In fact, humans are unique in creation. According to Islamic point of view, the creation of them is the best of moulds as Allah said in the Holy Quran: “We have indeed created man in the best of moulds”. (al Tin 95: 4). In another verse Allah has Said: “We have honoured the sons of Adam; provided them with transport on land and sea; given them for sustenance things good and pure; and conferred on them special favours, above a great part of our creation”. (Al Isra 17: 70)

Quran has described the creation of human as in Al Mu’minun verse 12-14 : “Man we did create from a quintessence (of clay). Then We placed him as (a drop of) sperm in a place of rest, firmly fixed. Then we made the sperm into a clot of congealed blood; then of that clot We made a (foetus) lump; then We made out of that lump bones and clothed the bones with flesh; then we developed out of it another creature so blessed be God, the Best to create.”

Human body consists of two main parts which are physical and spiritual. Physical part consists of hair, skin, flesh, bones, blood and others that are in form and can be seen. Whereas, spiritual is something that is not in form and cannot be seen but it does exist like soul, lust and appetite, emotion and intellect (aqal). Nubli (2007) in discussing human development stressed that they must be developed in both parts. Both are equally important.

In physical aspect, human needs a strong and healthy body, conducive and healthy environment, good infrastructure, good governance system. So is in developing spiritual aspects. Nubli has suggested that in developing spiritual aspect, the emphasis should be on five elements:

- 1- Intellect - it differentiates human and animal. It plays a pivotal role in human life. Throughout history, human gained their achievements and civilizations by the help of intellect. It also contributes in differentiating civilized and uncivilized people. Therefore, nurturing it properly is essential. However, intellect alone does not guarantee the success because all are interdependent.
- 2- Emotion- it involves capability of controlling feelings like the feelings of sad, happy, stressed, angry, anxious, satisfied and so forth. If someone is given proper education on how to control the feelings, then it helps a lot in producing a good person.
- 3- Lust and appetite - both have to be controlled and educated. Naturally, both often encourage human to commit something that solely fulfilling the needs of physical desire. However, humans need these both characteristics because without both, humans can hardly move forward. What do they need is nurturing them accordingly.
- 4- Soul- it moves the physical. It moves heart (physical), blood and so on.
- 5- Heart- heart can be divided into two physical and spiritual. Physical heart is the one located at left chest. It pumps in and pump out the blood from and to entire body. Spiritual heart cannot be seen but it does exist. The saying like 'love you from my heart' represent its existence. The Prophet Muhammad s.a.w. once said that "in the entire body, there is an organ which if it is good then the entire body is good and vice versa. That organ is the heart'. The heart is the one that makes decision.

From the above brief discussion, it is clear that human are from the integration of many elements which finally constitutes a product which called human. The consolidation of these many elements into a body also depicts the needs of human to the integrated knowledge. Integrated knowledge can be sought in a holistic education system. A system which emphasizes the importance of having and mastering hard skills as well as soft skills needs to be developed. A system which only focuses on hard skills will finally produce students without excellent soft skill. As a result, it will create a materialistic society which contains selfish people who do not care others. Their ultimate goal is fulfilling the bodily needs.

#### 4.2 The development of contemporary module for engineering students

The traditional approach for most of engineering schools was to produce engineers equipped with sufficient knowledge on technology development and exploration of creativity and innovation. Obviously, there was less priority given on the spiritual enhancement and social obligation. However, due to the increasing awareness of the needs, the modern approach of engineering teachings has incorporated the element of these two into the curriculum structure.

In Malaysia, the co-operation between Malaysian Government and Board of Engineers Malaysia (BEM) has resulted in establishment of Engineering Programme Outcomes or PO's (Table 1) whereby the introduction of integration approach between technological inputs and social obligation has been materialized. All of these PO's are the expected attainment of engineering students which they may acquire by the time of graduation. These Programme Outcomes are generically adapted from Engineering Accreditation Councils of BEM as outlined by Washington Accord.

Table 1: Programme Outcomes of Engineering Students (Source: Engineering Programmes Accreditation Manual 2007, Board of Engineers Malaysia)

No	Programme Objective (PO)
1	Ability to acquire and apply knowledge of science and engineering fundamentals
2	Acquire in-depth technical competence in a specific engineering discipline
3	Ability to undertake problem identification, formulation and solution
4	Ability to utilize systems approach to design and evaluate operational performance
5	Understanding of the principles of design for sustainable development
6	Understanding of professional and ethical responsibilities and commitment to them
7	Ability to communicate effectively, not only with engineers but also with the community at large.
8	Ability to function effectively as an individual and in a group with the capacity to be a leader or manager
9	Understanding of the social, cultural, global and environmental responsibilities of a professional engineer
10	Recognizing the need to undertake lifelong learning, and possessing/acquiring the capacity to do so.

PO6 till PO9 are obvious in term of its contributions to social obligation and the values in which engineering students ought to attain but the rest of the outcomes actually indirectly influenced by these values. Such proactive actions taken by engineering academia to inculcate social obligation was a major contribution towards ethical and social-responsible engineers. However, the mechanism of current teaching methodologies may not be able to meet all of these PO's and even if it is attainable, the issue on sustaining these values will be the next challenge that requires prior attention among academia.

## 5.0 Conclusion

In conclusion, the need to explore the definition of “*akinnah*” is of paramount important since we need to identify the veils that become a barriers as it will lead to stimulate the development of holistic module for human development programmes. This determination will be a baseline to restructure and revamp our current academic curriculum or to establish separate module whereby engineering students ought to undergo. Accordingly, the outcomes of this intensive study will be embedded into teaching methodology of engineering programmes as it will help to instill the spiritual values among students. The failure of incorporating the elimination of “*akinnah*” attributes into teaching curriculum will hinder the success of attainment of the programme outcomes for engineering programmes.

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**The Study of Moral Games in Educational Markets in  
Secondary Schools - the Comparison of Taiwan and the  
United States of America, the United Kingdom, Singapore  
and Australia**

*Ethics in Education*

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**Introduction**

Educational marketization, the trend in educational systems, emphasizes that

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schools pursue self-interests and compete with others freely, and it has influenced school management in secondary schools particularly (May, 2007; Wolf, 2003). When schools' behavior of competition and confrontation in the process of pursuing self-interests are ruled by ethical norms, schools can facilitate the games of morality in educational markets to achieve educational ideals (Goodman & Lesnick, 2001; Halstead, 1996; Hayek, 1976). However, even though schools uphold the value-neutral competitions of moral games in educational markets, they sometimes are likely to ignore the value of empathy and thus facilitate aloof relationship when facing the pressure of competition (Arnsperger & Vill'e, 2004; Magill & Prybil, 2004). To avoid the harmful influences from the suppressed mechanism, there should be certain facilitative approaches to helping schools construct healthy ecology and deepen the ethical norms when facing the pressures from educational markets (Robin & Reidenbach, 1993).

Based on the contexts above, this study focused on the positive forces, suppressed mechanism, facilitative approaches of the moral games in educational markets and the researcher applied international comparison method to explore the phenomenon of moral games in educational markets in Taiwan, the United States, the United Kingdom, Singapore and Australia. At present, the educational competing system in Taiwan is filled with the phenomenon of control, which weakens the innovation of schools. And little attention is paid to moral issues of educational marketization. Therefore, this study tries to compare Taiwan and other four countries. Most of all, these constructive experiences from these countries may help Taiwan improve and learn more about the related issues, and manifest the positive ideals in educational markets.

### **Research Purposes**

According to the research background and motivation described above, purposes of this study are as follow:

1. To inquire the phenomenon of moral games in educational markets in secondary schools from Taiwan, the United States, the United Kingdom, Singapore and Australia.
2. To discuss the positive forces of moral games in educational markets from these five countries.
3. To analyze the suppressed mechanisms against moral games in educational markets from these five countries.
4. To explore the facilitating approaches of moral games in educational markets from these five countries.
5. To provide secondary schools in these five countries with the suggestions about school management.

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6. To inspire the new possibility of educational development in secondary schools in these five countries.

## **Literature Review**

### **I. The concept of moral games in educational markets**

#### *Educational marketization*

Educational marketization is the trend in educational systems, and it has influenced school management in secondary schools particularly. There are both bureaucratic and competitive traits in educational systems. Therefore, educational systems are referred to as quasi-markets (Vandenberghe, 1999). In the process of marketization, the games of supplying and demanding interests in education systems drive schools to innovate the school management (Bates, 2003). In view of this, educational marketization not only strengthens organizational efficiency but ensures the quality of teaching and learning (Apple, 2001). In the context, schools may fulfill their moral purpose to create more responsibilities for school members and consolidate positive forces in the educational markets.

#### *The concept of games*

A "game" consists of a set of competitors who adopt strategies to pursue self interests. Competitors show their confrontational behaviors in the conflicts. Their choices of strategies determine consequences, which yield pay-offs to each competitor (Camerer, 1991). In games, all competitors know the rules and information of the situations, and they will make decisions based upon maximizing their utility (Herbig, 1991). In this process, competitors create the energy of new order and explore the order of social harmony at the same time. Therefore, "games" are defined as the "a series of confrontational or competitive behaviors respond to competitors' pressures, others' expectations and civil society when people pursues their interests."

#### *Ethics in school*

School organizations are educational systems related to ethics (Tarc, 2006). The competitions in educational markets are to realize moral goals, which mean that teachers can practice their missions of teaching (Bates, 2003). Moreover, school members carry out their own moral values (Freeman, Engels & Altekruise, 2004; Heinze, 2005) and endeavor to transform resources in the social interaction process. In this way, school members can unite more members and resources to achieve the educational goals (Blanke, 1992).

About the concept of ethics, it concerns the search for a good "way of being", for a wise course of action (Badiou, 2001). In the Webster's international dictionary, ethic

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is defined as the discipline dealing with what is good and bad and with moral duty and obligation (Grove, 1986). The notions of moral and ethic are used interchangeably. In this research, the researcher considers morality and ethics as the same thing. Overall, the ethics of school organizations is defined as: School members practice the moral reflections in functional and marketing dimensions and abide by these moral forms as personal belief in order to guide their behaviors for responsibility in school.

To sum up, moral games in educational markets are defined as “when schools pursue self-interests in educational markets, their competitive and confronting behaviors respond to competitors’ pressure, parents’ consumption, and civil society based on ethical norms, and the strategies derived.”

## **II. The positive forces of moral games in educational markets**

The positive forces of moral games in educational markets are as follows. Firstly, when schools pursue interests, they build moral organizations with ethical foundation to make school strategies full of legitimacy and avoid lack of profession. In this way, more opportunities could be provided to ensure schools’ development and innovation (Clarke & Gray, 2006). Secondly, the moral games in educational markets enforce positive school marketing and emphasize teachers’ and students’ development to facilitate schools’ efficiency (Arnett & Hunt, 2002). Thirdly, within the moral games in educational markets, school members have opportunities for reflection and problem-solving. In this way, it can facilitate the growth of school management and members (Boyd & Walberg, 1990). Fourthly, school members can realize that building moral organizations not only promotes the trust of community for schools but brings in more useful resources (Fourcade & Healy, 2007).

## **III. The suppressed mechanism against moral games in educational markets**

The following describes the suppressed mechanisms against educational moral games in educational markets. Firstly, the lack of profession and ethical belief for school members lead to greedy humanity (Makowitz, 1992). Secondly, when principal can’t abide by professional ability and ethical values to face pressures, the school leadership is getting fragile (Oplatka, Foskett, & Hemsley-Brown, 2002; Shleifer, 2004). Thirdly, if school management is based on the concept of free enterprise rather than educational professional ethics, it could lead to the results without social justice (Menashy, 2007). On the other hand, schools may use exaggerated even deceptive marketing strategies to get success in the competition (Hesketh & Knight, 1998). In the end, anti-professional behaviors increase and suppress development of moral games in educational markets (Hyland, 1996).

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#### **IV. The facilitating approaches of moral games in educational markets**

The approaches facilitating the moral games in educational markets are as follows. Firstly, the government should construct an integrated policy to enrich the moral value in educational markets (Hesketh & Knight, 1998) Secondly, School leaders should direct members to cooperate with others and facilitate positive environments for communication (Fourcade & Healy, 2007). Finally, schools should pursue excellent quality to increase the moral properties (Marshland, 2001; Peters & Waterman, 1982). They may serve according to different demands from school members and ensure ethical materials for moral games to encourage school management with a variety of values.

#### **Research Methods**

This study applied the method of qualitative multiple cases study and comparison method to inquire and compare the phenomenon of moral games in educational markets in secondary schools from several representative countries of specific areas. Moreover, this study focuses on the perspectives from the principal in Taiwan, and the data is compared with other four countries. The United States, the United Kingdom, Singapore, Australia and Taiwan are highly educational developed countries, and this was the main reason why this study chose them as the subjects.

Principals are leaders of secondary schools, directing the administrative and teaching affairs of schools. Their perspectives on school management influence the development of schools holistically. As a result, the researcher chooses to collect the principals' ideas about moral games in educational markets.

Besides, the researcher adopted the method of field interview for 2-3 hours each time, and confirmed the content of interview through e-mail in advance. In the process of interviewing, an interview outline was used to help respondents express their ideas about this study. The interview outline explores principals' opinions about educational markets and moral values of marketing strategies.

The ways to contact with different respondents are as follows:

1. Taiwan: The researcher is subsidized by National Science Council in Taiwan to carry out a case study. One school in Taipei City, Taiwan is chosen as the subject of the case study. The researcher acquired opinions from the principal.
2. The United States of America: The school in the United States of America had language interaction with Ministry of Education, Taiwan, so the researcher had interview with one of five principals in Taipei City. The interview also focused on the discussion about excellent secondary schools in every state.
3. The United Kingdom: The researcher followed the international education

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delegation from Taiwan to the United Kingdom. On this visit, the researcher picked up one school which is suitable to be compared with school in Taiwan, and interviewed the principal.

4. Australia: The researcher got a project of National Science Council allowance for visiting Australia. The researcher interviewed three principals in Brisbane and chose one principal who shared more opinions.

5. Singapore: The researcher and a representative of the private school in Taipei City visited a competitive secondary school in Singapore.

Furthermore, based on the collected data, the introductions of the principals and schools are as Table 1.

**Table 1**

*The introductions of the principals and schools*

Principal	Location	Introduction
A	Taipei, Taiwan	<ul style="list-style-type: none"> <li>. emphasis on students' multiple intelligences</li> <li>. provides various academic programs, athletic activities</li> <li>. develops an excellent teachers' professional learning environment</li> </ul>
B	Virginia, USA.	<ul style="list-style-type: none"> <li>. excellent school performance and partnership with families and communities</li> </ul>
C	Edinburgh, UK	<ul style="list-style-type: none"> <li>. provides multiple curriculums</li> <li>. strives to cooperate with communities by promoting international teaching and learning activities</li> </ul>
D	Singapore	<ul style="list-style-type: none"> <li>. acquires good reputation in public</li> </ul>
E	Brisbane, Australia	<ul style="list-style-type: none"> <li>. provides excellent academic, vocational and cultural programs</li> </ul>

To upgrade trustworthiness, this study constructed the basis of trust by strengthening the credibility, the transferability and the dependability of the data. Finally, the researcher hopes this research could expand international visions and promote the school reform by deliberating, discussing and analyzing in terms of different perspectives.

## **Research Results**

Based on the collected data, the following results are the comparison of schools from these five countries.

### ***The phenomenon of moral games in educational markets***

Firstly, common discourses are as follows:

1. Principals are aware of ethical norms and strive to influence members to carry out these ethical norms in educational markets:

School members can carry out the ethical norms in school's administration and teaching,

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and most importantly care for students' needs. (the principal **E**)

2. When schools encounter competitive pressure from the educational markets, they abide by various ethical norms:

.....even encountering the pressure from educational markets, our school still holds the core moral value of placing students' learning needs on the first place. In this way, our school's try to upgrade the quality of teaching and administration. (the principal **A**)

Secondly, the different discourses are as follows:

1. Taiwan emphasizes disadvantaged student' learning needs. The United States emphasizes help students of different cultures cooperate in studying:

Our school provides disadvantaged students with adequate educational resources, hoping that students can have better development. (the principal **A**)

We offer admission to all county students, some students come from America's poorest and violent city while other areas are known as the most livable suburban towns in America; hence, the diversity is what makes our schools unique. (the principal **B**)

2. Taiwan emphasizes students' divergent extracurricular activities in addition to their performance in exams. Singapore focuses on students' performance in exams:

Undoubtedly, students' performance in exams is important for enrollment. However, our school still endeavors to cultivate students' interests in extracurricular activities such as music and sports. (the principal **A**)

We pay attention to students' learning performance such as GCE grades. Students' outstanding performance will attract parents' attention. (the principal **D**)

3. Taiwan focuses on establishing the relation of cooperation with parents and communities. However, Australia promotes the core ethical norms in school administration in order to cultivate positive image:

The cooperative relationship with communities strengthens our school development... Communities and schools are in a mutual beneficial network. (the principal **A**)

Our school reinforces the school motto, "Truth, Concord and Unity" on most occasions both in the school and to the wider school community. (the principal **E**)



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4. The principal in Taiwan owns the virtue of optimism, leading school members to upgrade learning efficiency. The principal in the United States owns the virtue of deliberation, improving the innovative school management:

I always try to encourage teachers and students in a positive way.... In an atmosphere of trust and respect, teachers and students can have better performance. (the principal *A*)

School leaders should consider all aspects of school management and try to strengthen the quality of students' learning. (the principal *B*)

### ***The positive forces of moral games in educational markets***

The common discourses are schools facilitate the innovation in teaching and administration and intensify the cooperation among schools and communities:

Teachers in our school keep improving their professional skills and exchanging their teaching experiences. Therefore, students can get complete learning resources. (the principal *A*)

Our school pays much attention to parents' needs, community identification and builds a vision of world leader cultivation. (the principal *D*)

Secondly, the different discourses are as follows:

1. Taiwan emphasizes to build positive public relations to acquire more resources. However, the United States emphasizes to establish concrete moral values and maintain positive public relation:

Our school owns a group of supportive volunteers, who devoted their time and efforts. They are glad to engage in helping schools. (the principal *A*)

I believe that cooperation between schools and other organizations concerned with youth and education will enhance the opportunities of the district's pupils, and may enable the district to serve its pupils better through appropriate referrals. (the principal *B*)

2. Taiwan provides appropriate learning aids and scholarship to students. Nevertheless, Australia provides equal learning opportunities for disadvantaged learners:

In addition to helping disadvantaged students in teaching, teachers in our school even

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get united to provide disadvantaged students scholarships. (the principal *A*)

Our school provides equal learning opportunities for disadvantaged learners such as learners with disabilities. This is very reasonable in my opinion and I strongly support it as fairness is one of the most important moral issues. (the principal *E*)

3. Taiwan stresses on establishing a balanced relation with other schools. Nevertheless, the United Kingdom cooperates with others in curriculum development and teachers' professional development:

In the process of enrollment, we keep advocating the advantages of our school such as professional teachers, well-structured curriculums and various extracurricular activities. (the principal *A*)

There are strong links with the state schools in our neighborhood. We co-operate in a wide range of areas – curriculum development, professional development, sharing good practice. Most important of all, we have a highly trained and innovative staff to provide students with variable learning resources. (the principal *C*)

### ***The Suppressed mechanisms against moral games in educational markets***

The common discourse is schools sometimes neglect the needs of teachers, parents and students when focusing on the shallow marketing strategies:

When school doesn't have ideal result for enrollment, we may tend to overemphasize the school marketing for a better reputation. However, this decision may not take teacher's and student's needs into consideration. (the principal *D*)

Secondly, the different discourses are as follows:

1. In Taiwan, when there is a gap between school expertise and parental choice, it may facilitate school members' anti-professional behaviors. In the United Kingdom, when the government can't establish the effective resource allocation system, the school with limited resources would increase irrational behaviors:

In the trend of educational marketization, parents have lots of opportunities to express their opinions, even interfere school's decisions...I think teachers sometimes feel uncomfortable and feel their expertise is deprived. ( the principal *A* )

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Our links between the private and public sector are limited. ( the principal *C* )

2. Taiwan tends to overemphasize enrollment rather than create different values. In Singapore, the narrow channel to university not only encourages quality schools' arrogant behaviors but facilitates the aloof relationships among schools:

Sometimes we put too many efforts to promote our enrollment and intellectual education, therefore it becomes another limitation for us. (the principal *A*)

In this country, not everyone can attend the university. The school with high GCE score sometimes shows the arrogant behaviors and seldom cooperates with other schools. ( the principal *D*)

3. In Taiwan, the competition within schools becomes intense after educational marketization. In Singapore, poor school efficiency makes bad sense of identity from parents and a few resources from government:

The school administrators and teachers used to have negative interaction and our enrollment rate decreased. In that time, there was a bad school image from parents and community. (the principal *A*)

When our students' GCE scores weren't good enough, parents' sense of identity would decrease. (the principal *D*)

### ***The facilitating approaches of moral games in educational markets***

The common discourses are schools pursue their excellent culture and form cooperative networks with other schools or community:

Our school connects well with the community by getting school students participating in events outside schools and helping out commuters. (the principal *E*)

Secondly, the different discourses are synthesized as follow:

1. Taiwan provides a variety of curriculums and activities for students with different backgrounds. However, the United Kingdom and Singapore both emphasize different curriculums and the implementation of international education:

We develop lots of curriculums and activities to promote students' learning motivation; furthermore, they could learn different values through these activities. (the principal *A*)

We strive to offer international education such as immersion courses to our students.(the principal *D*)

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### 3. Taiwan arouses positive behaviors about parental choice while the United States and United Kingdom emphasize parents' rights:

We often encourage parents to attend lectures including topics of family, parental education. (the principal **A**)

Our families are pleased with the education their children receive and have an avenue for expressing displeasure should that occur. There are many opportunities for parents to participate in committees and advisory boards so that the school board can gain their input. (the principal **B**)

## Discussion

According to the discourses above, here are some discussions:

### ***The phenomenon of moral games in educational markets***

Taiwan and the other four countries have some similarities in phenomenon of moral games in educational markets (as Table 2). Firstly, principals are aware of ethical norms and strive to facilitate moral games in educational markets. The competitive behaviors tend to be rational if schools can carry out ethical norms (Kaneff, 2002). Secondly, when schools encounter competitive pressure from educational markets, it will facilitate schools to abide by ethical norms such as empathy, justice, equity, utility, expertise, diversity and innovation. These ethical norms contribute to facilitating the moral traits of educational markets (Marshall, 2004).

However, there are some differences in Taiwan and other countries (as Table 2). Firstly, about the ethics of care, Taiwan emphasizes the care for disadvantaged students, especially in the dimension of students' learning needs. The United States emphasizes cross-cultural students' cooperation to strengthen the equality of educational opportunities. Compared to Taiwan, the United States shows consideration for cross-cultural students, which could be an important implication for schools in Taiwan. Therefore, the above examples show that schools facilitate the moral traits of educational markets through abiding by the ethics of care (Halstead, 1996).

Secondly, about the utilitarian ethics, Taiwan emphasizes students' divergent extracurricular activities in addition to their performance in exams. Singapore focuses on students' performance in exams, and students' great performance in exams contributes to schools' enrollment. When schools encounter the competitive pressure

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of education markets, they strengthen the efficiency of school management, especially in students' learning achievement. That is to say, moral games in educational markets can facilitate schools' efficiency and upgrade schools' productivity (Blanke, 1991; Buurma, 2001).

Thirdly, concerning the relation with communities, Taiwan focuses on establishing the relation of cooperation with students' parents and communities. In this way, schools can get more related resources. In addition to abiding by the core ethical norms, Australia promotes the core ethical norms in school administration in order to cultivate positive image. Moral games in educational markets emphasize that schools endeavor to operate as a moral organization, which arouses people's trust in school (Fourcade & Healy, 2007). In this way, the legitimacy of school management is strengthened, and the public are motivated to provide their assistance to schools (Heng, 1994). As a result, good interaction with communities and positive images can bring school more important educational resources (Blanke, 1991).

Fourthly, about the characteristics of leaders, Taiwan and the United States show different traits, which influence school members and organizations. The principal in Taiwan owns the virtue of optimism. Under the pressure from educational markets, the positive virtue leads school members to achieve the goals of school management and to upgrade students' learning efficiency. The principal in the United States owns the virtue of deliberation, which improves the innovative strategies of administrative and teaching. School leaders play coordinating roles and make all members cooperate with each other (Everett, 2007).

**Table 2.**

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*The phenomenon of moral games in educational markets*

***The positive forces of moral games in educational markets***

Taiwan and the other four countries have some similarities in positive forces of moral games in educational markets (as Table 3). Firstly, schools innovate the content of teaching and administration such as promoting school members' professional development. Thus, the moral games in educational markets help schools develop and improve the content of education that they provide in innovative ways (Bagley, 2006). Secondly, moral games in educational markets facilitate the moral traits and awareness of schools, and thus schools endeavor to operate as moral organizations. In

Country	Content
Taiwan	<ul style="list-style-type: none"> <li>·The leader can abide by the value of love, integrity and harmony. It will contribute to school innovation.</li> <li>·Members can abide by the moral value of “no child left behind,” which strengthen inner utility.</li> <li>·The process of strengthening care for disadvantaged students can consolidate the realization of educational mission.</li> <li>·Strengthening the values of utility and diversity contributes to the enrollment.</li> <li>·The leader owns the virtue of optimism, which contribute to promoting school effectiveness.</li> </ul>
The United States	<ul style="list-style-type: none"> <li>·The school helps students from different cultures cooperate in studying to strengthen the equality of educational opportunities.</li> <li>·The leader owns the virtue of deliberation.</li> </ul>
The United Kingdom	<ul style="list-style-type: none"> <li>·The school abides by the value of equity and facilitate the reform of organization.</li> <li>·The schools strengthens the ethics of care and facilitate learning cooperation among cross-cultural students in order to provide equal opportunity of education.</li> </ul>
Singapore	<ul style="list-style-type: none"> <li>·The school intensifies utilitarian ethics. For example, school's image will be promoted if students' GCE grades are outstanding.</li> </ul>
Australia	<ul style="list-style-type: none"> <li>·The schools constructs their core moral values, and promotes these moral values in the administrative affairs of schools in order to cultivate the positive social image of school.</li> <li>·The school abides by the moral values of diversity, respect, equity, honesty, cooperation and harmony in order to facilitate schools' innovation.</li> <li>·The school interacts with students' parents and communities.</li> </ul>

this way, the public are willing to contribute their efforts to helping schools.

There still are differences existing in Taiwan and other countries (as Table 3). Firstly, moral games in educational markets strengthen schools' public relations. Taiwan emphasizes that establishing positive public relation helps schools acquire resources. The United States emphasizes that schools have to establish concrete moral

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values and maintain their positive public relations. That is to say, schools immerse the moral values in the educational markets and endeavor to establish a positive educational environment (Marshall, 2004). Moral games in educational markets stress that schools try to implement the process of democratic participation through connecting school members and students' parents. In this way, students' parents are facilitated to provide mutual contributions to schools.

Secondly, moral games in educational markets inspire schools to care about disadvantaged students. Taiwan provides appropriate teaching and learning aids as well as scholarship to students. Thus, disadvantaged students can learn under sufficient educational contents. In Australia, the school provides equal learning opportunities for learners with disabilities. In a word, practicing moral games in educational markets helps schools endeavor to fulfill social responsibility (Smith, 2002). Schools' awareness of love and care about students are aroused. They strive for fulfilling students' learning needs. Therefore, students' learning opportunities are enlarged.

Thirdly, moral games in educational markets activate interaction among schools and make schools maintain a balanced relationship (Bates, 2003). The school in Taiwan endeavors to advocate their own advantages while not to talk about other schools' weakness. In the United Kingdom, schools cooperate in curriculum development and teachers' professional development. Moral games in educational markets emphasize that schools operate as moral organization and try to carry out social responsibilities. Thus, schools are willing to share the strategies of school management with others (Dow, 2008). In this way, schools can find more educational resources to develop their own distinguishing features.

**Table 3.**

*The positive forces of moral games in educational markets*

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### ***The suppressed mechanisms against moral games in educational markets***

In this dimension, there are some similarities and differences between Taiwan and

<b>Country</b>	<b>Content</b>
Taiwan	<ul style="list-style-type: none"> <li>· The school strengthens teachers' professional abilities to promote the school's enrollment.</li> <li>· The school establishes cooperative relation with communities and neighborhoods.</li> <li>· Establishing positive public relation helps the school acquire resources.</li> <li>· The school provides appropriate teaching and learning aids as well as scholarship to students.</li> <li>· The school establishes a balanced relation with other schools.</li> </ul>
The United States	<ul style="list-style-type: none"> <li>· The school establishes concrete moral values and maintains their positive public relations.</li> </ul>
The United Kingdom	<ul style="list-style-type: none"> <li>· The school has highly trained and innovative staff to develop a wide range of curriculums and extra-curricular activities.</li> <li>· The school has strong links with the local community to maintain their positive relationship.</li> <li>· The school cooperates with other schools in many ways such as curriculum development and teachers' professional development.</li> </ul>
Singapore	<ul style="list-style-type: none"> <li>· The school builds a vision of world leader cultivation in response to parents' needs and community identification.</li> </ul>
Australia	<ul style="list-style-type: none"> <li>· The school cares for disadvantaged students' learning needs, and provides them with adequate educational resources and opportunities.</li> <li>· Schools provide students with equal learning opportunities to strengthen students' learning right.</li> </ul>

other countries (as Table 4). Firstly, both the focus on school marketing and utilitarian ethics make some schools members' needs are neglected in Taiwan and Singapore. In other words, educational marketization promotes the school accountability as well as realizes moral values to ensure the rights of school members (Bates, 2003). If schools only pursue the school accountability, educational marketization would weaken the social justice and the value of equity in schools (Beck, 1998; Cui & Choudhury, 2003; Macfarlane, 1993). Some schools have excessive pursuit of efficiency and the middle-class parents participate in school affairs overly (Marginson, 2006). Finally, education gradually becomes nothing but serves certain parents and students (Abela & Murphy, 2008) and restricts the development of moral games in educational markets.

Secondly, the findings indicated that schools under educational marketization raise



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irrational behaviors owing to some reasons. For example, Taiwan has struggle between teachers' expertise and parents' choices; parents' excessive interference in school affairs sometimes result in conflicts among teachers and parents. As a result, teachers often have insecurity and their teaching skills are limited by certain parents (Lipton, 1993). The insincere behaviors make schools neglect educational purpose (Eckel, 2007). On the other hand, in United Kingdom and the United States, the school members' irrational behaviors increase because of scattered resources. When keen competition among schools occurs, there are irrational communicative behaviors (Apple, 2006). Finally, the irrational behaviors not only diminish positive relation among schools and communities but limit professional development (House, 1998).

All in all, in the moral games of educational markets, principals sometimes have to strike a balance between the management of moral organization and the emphasis of utilitarianism (Judisch, 2005; Williams, 1996). However, when there are some aggressive behaviors in competitions, the negative behaviors may easily damage the schools' climate and restrain the teachers' expertise. (Hawkes, Benzley, Terry, 2004; Lipton, 1993). Therefore, it is important for schools that the competitive behaviors should combine the virtue of reflection with utilitarianism to ensure positive moral games in educational markets.

**Table 4.**

*The suppressed mechanisms against moral games in educational markets*

**Table 4 (continued).**

<b>Country</b>	<b>Content</b>
Taiwan	<ul style="list-style-type: none"> <li>·When school endeavors to promote school marketing, some teachers have doubt about the necessity.</li> <li>·There is a gap between school expertise and parental choice, and it facilitates school members' anti-professional behavior.</li> </ul>

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### *The suppressed mechanisms against moral games in educational markets*

<b>Country</b>	<b>Content</b>
Taiwan	<ul style="list-style-type: none"> <li>·After educational marketization, the school development is limited on certain ethical foundation, such as utilitarian ethics.</li> <li>·The intense competition within schools may influence school culture.</li> </ul>
The United States	<ul style="list-style-type: none"> <li>·When the school with limited resources faces competitive behaviors, it tends to use vainglorious marketing strategies to deal with.</li> </ul>
The United Kingdom	<ul style="list-style-type: none"> <li>·When the government is unable to establish the effective resource allocation system, the school with limited resources would increase irrational and anti-professional behavior.</li> </ul>
Singapore	<ul style="list-style-type: none"> <li>·When the school's management doesn't meet government's expectation and parents' needs, school's marketing strategies tend to become apparent.</li> <li>·The narrow channel to university not only encourages quality school's arrogant behaviors but also facilitates the aloof relationships among schools.</li> </ul>
Australia	<ul style="list-style-type: none"> <li>·When school's management ideals doesn't correspond to the market trend, it weakens customers' trusts.</li> </ul>

### *The facilitating approaches of moral games in educational markets*

Taiwan and the other four countries have some similarities and differences in facilitating approaches of moral games in educational markets(as Table 5). Firstly, the school in Taiwan has high enrollment rate and this becomes a major factor to influence parents to choose. Otherwise, enrollment rate, school curriculums and interaction with community are important factors for parents to choose in other countries. As the finding shows, the school community is a bridge to promote schools' advantages; the schools' image and reputation would spread through community. When resources and contribution from community increase, it facilitates more people participate in the schools' development and makes moral games in educational markets flourish (Akaah & Riordan, 1989; Winch & Gingell, 2004 ).

Secondly, Taiwan and other countries provide a wide variety of curriculums for students. For example, Taiwan pays attention to multiple activities as well as intellectual education to cultivate students' various abilities. Otherwise, findings indicated schools from other four countries especially develop a variety of cross-cultural curriculums to expand interaction with schools all over the world. When the school provides multiple curriculums, it enlarges the educational opportunities for students through the process of coordination (Driver, 2006). Lim and Tan (1999) also found that multiple curriculums help schools create an abundant environment for

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moral games in educational markets.

Finally, the school in Taiwan especially focuses on parent education to arouse positive behaviors about parental choice. The school in Taiwan has held lots of activities and lectures to help parents' growth. On the other hand, the schools in the United Kingdom and United States emphasize parents' participation and encourage them to share opinions about school management. As Lauder & Hughes (1999) mentioned that when schools construct the partnership with parents and establish a reciprocal support system, the school management could avoid being controlled by irrational behavior from parents (de Mesquita, 2006; Dunfee, Smith, & Ross, Jr., 1999). Moreover, the interaction between schools and parents would arouse the reflective motivation of school management and promote schools to pursue positive moral games in educational markets (Geva, 2006; Hoffman & Burrello, 2004).

**Table 5.**

*The facilitating approaches of moral games in educational markets*

**Table 5 (continued).**

Country	Content
Taiwan	<ul style="list-style-type: none"> <li>· The school builds particular characteristic to strengthen school marketing and innovation.</li> <li>· The school strives to expand resources and to make school members examine the legitimacy of educational ideals.</li> <li>· The school acquires the "Excellent School Reward" and it becomes remarkable brand for school.</li> <li>· The school fortifies the inheritance of ethical norms and facilitates moral games in educational markets.</li> <li>· The school fortifies the inheritance of ethical norms and facilitates moral games in educational markets.</li> <li>· The school provides a variety of curriculums and activities for students with different backgrounds.</li> <li>· In coordination with parents' association and the implementation of parent education, the school arouse positive behaviors about parental choice.</li> </ul>

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*The facilitating approaches of moral games in educational markets*

<b>Country</b>	<b>Content</b>
The United States	<ul style="list-style-type: none"> <li>· The school reinforces the atmosphere of pursuing excellence and exploits students' developmental potential.</li> <li>· The school evaluates their own advantages in order to encourage the development of schools.</li> <li>· The school makes efforts to establish their own brand image to promote schools of excellence.</li> <li>· The school establishes freely-flowing communication networks to acquire resources from communities and the society.</li> <li>· The school strengthens the relation of cooperation with universities to facilitate the innovation of teaching.</li> </ul>
The United Kingdom	<ul style="list-style-type: none"> <li>· The school strives to build inter-school cooperation and shares resources to maintain excellent school image.</li> <li>· The school's overall program is highly rated in the top 100 schools</li> <li>· The school endeavors to have strong international links to maximize schools' enrollment.</li> </ul>
Singapore	<ul style="list-style-type: none"> <li>· The school strengthens the implementation of international education, and the government provides supplement for schools to develop the immersion course.</li> </ul>
Australia	<ul style="list-style-type: none"> <li>· Intensifying the atmosphere of pursuing excellence contributes to marketing excellent school brands.</li> <li>· The school strengthens the relation of cooperation with other schools and communities to expand the moral organizations.</li> <li>· The school emphasizes students' profits and regards it as core value for school members to follow</li> </ul>

## **Conclusion, Suggestions and Implication**

This study supports the discourse that when schools face the competitive pressure in the educational marketization, secondary schools in the United States, the United Kingdom, Singapore, Australia and Taiwan abide by the ethical norms and the strategies derived. We conclude that moral games in educational markets may arouse school members' moral conscience when pursuing self-interests, facilitate schools to strike a balance between schools' excellence and equity, strengthen schools' ethical norms to avoid school corruption, enrich school members' expertise and positive behavior, emphasize the successful communication and partnerships among different organizations, and arouse school members' passion and commitment to education in order to strive for educational development.

Based on the integrated research results, there are several suggestions for secondary schools all over the world in general and Taiwan in particular to apply.

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Firstly, the following suggestions are for worldwide secondary schools.

1. School leaders and members should abide by various ethical norms and immerse these ethical norms into school affairs to develop the positive environments of educational markets.
2. Schools should innovate schools' management, promote school members' professional development, and import external resources to strengthen the positive forces in educational markets. As a result, when schools pursue interests, they can create all kinds of approaches and opportunities to explore new knowledge and skills of moral games in educational markets.
3. Schools should strike a balance between school accountability and disadvantaged students' needs to avoid the suppressed forces against educational markets. That is to say, when schools pursue interests, they can cultivate moral values to construct healthy ecology of moral games in educational markets.
4. Schools should establish excellent culture, form cooperative networks among schools, and build remarkable brands of schools to facilitate positive educational markets. In other words, when schools pursue interests, they can create the core traits of the moral games in educational markets based on the brands and culture.

Secondly, the following suggestions are provided for secondary schools of Taiwan in particular.

1. School leaders should establish correct cognition towards ethic norms and strive to inspire members to practice these ethic norms in the process of school management. As a result, when schools pursue interests, they can establish moral organizations and make precise judgments on the issues of moral games in educational markets.
2. Schools should cultivate the positive and sharing culture of organization to facilitate members' cooperation and professional development. That is to say, when schools pursue interests, they can transform the forces of markets into the forces of improvement.
3. Schools should broaden the communicative networks to timely respond to members' needs. In this way, schools can perform adequately in all dimensions of school management. As a result, when schools pursue interests, they can facilitate reasonable discourse and keep constructing the order of moral games in educational markets.

Finally, relevant advice induced from this study will be provided for the secondary schools and future researchers' reference for exploring the issues of moral games in educational markets. About the implications for future researches, researchers can adopt cross-cultural study to explore deeper related issues. Moreover,

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about the implications particularly for Taiwan, under the trend of educational marketization, schools should cultivate the foundation of moral games in educational markets and endeavor to implement them in educational fields.



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Title:

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New Environment among Malay Muslim Postgraduate Students

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Muslim Students in Non-Muslim Land: Strategies to Overcome Challenges in  
New Environment among Malay Muslim Postgraduate Students

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Abstract

This is a qualitative study aimed to explore the strategies used by Malay Muslim postgraduate students in Australia. Those Malaysian students who were involved in this study were Malay ethnic and Muslim. The research samples consist of thirteen Malay Muslim postgraduate students (9 females, 4 males) studying in universities in South Australia. The findings shown that although these students studied in a non-Muslim country, religious belief was mentioned as one of the strategies used by all the Malay Muslim postgraduate students. In addition, they reported making physical and mental changes in order to adapt to the new cultural environment especially in academic life.

Keywords: international students, postgraduate, Malay, Muslim, Malaysian postgraduate students

## **INTRODUCTION**

### **International students in Australia**

Australia is a unique country, as it represents one of the English native countries as well as developed nations outside of Europe and North America. In terms of its geographic location, Australia is the nearest English native country for some Asian countries such as Indonesia, Malaysia and Singapore. In comparison with the US and the UK, Australia is regarded as the third largest country of international students' enrolment.

There are a large number of international students studying at Australian colleges and universities, and the numbers are increasing. In 2008, Australia hosted a record high of over 500,000 overseas students, with a growth of 20.7% from the previous year. The enrolments were recorded by students from more than 190 countries studying at learning institutions in Australia, where more than 75% of enrolled international students came from Asia, followed by increasing numbers from the Middle East, South America and Africa. Overall, in the year 2008, international students' enrolments in Australia came from the following countries: China (127, 276); India (97,035); Republic of Korea (35,376); Thailand (22,278); Malaysia (21,134); Nepal (18,063); Hong Kong (18,012); Indonesia (16,063); Brazil (16,028); and Vietnam (15,931)(Australian Education International, 2009).

The total of overseas or international students from Asia has increased over the past twenty years. It has been identified that due to the change in social and economic policies in Asian countries, the number of Asian students studying in Australia over the past two decades has changed (ABS, 2007). In 1985, five of the top ten countries of residence of students arriving in Australia for education purposes were Malaysia, Indonesia and Singapore (South East Asia); Hong Kong and Japan (North East Asia.). Ten years later, China represented 17% of international students in Australia while others were South Korea (8%), Japan (7%) and Malaysia (6%).

## **BACKGROUND OF RESEARCH**

International students who study in a foreign country have to face new educational system as well as new learning skills. Being new arrivals, international students also have to struggle with local host language and culture. Unfamiliarity with a new educational system often creates difficulties for international students (Lin & Yi, 1997). Studies have discovered that international students from non-English speaking backgrounds reported having more difficulties in their class and exams because they required more time to understand the content of books, journal articles, etc. (Lin & Yi, 1997; Ryan & Twibell, 2000).

This new education environment puts more pressure on international students as they are required to work hard to adjust with the new demands of where they are learning. The adjustment process is stressful.

Research has shown that persons differ greatly in adjusting to a new culture (Wang, 2004). Some people adjust easily while others may be unable to adjust at all.

Tseng and Newton (2002) conducted a study on international students' strategies to maintain well being and found there were eight efficient strategies. The first strategy used was to know one's self and others, which means understanding the similarities and differences between the international students' culture and host culture. The second strategy was to make friends and build friendships because these provide significant support for international students' and help reduce strain (Hechanova-Alampay, Beehr, Christiansen, & Van Horn, 2002; Kagan & Cohen, 1990). Another strategy was to expand the individual worldview by understanding one's vision of the world so that adjustment competence was better supported. The fourth was to ask for help either in person or using the Internet to find assistance that students needed to solve their problems. The fifth strategy involved creating cultural and social contacts. The next strategy necessitated establishing good relationships with academic advisors and instructors in order to for international students to understand senior professionals' expectations of what constituted good academic study and results. The seventh strategy involved ensuring that one was competent in the English language. Finally, the eighth strategy was to challenge international students to simply 'let go' of their problems. This strategy was effective in that it helped these students reduce their stress and improve their well-being.

## **OBJECTIVES**

The present research was conducted for several reasons. Firstly, there are increasing numbers of Malaysian postgraduate students in Australia. In 2008, Malaysian international students represented the fifth largest source of tertiary enrolments (AEI, 2009). In 2007, there was a total of 19,874 Malaysian students enrolled in Australian tertiary institutions and in 2008 this number increased by a further 3.9%. Although the enrolment numbers of Malaysian students in Australia are increasing, there has been little research conducted on the experiences of these students while studying and living in Australia.

Secondly, this study is the first to explore the experience of married Malaysian Malay Muslim postgraduate students in the Australian environment. Although these results may need to be replicated in larger numbers and conducted in different states to explore the differences, it shows the importance of exploring the adjustment issue experience by the Malaysian Malay Muslim postgraduate student in the Australian environment as it will help potential Malaysian Malay Muslim postgraduate students to prepare prior to their journey to Australia, particularly South Australia.

Therefore, the present research attempted to examine the strategies used by the married Malaysian Malay Muslim postgraduate students in order to cope with the challenges while living in Australia.

## RESEARCH METHOD

To achieve the abovementioned objectives, semi structured interviews were conducted to identify the strategies used by Malaysian Malay Muslim postgraduate students in order to cope with the challenges while living in Australia. All interviews were conducted in English language. Each interview was audio taped and transcribed manually into text. After reading each interview, a qualitative content analysis was conducted manually to code and interpret the data in terms of commonalities and differences, searching for emerging themes and patterns.

### Sample

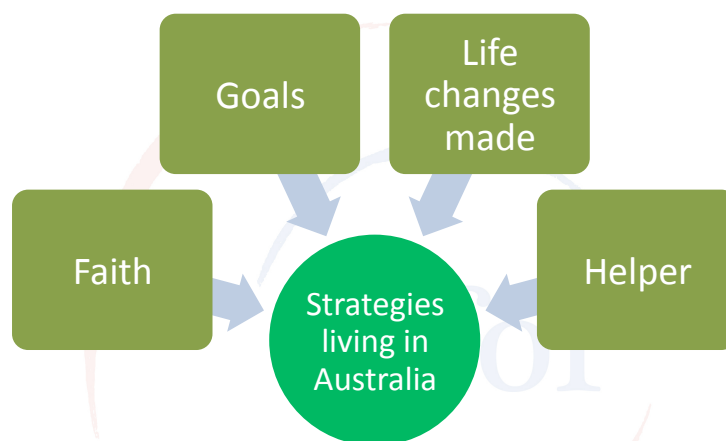
A snowballing sampling was utilised in this study in which potential participants were identified through a Malaysian Student Council of Australia, South Australia. As shown in Table 1, a total of thirteen married Malaysian Malay Muslim postgraduate students participated in an individual interview, nine females and four males. They all studied at universities in South Australia. All participants were Malay and ranged in age from 27 to 42 years. The length of their stay in South Australia ranged from six months and three years of stay. The career background of the participants also varied, with most of them employed as an academic staff at public universities in Malaysia and others employed in government sectors. All participants are currently on their study leave to Australia. Nine of the participants were undertaking PhD programme, while four were doing their Masters degree. All participants were married and brought their family to Australia with them. The length of their marriages ranged from 1 to 18 years and eleven students had 1 to 5 children. All students were sponsored by the Malaysian Government.

**Table 1. Demographic Characteristics of Participants**

Code	Age (years)	Sex (M/F)	Length of stay at Australia (months)	Current Courses
S1	42	F	26	PhD
S2	35	M	6	PhD
S3	28	F	6	PhD
S4	34	F	7	Master
S5	35	M	7	PhD
S6	27	F	6	PhD
S7	36	F	42	PhD
S8	34	M	6	Master
S9	33	M	18	Master
S10	40	F	24	PhD
S11	41	F	18	Master
S12	28	F	16	PhD
S13	34	F	12	PhD

## RESULTS AND DISCUSSION

The research outcomes revealed that four strategies were used by Malaysian Malay Muslim postgraduate students in order to survive in Australia which are faith, goals, life changes made and helper as their social support (See Figure 1). In response to what the participants might do as their strategies for living in Australia, all participants stated that faith did help in order to cope with their daily life. Faith in this research refers to participants' Islamic belief. Another strategy focused on the students' goals. As participants aimed to finish their study within the time frame given by their sponsor, it became the most successful strategies for them while living in Australia. The third strategies applied by the participants while living in Australia involved mental and physical changes. Several participants identified help from friends, faith and help from university as strategies for living in Australia. Below are the details of the findings.



**Figure 1: Strategies living in Australia**

### Faith

All participants stated that faith did help in order to cope with their daily life. Faith in this research refers to participants' Islamic beliefs:

*I think my faith is my strength because if I don't have faith in myself and faith of who I am as a Muslim, maybe, I won't be able to survive. That's what I think. –S1*

*It was crucially important and very significant. There were lots of ups and downs but I managed to cope with the obstacles. –S12*

### Goals

Eleven participants aimed to finish their studies on time as one of their strategies to success in their academic journey:

*Of course I want to earn my PhD degree. At the same time, concurrently I want to improve my English. That is a big goal for me. –S2*



*I want to finish my PhD on time and return with new skills, knowledge and experiences which I learned here and contribute to my organisation. –S12*

### **Life Change Made**

Seven participants had to make changes in order to adapt with their new life situation.

*We had difficulties at that time; difficulties in terms of getting the (food) stock and also the price. At that time the scholarship was very little and my husband could not work. So buying Asian food was very expensive at that time. So we adjusted by eating the western food because I thought the Western food was cheaper. You could get a packet of spaghetti, for about less than a dollar. If you buy Asian noodle, it was about one or two dollars. –S17*

Participants did not only make physical changes but they changed mentally. Eleven participants had different views about Australia once they lived in Adelaide.

*It did not really tally with my earlier perception but in reality, I gradually fit into it. It means that, what was in my mind before I came here was misleading. So it does not really matter anymore once you come here. Once you are in Australia, you just have to make do with what you have. It means that you try slowly to adapt with the children's education. Adapt with the needs and requirement here. –S7*

### **Helpers**

Friends were noted as social support for twelve participants.

*Very secure. I think because one friend from my home country stays nearby. I feel safe and very secure. –S2*

Spouses were also mentioned as supporter by participants.

*I just have a talk with friends. It depends on the kind of problem actually. If it is a problem with study, I'll refer to my husband. If it is about him, I go to someone else. –S7*

*For personal reason, I prefer asking my husband, family or friends. –S12*

Four participants found that university staff and supervisor did help in term of their academic issue.

*My lecturers here are also very helpful. If I have any problems, they would help me. This is a new experience for me. They are very nice people. –S2*

*If there's a problem in the university, I'll refer to the head department or manager department. Previously, I could not register my name so I referred*

*to him. If it relates with my study, I'll refer to the person in-charge with the programme. I think it is their job to help. –S9*

### **Discussion**

Result of this study highlights that all Malaysian postgraduate students perceived their religious belief in Islam as a source of support and functioned as a strategy for living in Australia. It is well understood as Abdullah (1996) described one of the Malays underlying assumption on values was the strong belief in Allah the Almighty. As she explained, to commit to the belief, Malays pray in their daily lives and share rituals to remember Allah as God. In the interview, participants reported that religious or spiritual belief connected them with a power from Allah (God) who helped them during their daily lives in general, as well as during specific times of need.

Interestingly, another study found that religious functions as a buffer for suicidal thought (Bostik & Everall, 2007) by providing a sense of belonging and social support. Other studies found that God as an attachment figure provides a reliable source of support in general (Bostik & Everall, 2007; Rowatt & Kirkpatrick, 2002; Sim & Loh, 2003) as well as during specific times of need (Granqvist & Kirkpatrick, 2008).

Another strategies used by Malaysian postgraduate students to succeed in the Australian academic system was to set goals regarding their academic achievement. This may be due to the fact that being sponsored by the Malaysian government, these candidates felt the need to excel in their academic life as well as to complete their study within the time frame given.

This result suggests that helping Malaysian postgraduate candidates maintain their academic performances will likely help them to adjust better in Australia. In order to succeed academically, these candidates require good writing and reading skills as well as proficiency in the English language. A workshop can be offered by the international student office to help these students improve their writing skills. In addition, support groups can also be offered by universities' counselling centres to help these students cope with any difficulties in their academic matters. Furthermore, to avoid any other stressors, the Malaysian government should ensure that the scholarships given are delivered on time.

Other findings of this study showed that Malaysian postgraduate candidates reported making physical and mental changes in order to adapt to the new cultural environment. They also reported having their daily routine change to accommodate the new rules and regulations in Australia. For example, one participant shared that she no longer went out for late night dinner or shopping in Adelaide as the local shops normally close at 5.00pm, as compared to the Malaysian lifestyle where the participant could go out for dinner or supper as some restaurants in Malaysian were open for business until midnight. Besides,

she found her choices were limited to find halal restaurants in Adelaide. Another participant found that by setting her mind as a student, she managed to survive in Adelaide.

While some Malaysian postgraduate candidates attempted to make changes in their daily life, others remain the same. In addition, they maintain their daily lives as they had before in Malaysian. Therefore, in order to survive with new life in Australia, the Malaysian postgraduate students react differently: some choose to change to accommodate the new lifestyle while others are happy to maintain their routine.

Results also indicated that married Malaysian postgraduate candidates received support from their spouses. In addition, they also received support from other Malaysian friends as well as university staff, which included supervisors, administration staff and colleagues. The findings support the previous researches that the presence of the partner or family can provide social support (Beach, Martin, Blum, & Roman, 1993; Hayes & Lin, 1994; Katz, Monnier, Beach, Libet, & Shaw, 2000; Pedersen, 1991). Current results are also consistent with other studies indicating that female married students received support from their husbands, as 69% of the participants were female students. This may be due the fact that spousal support helps to reduce stress experienced by the participants. As a result, the support acts as a shield to help these students overcome their difficulties during their stay in Australia. In addition, since these students are married, their spouses and family could provide social support for them. Therefore, they do no longer need to build other relationship as their spouses and children.

Meanwhile, other studies indicate that academic and personal support from other PhD students which includes local PhD students as well as PhD students from the same home country also helps the student attain academic success (Harman, 2003). For instance, through weekly gathering, Malaysian postgraduate students formed a social group among other Malaysian who live in Adelaide in order to overcome their academic and other social problems. By doing so, the networks among Malaysian students grow stronger and helps to reduce other psychological issues such as loneliness and homesickness.

These results suggest that the students' satisfaction depends on the amount of support received from their spouses (Beach, Martin, Blum, & Roman, 1993; Hayes & Lin, 1994; Katz, Monnier, Beach, Libet, & Shaw, 2000; Pedersen, 1991). Therefore, by helping the students' spouses adapt and adjust in the new environment through reducing the amount of emotional distress such as loneliness, dissatisfaction or depression among spouses will likely help to improve the quality of life among Malaysian postgraduate students. In addition, Malaysian postgraduates students are encouraged to build social networks among other Malaysians, which includes students (undergraduate and postgraduate) as well Malaysian citizens who have become permanent residents in Australia. Furthermore, future Malaysian postgraduate students should be exposed to this social network as it will likely help their settlement process become easier.

## CONCLUSION

Based on this present study, it can be concluded that the married Malaysian Malay Muslim postgraduate students face challenges prior to their arrival until the early adjustment period while living in Australia. Challenges can contribute to the students' stressors as it affects their academic performance as well as their daily lives. Married Malaysian Malay Muslim postgraduate students cope well with the difficulties by performing a few strategies, which prove to help them survive in the new environment.

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## Bioethics and the Rights of the Child

By Battogtokh.J

International law to protect children's rights includes especial protection issues of the rights of the child. The especial protection issues constitutes of following legal problems on the protection of the children's rights.

1. Protection of children from sexual exploitation
2. Protection form children from economic exploitation
3. The bioethics and protection of the rights of the child

Nowadays, science of the medicine is contributing towards achievements and advancements in the fields of biology and medicine such as identifying children's sexes, putting under the control on growth and development of fetuses on womb, saving someone's life and curing variety of recent and hazardous ailments emerging at present time.

The human race could invent vaccines and syringes with the intention to heal some illness like diphtheria, tetany, and infectious paralysis in 20<sup>th</sup> century. For recent decade, scientists in the field of biology and health have focused on and search genome. Investigations and efforts in the above-mentioned sectors have raised moral and ethical problems and shaken inborn human life style. Consequently, it's necessary to observe the bioethics in connection with legislation in framework of human right protection and related to it, large number of negative phenomenon violating human rights have emerged at present.

The term "Bioethos" (Bios means life and ethos means behavior) in Greek language is translated as Bioethics. On the one hand, the bioethics is a sub discipline of philosophy, on the other hand, it can be considered as a study involves in science of medicine, biology, the law and social science. In other words, it's new scientific branch physicians, lawyers, sociologists and philosophers should inquire in all together. There are two conceptions – the bioethics and biological and medical ethics in legal books and writings. Academician V.I. Pokrovsky, president of Russian Academy of Sciences, has regarded that these two ideas have the same meanings and they are concepts based on Hippocrates Oath. According to the V.I. Pokrovsky's explanation, some of medical findings are infringing human rights and affecting human beings in opposition and the bioethics is an object of study that need to create norms of morality and law in this field. Russian scientist and researcher N.E. Krilova has deemed that the bioethics is sub discipline of law to protect individuals from criminal and scientific experimentation. In other words, everyone

has innate freedom, equivalent dignity, and equal rights when they were born and no one who is fortunate with intellect and sacred attribute shall be a victim of science anyway.

In 1997, the concept of bioethics was construed in Russian Federation Law on Bioethics and its implementation. In what manner the human rights issues have been provoked by the newly emerging medical revelations is reflected in the preamble of the law. Provisions and articles of the 1997 law contain fundamental principles and norms of the protection of human rights in this field. Organ transplantation without his/her permission, change in human genome, cloning, experimentation on human beings etc are banned by the law and it has made up a mechanism to charge with responsibility for offences against the law.

Several conventions have been adopted in order to solve vital questions on bioethics in International Law. It was the first time when bioethical issues were considered by the Nuremberg Trials in 1946. During World War II, Nazi physicians conducted experiments on thousands of prisoners of war. 25 physicians were summoned to the Nuremberg Trials and capital punishment was imposed on 7 of them. The first bioethical legal act was drafted in Nuremberg so it was named the "Nuremberg Code". Norms and principles reflected in the Code have no mandatory nature and contain moral norms in general. However, there is no reference that contradicted tests on humans in the Code. First of all, fundamental rights and freedom protection, voluntary permission of test subject, taking into consideration ability to make decisions on his/her own name as well as explanation about goal of conducting the experiment and a right to information on possible consequences to the test subject are necessary in order to conduct experiments on human beings. It points out that scientists ought to take into account positive and negative influence of medical and scientific tests on concrete society. The test subject should not suffer physical, psychological and any loss and tests involving plants should not threaten with dangers to life and cripple humans. Distinction of the Code resides in newly creating governing principles of ethical and legal norms.

The 1966 International Covenant on Civil and Political Rights was the second main document on the bioethics of international law. According to its Article 7, "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical and scientific experimentation".

The International Bioethics Committee was founded by UNESCO in 1993. The committee is composed of 36 independent experts from mainly law, economics, philosophy and politics. Riuchi Ida, professor at Tokyo University and member of the International Law Association, is serving as its chairperson.

The UN Universal Declaration on the Human Genome and Human Rights was adopted by the general conference of UNESCO in 1997. The declaration was the first widespread characteristic legal act in the field of bioethics. UNESCO's objectives and principles that are reflected in UN resolutions and documentations related to human rights are comprised in the Preface of the

declaration. Several norms involve in other fields of the law such as ethics of intellectual property, biological species and physicians are indicated at the Universal declaration on the Human Genome and Human Rights. Three new biological rule originated by the declaration are Human genome protection, respect for dignity of individuals, fundamental rights and freedom and newer conducting experiments on child in any case.

After its approval, state parties to the Declaration have incorporated it into their domestic laws. 1996 European Convention for the Protection of Human Rights, Freedoms and Dignity of the Human Being with regard to the Application of Biology and Medicine as a next international document was affirmed with a conference under the name of “Human right protection in the bioethical field” took place in Oviedo, Spain.

The above-mentioned convention was the first regional legal act related to the bioethics. Preamble of the convention intends that interests of people are priority within those of science and society. Also, parties to this convention shall protect their citizens’ rights with regard to the application of medicine, render elementary medical assistance to everyone equally and the assistance shall meet standard of health. Its special feature resides in codification of norms of human right protection in bioethical fields. The European Union Convention legalized following four references. First, the convention set up the highest and lowest points of medical participation in human right issues; second, test subject shall be given appropriate information on its consequences and risks in advance; third, conducting experiments based on individuals’ consents; and forth, test on non-ages and people without capacity to make a decision dependently was banned. During the draft of the convention, domestic laws and regulations on the bioethics were effecting in most countries of Europe and these laws were reflected on the regional convention. Accession countries to this convention, mostly in Central and East Europe, passed national laws and legislation on ethics.

An international symposium under the name of “Bioethics and right of the child” was organized by World Association of Children’s Friends (AMADE) and UNESCO in Monaco from 28 to 30 April, 2000. Proposals and recommendations on the bioethics and rights of child resulted from the symposium were transmitted to the relevant intergovernmental and non-governmental institutions. Taking into consideration physical and mental immaturity of child, special cares and safeguards including appropriate legal protection shall be applied to them before and after birth. The symposium revealed issues on the children’s right protection in the bioethical field at the first time.

Protection of children’s rights in medical sector was instructed at Article 3 of Convention on the Rights of the Child. For example, in all actions concerning children, whether undertaken by public or private social welfare institutions, court of law, administrative authorizes or legislative bodies, the best interests of the child shall be primary consideration; state parties undertake to ensure the child such protection and care as is necessary for his/her parents, legal guardians, or other individuals legally responsible for him or her; and state parties shall ensure that the



institutions, services, and facilities for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff as well as competent supervision.

Variety of problems arises in the field of the bioethics and protection of children's rights. For instance, problems concerning two mothers of a child-biological mother from whom DNA inherits on the other hand, birth mother who gives birth to child; rights of homosexual couples to have their kids; and saving children's and their intimate person's life with cloning are demanding precious legal regulation today. Creating animate beings by cloning has been prohibited in most European countries until 1998 whereas relevant bills and laws are effective in 27 states in Europe at present.

There was no treaty and conventions that determined necessity of when children's rights are protected while the convention on the rights of the child was approved. Only the convention specifies that bearing in mind his/her physical and mental immaturity, child needs special safeguards and care before as well as after birth. On the contrary, there are countries around the world where have not passed law or legislation to protect children whom since was embryo in womb up to now. Several nations have adopted laws directly and indirectly related to organ transplantation of children and persons without capacity to make decision dependently. For example, Algeria, Egypt, Republic of South Africa, Tunisia, Zimbabwe, Argentina, Bolivia, Canada, Chile, Colombia, Costa-Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Honduras, Mexico, Panama, The United States of America, Venezuela, Austria, Belgium, Cyprus, Denmark, Finland, France, Germany, Greece, Hungary, Italy, India, the Indonesia, Iraq, Israel, Japan, Kuwait, Lebanon, the Philippines, Singapore, Sri-Lanka, and Syria.

Belgian laws and regulations indicate that it's necessary to get permission from their legal guardians when examining and treating children. In case legal guardians and physicians do not reach understanding on medical treatment and surgery, the issue must be settled based on taking into account children's interests as well as can be addressed to the court. If there is no facility to render urgent medical assistance and receive consent the legal guardians, the physician can take appropriate measures. The approach of legislation system in France is similar to it.

At Austrian medical law, medical treatments that require the permissions from children's parents and legal guardians for human below the age of 18 are listed. Their parents or surrogates' opinions whether to be treated are additional to offers of children between the age of 14 and 18 to adopt decision.

By the way some European countries grant the rights to decide whether to be treated to younger patients. Icelandic laws and regulations enable the rights whether to be treated to every patients above 16 year-old and

According to the articles of Law on Physicians in Norway, their parents don't have capacity to do something on behalf of their children due to all patients above 16 have right to report their health

condition solely. For children ages of between 12 and 16, their parents and children receive information severely. If proposition offered by child not to inform his/her health condition to his/her parents is regarded by physician as reasonable, state provides such right. Children between age of 12 and 16 may consent to be treated and they above 16 years have rights to make decision on their own name and convey it. And also, girls above 16 can give permission of abortion.

In 1994, World Health Organization held a consultation on promotion of patients' rights in Europe and adopted Amsterdam Declaration with its 36 delegations.

At the article 6 of the convention on the rights of the child "State parties recognize that every child has the inherent rights to life; and state parties shall ensure to the maximum extent possible the survival and development of the child". There is an idea that "healthy development of the child" covers physical, mental, psychological and social advances and growth through its broad meaning in countries.

There is no resolution on responsibilities to impose severe violation of norms of children's rights and bioethics. It is origin of many and many disputes and causes antagonistic approaches because it depends on moral positions of the physicians or scientists to solve these debates.

In order to suppress the severe offence of the children's rights taking advantage of recent biotechnology, the rights of the child shall be protected within international norms and in doing so, we consider that international human rights law should be worked out as an additional protocol within the Convention of the rights of the child.

**The Taking of Life: Killing Someone in the name of Preserving Another**

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## **The Taking of Life: Killing Someone in the name of Preserving Another**

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### **I**

The purpose of this paper is to examine the taking of human life in the name of preserving another. It is going to be discussed considering religious and ethical concerns. The taking of life is prohibited by various religions because they asserts that only God has the authority to give and take away life. Although the taking of life can be considered as a religious problem, it has also ethical concerns. For example, in Kantian ethics, the taking of human life is always wrong. According to Kant, all human life is to be revered and no one may ever be killed for any reason, even if one's life is threatened by another. However, there are those who advocate that killing someone is necessary to preserve innocent. This view depends on that assumption: People have a moral obligation to protect any innocent lives including their own lives. This argument is to be seen plausible at first sight but if we examine that argument in detail, we can see that it creates violence. In other words, the main criticism of this argument is that violence tends to breed more violence, and that once the killing of humans is allowed, even in defense of the innocent, no one knows where the violence will end.

Human life is generally considered essentially valuable in itself. Such consideration depends on the idea that we, as human, are ethical and moral beings.<sup>1</sup> What do we mean by ethical and moral? When we speak of people as moral or ethical, we usually mean that they are good people, and when we speak of them as immoral or unethical, we mean that they are bad people. When we refer to certain human actions as moral, ethical, immoral, or unethical, we mean they are right or wrong. Nevertheless, in ordinary language, whether we call a person ethical or moral, or an act unethical or immoral does not really make any difference.<sup>2</sup> That is, those terms can be used interchangeably in the daily life. As it is well known, in the history of philosophy, there are great deal of discussions on the origins of ethics and morality. One of the most accepted view on the origin of the ethics and morality is religion. According to this view, the rules of ethics or morality are derived from the commands of God and they are considered as absolute. An act is right if and because God commands it, and wrong if and because God forbids it. Without God there would be no right or wrong. Just as Legislator enacts laws, God commands moral rules. The objective difference between right and wrong rests on the existence of God as the source of morality.<sup>3</sup>

Religion can be considered as a one of the oldest institutions created by human beings. We can say that morality was embedded in the cultural traditions, customs, and religious practices in the earlier times of humanity and religion served as a most sanction for getting people to behave

<sup>1</sup> For detailed discussion, White, James E. *Contemporary Moral Problems*, 6th ed. (USA:Wadsworth Pub Co., 1999)

<sup>2</sup> Thiroux, Jaques P., *Ethics: Theory and Practice*, 2nd ed. (USA: Glencoe Publishing Co., Inc, 1980), p .2.

<sup>3</sup> E. White, James, *Contemporary Moral Problems*, 6th ed. (USA:Wadsworth Pub Co, 1999), p. 104.

morally.<sup>4</sup> Ethics or morality, for example, for early Christians was a matter of attitudes or habits. Although the Jewish Law played a central role in it, Christian morality was primarily based on the practice of a number of virtues, such as love, hope, justice, forgiveness, and patience. Consequently, it was committed to fight vices such as hate, envy, lust, and anger.<sup>5</sup> The relationship between morality and religion can be taken as a one of the aspects in relation to the application of morality. I believe that concerning the application of morality, the most important one comes from the relationship between human beings. I will call it as social aspect. What I mean is that the most important moral conflicts arise from when human beings come together in social groups or in a society. In this sense, morality should be taken in the course of actions performed by human beings in relation to one to another. However, I do not want to say that religion does not contain ethical systems, but i would like to say that it is not true that all ethical systems are religiously based.<sup>6</sup>

Immanuel Kant formulated a new way of understanding morality and ourselves as moral agents. At the center of Kant's ethical theory is the claim that normal adults are capable of being fully self-governing in moral matters. In Kant's terminology, we are "autonomous". Autonomy involves two components. The first is that no authority external to ourselves is needed to constitute or inform us of the demands of morality. We can each know without being told what we ought to do because moral requirements are requirements we impose on ourselves. The second is that in self-government we can effectively control ourselves. The obligations we impose upon ourselves override all other call for action, and frequently run counter to our desires. We nonetheless always have a sufficient motive to act as we ought. Hence no external source of motivation is needed for our self-legislation to be effective in controlling our behaviour.<sup>7</sup> In this sense, morality is a human creation and its legislation comes from the rational will of the human beings but not the external authority. Kant is emphatic that morality does not rest on religion but the other way around: Religious faith founded on morality. Kant contrasts moral theology which bases the concept of God on moral reason, with theological morality which superstitiously bases moral conception on religious ones. The aim of Kant's moral arguments is to show how morality is independent of religious beliefs.<sup>8</sup> He claims that,

So far as morality is based upon the conception of man as a free agent who, just because he is free, binds himself through his reason to unconditioned laws, it stands in need neither of the idea of another Being over him, for him to apprehend his duty, nor of an incentive other than the law itself, for him to do his duty. At least it is man's own fault if he is subject to such a need; and if he is, this need can be relieved through nothing outside himself: for whatever does not originate in himself and his own freedom in no way compensates for the deficiency of his morality. Hence, for its own sake morality does not need religion at all.<sup>9</sup>

<sup>4</sup> Thiroux, Jaques P., *Ethics: Theory and Practice*, 2nd ed. (USA: Glencoe Publishing Co., Inc, 1980), p .9.

<sup>5</sup> Van Gerwen, Jef., "Origins of Christian Ethics" in *Blackwell Companion to Christian Ethics*, ed. William Schweiker (Wiley-Blackwell, 2004), p. 204.

<sup>6</sup> Thiroux, Jaques P., *Ethics: Theory and Practice*, 2nd ed. (USA: Glencoe Publishing Co., Inc, 1980), p .20.

<sup>7</sup> Schneewind, J. B., "Autonomy, Obligation, and Virtue", in *The Cambridge Companion to Kant*, ed. Paul Guyer (USA: Cambridge University Press, 1992), p. 309.

<sup>8</sup> *Ibid.*, p. 403.

<sup>9</sup> Kant, Immanuel, *Religion within the Limits of Reason Alone*, trans. Theodore M. Greene & Hoyt H. Hudson, (USA: Harper & Row Publishers, 1960), p. 3.

## II

So far I have tried to clarify two aspects of morality. The first one is that the relationship between morality and religion, the second one is that the relationship between morality and human beings. Considering first one, moral or ethical rules are derived from the God's commands. This view depends on the idea that God gave us the rules and we have to obey those rules without interrogation. The second one which is also called social aspect of morality depends on the idea that the rules of morality stem from the rational human beings. According to this view, since the moral rules derived from the God's commands do not have rational foundation, we cannot consider those rules as a guide for human actions. Nevertheless, although these two aspects of morality have different foundation, both of them prohibit the killing.

I will take, as an example of religious morality, Islamic idea on killing. According to Islam and its Holy book Qur'an, one of the greatest sins is to kill a human being. Murder is also defined as unlawful, premeditated killing of a human being by another. Informally, murder is an unpleasant, troublesome or dangerous state of affairs; in legal terms, murder is the killing of a human being with malice and a premeditated motive. The killing of a person in Islamic jurisprudential terms is the destruction of a structure God has created and given life to. It also deprives the victim of the right to life and is an act of aggression against the victim's family. Regarding suicide, God said: 'And kill not your selves; surely, Allah is most merciful to you' (4:29). In another verse, God cautions people against endangering their lives: 'And do not throw yourselves into destruction' (2:195). The Prophet reinforced this ban, drawing a graphic picture for those who commit suicide. He said: Whoever throws himself from a mountain and kills himself will throw himself in hellfire forever. And whoever poisons himself and dies would carry his poison with his hand and takes it in hell forever. And whoever stabs himself with a piece of metal and kills himself would carry his weapon and stab himself with it in hellfire forever. It has been reported in an authentic hadith: 'That who kills himself with a weapon, will be punished with the same weapon on the Day of Judgement.' This is based on the principle that the punishment should fit the crime. Islam considers the killer of one soul as the killer of the whole human race.<sup>10</sup> Islam prohibits killing of innocent human beings that whoever kills a human being, unless it be for murder or for causing mischief in the land, it is as though he has killed all of mankind and whoever saves alive, it is as though he saved the whole of mankind (5:32). Consequently, according to the Qur'an, one of the greatest sins is to kill a human being who has committed no fault: If someone kills another person - unless it is in retaliation for someone else or for causing corruption in the earth - it is as if he had murdered all mankind. And if anyone gives life to another person, it is as if he had given life to all mankind (Surat al-Ma'ida: 32).

As I have mentioned above, Kant's idea of morality does not depend on the religion. He formulates his idea of morality within the human reason. He claims that two things fill the mind with ever new and increasing admiration and awe...the starry heavens above me and the moral law within me.<sup>11</sup> According to Kant, moral or immoral actions stem from an autonomus will. An autonomous will is one which is free, self-ruled, self-governed, self-legislated. Every person by

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<sup>10</sup> Berjak, Rafik, "Murder", in *The Qur'an: An Encyclopedia*, ed. Oliver Leaman, (USA: Routledge, 2006), p. 430.

virtue of his being human is autonomus, that is, has a free will, and no power on earth or in heaven can force one to will other than he chooses for himself.<sup>12</sup> Kant's moral theory is deontological: actions are morally right in virtue of their motives, which must derive from duty than from inclination. Duty is the necessity to act out reverence for the law. According to Kant, the ultimate principle of morality must be a moral law conceived so abstractly that is capable of guiding us to the right action in application to every possible set of circumstances. So the only relevant feature of the moral law is its generality, the fact that it has the formal property of universalizability, by virtue of which it can be applied at all times to every moral agent. From this chain of reasoning about our ordinary moral concepts, Kant derived as a preliminary statement of moral obligation the notion that right actions are those that practical reason would will as universal law. This moral law is inviolable. As an autonomous and rational being, man is capable of formulating the moral law and gains access to Kingdom of Ends.<sup>13</sup>

The essence of Kantian ethical theory is reverence for the moral law, respect for the categorical imperative. Morality then is the relation of actions to the autonomy of the will, that is, to the potential universal legislation by its maxims. An action that is consistent with the autonomy of the will is permitted; one that does not agree is forbidden. Moral laws in Kant's philosophy are Categorical Imperatives that tell us what we ought to do but do not depend on any prior conditions or subjective wants and wishes, and contain no qualifications. As it is well known there are two versions of categorical imperative. The first one is known as the principle of universalizability and the second formulation of the categorical imperative is *treat humanity as an end-in-themselves*. I will not discuss these imperatives in detail. Considering my aim, I will take these imperatives as normative ones without examining their validity. In the *Metaphysics of Morals*, Kant claims that willfully killing oneself can be called murdering oneself only if it can be proved that it is in general a crime committed either against one's own person or also, through one's killing oneself, against another. Killing oneself is a crime. It can be also regarded as a violation of one's duty to other people...A human person is bound to preserve his life simply by virtue of his quality as a person and whether he must acknowledge in this a duty to himself. Moreover, he adds that a human being cannot renounce his personality as long as he is a subject of duty.<sup>14</sup> From that quotation we can conclude that, according to Kantian ethics, a human being cannot harm yourself in any case. Kant does not limit the idea of one's duty to yourself. Considering other human beings, every human being has also duty to others. He says that every human beings has a legitimate claim to respect from his fellow human beings and is in turn bound to respect every other. Humanity itself is a dignity; for a human being cannot be used merely as a means by any human being (either by others or even by himself) but must always be used at the same time as an end.<sup>15</sup> We can understand from that claim, Kant is against all forms of killing.

<sup>11</sup> Kant, Immanuel, *Critique of Practical Reason* trans. Lewis White Beck (Indianapolis, IN: Bobbs-Merrill, Library of Liberal Arts, 1959), p. 2.

<sup>12</sup> Sahakian, William S. And Sahakian, *Mabel Lewis, Realms of Philosophy* (USA: Schenkman Publ. Comp. Inc., 1965), p. 98.

<sup>13</sup> *Ibid*, p. 99.

<sup>14</sup> Kant, Immanuel, *The Metaphysics of Morals*, trans and ed. Mary Gregor ( UK: Cambridge University Press, 2006), p. 177.

<sup>15</sup> *Ibid*, p. 209.

Both suicide and murder are defined as violation of moral laws and duties, that is categorical imperative.

### III

So far I have examined two different aspects of morality considering on killing. The first one is religious aspect. This aspect of morality depends on the idea that human beings have to obey the God's commands since they are absolute. From the Islamic perspective, killing human being is always wrong. Both suicide and murder, even in the war, are strictly prohibited. In the Qur'an, one of the verses on war says that *Do not transgress, God does not love the transgressor* (2.190).<sup>16</sup> The second aspect of morality comes from within the human reason. This aspect of morality depends on the moral laws formulated by Kant. According to Kant, any action that violates human dignity cannot be considered as morally right. Obeying moral laws, self-respect and respect for other human beings are the supreme principles of the morality. To conclude, although they have different premises, both of these aspects of morality prohibit the taking of life. Every human being has a value in itself and every human being has also the right to defend himself or herself against any violation of his or her person. Nevertheless, this does not mean that they have a right to kill another person to preserve themselves or to kill one to save another since both of these actions are religiously and morally wrong.

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<sup>16</sup> See, M.A.S. Abdel Haleem, *The Qur'an*. (USA: Oxford University Press, 2008)



Title: **THE PERSON IN THE MARKET: THREATS AND POSSIBILITIES**

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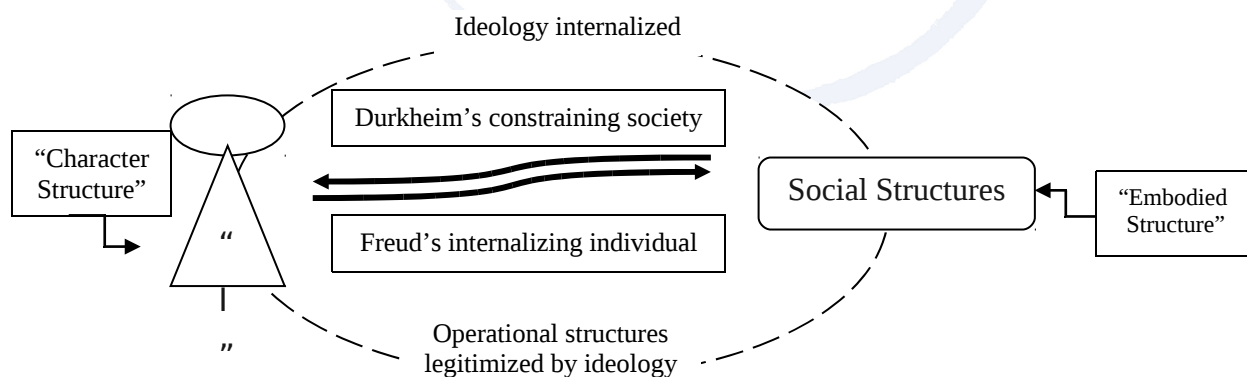
**INTRODUCTION**

The market, after a long yet undisturbed evolution, has finally become an imposing superstructure that does not simply connote a place of production, exchange and purchase but has transcended the non-economic spheres of human life, even its moral-cultural order. At the core of this evolution is the human person, no more an agent but more like its slave. Everything has become commodified – literally. From goods produced by human labor and ingenuity to selling even the body of the producer him/herself.

Worse, the human person in all its integrity and wholeness can now be purchased, bargained and exchanged. Even the sphere of interpersonal relations was limited by the increase of formal and impersonal interactions. The trends of social networking, online selling and marketing, text messaging among others has now become the system of relations, however provisional and short-term. What then is the value of a human life? The reduction of human beings by market capitalism to units of productive power demands therefore a greater need to develop a philosophical position that can challenge all of these dehumanizing elements and structures.

**Conceptual Framework:**

Citing Talcott Parsons' "Social Structure and Personality"<sup>1</sup> espousing the interplay between Sigmund Freud's theory of internalizing individual and Emile Durkheim's theory of constraining society, the individual will develop discourse and behavior consistent with the conditions set forth by the social structures. The interaction is not simply a case of society imposing its dominance to the individuals but rather a case of tolerant 'subjects' validating its system. "As ideology is internalized by human persons, the operational structures are legitimized by ideologies."<sup>2</sup>

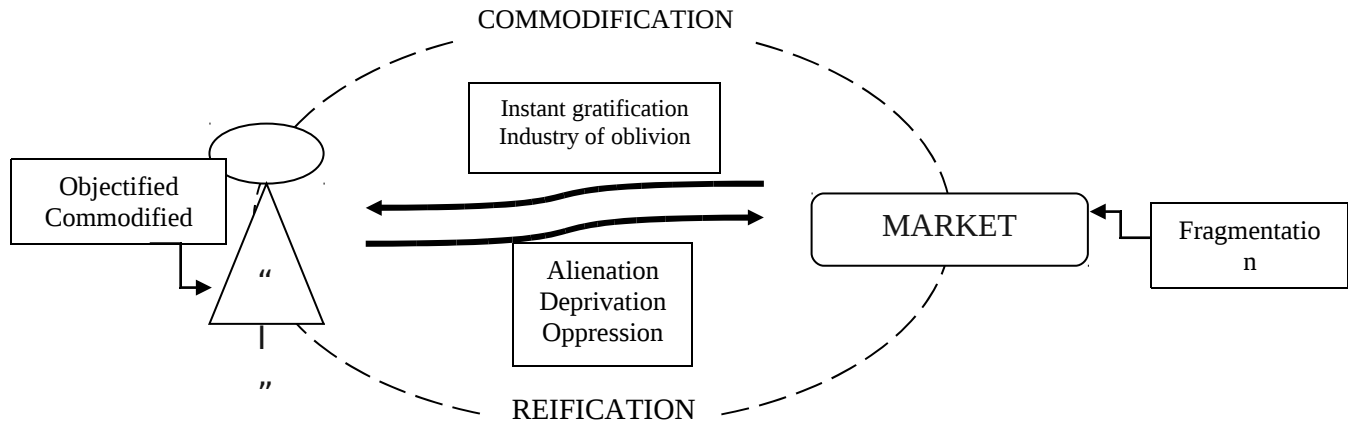


**Figure 1: Parson's Interplay between the Individual and the Social Structure**

In this interplay, both parties (individual and social structure) complement that one reflects the other to the point that one expresses the other and vice versa. As the individual is seen as a personified structure, he/she is referred to as "character structure"<sup>3</sup>, the society meanwhile is seen as an outcome of the collective habits of individuals, hence, an "embodied structure"<sup>4</sup> (See Figure 1).

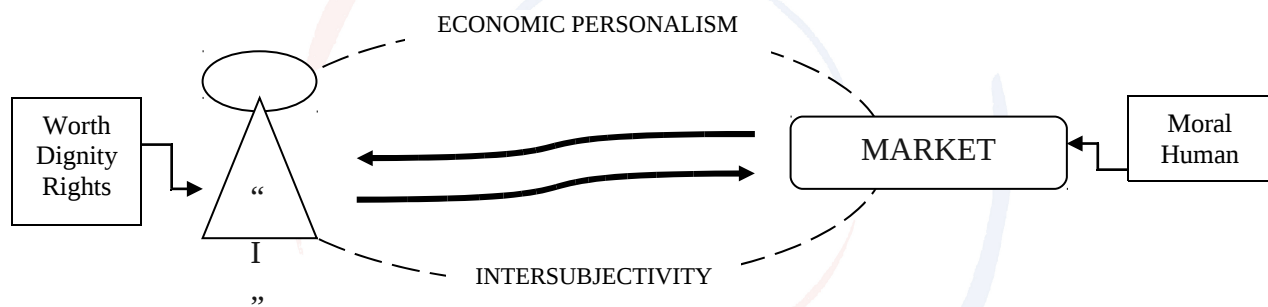
From the above illustration, the author adapts the basic interplay with the reality of the market world. In the next figure is posited various concepts acting as substructures and implications of the dominance of the market ultimately resulting to various effects. The market owes its deep foundation from the

ways it has been actually created – through reification<sup>5</sup> and commodification. “Commodification is what happens to things in capitalism, whereas reification is what simultaneously happens to persons.”<sup>6</sup>



**Figure 2: The Market, its Substructures and its Implications**

Ultimately, this results to alienations, deprivation and oppression and has objectified the person as a commodity in the market. This cycle is constantly sustained and even bolstered by the offer of instant gratification<sup>7</sup> and Albert Moreira’s so-called “industry of oblivion” which masks false reconciliation between individuals and the system that oppresses them<sup>8</sup>. (See Figure 2).



**Figure 3: The Proposed Feasibility of Authentic Human Life in the Market World: Economic Personalism**

Rationalizing from Parson’s framework on the interplay of Freud’s individual and Durkheim’s society, the paper believes that creating a culture to replace the imposed values of the market as reinforced by commodification and reification resulting to oppression and self-alienation of the individual, is feasible and necessary if to hope for an authentic human life in the market world. Embracing significant features of economic personalism by Karol Wojtyla and the theory of intersubjectivity while maximizing the inevitability of fragmentation and pluralism as implications of the market, the individual is therefore looked upon as a “subject” with worth, dignity and rights. Ultimately, it is with hope that this cycle of positive values will create a moral market that enjoys material affluence anchored not on selfish and egotistical wealth accumulation but on solidarity, compassion and sharing. (See Figure 3)

This is the paper’s fundamental goal: if the market world of today and its implications towards oppression is a structure that is created, sustained and maintained by the tolerant individuals, so too is the control and power to change it rests on the hands of the same individuals. If only a moral culture proposing cultivation of human values is to be carried out, it is feasible.

**The Market, Its Substructures and Its Implications:**

The social environment changed from a community to society.<sup>9</sup> The perpetuity of change and its constancy in the realm of almost everything around provides for the apparent instability and insecurity of constants and absolutes – held previously however as divine and all-encompassing. Implications brought about by modern historical exigencies from Enlightenment to Industrial Revolution had created The Market – a social structure<sup>10</sup> that is both powerful and inevitable.

The market produces everything for its “subjects” on the basis of gratification that is both instant and immediate, however, episodic, provisional and short-term. For Ferdinand Dagmang, even the “existence of instant gratification could also mean the presence of oppression.”<sup>11</sup> People are at the receiving end of the imposing influence and control of the producers and owners.

From the simplicity of the pre-modern social world, it was replaced by a pluriform, complex totality of countless subsystems of which even the parts were difficult to understand. The stability, timelessness and immutability of the social milieu, as disturbed by change, collapsed with the rise of everything that is short-term and provisional.<sup>12</sup> What has become available to people nowadays offer the same goal for instant gratification however masked in varied forms. Plurality of options is not only externally and tangibly manifested as in the variety of products made, commodities produced and goods sold; it has also conditioned fragmentation<sup>13</sup> of conventions, truths, habits and attitudes.

The fact that this market dynamics has stood for so long validates its depth and structuration in both personal and societal spheres. It has become so deep-rooted. Significantly, its power is legitimized by its origin and formation – from the individuals themselves; that is, through collective cooperation among themselves, it gives birth to that which oppresses them – the market. Parson takes note of this by highlighting the case of interaction between Freud’s individual and Durkheim’s society; the former internalizes systems of the constraining society to the point of molding oneself with the culture of the bigger society. The persons embedded in a capitalist society will necessarily be fashioned out according to the very character and limitations of the system itself. Inevitably, they will develop discourse and behavior consistent with such conditions.<sup>14</sup>

Through reification and commodification, the market functions by its structures designed primarily to label everything as commodity – an object for purchase, exchange and trade until it has also commodified the individual person – a reified commodity understood with a price tag or label. Ultimately, this whole process, created by collective behavior, *habitus*<sup>15</sup>, of individuals who are not necessarily the entire population but the mere dominant ones, brings obvious oppression to the public, alienation to the individual and deprivation to many. The world has since seen the dawn of the created enslaving its creators.

The market is so resilient that it has also created a system to boost its ever-increasing influence with Alberto Moreira’s “industry of oblivion”. Masking the oppression with the goal to entertain people, the latter has forgotten the former. This powerful market ultimately brings about a significant change in the life and cultural patterns of society and people. Everything is transitory; the world is contingent; the space is segmented. It is the dawn of what Miklos Tomka calls as the thesis of “individualization”<sup>16</sup>.

Indeed, the market endures and will stay to last. The paper does not espouse to eradicate the market *per se*. Rather; there is an urgent need to inject a new system, culture, and values to the market, something that will eradicate oppression while maintaining the fundamental purpose of material affluence, bounty and self-determination. While it is true that the market has become so evil, the paper believes it is rather a case of individuals abusing the market to veer away from its inherent goodness. The equation is simple. If the blame for the market’s oppressive structures is to be pinned on the collective individuals who espouse commodification, reification and instant gratification, the solution is on the same set of individuals acting out collectively with new paradigm, moral culture and properly cultivated values that are radically opposite of the parameters of oppressive conditions. Ultimately, the

old blood will be flushed out of the system as the new and fresh blood circulates in the market system helping breathe a new situation for a person in the market world.

### **Parson's Interplay Framework between the Individual and the Society:**

Drawing out from the findings of both psychology and sociology, Parson highlights the theories on Freud's psychoanalysis<sup>17</sup> and Durkheim's sociology<sup>18</sup> proposing that the interplay between them can explain the formation of systems and structures inherent in a society and in the behavior of the individual.

In itself, Freud's discovery of the internalization of moral values as an essential part of the structure of personality itself constituted such a crucial landmark in the development of the sciences of human behavior and so is Durkheim's. What is remarkable about Parson's theory is that he is able to link the two and find that their interplay can provide a clear theory of action. The limitation of each has been filled out by the other and this complementarity is evidenced as such.

Freud and his followers, by concentrating on the single personality have failed to consider adequately the implications of the individual's interaction with other personalities to form a system... Durkheim and other sociologists have failed, in their concentration on the social system as a system to consider systematically the implications of the fact that it is the interaction of personalities which constitutes the social system...<sup>19</sup>

How does the interplay work? Freud believes that an individual, in the course of his/her personality formation, is capable to internalize not only the moral values of the social structure through a series and network of interactions with other personalities. Durkheim believes that an individual, as a member of society, is not wholly free to make his/her own moral decisions and is quite "constrained" by orientations common to the society of which he is a member. Placed vis-à-vis together, Parson believes that this constant and perpetual interaction among individuals, trying to form one's own personality while somehow constrained by the society itself, creates the social systems and structures. Henceforth, the market as it is today is borne out of the interaction of individuals and that its dominance and power is possible due to the ability of society to constrain the not-so-free individuals.

This is a very important discovery as it places the individuals, interacting together and collectively, in control of whatever social system and structure will be created to reciprocally "constrain" its own progenitors. What oppresses therefore the people today is basically what the same people have created through their interaction. What can change then in today's system and structure depends on the collective efforts of all. The society is what we make of it.

In this interplay, both parties (individual and social structure) complement that one reflects the other to the point that one expresses the other and vice versa. As the individual is seen as a personified structure, he/she is referred to as "character structure", the society meanwhile is seen as an outcome of the collective habits of individuals, hence, an "embodied structure" The market owes its deep foundation from the ways it has been actually created – through reification and commodification. "Commodification is what happens to things in capitalism, whereas reification is what simultaneously happens to persons." Ultimately, this results to alienations, deprivation and oppression and has objectified the person as a commodity in the market. This cycle is constantly sustained and even bolstered by the offer of instant gratification<sup>20</sup> and Albert Moreira's so-called "industry of oblivion" which masks false reconciliation between individuals and the system that oppresses them.

Rationalizing from Parson's framework on the interplay of Freud's individual and Durkheim's society, the paper believes that creating a culture to replace the imposed values of the market as reinforced by

commodification and reification resulting to oppression and self-alienation of the individual, is feasible and necessary if to hope for an authentic human life in the market world.

Ultimately, it is with hope that this cycle of positive values will create a moral market that enjoys material affluence anchored not on selfish and egotistical wealth accumulation but on solidarity, compassion and sharing.

This is the paper's fundamental goal: if the market world of today and its implications towards oppression is a structure that is created, sustained and maintained by the tolerant individuals, so too is the control and power to change it rests on the hands of the same individuals. If only a moral order is proposed and lived out in a culture of sharing, solidarity and compassion, then it is feasible. A person in the market world is practicable and so its threats can actually be opportunities understood from a shifted paradigm.

### **Economic Personalism: An Offer of Paradigm Shift**

John Paul II in his writings offers a new approach to provide a synthesis of the market, its implications and the Catholic social thought – “economic personalism”<sup>21</sup>.

Briefly, its aim is to promote human economic order that benefits from market activity but does not reduce the human person to just another element in economic phenomena. Its maxim is, “affirm the person for his or her own sake.”<sup>22</sup> This theory is not proffered as the sole nor rightful paradigm for any person in the market world.

With John Paul II as its intellectual progenitor, many others have invaluable contributions, taking him as their inspiration and model.<sup>23</sup> They approach the free market as a ready and willing partner of promoting Christian morality and authentic human values. It is neither to see oneself isolated among others nor to see the market as antithetical to a Christian life. The Christian, more than anything else, is a person who does not stand on his/her own and develops out of nowhere. It is a person with others and a person in context. In the circle of phenomenology, this is called “intersubjectivity”.

From among the many forms of “personalism” through the course of philosophical discussion, Gregory Gronbacher singles out the kind of personalism embraced by John Paul II - termed as “Polish personalism”. It has the following tenets from which this paper adheres to as possible moral paradigm for the problem of the Christian in the market world.

First is on the *centrality of the person*. “The dignity and value of the person resides at the very center of personalist philosophy and provides the foundation for all subsequent philosophical analysis.”<sup>24</sup>

Second is on the notions of *subjectivity and autonomy*. “A person through free action actualizes himself; fulfills his destiny and becomes a person in a higher degree.”<sup>25</sup>

Third is the idea on *human dignity*. “It speaks of the human being's God-given greatness. Despite their sinful and fallen nature humans are ontologically superior to everything else in created reality. The value of the person is not derived from an individual's contributions, talents or achievements but has to do with the ineffable ontological significance of their being.”<sup>26</sup>

Fourth is the role of *person within a community*. “The progress towards vertical transcendence, according to [Karol] Wojtyla, is not a solitary journey. For the actions that transform a person are for the most part taken together with others.”<sup>27</sup>

Last is on the concept of *participation and solidarity*. “Solidarity as understood by Wojtyla can be called a synthesis of personalism and communalism, because solidarity does not promote conflict

between the good of the person and the good of the community, but these goods are achieved together.”<sup>28</sup>

In the market world, individuals are presented with a multitude of situations which they must choose between and among various options. Which good or service to select? With whom to engage in trade? Where to buy necessary items? The economic life is complex as social structures have developed around simple exchange. The average individual of today is faced with a plethora of complex economic transactions. Despite this however, human freedom remains the fundamental operating principle of this vast economic network.<sup>29</sup>

Gronbacher even adds that while there are areas beyond the control of human persons due to the market’s vast network, it reflects the character of the persons involved in it. The market is what the persons are as a group.

Markets are not abstract entities but are composed of individual human persons. The flaws and imperfections of these limited persons will be apparent in the marketplace. The entire catalog of human sins found in the human heart eventually finds expression in commercial society. The moral health of a market is only as strong as the overall moral health of the culture in which the market operates. Markets do not operate in a vacuum.<sup>30</sup>

While economic personalists support economic liberty and private property as congruent to human dignity, they also acknowledge the need to restrain the market to avoid exploitation and abuses. However, as to what form of restraints should there be, they call for *moral* restraints.

A persuasive moral code that encourages self-regulation and socially cooperative behavior is most successfully promoted through voluntary associations such as the family, church, general educational institutions, and local community structures... A morally healthy culture would ultimately encourage a morally healthy marketplace.<sup>31</sup>

The market world is therefore here to stay. Its necessity is evident; its sinful effects however are contingent upon human persons. It is a matter of forming a culture juxtaposed on the notions of human dignity, love and solidarity that a moral market is born. “It is not enough to be a member of one or more community; we are also called upon to be neighbors.”<sup>32</sup> Indeed, the need to create a moral market starts with individual’s commitment to integral transformation.

## CONCLUSION

While individuals are born into a world of social facts that precede them, and probably will persist for long after they have died, they themselves both create and maintain the social structures. The complexity of the market is something that has accumulated in the events of the past by which today’s generation apparently does not have control of. Actions and practices have formed habits; individual habits, collectively practiced, have created the systems and structures. From this is traced the birth of the market with its implications. The complexity of its activities offered alternatives beyond the usual choices of good or evil. Shades of gray add ambiguity and confusion, thereby, affecting patterns of actions, behavior, and perspectives. Ultimately, this has resulted to fragmentation and pluralism. Human freedom is not anymore a choice between good and evil. While it may ultimately be between the two, the manner and way of identifying which is which has become more difficult and obscured. Eventually, this situation also conditioned the rise of oppression in various kinds and levels. In all these, philosophy and its discourses are never exempted.

Philosophy looks for its relevance in the market world. Philosophy inquires about the person and his/her meaning in this market world. Philosophy traces its rich deposit and evolving interpretations to at least offer few answers.

The market *per se* is not to be seen as inimical and hostile to the values of the ideal person. The person's ideals can exist in the market as long as the culture that will form the market embrace the values of that ideal and that cultivation of personal virtues of each and everyone in the community may upset the sinful structures. The person in the market world never despairs. While arduous, it is a hopeful situation.





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<sup>1</sup> Talcott Parsons, *Social Structure and Personality*, (London: The Free Press of Glencoe, 1964), 18-19.

<sup>2</sup> Ferdinand Dagmang, "Structures and Structural Sin," *Hapag* 2, no. 1 (2005): 80.

<sup>3</sup> "Embodied structures are found in the habits and skills that are inscribed in human bodies and minds and that allow them to produce, reproduce, and transform institutional structures and relational structures." Jose Lopez and John Scott, *Social Structure* (Buckingham: Open University Press, 2000), 4.

<sup>4</sup> "Character structure is the most inclusive term for the individual as a whole entity. It refers to the relatively stabilized integration of the organism's psychic structure linked with the social roles of the person. On the one hand, a character structure is anchored in the organism and its specialized organs through the psychic structure: on the other hand, it is formed by the particular combination of social roles which the person has incorporated from out of total roles available to him in his society." Hans Gerth & C. Wright Mills, *Character and Social Structure: The Psychology of Social Institutions* (New York: Harcourt Brace and World, 1953), 22.

<sup>5</sup> "Reification is the apprehension of human phenomena as if they were things, that is, non-human or possibly supra-human terms. Another way of saying this is that reification is the apprehension of the products of human activity as if they were something else than human products – such as facts of nature, results of cosmic laws, or manifestations of divine will." Peter Berger and Thomas Luckmann, *Social Construction of Reality: A Treatise in the Sociology of Knowledge*, (New York: Doubleday, 1966), 89.

"Reification is *Verdinglichung* for Marx." John R. Schneider, "Christian Theology and the Human Ontology of Market Capitalism," *Journal of Markets & Morality* 10, no. 2 (2007): 284-285.

<sup>6</sup> *Ibid.*, 285.

<sup>7</sup> "The market's offer of instant gratification may come in two ways: first, in the availability of products; second, in their functionality or effectiveness." Dagmang, "Instant Gratification and Liberation," *Concilium*, no. 3 (1997): 52.

<sup>8</sup> "The very society that produces suffering and exclusion develops mechanism to make people forget them. It is of the essence that domination to prevent recognition of the suffering it produces itself. His would basically constitute the function of the industry of culture: to entertain in order to make people forget." Alberto Moreira, "The Dangerous Memory of Jesus Christ in a Post-Traditional Society," *Concilium*, no. 3 (1997): 41.

<sup>9</sup> Miklos Tomka, "Individualism: A Change in Values," *Concilium*, no. 4 (1999): 27.

<sup>10</sup> "The English word 'structure' derives from the Latin word *struere*, to build. The -ure ending is used in English to form nouns that denote an action or a process, or that refer to the result or outcome of a process. Hence, 'structure' can mean 'building' in both of its principal senses. It can mean the act of building something, and it can mean the end product of a building process." Lopez and Scott, *Social Structure*, 7.

"Structure is to be understood as the mutual relations of elements within a whole, and such relations determine (fundamentally) the character of the whole." Dagmang, "Structures and Structural Sin," 91.

<sup>11</sup> Dagmang, "Instant Gratification and Liberation," 50.

<sup>12</sup> Tomka, "Individualism: A Change in Values," 26.

<sup>13</sup> "Little did Paul Tillich realize when he titled his sermons in 1946 *The Shaking of the Foundations* that the following fifty years would witness increasingly to the haunting experience that the 'centre does not hold', that great pillars of certainty would tumble with the loss of great meta-narratives." Mary Grey, "From Shaken Foundations to a Different Integrity: Spirituality as Response to Fragmentation," *Concilium*, no. 2 (2006): 79.

<sup>14</sup> Dagmang, "Systems, Habitus and Ethics," *Hapag* 4, no. 1-2 (2007): 102.

<sup>15</sup> "Habitus refers to the generalized and habitual schemes of thought, appreciation and action. It points to the habitual dispositions of a society which every individual would internalize to the point that it becomes part of oneself as a second-nature ability." Dagmang, "Structures and Structural Sin," 82.

<sup>16</sup> Tomka, "Individualism: A Change in Values," 31.

"...Transitoriness and the contingent have become the constitutive characteristics of our everyday culture. Even the space within which people move has changed. It has lost its organic unity and has become segmented, like a mosaic." Tomka, "The Fragmentation of Experience in the Modern World," *Concilium*, no. 3 (1997): 9.

<sup>17</sup> “Psychoanalysis, in common with other traditions of psychological thought, has naturally concentrated on the study of the personality of the individual as the focus of its frame of reference.” Parsons, *Social Structure and Personality*, 18.

<sup>18</sup> “Sociology, on the other hand, has equally naturally been primarily concerned with the patterning of the behavior of a plurality of individuals as constituting what, increasingly, we tend to call a social system.” Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> “The market’s offer of instant gratification may come in two ways: first, in the availability of products; second, in their functionality or effectiveness.” Dagmang, “Instant Gratification and Liberation,” 52.

<sup>21</sup> “Economic personalism is a science of the morality of markets—an attempt to analyze the moral ramifications of economic activity in light of theological vision of the human person. This includes a detailed exploration of economic theory, history, and methodology, as well as actual market practices, all viewed from the perspective of the Christian faith, particularly its recognition of the dignity of the human person and the concern for justice that stems from this recognition.” Ibid., 1.

<sup>22</sup> Ibid., 29.

<sup>23</sup> “Gronbacher highlights three proponents of this approach. Michael Novak, a one time liberal, understood the honest task of intellectual self reevaluation upon encountering personalism. Rocco Buttiglione, an Italian philosopher and advisor/student of John Paul II, studied under the Italian philosopher Del Noce before taking up phenomenology and the thought of John Paul II. The Acton Institute for the Study of Religion and Liberty, a Michigan tank, devoted to the understanding and application of Christian social thought.” Ibid., 28-29.

<sup>24</sup> Gronbacher, “The Need for Economic Personalism,” 5.

<sup>25</sup> Tharcus Britto, “Intersubjectivity in the Ethical Personalism of Max Scheler and Karol Wojtyla” (PhD diss., University of Santo Tomas, 2003), 94.

<sup>26</sup> Gronbacher, “The Need for Economic Personalism,” 7.

<sup>27</sup> Britto, “Intersubjectivity in the Ethical Personalism of Max Scheler and Karol Wojtyla,” 95.

<sup>28</sup> Ibid.

<sup>29</sup> Gronbacher, “The Need for Economic Personalism,” 13.

<sup>30</sup> Ibid., 14.

<sup>31</sup> Ibid., 115.

<sup>32</sup> Britto, “Intersubjectivity in the Ethical Personalism of Max Scheler and Karol Wojtyla,” 96.

# Daoism without Dao in ancient Japan



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**Daoism without Dao in ancient Japan**

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## Abstract

The current trend of the study of Daoism in ancient Japan can be divided into two aspects. One is to continue to indicate what elements of Daoism have been absorbed by ancient Japan. Researchers have consciously tried to provide more arguments on how these elements have entered and affected Japan, rather than related studies of last period. The other is to explain why Japanese envoys to Tang turned down the offer to send Daoist priests to Japan made by Emperor Xuanzong of Tang in 753. These two aspects seem self-contradictory as they show that Daoism was rejected by Japan officially but meanwhile, many elements of Daoism existed in ancient Japan. Shimode Sekiyo once figured out the kind of Daoism practiced in ancient Japan is Folk Daoism (Shimode, 1974:226). But in fact, his research could not interpret the elements of Daoism that could be found at the official level in ancient Japan. In this paper, I want to make the overall picture of Daoism in ancient Japan more clear. I focus on the understanding of Daoism by the Japanese *Ritsuryō* state 律令国家 and the founder of the Shingon Esoteric Buddhism 真言密教, Kūkai 空海(774-835), as the two subjects both have shown their understandings of Daoism as a religion. Japanese *Ritsuryō* state regarded Daoism as the religion representing Tang Dynasty and thought the content of Daoism was the methods of the Daoist master 道士法. Kūkai considered Daoism as a technique toward immortality in his essay *Sangō shiiki* 三教指帰 and chose Buddhism as his belief in the end. The common point of the two understandings of Daoism is there isn't a core divinity concept of Dao but only the techniques of Daoism. Based on this, Daoism without Dao never really existed in Japan as its own separate, organized religion although it had an unmistakable influence on Japanese religion culture via its methods of various techniques.

## Introduction

The current trend of the study of Daoism in ancient Japan can be divided into two aspects. One is to continue to indicate what elements of Daoism have been absorbed by ancient Japan. Researchers have consciously tried to provide more arguments on how these elements have entered and affected Japan, rather than related studies of last period(Sakade Yoshinobu, 2009, 2010; Masuo Shin'ichirō, 2008, 2010; Matsuda

Chihiro, 2010). The other is to explain why Japanese envoys to Tang turned down the offer to send Daoist priests to Japan made by Emperor Xuanzong of Tang in 753 (Shinkawa Tokio 1994, 1999; Obata Michiru 2004, 2007). These two aspects seem self-contradictory as they show that Daoism was rejected by Japan officially but meanwhile, many elements of Daoism existed in ancient Japan. Shimode Sekiyo once figured out the kind of Daoism practiced in ancient Japan is Folk Daoism (Shimode, 1974:226). But in fact, his research could not interpret the elements of Daoism that could be founded at the official level in ancient Japan. As Livia Kohn concludes in the paper *Taoism in Japan: Positions and Evaluations*, the overall picture of Taoism in Japan is still largely unexplored (Kohn, 1995:407). In order to make the overall picture of Daoism in ancient Japan more clear, I will focus on the understanding of Daoism by Japanese *Ritsuryō* state 律令国家 and the founder of the Shingon Esoteric Buddhism 真言密教, Kūkai 空海(774-835), as the two subjects both have shown their understandings of Daoism as a religion.

### Japanese Embassies to the Tang refused Daoist masters

Japanese Embassies to the Tang 遣唐使 (Kentōshi), once turned down the request, from Emperor Xuanzong of Tang, in 753, of sending Daoist masters to Japan, with the excuse that “the King of Japan has never favored the methods of the Daoist master 日本君主先不崇道士法”, but nevertheless has allowed Chun Taoyuan 春桃原 and four others to stay [in China] and study the methods of the Daoist master.<sup>1</sup> Based on this, it is said that the ancient Japanese government refused Daoism officially. Fukui Fumimasa(1995) describes it as a kind of common knowledge in Japanese history.

Compared with that Confucianism, Daoism, and Buddhism all flourished in the High Tang, Japan in Nara period adopted Confucianism and Buddhism a lot while Daoism was not included (Wangyong 1994:53-54). The reasons have been discussed as follows. (1) The Japanese imperial court recognized Daoism in Tang as an ancestor veneration of the Tang imperial court which might threaten the Japanese imperial court's own ancestor veneration (Tōno Haruyuki 1992:218-221; Yaegashi Naohiko 2003:40-41; Shinkawa Tokio 1994:82-83). Shinkawa(1994,74) also notes the fact that the Daoist is a member of the Tang imperial court, especially during the period under Emperor Xuanzong of Tang(713-756). (2) The Japanese imperial court had come to be cautious about Daoism since “Prince Nagaya's rebellion (Nagaya-ō no hen 長屋王の

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<sup>1</sup> refer to Marcus Bingenheimer: A Translation of the Tōdaiwajō tōseiden 唐大和上東征傳.” (Part 2) The Indian International Journal of Buddhist Studies No.5 (2004), 19. The original text was written by Ōmi no Mabito Mifune 淡海真人三船 (722-785), which can be found as no. 2089 (7) in volume 51 of the Taishō 大正藏.

變)” occurred, which is that Nagaya-ō 長屋王 was betrayed of practicing “black magic” personally to overturn the country 私学左道欲傾国家 in 729(*Shoku Nihongi*:115). Shinkawa considers the “black magic” 左道 as the behaviors related to Daoism(1994, 79-80). (3) The states around Tang adopting symbols of Daoism such as *Lao Zi* 老子 or the Tianzun Statue 天尊像, to some extent, means they are making tributes to Tang. It is because Daoism itself is regarded as the symbol of the Tang imperial court in the Tang period. Japanese government denied Daoism and Daoist for its equal diplomacy policy towards China (Obata Michiru 2007).

I agree, for the most part, with the discussion above, however, I disagree the opinion on the relation between “black magic” 左道 and Daoism by Shinkawa. I draw attention to the sentence “the King of Japan has never favored the methods of the Daoist master 日本君主先不崇道士法”, which doesn’t mean Japanese society didn’t adopt the methods of the Daoist master. Furthermore, Japanese Embassies to the Tang tried to keep Daoist masters from Japan but didn’t condemn the methods of the Daoist master itself. In fact, we can see some books of Daoism listed in *Nihon-Koku Kenzaisho Mokuroku* 日本国見在書目録, which is the oldest catalogue of imported Chinese books in Japan called “Catalogue of Writings Present in Contemporary Japan”, enumerated by Fujiwara-no Sukeyo 藤原佐世 in the late 9<sup>th</sup> century(Yajima Kurosuke 1984). Most of them should be taken back by Japanese Embassies to the Tang to Japan. The point is what the methods of Daoist master 道士法 means to Japanese government in the first half of 8<sup>th</sup> century.

### “Dōjutsufukin 道術符禁” in *Sōni-ryō* 僧尼令

The term “the methods of the Daoist master 道士法” could be found in the Article “do fortune-telling 卜相吉凶” of the “Regulations Concerning Monks and Nuns (*Sōni-ryō*, 僧尼令)” in *Koki* 古記(738-740), which is a commentary on the *Taihō Code* (*Taihō-ritsuryō*, 大宝律令, 701-702). The content is “ the art of the Dao, charm and incantation is called the methods of Daoists, which is being practiced by 辛国連, 道術符禁, 謂之道士法, 今之辛国連行是也 ” (Ryō-no-syuge:215). Here we shall see what “Dōjutsufukin 道術符禁” exactly means from two approaches. One is where Dōjutsufukin appeared in *Sōni-ryō* and what it means. The other is what kind of arts was Karakunimuraji 辛国連 practicing during 738-740, the time *Koki* was being composed.

As for the former one, the original text of *Taihō Code* has been lost. What we can read today is the *Yōrō Code* (*Yōrō-ritsuryō*, 養老律令, compiled in 718, promulgated in 757) which is the revised version of *Taihō Code*. Unfortunately, there isn’t any discussion of “Dōjutsufukin 道術符禁” in the article, “do fortune-telling 卜相吉凶” of *Sōni-ryō* in *Yōrō Code*: “ All the Monks and Nuns doing fortune-telling or curing



illnesses with minor arts and sorcery should resume secular life. But curing diseases holding mantras in accordance with Buddhist doctrines won't be prohibited. 凡僧尼卜相吉凶，及小道、巫術療病者，皆還俗。其依佛法，持咒救疾，不在禁限。” So where should “Dōjutsufukin 道術符禁” be in the text of *Taihō* Code? Was it prohibited as a form of minor arts or sorcery?

The commentary of “Dōjutsufukin 道術符禁” in *Koki* is for the latter part 其依佛法，持咒救疾，不在禁限， following the commentary of “using mantras 持咒” and followed by the commentary of “decoction 湯藥” which can't be seen in the *Yōrō* Code version either. It is more possible that “Dōjutsufukin 道術符禁” appeared in the latter permitted part than in the former prohibited part (Miura Hiroyuki 1924:1118-1119; Shinkawa Tokio 1979:119). We could find the term in another commentary, *Kekki* 穴記 (782-806), on *Yōrō* Code explaining the same article, “do fortune-telling” of *Sōni-ryō*. It is mentioned in the commentary of the word “sorcery 巫術”: “問，依醫方治者何。答，古令，依道術符禁湯藥救療者。今除湯藥字，明不還俗。但爲非持咒故，合有異科”(Ryō-no-syuge:215). It is written in dialogue style to explain the law that one asked what about in the case of the Monks and Nuns curing illnesses with medical skill. The answer was as bellow, “Curing illnesses through Dōjutsufukin 道術符禁 and decoction 湯藥 were both considered medical skills under the older Code. But decoction 湯藥 has been removed from the present Code. [The monk curing illnesses through Dōjutsufukin 道術符禁] doesn't need to resume secular life. However, they should be punished by the other law since [Dōjutsufukin 道術符禁] aren't skills of using mantras 持咒”.

These commentaries show that “Dōjutsufukin 道術符禁” is a sort of medical skill permitted by the Japanese government; but neither minor arts and sorcery, nor holding mantras is in compliance with Buddhist doctrines. As for Monks and Nuns, curing illnesses through “Dōjutsufukin 道術符禁” was tolerated under the *Taihō* Code, Whereas less permitted under the *Yōrō* Code. The next to be taken note of is the relation between “Dōjutsufukin 道術符禁” as a recommended medical skill and the art practiced by Karakunimuraji 辛国連.

### “Jugon 呪禁” in *Tenyaku-ryō* 典藥寮

Karakunimuraji 辛国連, also written as 韓国連, is an honorary surname bestowed by the Japanese emperor to the ancestor of the family who has been sent to San-kan 三韓, located in the Korean peninsula (*Shoku Nihongi*:549). We can see the name, Karakunimuraji-hiro-tari 韓国連広足, in the biography of the Fujiwara family (Kaden 家伝:886) which records Karakunimuraji-hiro-tari as a specialist of incantation (Jugon 呪禁) in 728. Moreover, Karakunimuraji-hiro-tari should be well-known as he became

the Chief of Tenyaku-ryō (典藥寮, Bureau of Medicine) established by the Japanese Ritsuryō state, called Tenyaku-no-kami 典藥頭 in October 732(*Shoku Nihongi*:130). The art practiced by Karakunimuraji 辛国連 mentioned in the *Koki* as a representative example describing “Dōjutsufukin 道術符禁” should be the “Jugon 呪禁” practiced by Karakunimuraji-hiro-tari in the Tenyaku-ryō.

Thus, we can learn that the “Jugon 呪禁” practiced in the Tenyaku-ryō is exactly the same content what Japanese Ritsuryō state thinks of Daoism. It also proves that the methods of Daoism actually have been used in an official institution of Japanese Ritsuryō state. Daoism in ancient Japan can't be summarized as the above-mentioned Folk Daoism by Shimode Sekiyo. What is more important is that the Japanese Ritsuryō state doesn't treat the “Dōjutsufukin 道術符禁”, “Jugon 呪禁” as the same skills as minor arts or sorcery. Rather, “Jugon 呪禁” was recommended and implemented in a proactive way at the governmental level.

It was set up as two Jugonshi 呪禁師(masters of incantation) managing Jugon affairs: a Jugonhakase 呪禁博士 (doctor of incantation) to teach Jugonsei 呪禁生(students of incantation) and six Jugonsei in the Tenyaku-ryō based on *Shikiin-ryō* 職員令(the law of officials) (*Ryō-no-syuge*:127-129). The details of Jugon can be seen in the Medical Law (*Ishitu- ryō* 医疾令), written as the methods of what students of Jugon should learn, “咒禁生，学咒禁、解忤、持禁之法。持禁者，持杖刀誦咒文，作法禁氣，為猛獸虎狼毒虫精魅賊盜五兵不被侵害。又以咒禁固身体，不傷湯火刀刃，故曰持禁也。解忤者，以咒禁法解衆邪驚〔忤〕，故曰解忤也”( *Ryō-no-gige*:283). “Jikin 持禁”，one of the methods, is explained as two ways. One way is to practice arts and use Qi 氣 in order not to be attacked by beasts, tigers, wolves, poisonous insects, evil spirits, thieves, five weapons, along with reading an incantation and holding a sword. The other is to stiffen the body to defend it from boiled water, fire, and blade through incantation. Another method named “解忤”，uses incantation methods to liberate people from being frightened by negative vibes. As was already pointed out (Shimode Sekiyo 1974:264-265), these methods of incantation originate from Bao-pu-zi 抱朴子<sup>2</sup> by Ge Hong 葛洪 and also can be seen in *隋書•經籍志*<sup>3</sup>. Furthermore, the establishment of Jugonhakase 呪禁博士 was probably influenced by Tang dynasty that also established Jugonhakase 呪禁博士 in the official medical institution. But there are some differences between them. “Zhoujin 呪禁” in Taiyishu 太医署(Imperial Medical Academy) of the Tang is

<sup>2</sup> “或有邪魅山精，侵犯人家，以瓦石擲人，以火燒人屋捨。或形見往來，或但聞其聲音言語，而善禁者以氣禁之，皆即絕，此是氣可以禁鬼神也。入山林多溪毒蝮蛇之地，凡人暫經過，無不中傷，而善禁者以氣禁之，能闢方數十裡上，伴侶皆使無為害者。又能禁虎豹及蛇蜂，皆悉令伏不能起。以氣禁金瘡，血即登上，又能續骨連筋。以氣禁白刃，則可蹈之不傷，刺之不入。若人為蛇虺所中，以氣禁之則立愈。” See *Bao-pu-zi Neipian 抱朴子內篇*, Vol.5 *Zhili*, P114.

<sup>3</sup> *Suishu•Jingjizhi 隋書•經籍志*, No.4 Daojin 道經：“又能登刀入火，而焚敷之，使刃不能割，火不能熱。”

explained as bellow, “there are Daojin 道禁 from magicians staying in the mountain and Jinzhou 禁咒 from Buddhists. Their power shall be exploited with five methods: meditation; Yu-step, the art with one eye opened and the other closed; palm mnemonic; and handprint. All must abstain from meat, wine and blood in advance and accept the incantation in the mandala. 有道禁出於山居方外之士，有禁咒出於方氏。以五法神之，一日存思、二日禹步、三日营目、四日掌诀、五日手印。皆先禁食葷血齋戒，於坛场受焉”(Tanliudian:150). Here we can see that, the first difference is Japanese “Jugon 呪禁” doesn’t contain incantations from Buddhism but only from Daoism. The second is there aren’t any Daoist rituals like the five methods and religion precepts required when practicing Japanese “Jugon 呪禁”. The “Jugon 呪禁”, which was regarded as the main content of Daoism by Japanese Ritsuryō government, might be only used as an official medical technique.

It is said that the Jugonshi named 末使主望足 who was rewarded by the emperor in 767 is the last Jugonshi in Japan (*Shoku Nihongi*:346). The active period for Jugonshi is merely during the 7<sup>th</sup>-8<sup>th</sup> century (Shimode Sekiyo 1974:272-273). The methods of Jugon itself were mainly adopted by Shugendō 修驗道 and Onmyōdō 陰陽道, that the former comes from folk society while the latter has been developed from Onmyōryō 陰陽寮 (Bureau of Divination) also established by the Ritsuryō state (Shimode Sekiyo 1974:279-281). And as we have discussed above, the real Daoist master was refused by Japanese Embassies to the Tang. Jugonshi, as the official doctor practicing Jugon 呪禁 as a medical technique who were under the control of the imperial government by the Ritsuryō system, couldn’t organize and develop Jugon 呪禁 into Daoism as a religion in China.

### Understanding of *Lao-zi* 老子 in Japanese Ritsuryō state

It is said that Dao 道 is the basic doctrine in Daoism, as well as the ultimate goal for a Daoist (Kong Linghong 2006). As *The Seven Slips of a Cloudy Satchel* (雲笈七籤 *Yunji Qiqian*) states: “ Dao is true within emptiness. Technique is mysterious skill that can change. Dao that doesn’t appear in shape, rescue people with techniques. People who have spirit, can attain Dao with training. People who can learn Dao are able to change naturally. The point of Dao is profound but easily learned. The mysteries of technique are merely Charm, Qi and medicine. 道者，虛無之至真也。術者，變化之玄伎也。道無形，因術以濟人。人有靈，因修而會道。人能學道，則變化自然。道之要者，深簡而易知也；術之秘者，唯符與氣、藥也”(Vol.45:261). As is well known this Dao 道 was addressed by Lao-zi 老子 in his book, *Dao-de-jing* 道德经 also called as *Lao-zi*.

*Lao-zi* was also read by the Japanese. The literati at the Japanese courts in the early 8<sup>th</sup> century showed their understandings of *Lao-zi* in the national exam for officer

selection. The question asked them to tell the differences between the three teachings of Kong-zi, Buddha, and Lao-zi. It describes the teachings of Kong-zi as the rule to build a country, while teachings of Buddha and Lao-zi are arts to obtain a blessing and avert evil, “周孔名教，興邦化俗之規。積老格言，致福消殃之術” (*Keikokusyū*:378). The answer of Fujiinomoraji-hironari 葛井連広成<sup>4</sup> is a typical one as follows, “metaphysics(teaching of Lao-zi) is self-righteousness-oriented. The follower of it will abandon their father and betray their lord without love and respect. A Confucian is mutual-relief-oriented in a pecking order, devoting his body to complete his mission. 玄以独善作為宗，無愛敬之心，棄父背君。儒以兼濟為本，別尊卑之序，致身尽命 (*Keikokusyū*:378). It is clear from the above that the literati at the Japanese courts considered Daoism as a self-righteousness-oriented teaching in a negative way. To choose mutual-relief-oriented Confucianism but not Daoism for the Ritsuryō government should be a common thought at that time (Takeuchi Yoshio 1938). In contrast to this, The government’s thought of “by doing nothing” 無為 (Wu-wei) which is the essential concept of the Dao has been adopted by many Chinese emperors, especially by emperors of Tang(LÜ Xichen 1991:176-219). However, as for Japanese Ritsuryō government, instead of doing nothing, it needs to establish a new Ritsuryō system to strengthen the management by country. The result is that, Japanese Ritsuryō government didn’t add the book *Lao-zi* into the text book list for the students in Daigakuryō (大学寮 Bureau of Education) to learn as Tang dynasty did(*Ritsuryō*:263).

We can find another answer as well. The answerer says he tried to find the principle of Daoism, but in the end he found the principle is to be covered up with the pursuit of longevity. He also searched for how Daoism converted people, but the only thing he found was the techniques to avert evil. “望凝玄之□。斯誠事隱探頤之際。理味鈎深之間。然詳搜化俗之源。曲尋消殃之術” (*Keikokusyū*:379). Daoism was recognized as a technique like averting evil in order to achieve longevity. We still aren’t able to see any understanding of the Dao as a core concept and as the highest goal in Daoism.

### **The understanding of Daoism in *Sangō shiiki* 三教指歸**

Doubtlessly, the Japanese Ritsuryō state’s understanding and treatment of Daoism is based on its political needs and benefits. Here we will draw the attention to an independent thinker, also the founder of Shingon Esoteric Buddhism 真言密教, Kūkai 空海(774-835), and his understanding of Daoism.

When Kūkai was twenty-four in 797, he composed in the form of a dramatic novel, the essay, Indications of the Three Teachings (*Sangō shiiki* 三教指歸), comparing and critiquing Confucianism, Daoism, and Buddhism in order to explain to those who

<sup>4</sup> appointed as an envoy to the Shiragi 新羅 in 719. See the article of 719 in *Shoku Nihongi*.

opposed his decision and his reasons for entering the Buddhist priesthood (Takagi Shingen 1997:29-30). In the essay, teachers from each school of thought attempted to educate a dissolute nephew, Tokaku. Kibō Sensei 亀毛先生 lectures on Confucianism. Kyobō Inshi 虚亡隱士 critiques Confucianism from a Daoist's position. Finally, Kamei Kotsuji 假名乞兒 critiques Taoism from a Buddhist's position. The conclusion is that Buddhism is the superior teaching.

We shall focus on how Kūkai explains Daoism. Kyobō Inshi said to the nephew and Kibō Sensei 亀毛先生 at the beginning, “Listen with sincerity. I shall bestow upon you the divine techniques for prolonging your life and attaining immortality. 汝等恭聽。今當授子以不死之神術，說汝以長生之奇密。” (Hakeda 1972:116). The keyword is still techniques for longevity and immortality. Then, Kyobō Inshi introduced many techniques in details, like “stand apart from what people are fond of”, “take medical herbs”, “practice charms and spells”, “regulate breathing”, “take divine pills and refined pills”, and so forth. If one “realize the Way and master this art”, as Kyobō Inshi says, “you will live as long as the heaven and earth; enjoy life for an eternity together with the sun and moon” (Hakeda 1972:118-119). Kūkai pointed out a good point that immortality in Daoism doesn't mean to prolong the human body but to “live as long as the heaven and earth”. However, he didn't pay attention to why Daoism insists that people can attain immortality, which is exactly the concept of “Dao” again. Hence, the main view of Daoism in Kūkai's mind, the description Kamei Kotsuji used to criticize Daoism, is as “the petty seeking for longevity 神仙之小術” (Hakeda 1972:138).

We can't expect Kūkai who had decided to believe Buddhism before he wrote this essay, would compare the three teachings objectively. Nevertheless, Kūkai didn't deny Daoism at all, but tried to integrate Daoism into his thought. As Yoshioka Yoshitoyo says, Kūkai has never cleared out Daoism from his thought system for life (1972). It has been pointed out that some elements of Daoism can be found in Esoteric Buddhism both in China and in Japan (Misaki Ryōsyū 1997).

## Conclusion

As discussed above, we can summarize the understanding of Daoism and measures towards Daoism by the Japanese Ritsuryō state as follows. (1) Japanese Embassies to the Tang refused Daoist priests who were members of the Tang imperial court. (2) In order to control and adopt the techniques of Daoism, named Dōjutsufukin 道術符禁, which was considered as the main content of the methods of Daoist priests 道士法 by the country, the Japanese Ritsuryō government forbid Buddhist priests to use Dōjutsufukin to cure diseases and established the official position called Jugon-hakase 呪禁博士 to practice Jugon 呪禁 in the Bureau of Medicine. (3) Japanese court literati who aimed to be officers recognized Lao-zi's teaching as a self-righteousness-oriented

teaching filled with techniques to avert evil and attain longevity. The book *Lao-zi* wasn't listed in the official textbooks because it was thought unhelpful for the Ritsuryō system establishment. All we can see is technique and not Dao. Daoism as a religion couldn't get support from the Japanese Ritsuryō state. And as for Kūkai 空海, he considered Daoism as techniques toward immortality in *Sangō shiiki* 三教指歸 as well. He didn't pay any attention to the core divinity concept of Dao and chose Buddhism as his belief. Based on this, Daoism without Dao never really existed in Japan as its own separate, organized religion although it had an unmistakable influence on Japanese religion culture like Shugendō, Onmyōdō and Esoteric Buddhism via its methods of various techniques.

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**ISLAMIC BUSINESS ETHICS AND ITS IMPACT ON STRATEGIC BUSINESS DECISION MAKING PROCESS OF MUSLIMS**

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The logo for the International Association of Business and Finance (iafor) is centered on the page. It features the lowercase letters "iafor" in a light blue, sans-serif font. The text is enclosed within a circular graphic composed of two overlapping, semi-transparent arcs: a light blue arc on the left and a light red arc on the right, which together form a partial circle around the text.

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## ISLAMIC BUSINESS ETHICS AND ITS IMPACT ON STRATEGIC BUSINESS DECISION MAKING PROCESS OF MUSLIMS

### Abstract

The purpose of this paper is to explore the impact of Islamic ethical values on cognitive thinking of a devout Muslim in the strategic business decision making process and comparison of a devout Muslim with others in terms their attitudes toward involvement in Western type of business, knowing that some concepts of which are in conflict with Islamic principles. The topic is built on my personal experience with an emerged conflict between Western style business principles that I have been taught and Islamic ethical values that I have surrendered to. I identified mainly three axioms- unity, equilibrium and responsibility- based on their emphasis in Qur'an and Hadith which are the primary sources of Islamic ethical philosophy, and their relevant implications for business. In order to explore the impact of Islamic ethical values on cognitive thinking of devout Muslims, I utilized the cognitive theory of strategy and Kierkegaard's moral reasoning model. Kierkegaard's Moral Reasoning Model demonstrates that people develop different value orientations depending on their moral reasoning levels. I aim to discuss Kierkegaard's moral reasoning model within a strategic decision-making context by illustrating my personal perspective, which will help me compare and contrast business people at different moral reasoning levels: (1) public; (2) aesthetic; (3) ethical; and (4) religious. Having built on a personal case, the paper is aimed to provide valuable insights into Islamic business practices which may be of a critical importance in an international business context.

## 1: The impact of Religious Values in Strategic Decision Making

### 1.1 Cognitive Theory of Strategy

“Much of the iceberg is, indeed, below the surface and inaccessible to verbalization, but its concealed bulk is made of the ice as the part we can see...” (Simon, 1977). A vast amount of research shows the linkage between cognition and action, which could indeed be a determinant of the outcome. In this sense, it has become essential to plumb the depths of the cognitive processes running through the mind of the strategist.

The cognitive theory of strategy demonstrates that it is essential to “probe into the mind of the strategist” in order to gain better understanding of the strategic vision of organizations (Mintzberg et al, 1998). Understanding the cognitive infrastructure of strategies will also contribute to the development of a more meaningful strategic analysis of organizations. If a strategy is framed by the cognition of the strategist, the personal values and beliefs embedded in his cognition add a new dimension that need exploration in the process of the strategic analysis.

According to Lenski (1963), "every major religious group develops its distinctive orientation toward all aspects of life in that these orientations profoundly influence the daily actions of its adherents" (Lenski, 1963). Depending on the extent of the individual's adherence to his religion, his religious values and beliefs are also likely to influence his decision-making process. In this sense, the impact of religious beliefs and values on the cognitive process of a strategist during his decision-making process should not be disregarded.

Based on his qualitative study about the impact of the Christian faith of its adherents on their conceptualization of business practices, Werner discovered a strong relationship between certain Christian concepts as distinct frames for, and actions of, devout Christians (Werner, 2008). *Stewardship* was one of the Christian concepts identified in a number of respondent's actions. The concept of stewardship created a sense of accountability to God for their actions. Werner (2008) argues that secular business people might also have a sense of accountability, which also supports Allport's argument that “the thoughts, feelings and behaviour of individuals are influenced by the actual, imagined or implied presence of others” (1985, p.3 cited in Weick, 1995; p.39 cited in Werner 2008). For Christian businesspeople, this presence affecting their stewardship is God or Jesus Christ. As with Christianity, Islamic values have considerable impact on its adherents.

### 1.2 Kierkegaard's Moral Reasoning Model

In this section, I aim to discuss Kierkegaard's moral reasoning model within a strategic decision-making context by illustrating my personal perspective, which will help me compare and contrast business people at different moral reasoning levels: (1) public; (2) aesthetic; (3) ethical; and (4) religious.

**Public:** Individuals at the public level of moral reasoning, the lowest level according to Kierkegaard, seek to achieve conformity with public but without any passion or personal commitment. Thus, social acceptance is of critical importance for the people at this level. They avoid making choices and decisions by themselves; instead, they tend to submit to will of majority of people. In this sense, one can infer that they do not realize their own free will. I observe that there are many individuals, both in Western business and in Islam, who represent this level of moral reasoning

**Aesthetics:** For aesthetics, at the second lowest level of moral reasoning, individual preferences and pleasure are of significant importance. They tend to maximize their individual pleasure and gain, and minimize pain and uncertainty. They are not interested in public ethics or solidarity unless they draw upon a benefit from them, although they are willing to pretend to adhere to popular values to take advantage of others' acceptance of them. Thus, they do not hesitate to take an action at the expense of others for the sake of fulfilling their desires. Individuals at higher levels of moral reasoning would regard those at the aesthetic level as "evil" in their inclinations.

**Ethics:** Ethical people place significant importance on ethical standards and they consider themselves responsible for complying with the ethical standards of the society. In this respect, conforming to society is superior to fulfilling individual pleasures. Ethical people apply Kant's categorical imperative in evaluating their actions based on whether society would work if all behaved as they wish (Sullivan, 1995). Yet, according to Kierkegaard, ethical people may still pursue self-interest and fulfill individual pleasures by conforming to society and its values which may be based on the self-interest of a particular time and place. Therefore, ethical people may not be completely isolated from aesthetic life. To ethical people, the violation of ethical standards is unacceptable, so they commit their lives to follow these standards.

**Religious:** Religious people draw a completely different picture from that of people with the other three moral reasoning levels. For them, surrendering to God's will is superior to fulfilling particular individual pleasures, seeking public conformity, or complying with ethical standards. According to Kierkegaard, ethics may be suspended in the presence of God's commands as was in the story of the Prophet Abraham. In his book *'Fear and Trembling'*, Kierkegaard wrote that Abraham did not hesitate to sacrifice his son, Isaac, to surrender to God's commands even though it went against ethical standards to slaughter his own son (Hong, 1983). Thus, religious people strive to maintain harmony between their values and deeds, and God's will, despite social norms and values.

Kierkegaard argues that the religious stage is the only stage where a man can obtain peace through surrendering to the will of God, who is believed to be the source of infinite serenity. Thereby man can free himself from being a slave to his sensual pleasures (Hong, 1983). However, because he tends to ignore his personal pleasures, he is likely to be considered 'irrational' by aesthetic people who seek to maximize their pleasures. Similarly, religious people regard the aesthetics as irrational' (and 'evil') since they are enslaved by their pleasures and blind to the absolute truth of faith. Thus, religious people consider aesthetic moral reasoning to be a lower moral reasoning level. The main difference between aesthetics and the religious moral reasoning level is that for religious people, God's commands are non-negotiable when they sincerely surrender to God's will; whereas, for aesthetics everything is contingent and could be negotiable for the sake of maximization of benefits. I observe that in

many ways the contents of my Western business education has reflected the contingency thinking and emphasis on personal gain represented by aesthetic moral reasoning.

Ethical moral reasoning is a relatively closer level to religious moral reasoning because ethical people disapprove of selfishly satisfying individual desires and fulfilling individual pleasure. They rather choose ethics over individual preferences if these two come in a conflict. However, in general ethical people do not defer to religious values and beliefs. Therefore, the unique feature of religious moral reasoning is to refer to the divine will. It can be argued that ethical business people and religious business people can be expected to collaborate well as they can find similar objectives that lead them to meet on the same ground, and that they tend to prefer ethical solutions based on more universal principles over particularistic and more self-interested ones.



## 2: Islamic Business Ethics

In this section, I will present Islamic business ethics, which I derived from three ethical axioms based on their emphasis on the primary sources of Islamic philosophy: the Qur'an and Hadith. These axioms are unity, equilibrium and responsibility.

### 2.1 The Islamic Ethical System

Ethics is defined as a set of principles of right conduct or theory or system of moral values. From Islamic point of view, 'Khuluq' is the most closely related term to ethics. The Qur'an uses several term to describe the term of 'Khuluq': Khayr (Goodness); Birr (Righteousness); Qist (Equity); Adl (Equilibrium and justice); haqq (truth and right); ma'ruf (known and approved); and taqwa (piety) (Beekun, 1997).

The unique feature of the Islamic ethical system is that it places its emphasis on the Creator of the Universe, Allah, and adherence to ethical behaviour is regarded as a part of faith (imaan). Moreover, the Islamic ethical system permeates all spheres of human life.

Islamic Ethical Philosophy considers man as occupying the centre of the Universe as he is created as the vicegerent of God on Earth (Rice, 1999). Because of its 'holistic approach' to the human being (Wienen, 1999), Islam gives man two sets of responsibilities. As a servant of God, he is accountable to Him, and as the vicegerent of God on earth, he is responsible for taking care of the environment and society to which he has been entrusted. He acts as God's agent; however, his relationship with the environment and society is embedded in his relationship with God. Therefore, he will be implementing his responsibility to the environment and society in order to please God.

As the worldly life provides an opportunity to man to show his sincerity in submission to the will of God, which in turn enables him to be rewarded with Heaven in the afterlife, Islam constantly emphasizes the importance of ethical values while conducting one's life on Earth. In this way, the worldly life of man is considered inseparable from his spiritual life. Additionally, Islam views different aspects of the worldly life as interrelated parts that should be integrated into man's spiritual life. For this reason, general ethical principles must be applied to all aspects of life, while there are also specific tenets for particular aspects of life.

There are two primary sources for Islam's ethical system: Qur'an and Hadith. The first and foremost resource is the Qur'an, which is believed to be the verbatim word of God as revealed to the Prophet Muhammad in the year 610. The revelation of Qur'an did not occur all at once; rather, it was revealed step-by-step following the events that happened in the society in which Muhammad lived.

The second primary source of Islamic ethics is the Hadith, which is the record of the words, approvals, and practices of the Prophet Muhammad. As stated in the verse below, Muhammad is painted as an example for Muslims while pursuing their worldly and spiritual lives. Since it is

impossible to provide prescriptions for every single detail of spiritual and material life in a book, which is limited in number, as the messenger of God, prophet Muhammad is believed, in the sight of devout Muslims, to be responsible for presenting explanations for details concerning the worldly and spiritual life based on the revelation by God.

"...verily in He Messenger of Allah (God) ye have a good example for him who looketh unto Allah and the last day and remembereth Allah much" (Qur'an 33: 21).

The verse stated above indicates that the messenger, which refers to the Prophet Muhammad in a broad context, is the one whom God encourages Muslims to model themselves after while pursuing their lives. In this respect, Muhammad's recorded words, approvals and practices are of critical importance to Islamic ethical philosophy and have a considerable impact on Muslims' lives.

## 2.2 Islamic Business Ethics

Milton Friedman (1962) stated, "In a free economy, there is one and only one social responsibility of business – to use its resources and engage in activities designed to increase its profits so long as it stays within the rules of game, which is to say, engages in open and free competition, without deception and fraud". Friedman's approach to social responsibility summarizes the contemporary economics system's approach to business ethics. Secular Economics considers the maximization of benefit to be the ultimate goal of an organization. Thus, ethics is not the first and foremost consideration of organizations unless it helps them to make more profit.

In contrast to the Secular Economic system, the Islamic economic system does not hold a primarily materialist perspective to business (Rice, 1999). According to Islam, business activities can be part of worship and obedience to Allah if they are performed in accordance with the Islamic code of conduct.

"The truthful merchant is rewarded (by being ranked) on the Day of Resurrection with prophets, veracious souls, martyrs and pious people" (Hadith- Tirmidhi, no. 1130).

Islam acknowledges the importance of business or trade. In fact, the Prophet Muhammad was a merchant involved in international trade prior to his divine duty. When the Qur'an was revealed to the Prophet Muhammad, he made trips to major trade centres around Mecca in order to spread the message of Islam (Khan, Islam: Its Meaning for Modern Man, 1962). Therefore, trade was perceived as a necessity for introducing Islamic belief to people. Being a communication tool between Muslims and non-Muslims, trade played a significant role in spreading Islam. In this respect, there are specific principles and guidelines concerned with the economic aspect of Muslims' lives in the primary sources of Islam; the Qur'an and Hadith.

The Islamic ethical system has its own distinctive guidelines which are derived from two fundamental notions: *halal* (lawful and permitted), and *haram* (unlawful and prohibited). In order to understand fully the Islamic philosophy, it is necessary to be familiar with this categorization. *Halal* designates any object or action that is permissible to use or engage in; *haram* designates any object or action that is prohibited to use or engage in. Since the Islamic ethical system permeates every aspect of a Muslim's life, including business and commerce, classifications of things as *halal* and *haram* also apply to the economic aspect of a Muslim's life.

“If Allah makes something unlawful, he makes its price also unlawful”(Hadith- Ahmad, no. 2546).

Thus, Muslims are enjoined to avoid trading prohibited items and getting involved in haram professions. Income from the sale of prohibited items and being involved in haram professions are considered unlawful. In this respect, Haram and Helal categorizations draw a framework in the mind of a Muslim businessperson, and act as a filter through which the Muslim interprets things and makes strategic decisions in his business life.

## **2.3 Axioms of Islamic Ethical Philosophy**

### **2.3.1 The Axiom of Unity**

Naqvi (1981) explains that the concept of unity is derived from the belief in one God. The fundamental belief that “there is no God but Allah and none is worth worship except Him” is the foundation of Islamic belief. Thus, the concept of unity calls believers for faith in God to submit to His will. On the plane of human existence, the concept suggests integration amongst believers in their submission to God. The concept of unity also implies the unity of words, thoughts and deeds for believers.

#### **2.3.1.1 Implications of the Unity Axiom**

The integrative function of the unity concept implies that all human beings are considered equal in the eyes of God. The following hadith clearly states that Islam is against discrimination on any basis:

“No Arab has superiority over any non-Arab and no non-Arab has any superiority over an Arab; no dark person has superiority over a white person and no white person has superiority over a dark person. The criterion of honour in the sight of God is righteousness and honest living” (Hadith-Sallam and Hanafy, 1988).

In addition, Islam integrates the political, social, economic, and religious aspects of man’s life into a homogenous whole, which suggests a harmony between the material and spiritual lives of all believers. Therefore, man is encouraged to maintain a balance between his material and worldly life. The concept of unity in Islam also suggests a complete harmony between the words, thoughts, and actions of man (Asad, 1993). Since man is accountable to God, and his treatment in the afterlife depends on his performance in this life on earth, this adds a new dimension to the valuation of deeds in this life (Siddiqi, 1981).

#### **2.3.1.2 Implications of the axiom of unity for business**

Considering the preceding implications, the concept of unity raises certain expectations and applications for business practices: the involvement in honest means when pursuing economic activities; the equal treatment of employees; truthfulness; and the avoidance of non-discriminatory behavior in hiring and promotion. Adherence to these principles of business practice is considered a part of Islamic faith. These universal principles cannot be set aside for an individual contingent advantage.



The unity concept emphasizes maintaining a sincere relationship between the creator- God and the created; humanity. As part of his divine duty, man is obligated to conduct his life in accordance with God's will so that he can maintain his relationship with God. Since Islam prescribes a unified code of conduct, this code is equally applicable to the business aspect of life. Unlike the Islamic approach to the economic aspect of man's life, Secular Economic Theory isolates religious precepts from the business sphere of man's life and dictates that he adapts a secular perspective to economic issues.

### **2.3.2 The Axiom of Equilibrium**

According to Naqvi (1981), equilibrium, at the absolute level, is "the supreme attribute of God". Various verses in the Qur'an suggest that Allah has created the universe with a balance to maintain equilibrium in nature.

"...He hath created everything, and hath meted out for it a measure" (Qur'an 25:2).

At the relative level, as a vicegerent of God on earth, man must strive to maintain equilibrium in the universe. Furthermore, man is held responsible for achieving balance and equilibrium in every aspect of his life; whereby he can maintain equilibrium in the universe.

#### **2.3.1.3 Implications of the concept of equilibrium**

The Prophet Muhammad recommended that Muslims maintain balance between their material and spiritual lives because Islam aims to integrate all aspects of man's life into a homogeneous whole. Contrary to common misconception, Islam, in fact, does not require its adherents to conduct an ascetic life.

"Work for your worldly life as if you were going to live forever, work for the life to come as if you were going to die tomorrow" (Hadith).

As discussed in the preceding paragraph, the Prophet Muhammad encourages Muslims to integrate their spiritual and material lives for the sake of maintaining balance.

At the broader level, people in a society are enjoined to avoid destroying balance in the Universe. Therefore, not only individual responsibility, but also collective responsibility, is considered essential to maintain equilibrium in the Universe.

In Islam, because wealth is considered to be in trust from God, man is expected to acquire and use wealth in accordance with the principles of Islam. Inequalities in economic conditions are permitted in Islam as long as they are the result of differences in skill, initiative, and effort (Chapra, 1992)

As part of its equilibrium objective in society, Islam "aims to establish a social order where all individuals are united by bounds of brotherhood" (Chapra, 1999). For this reason, Islam has the 'zakat' institution that fosters brotherhood between the rich and poor, and reminds people that wealth belongs only to God. Zakat is a proportionally fixed contribution collected from the wealth and earnings of the well-to-do (Qur'an 2:3, 43, 48). Therefore, wealth can be redistributed

through the Zakat institution in accordance with His commands. Thus, redistribution of wealth is considered to be part of the spiritual improvement of man.

“...God loves not arrogant, the vainglorious – (nor) those who are niggardly, enjoin niggardliness on others...” (Qur’an 4:36-37).

In parallel to the discussion above, the verse advises believers to avoid becoming niggardly, which may lead people to hoard their wealth resulting in an imbalance of supply and demand in a society. This principle calls into question the Western business strategic principle of identifying a competitor’s (or a co-operator’s) weaknesses and taking advantage of them.

#### **2.3.1.4 Implications of the axiom of equilibrium for business**

In the economic sphere, equilibrium implies balance in the production, consumption, and distribution functions of a society. Maintaining balance in the universe requires a fair usage of any resources in the environment at an individual and collective level because the Islamic sense of balance, amongst the various aspects of man’s life, aims to produce the best social order in a society. The production and consumption function in a society must stand in certain equilibrium; otherwise, any imbalance amongst these forces may cause injustice and economic troubles in the society. Additionally, since the production and consumption patterns of people in a society are linked to each other’s, people are not supposed to utilize resources inconsiderate of others.

“...So that wealth does not concentrate in the hands of those who are rich among you...” (Qur’an 59:7).

As emphasized in the verse above, Islam does not approve of wealth circulating amongst rich people. This causes inequalities in living standards of people in a society. Consistently, drawing upon Bigsten’s argument (1987), “The banking system, thus, tends to reinforce unequal distribution of capital”. Chapra argues, “while deposits come from a broader cross-section of population, their benefits mainly go to the rich” (Chapra, 2006). Thus, Islam aims to provide a fair standard of living for everyone in a society.

Chapra (1999) notes that “in the Islamic system, even though property is allowed to be privately owned, it is to be considered as a trust from God, because everything in the heavens and earth really belongs to God and man, being the vicegerent of God, enjoy the right of ownership only as a trust”. Thus, since a devout Muslim views resources as trusts from God, he will not utilize them extravagantly. In fact, the verses below remind Muslims that absolute ownership of wealth belongs to God, so they must act in accordance with conditions of the trust if they seek God’s approval for their deeds.

“And give them of the wealth of God which he has given you” (Qur’an 24:33).

“...eat and drink and be not extravagant; surely He does not love the extravagant.” (Qur’an 7:31).

#### **2.3.2 The Axiom of Responsibility**

According to Islamic belief, unlike other creatures in the Universe, only man is endowed with Free Will, which enables him make choices amongst alternatives while pursuing his life.

However, no one may use his or her Free Will at the expense of others. Because of his Free Will, man is accountable to God for his deeds. In addition, being the vicegerent of God on earth, he should realize his position in the eyes of God. In Islam, man's accountability to God is not restricted to one aspect of his life, but he is responsible for his deeds in every aspect of his life.

"...each individual is in pledge for his deeds" (Qur'an 52:20-21).

The Qur'an authenticates the responsibility of individuals for their deeds by this verse. The phrase, in pledge", emphasizes that every individual is fully responsible for his or her acts, and the consequences of the individual's acts cannot be transferred to someone else.

### **2.3.2.1 Implications of the concept of Responsibility**

Man's responsibility to God regulates his relationships with society in Islam. Syed Amir Ali (1922), in his book "The Spirit of Islam", contends that unbridled individualism is not allowed in Islam. Thus, he is given responsibility to take care of society in the way he pursues his life (Ali, 1922). To not act in accordance with the conditions of his responsibility is considered a betrayal of God and his Messenger.

"Muslims are bound by their stipulations" (Hadith, Abu Da'ud, No. 3120).

This verse means that Muslims are responsible for implementing their obligations because Islam promotes acting in a responsible manner as emphasized in the verse below. Responsible behavior is closely related to 'trustfulness' according to Islam.

"O you believers! Do not betray the trust of Allah and the Messenger, nor misappropriate knowingly things entrusted to you" (Qur'an 8:27).

### **2.3.2.2 Implications of the Axiom of Responsibility for Business**

Islam holds its adherents responsible for conducting business within the limits prescribed by God. Various verses and hadith guide Muslims in how they pursue their business dealings. The adherence to Islamic principles in business is considered part of their faith in God.

Islam considers that an organization is accountable to various stakeholders such as stockholders, employees, customers, government bodies, and the environment. Therefore, Islam does not view individual profit as the only compelling force for involvement in business. An organization is responsible to its customers to provide them with goods in good quality and at a fair price. It is condemned to mislead customers about the qualifications of products. Muslim merchants are encouraged to disclose their product's defects, as trust is an essential component in a business transaction.

### 3: Secular Business versus Islamic Business

Islam offers a set of principles that govern every aspect of man's life. Islam recognizes man's personal judgment, but Islamic guidelines aim to create a just system that maintains a fair balance in the interests of individuals in a society. Otherwise, if man's personal judgment were the one that governs his life, it would be most likely that there would be people who work only for their own self-interests and ignore others' interests.

Considering the fact that 'divine guidance' is the fundamental component of Islamic economic system, it sets a gap between the Islamic way of business and Western secular business. The divinity aspect of economic activity of a Muslim businessperson sets him apart from a Western businessperson whose main criterion in his involvement in business is to maximize his benefit. As stated in the previous chapters, Islam determines a divine duty for devout Muslims to get involved in business that is beyond mere profit. In this respect, an Islamic businessperson would differ in his or her way of doing business from a Western businessperson. However, because the main objective of commerce is to make profit regardless of the moral reasoning levels of businesspeople, the secular businessperson and the Islamic businessperson would meet on the same trade ground. This compelling force of trade may get them together to work collaboratively or set them apart to compete with each other while serving in the same market.

According to the Secular Economic System, 'Economic Man' is described as a rational individual who tends to aim for maximizing his utility. Based on the 'self interest' principle of Economics, if every individual acts in his own best interest, then total welfare will persist in the society. Thus, the utility maximizing behavior of the Secular Economic theory promotes a selfish way for pursuing business and focuses on the desires and wants of 'individuals'. In this respect, considering Kierkegaard's Moral Reasoning Model, people adapting utility maximizing behavior may be categorized as 'aesthetics'.

Utility maximizing behaviour is constrained in two ways in Islam: Muslims are prohibited from being involved in 'haram' business professions and from trading 'haram' goods. Since Islam draws a distinctive line between haram and helal engagements, devout Muslims are encouraged to avoid involvement in haram professions, and to earn a living through helal professions. Secondly, a Muslim businessman is enjoined to not only avoid getting involved in 'haram' business professions, but also to earn his living through 'helal' means. Namely, even if he trades 'helal' goods, but cheats in measure and weights, his earnings are considered 'haram'. Hence, both means and results must be in accordance with the principles prescribed in Islam.

A Muslim is not approved to support himself at the expense of others because Islam views social welfare as beyond the individual satisfaction. If one seeks to fulfill one's own desires without any consideration of others, then injustice is most likely to emerge in regards to the allocation of resources on Earth.

#### **4: Conclusion**

The purpose of this essay was to explore the impact of Islamic values on the strategic decision-making processes of Muslims. A set of axioms was introduced to systemize and summarize the ethical philosophy of Islam. The three ethical axioms (unity, equilibrium, and responsibility) represented the Islamic ethical codes of business. Propositions and business implications arising from the fundamental axioms elaborated on the notion of Islamic business ethics. The extent to which the conceptual framework of Islamic business is inconsistent with contemporary business practices was explored by comparing Islamic values related to Islamic business practice with comparable Western business practices. The Islamic framework serves as a counterpart to some of the Western business principles and practices.

This study demonstrates that in contrast to secular Western principles, Islamic principles accentuate the divine aspect of business. The divine perspective on business affects the cognitive processes of Muslims while creating business strategies and conducting their business activities.

Having built on a personal case, this study aimed to introduce my personal implications in order to provide deep insights into the issue.

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Al -Qur'an(610- 632 A.D- Revealed during this period)

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**Title:** MORAL SUPERIORITY OF PASSIVE EUTHANASIA - A MYTH  
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## MORAL SUPERIORITY OF PASSIVE EUTHANASIA - A MYTH

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### **Introduction**

An enquiry into history of medico-ethical practices tells us that euthanasia is an intentional termination of the life of a patient, suffering from an incurable disease, for the sake of patient's own good. However, 'suffering from an incurable disease' though a necessary condition of euthanasia, cannot be considered as its sufficient condition. For example, patients suffering from an incurable disease like cancer do not fall under the scope of euthanasia as long as their condition can be improved. Hence, to fall under the purview of euthanasia an incurable disease must necessarily lead to an untreatable condition. It is noticed that in case of euthanasia, the concerned patient besides being sick and decaying, *most often* suffer from an intense pain. But feeling intense pain is neither a necessary nor a sufficient condition of euthanasia - for example, consider the case of those patients who are in permanent vegetative state and those who are severely demented. However, it must be acknowledged that untreatable condition along with painful existence make a strong case for euthanasia. The act of euthanasia is justified on the basis of the end it brings to the patient i.e. death. But mere death can hardly justify an action. Here, death is qualified by the term 'good'. Euthanasia etymologically means good death. In case of euthanasia death is considered to be good for the patient in a negative sense i.e. freedom from evil existence. It is diseased, decayed and pain-wrecked existence which is considered to be evil here and so judged as not worth to be prolonged. In the context of euthanasia, as we all know, sometimes the above judgment may be made by the patient himself. However, the patient himself is not the final judge. A group of medical professional enquiring into the validity of the situation, if they realize so, accedes to his judgment and thereby terminates his life. In some other situation, decision is made by a third party - mostly medical professional along with the patient's family members - on patient's behalf due to patient's incapacity to understand the worthiness of his own life. Besides these, there is another situation where the patient himself has a wish to continue living, but the medical professional on the basis of the patient's medical condition judges his life as not worth to be lived and thereby terminates the patient's life. In medico-ethical terminology, such a practice is known as involuntary euthanasia. This latter practice has been widely rejected in medical ethics. However, termination of life, in all these situations mentioned above, can be made possible in two ways:

- 1) through administration of a lethal substance in the concerned patient's body
- 2) by withdrawing or withholding or refusing life-sustaining treatment of the patient.

The former method is known as active euthanasia and the latter as passive euthanasia. In medical ethics, a long standing controversy prevails regarding the moral status of these two methods and it is the latter method which has been widely accepted in medico-ethical



practices of those countries where euthanasia has been legalized. In this paper we will try to show that the standard practice of bestowing a superior moral status to passive euthanasia over active euthanasia is based on a pseudo-logical argument. The next section of the paper will provide a brief introduction to both the methods.

## II. Methods of Euthanasia

### Active euthanasia:

It is an intentional termination of a patient's life that is incurably ill, through administration of a lethal substance such as an injection of a muscle relaxant potassium chloride by a physician (or any health worker). In case of active euthanasia patient's death is claimed to have been caused by the physician's action (applying a foreign substance) rather than the underlying disease.

### Passive euthanasia:

It is an intentional termination of a patient's life who is in an untreatable condition of his deadly disease, through withdrawal or withholding of his life-supporting treatment by a physician -which otherwise would have delayed patient's death- with a view to end the patient's painful existence. Here, physician aims at shortening of patient's life by a deliberate omission which includes:

- Not treating a treatable illness, for example, not treating infant with severe defect of Spina bifida for pneumonia so that it may die of pneumonia.
- Withdrawal of treatment, for example, withdrawal of food and fluids from a person in a persistent vegetative state.
- Refusal of treatment, for example a person with motor neuron disease refusing ventilation due to chest infection.

In Passive euthanasia, patient's death is thus claimed to have been caused by the underlying disease rather than by a lethal substance administered by a physician. Death is projected here as 'just allowing nature to take its course'. The intrinsic difference between active and passive euthanasia lies in their methodical application. In the former case we actively apply something which is life-taking; whereas in the latter case we withdraw/withhold/refuse something which is life-sustaining.

These two methods prevailing in practice of euthanasia have given rise to a controversial moral issue: Is the methodical difference between active and passive euthanasia predisposed to give rise to any moral difference between them?

The council of Ethics of **American Medical Association** (AMA) as well as **British Medical Association** (BMA) claims that there is a moral difference ingrained within the methodological difference between both the methods and it is the latter method which is morally preferable to the former. Supporting passive euthanasia, the Council of Ethics of AMA has stated: "It is not unethical to discontinue life-prolonging therapy in patients

with PVS".[1] On the other hand, commentators like James Rachels and Peter Singer are of the opinion that there is no moral difference between Active and Passive euthanasia. In the next section, we will mention some of the arguments advanced in support of passive euthanasia and will chiefly concentrate on the argument that passive euthanasia is 'letting die'.

### III. Arguments For Passive Euthanasia

It is noticed that commentators who prefer passive euthanasia to active euthanasia have tried to justify their standpoint on the following grounds:

- 1) It is claimed that active euthanasia violates a conventional moral code 'not to kill' specifically, any innocent human being whereas passive euthanasia does not.
- 2) Commentators have tried to defend passive euthanasia taking recourse to the doctrine of Double Effect. Defenders of the passive euthanasia on the basis of Double Effect doctrine argue that in active euthanasia death is directly intended whereas in passive euthanasia death is merely foreseen and hence there is a moral difference between these two methods. To explain the fact more clearly, they believe that in case of passive euthanasia, even if A foresees that B will die as a consequence of his withdrawal of the life-supporting treatment of B, B's death is only foreseen and not directly intended by A. The direct intention here is to kill the pain not the patient. On the other hand, in active euthanasia when A gives lethal injection to B, he directly intends to kill B. Here, what the commentators intend to say is that in both the cases of active and passive euthanasia intentions are different.
- 3) Some moral theologians have tried to defend passive euthanasia by making a distinction between ordinary and extra-ordinary means of treatment. They argue that though it is obligatory to extend ordinary means of treatment to the patient, extension of extraordinary means of treatment is not obligatory and whether a treatment is extra-ordinary or ordinary depends on the physical condition of the patient. They regard e.g., the use of respirator, in the case of a person in coma as extra-ordinary treatment.
- 4) Arguments have been proffered in favor of passive euthanasia on the ground that passive euthanasia is a case of 'letting die' whereas active euthanasia is a case of 'killing' and killing is always morally worse than letting die. It is believed that in applying active euthanasia one performs an action whereas in passive euthanasia one withdraws himself from an action. In other words, it is said that in case of active euthanasia death is actively brought about whereas in case of passive euthanasia death occurs. It is believed that in the former case it is disease which causes patient's death whereas in the latter it is physician who causes patient's death.

Here, in this paper an attempt will be made to examine the stance of passive euthanasia proponents chiefly by analyzing the fourth argument. Those who argue that there is a moral difference between killing and letting die and the former is morally worse than the latter, have tried to defend their position on the following grounds:

- First, it has been argued that when A kills B, he causes the death; whereas if A merely lets B die, something else causes death and so A is less blameworthy.
- Second, it has been argued that the difference between killing and letting die consists in the difference between action and inaction. When somebody causes an outcome, he does something but when he merely allows it to happen, he passively stands by and does nothing. On this basis it has further been said that the difference between action and inaction is the difference between moving one's body and not moving one's body.
- Third, the duty not to kill is completely dischargeable: most of us can go our whole lives without killing anyone. But we cannot avoid letting die. A general duty not to let people die would be impossible to fulfill.[2]
- Fourth, in case of killing, the victim's death is ensured whereas in case of letting die victim's death has not been ensured for there still remains the possibility open that someone might come along and save him. So under all perilous circumstances it is better to be left alone than being killed.
- Finally, some philosophers believe that letting die is not as bad as killing because of the difference in the intentions that accompany the two kinds of action. Someone who kills typically intends to bring about death; whereas someone who merely lets die usually has a different intention.[3]

On these grounds a moral distinction has been maintained by thinkers between active euthanasia and passive euthanasia arguing that the latter being a case of letting die is more humanistic and demands less moral responsibility.

#### **IV. Rejoinder Against The Arguments For Passive Euthanasia On The Basis Of the Distinction between Killing and Letting Die:**

- 1) The argument that in case of passive euthanasia, disease is responsible for patient's death whereas in case of active euthanasia responsibility lies with the physician cannot be appreciated. If a physician is made responsible for initiating a process (injecting a lethal substance) then why should he not be made responsible for obstructing a treatment process (withdrawing a life-supporting treatment), since in the latter case, in spite of having all the equipments to prolong a patient's life, the physician refuses to undertake the process with a view to hasten patient's death. Making a survey on demented patients, Peck, Meyers and Godin note that "the terminal phase of dementia may be prolonged for months or even years" if supportive care such as artificial nutrition is administered [4], and similar is also the case with patients in persistent vegetative state [5].
- 2) Against the argument that duty not to kill is often dischargeable whereas letting die cannot be avoided, it should be noted that 'letting die' must be qualified by the term 'incapacity' if it is to be considered as morally superior to killing. It is admissible that one cannot be condemned morally if he or she let someone die out

- of incapacity. For example, A cannot be morally condemned for not saving B who is drowning, if A does not know how to swim. But if A does not save B in spite of having been able to save B, he would be definitely condemned morally. In this context, it should be noted that since both active and passive euthanasia are just two different methods, other things remaining the same (i.e., physician's capacity or incapacity in a specific situation) one cannot demand moral superiority over the other.
- 3) The argument that 'in case of killing, death is ensured whereas in case of letting die death is not ensured' also cannot be accepted in the context euthanasia. **American Academy of Neurology** asserts that "withholding life-sustaining therapy may shorten life" [6]. Consider the case of a Spina bifida child who is denied antibiotic after contracting a chest infection (e.g. pneumonia) with the hope that he or she dies soon without much suffering. In such a situation, lifespan of the child can be extended only by providing the required dosage of antibiotics. The purposeful refusal of the treatment by a physician terminates all possibilities of prolonging patient's existence.
  - 4) The fifth argument claims that since in case of active euthanasia intention is to bring about death and in passive euthanasia to end the dying person's suffering and hence they have different moral value(s). This argument is highly condemnable. Euthanasia by definition is intentional termination of the life a patient. Hence, acceptance of the above mentioned position abandons the definition of euthanasia or the term passive euthanasia becomes meaningless.

It seems that any moral distinction brought between active and passive euthanasia on the basis of the distinction between 'killing' and 'letting die' is outcome of the misconception from which advocates of passive euthanasia suffer. In the next section an attempt will be made to show the futility of their standpoint clarifying the concept of passive euthanasia.

## V. The Concept of Passive Euthanasia Analyzed

Is passive euthanasia really a case of letting die? It is to be noted that there are two senses of 'letting die'. In one case, a person A may let another person B die deliberately or with prior intention whereas in the other case, it may happen that a person A let the person B die as he had no other alternative. In the former case, A can be held responsible for his action assuming that he could have acted otherwise but in the latter case A is not held responsible for his action believing that he had no other option. So understanding in this sense, the former case of letting die can be termed as a case of causing death whereas the latter case cannot be so considered. It should be noted that Passive euthanasia can be considered as a case of letting die only in the former sense. It cannot be so considered in the latter sense. Euthanasia, both in its active and passive sense means deaths that are deliberately and knowingly brought about in a situation where the agent could have done otherwise. Let us consider the following two cases:

- 1) infants born with extreme pre-maturity who suffer such severe bleeding in the brain that they would never be able to breathe without a respirator and would never be able even to recognize another person; and

- 2) infants lacking a major part of their digestive tract, who could only be kept alive by means of a drip providing nourishment directly into the bloodstream [7].

Here, withdrawal of 'respirator' in the former case and withdrawal of 'drip' providing nourishment in the latter case would be treated as cases of non-voluntary passive euthanasia. In both the cases, life-sustaining treatment has been withdrawn deliberately knowing that such withdrawal will hasten patient's death in respective cases. Hence, passive euthanasia in its proper sense should be understood as 'making happen' rather than 'letting happen'.

However, James Rachels observes that the most common argument claiming moral advantage of the passive euthanasia over active euthanasia is that "in passive euthanasia, the doctor does not do anything to bring about the patient's death. The doctor does nothing, and the patient dies of whatever ills already afflict him. In active euthanasia, however, the doctor does something to bring about the patient's death: he kills him"[8]. Proponents of passive euthanasia believe that in passive euthanasia remaining passive, physician let the patient die a natural death. Actually futility of their stance lies in their lack of proper understanding of the meaning of 'passive euthanasia'.

According to the Oxford English dictionary, to remain passive means to 'accept or allow what happens or going to happen without any resistance.' But while applying passive euthanasia to a patient, do doctors remain really passive in this sense? Not actually. It should be noted that in applying passive euthanasia a physician withholds a life-sustaining treatment which is sufficient to cause patient's death. It may be stopping of any particular medical treatment and support systems considered to be inevitable for the survival of a patient suffering from a particular disease. It may be withdrawal of basic medical treatment e.g. providing food, fluid or water or may be withdrawal of respirator, medicine etc. as the cases demand. Hence, instead of just accepting or allowing what is going to happen, physician actively takes part in the situation. Moreover, passive euthanasia being by definition, "an intentional termination of a person's life suffering intensely from an incurable disease" here, physician's intention always remains to reduce the span of a person's life to zero through withdrawal of life-sustaining medical treatment.

Our hunch is that those commentators who prefer passive euthanasia consider death taking place in passive euthanasia as 'nature taking its course' suffers from two confusions: 1) Confusing an action with an event and 2) confusing a means-end relationship with a cause-effect relationship.

- **A) First Misconception - *Confusing Action With Event***

An event is something what happens whereas an action is always done by somebody. In passive euthanasia since, physician only withdraws life-sustaining medical treatment, it is believed that death, here, occurs naturally. It merely happens. It is caused by disease instead of being caused by any human agency. On the other hand, in case of active euthanasia death is claimed to be caused by the physician who plays an active role in the problem. This is the fact which has prompted many thinkers to consider passive euthanasia as more desirable, whenever need for euthanasia arises. Hence, many

commentators have tried to defend passive euthanasia under the impression that it is an event- a natural death. But is passive euthanasia really an event?

Let us look into the differences between an action and an event:

With regard to an action it can always be legitimately asked 'who did it?' 'Why did he do it?' Presence of human agent is the most fundamental characteristic of all action considered as moral. On the other hand, with regard to an event it can only be legitimately asked 'how did it happen?' Events are something that merely happens and the reason behind them may be nature itself or something supernatural, as people believes them to be. No human being can be held morally responsible for any event as it cannot be so evaluated.

Passive euthanasia cannot be considered as an event in this sense. Regarding death resulting from the withdrawal of life-supporting treatment, it can be legitimately asked 'who did it?' and 'why?'

Another distinction between action and event is that "in the experience of acting there is an inseparable feeling of my doing it. This feeling implies that I am aware of my initiating or originating a change intentionally or purposely. Since I do it, I am responsible for it". [9] On the other hand such feeling is absent in case of an event.

It seems that those who have argued for passive euthanasia are under the impression that in case of passive euthanasia when death occurs, the physician do not have the feeling of initiating or originating it and so he is having the idea that he cannot be held responsible for an action which he has not initiated. On the other hand, in applying active euthanasia, the physician is bound to have the feeling of initiating death of the patient and so he cannot avoid moral responsibility. The ineffectiveness of this feeling can be proved with the help of this imaginary example. Imagine the case of a terminally ill patient who is in coma. Two different bottles are attached to two different tubes of the kind used to provide an intravenous drip. One bottle contains lethal injection and the other bottle contains fluids which patient is receiving essentially for his survival. Now life of the patient can be terminated in two ways- either by flipping the switch of the tube which will allow the patient to receive the lethal drug and as a consequence patient will die or by switching off the other tube through which patient receives food essential for his survival. In such a situation, do you think that the physician who is in charge of operating the first tube will have the experience of initiating the death of the patient, whereas the physician who is in charge of operating the second tube will not have the feeling of initiating the death of the concerned patient ? This is something absurd. In both the cases, physicians will experience the feeling of initiating the death of the patient and therefore cannot avoid the feeling of moral responsibility for the decision taken.

Another important distinction between an action and event is that action is intended but event is unintended. It should be noted that when passive euthanasia advocates are arguing from the Double Effect doctrine the crux of their argument is that death is unintended result of withdrawal, withhold or refusal of life-sustaining treatment done with a different intention. Death is merely foreseen. But to say that 'death is unintended' is equivalent to saying that 'death is an event.' In case of passive euthanasia, however, death is not unintentional. Moreover, according to the Oxford dictionary meaning to

'foresee' means 'to be aware of something beforehand.' Hence, how can it be said of a physician withdrawing life-supporting treatment that death is not intended by him when he is aware of the fact that death will be ensured as a result of such a withdrawal? Foreseen consequences of an action, at most, can be considered as indirectly intended if not directly intended.

- **B) Second Misconception - Confusing Means- End Relationship With Cause-Effect Relationship:**

It seems that those who consider patient's death as occurring in passive euthanasia as an event have actually confused means-end relationship with the cause-effect relationship which is likely to generate wrong ethical implication. The difference between means-end relationship and cause-effect relationship is that the former relation involves human agency, whereas the latter does not. E can become an end of action 'x', only if 'x' has been done by somebody with an intention to bring E, and so is also the means. 'C' can become means to achieve E, if and only if it has been employed by somebody with such an end (i.e. E) in view. On the other hand, 'E' can be the effect of 'C', if and only if certain conditions are fulfilled, presence of human agent is not necessary here. Furthermore, so far as the latter relationship is concerned, when C is causing E to come into existence, it follows the law of nature and that is why the phenomenon is considered as a natural event. On the other hand, when someone is using C to produce E, it is considered as a voluntary action which can be judged as either moral or immoral. Hence, as pointed out by Prasad, the main line of distinction between a cause-effect relationship and a means-end relationship is that "*Nobody is to be blamed or praised for something being the cause of something else, but one can be for using something as a means to procure something else which may be its natural effect, or even for having something as his end*" [10].

The advocates of passive euthanasia have failed to notice this difference and as a result have confused one relation with the other. They have analyzed passive euthanasia in terms of cause-effect relationship (i.e. disease is the cause and death is the effect) instead of means-end relationship which has rendered them unable to judge its ethical implication in a proper manner. Proponents of passive euthanasia believe that patient's death in passive euthanasia is a mere event where physician as an agent has no moral role to play. But futility of their standpoint becomes clear if we consider certain characteristics of an intended action. All intended actions are actions done with an end view which can be explained in terms of a means-end relationship. For example, when we say that 'E' is the end of action 'X', it implies that

- 1) X is an action which involves human agency and of which it can be meaningfully asked why he did it.
- 2) X is an action of which we can have rational explanation.
- 3) X is an action which cannot be done unintentionally, automatically or habitually without properly reflecting upon it. It can be done consciously and requires proper self-reflection.
- 4) E is not the accidental, unintended result of action x.

It should be noted that passive euthanasia as an incident involves all these implications. When a physician withholds life-sustaining treatment of a patient in an incurable condition, to hasten his death, he uses the method self-consciously, not habitually.

Moreover, if asked, the physician can provide rational explanation for his such and such refusal or withdrawal. And, it would be absurd to say that the concerned patient's death for the physician is a sudden occurrence.

The proponents of passive euthanasia have failed to notice that the relation that a physician establishes between disease and death through his methodical application is a means-end relationship not a mere cause-effect relationship. For e.g. when the ventilator is withdrawn in case of a terminally ill patient (who is surviving through the ventilator) by a physician and the patient dies, the physician is allowing his diseased condition to take away his life. Means – end relation inevitably requires an agent who has reason for doing something and who can use some means to do something thoughtfully and that is what a physician does in passive euthanasia.

Prasad has pointed out that any confusion between a cause-effect relationship and means-end relationship is likely to generate a pseudo- logical argument of the following form:

*One is not to be blamed (or praised) for the fact that C produces the effect E. Therefore, he is not to be blamed (or praised) for using C to produce E [11].*

The argument is a pseudo one because 'C' producing 'E' in the premise is not the same as 'C' producing 'E' in the conclusion. Similar is the case with 'E'. And, it is surprisingly noted that those who prefer passive euthanasia to active euthanasia, have a standpoint formulated on the basis of the above-mentioned pseudo-logical argument which in turn generates a wrong ethical judgment i.e. passive euthanasia is morally superior to active euthanasia. The argument on the basis of which they support their thesis is likely to take the following form:

*A physician is not to be blamed (or praised) for the fact that disease produces the effect death. Therefore, physician is not to be blamed or (praised) for using disease (by not giving required medicine) to secure death.*

Take for example, a case of non-voluntary passive euthanasia where a physician refuses to give antibiotic to children severely infected by Spina bifida, in case they are suffering from pneumonia. Physician wishes to see these children dying because of pneumonia. Here, if physician is charged for causing death of the patient, being an advocate of passive euthanasia he will argue in the following manner in support of his thesis:

*I am not to be blamed or (praised) for the fact that pneumonia produces the effect death. Therefore, I am not to be blamed (or praised) for allowing/using pneumonia (by not-giving required antibiotic) to produce death.*

This argument is an invalid one. Because, the 'pneumonia' causing death in the conclusion is not the same as the pneumonia causing death in the premise; in the premise 'pneumonia' is not just a cause but has become a means employed by the physician to attain his desired end. Similarly, 'death' as appearing in the premise is a mere effect, whereas that of the conclusion is physician's end.

It is true that a physician cannot be blamed or praised for something being the cause of something else, but he or she can be for using something as a means to achieve



something else which may be its natural outcome, or even for having something as his end. And, since in case of passive euthanasia through withdrawal, withhold and refusal of treatment a physician uses disease to hasten death of the concerned patient, he should be held as much responsible for his action as a physician engaged in a case of active euthanasia.

## VI. Conclusion

To conclude, since intentions of both passive euthanasia and active euthanasia are the same i.e. to bring an end to patient's suffering through death and it is the intention of an action which determines its identity, hence one method cannot command moral superiority over the other. It is of course possible that intention behind an action does not tally with its outcome, as the advocates of passive euthanasia claim their case to be. However, in such a case intention of the physician, applying the passive method, can be very well known from the context in which it has been done i.e., for releasing a terminally ill patient from his unending suffering for the patient's own good and similar is also the case with active euthanasia. In medico-ethical practices, both these methods are claimed to be applied by the physician out of compassion for the concerned patient. Hence, motive, intention and outcome of both the methods being same, their moral status can be judged on the basis of their intrinsic features as well as impact of their application on patient.

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**The Problem of Scientific Truth  
(An Epistemic Perspective)**

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**The Problem of Scientific Truth**

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The aim of the paper is to show that, the hope we had and, some people still do have, that science will provide us the truth, concerning most important questions that are always bothering our minds, has now been transformed into a strong scepticism regarding the nature of science and scientific knowledge itself. In fact, the paper argues that science, instead of progressing towards the truth concerning reality, has taken the opposite direction and, deals with everyday mistakes it does. The number of mistakes, it does, are not just great but they are growing rapidly everyday. This situation is keeping science busy with itself and does not leave room for it to deal with reality. Most of the scientific knowledge of one era becomes an illusion in the next one. Some of it may still be counted as knowledge but we are not sure whether it deserves to remain as such or, we still are unable to realize that, it is not more than an illusion. From the beginning of modern time till now the situation regarding our knowledge of reality has not improved in any important respect; in fact the situation is getting worse all the time. The process of learning and studying is not enlightening us at all about the true understanding of reality; on the contrary, it only strengthens our scepticism concerning the reliability of scientific claims.

The attempt to differentiate knowledge from what is not knowledge starts with Plato. This, in fact, was the purpose for introducing the word episteme. The problem was to distinguish between episteme (real knowledge) from doxa (dogma and opinion). Thus episteme, for its first time user, meant knowledge. Moreover, for Plato, every knowledge could not be classified as knowledge, but only that kind of knowledge which fits reality, consequently episteme meant “true knowledge”. Thus a claim to knowledge involves the truth of what is claimed, was the creed that ancient, medieval and modern philosophers and scientists held concerning knowledge. Although there are essential differences in the conception of reality among the epistemologists of positivistic and pre-positivistic period, as is the case with Plato and empiricists, they all assumed that true knowledge is that knowledge which fits reality. In this context episteme for Plato was as infallible as scientific knowledge for the modernists and the positivists. Another characteristic of knowledge, for this period, is its being considered as an objective conclusion. Thus objectivity and certainty were the necessary characteristics that a claim should possess in order to be counted as knowledge. The behaviour of modern mentality with science does not differ from the behaviour of religious mentality with religion. Modern mentality blindly believes in what is

scientific and religious mentality blindly believes in what is religious. There is not difference between science as it is comprehended by modern mind, and religion. Both are religions, in the sense that, both are indubitable foundations for their fancies.

## **CONTEMPORARY CONCEPTION OF EPISTEME (SCIENTIFIC TRUTH)**

Contemporary epistemology refutes the classical conception of knowledge as that which is based on some indubitable foundations. What remains unchanged about science and philosophy, in general, in contemporary thought, is their being the pursuit of truth. But, it is a fact that scientific conclusions regarding reality are no longer undisputed. They are always subject to conditions and, therefore, change. This means that the contemporary epistemic outlook, in science and decision-making process, has changed its presupposition. "Stability of knowledge can no longer be guaranteed".<sup>1</sup>

According to contemporary epistemologists, scientific knowledge is subject to change, not in the sense that it can no longer claim scientific status, but, in the sense that, even scientific knowledge is subject to flux and change. Thus absolute certainty is not necessary for knowledge. Knowledge, according to contemporary epistemologists, requires reasonable justification not absolute certainty.<sup>2</sup>

We will never be able to specify when a conclusion will be changed, or when it will be reasonable to doubt it in terms of knowledge about some sort of reality. But, the possibility of change must be granted. The obvious fact of this instability of scientific knowledge compelled the scientist to distinguish

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<sup>1</sup> Feyerabend, Paul. *Philosophical Papers* (Cambridge: Cambridge University Press, 1981; 2: 71.

<sup>2</sup> Garrett Thompson. *An Introduction to Modern Philosophy* (San Francisco: Wadsworth Publishing Company, 1993); 17. John Dewey in his Gifford Lectures, *The Quest for Certainty*, (1928) made the point that even Descartes and his followers thought of scientific knowledge as something that is conducted in order to play it safe in terms of reality. They were searching in order to attain absolute secure knowledge.

between reality and scientific conclusion, concerning the reality, or, between the truth that we try to understand and our understanding of it. An interesting explanation of these two kinds of truth we find in Herald Brown.<sup>3</sup>

He refers to the given, or the truth that we try to define as  $T_1$  and this represents, for him, the reality as it is, in itself. After his research concerning  $T_1$  the scientist comes to the conclusion equating it to Reality. This conclusion by the scientist, after its being accepted by the scientific community as such, represents scientific truth concerning the reality to which he refers to as  $T_2$ . Bases on this situation every scientific conclusion is  $T_2$ , because it contains in itself the possibility of being changed in the future.<sup>4</sup> It also should be added that Whitehead already warned, in 1925, about the absolutist claims of scientific conclusions. In his book *Science and the Modern World* he points to the "Illusion of Finality" among positivistic oriented scientists.  $T_2$  is equal to  $T_1$  if, and only if, we have the adequate expression of reality, about which we can never be sure. It is clear that scientific truth, in contemporary Western philosophy is based, neither on indubitable foundation, nor on individual efforts.<sup>5</sup> Every conclusion made by any individual scientist in any field must be tested and consensus reached by the community of scientists in the respective fields, For as Brown claims:

*Scientific knowledge in any era is what the scientist actively takes as such, and the scientific knowledge of an era maybe*

<sup>3</sup> Harold Brown. *Perception Theory and Commitment*, (Chicago: Chicago University Press, 1977); 151-2. Again, the pioneering work and classic in the philosophy of science in its own right, E. A. Burt, *The Metaphysical Foundation of Modern Science* (New York: Anchor Book, 1923, and many reprints, thereafter, has shown convincingly, by using Newton as a case study, that science, indeed, operates on the basis of presuppositions. See R. G. Collingwood, *Essay on Metaphysics* (Oxford: Oxford University Press, 1958), who works out a metaphysics of presupposition.

<sup>4</sup> Stephen Toulmin is useful in dealing with this situation, see his two volumes, *Understanding* (Oxford University Press, 1975).

<sup>5</sup> This conception of Truth, being part of the future, and, therefore subject to change is Peircean in character. See Nicholas Rescher's *Peirce's Scientific Method* (Pittsburgh: Pittsburgh University Press, 1985).

*rejected as error in the next. But the rejection of previously accepted claims will itself be made on the basis of the currently accepted views, which are themselves fallible.*<sup>6</sup>

It is clear by now that, contemporary conception of scientific knowledge, or episteme, defers from pre-positivistic and positivistic conception of knowledge in two important points: first, that scientific knowledge is an intersubjective decision and, second, it is always subject to change. For *"There is always the possibility that new form of thought will arrange matters in a different way and will lead to a transformation even of the most immediate impressions we receive from the world."*<sup>7</sup>

According to contemporary epistemologists the myth of objectivity and absolute certainty is replaced by intersubjectivity and scientific truth. Until recently, scientific knowledge was considered the infallible truth about the world. The priority of science to other kinds of inquiry consisted in its producing a verified or confirmed knowledge i.e. knowledge which is based on practical consequences. For contemporary epistemologists individual verification is not sufficient in assessing the truth of a scientific statement. Hence, a discovery can be called scientific, only if it is accepted by the consensus of the participants, or observes as such. In a scientific research, the individual scientist, observes particular facts of experience, collects these facts, and then comes with a conclusion about the observed facts. The conclusion drawn from the observations or experiments of these facts have to be confirmed and accepted by the consensus of other participations as well. Thus for postmodern epistemologists, the consensus of the participants is counted as the basis for every scientific inquiry. This gives scientific research the character of a team work. The work of the investigator in the scientific investigations consists in the interpretation of the collected facts, and in the fact that the discoverers give their reports as a result of their observations. For, as Feyerabend maintains, *"The history of science, after all, does not just consist of facts and conclusions drawn from facts. It also contains ideas, interpretations of facts, problems created by conflicting interpretations, mistakes, and so on."*<sup>8</sup> Our knowledge of the world begins by the study of the appearances in it. The real world for us is our experience of these appearances. No individual decision about an appearance can be counted as true, until it is confirmed and accepted by the wider insight as such. With our ideas and opinions we try to formulate the real contents of our experience. This formulation of the individual observer of any

<sup>6</sup> Herald Brown. *Perception Theory and Commitment, op. cit.*, 151.

<sup>7</sup> Feyerabend. *Philosophical Papers*, *ibid.*, 71.

<sup>8</sup> Paul Feyerabend, *Against Method* (New York :Verso, 1988 ), 11.

field has to be confirmed and accepted as such by a group of observers of the same field in order to be counted a scientific truth. A true opinion can be counted as true, only if it expresses a view that is confirmed by the consensus of the participants. A false opinion, on the other hand, is the one that is not accepted as such by the wider insight. Scientific knowledge, for contemporary epistemologists, is fallible, and that which decides about the truth and falsity of such knowledge is again the consensus (community) of the researchers i.e., participants. There is no single idea that can represent the truth about a fact forever, because conditions making possible our decision about it are timeless. They are always subject to change. As a consequence scientific reality is also subject to change, not in the sense that it must be changed, but in the sense that it may be changed, and it will always depend upon the community of the investigators and what they will discover to be the case in the long run.

In the process of education the present generation is analyzing, criticizing and interpreting present knowledge to the new generations. This is what we do in our universities and other institutions of knowledge, whether the ideas accepted as true today will remain so in the next generation depends upon them. Therefore, future is a part of today's knowledge. It is mainly this process that gives scientific research an infinite character. We can offer no guarantee that truth, as we accept today, will remain the same in the future. It simply depends on the next generations and it remains to be their problem. Scientific decisions are subjective opinions accepted as such by other subjects in the fields, not necessary objective guidelines. Knowledge is a conclusion that has been acquired by human investigators. The final word about its truthfulness belongs to investigators i.e., subjects not to objective criteria. *"...subjectivism signifies intercultural equality and respect. The world as it truly is (if indeed it may ever truly be said to be anything) is made up of tremulous subjectivities; objective facts and generalizations are the expressions and tools of domination"*<sup>9</sup> Contemporary epistemologists *"...attack the long-standing belief in objectivity. Because it is impossible to build an argument or interpret an event or even gather data without a purpose and perspective, objectivity in the traditional sense becomes a myth. Something like objectivity may be attained; however, through intersubjectivity: that is an aggregation of interpretations from various perspectives may yield as nearly an unbiased picture as we can obtain."*<sup>10</sup> We must make the students aware that *"we generally assume that the material we teach, if not actually verified as true, is at least accepted by a scholarly*

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<sup>9</sup> Ernest Geller, *Postmodernism Reason and Religion*, (London: Routledge 1992) 26.

<sup>10</sup> Nel Noddings, *Philosophy of Education*, (Westview Press, 1998), 73.



*community as not false. We recognize that today's scientific knowledge may be falsified or revised in the future, but we do not intentionally transmit to our student's material that is false or misleading*"<sup>11</sup> Thus for the contemporary epistemologists knowledge, in science and other fields, is an accepted, not a true, belief.

The myth of the certainty of knowledge has to be replaced by the requirement for its continual improvement and growth. Knowledge yielding procedure started with participation and its growth continued with additions, criticisms and changes done by the participants. In this context we must not forget that we as individuals belong to different national religious, cultural and ethnic groups. These differences represent a good basis for various approaches regarding knowledge. A variety of approaches lead to various views and various views lead to the growth of our knowledge, which represent the purpose of education regarding knowledge.

The claim in terms of the final understanding of reality means, basically, the end of wonder. It means the end of knowing, since it forces reality into a contradictory situation with what is going on in the real life. Observing human beings shows that, this species, is always eager to learn. From the newborn to the advanced mature humans, there is continual interest among individuals. Questioning, which is the starting point for learning, is a human permanent property and can never have final answers, it may have various and differentiated answers, but never final. However, our inability to pose further questions about a kind of reality does not mean that there are no further questions to be asked. In every scientific conclusion only a very small part of what it contains represents a new claim or new explanation, the rest of what the conclusion contains represents the justification of the appearance of the new claim which is constituted of the scientific weaknesses of the previous claims about the same problem. What separated Thales from modern physics is one oxygen atom, for, according to modern science; all substances are ultimately derived from hydrogen.

The greatest part of the justification of new claims is constituted from the correction of previous knowledge. Every reasonable claim in the field of science reflects the dogmatic character of one or some previous claims. What we call the growth of knowledge is not the accumulation of knowledge upon knowledge but the correction of the existing knowledge. So what is growing is not knowledge but our everyday awareness of the dogmatic sides of what we have considered as knowledge. Knowledge yielding procedure, as Popper says, is nothing more than "trial and

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<sup>11</sup> Nel Naddings, op.cit, 111

error”. Every effective trial of today is, in essence, a very possible error of tomorrow. There is no reality outside there. What we call reality, which is surrounding us, is not an independent objective reality but a kind of reality that depends very much on us. Our surroundings are necessary for our living. Our ability to understand is the necessary spirit that keeps reality alive. We are those who have to play the role of giving continuous freshness to that reality with our process of understanding and this is what protects reality from death for, a dead reality, does not exist. If we accept and believe blindly with what is said than reality fades and, of course, dies. But the uninterrupted interpretation of every generation of it, keeps it always real, alive, interesting, and fresh. In fact, different interpretations of every generation of it reflect the infinite beauty and attractiveness of the same reality and the only way of the continuation of its existence. Our thoughts and interpretations constitute the necessary spirit that keeps reality alive.

All interpretations are possibilities, included in the same whole that we call reality, which in essence, are the building blocks and the necessary constituents of the same reality. *“Learning is not about once-and-for-all answers or exact repetition, but finding out about the variations that may or not lead to the same result”*.<sup>12</sup> We are not born to follow other people’s words and understandings but actively participate in the process of learning which is the only way of keeping reality fresh, real and alive. There is nothing around us which is not subject to our comprehension and understanding; it only depends on whether we decide to play our role which, of course, is a hard work, much harder than following the others. Only immature people continue to live under the pressure of the understandings of their elders. *“Thought leads to social systems, and nothing dictates the future as ruthlessly as an established thought infrastructure. The most effective way of chancing the future is to create a new system of thought”*.<sup>13</sup> If we would be so brave as to doubt in Aristotle’s sayings, before Copernicus, we would not lose 2000 years on the development of science. So that, we would be in much better position today, compared to where we are. If we would be so hard working as to more seriously analyse and suspiciously look at Darwinian evolution, right from the beginning, we would not lose more than one century transmitting Darwinism to new generations in our educational system as scientifically true, which in essence, is not more than a myth.<sup>14</sup> Any scientific decision considered as absolute certainty, as is the case with evolution more than 100 years, ceases to be a science, it becomes a

<sup>12</sup> Jonsson Bodil, Teen thoughts about time, London: Robinson, 2003, 22.

<sup>13</sup> Ibid, 70.

<sup>14</sup> Vine Deloria Jr., Evolution, Creationism, and Other Modern Myths, ( Golden, Colorado: Fulcrum Publishing 2002).

dogma. And, *“When, furthermore, the cabal’s views proceed to invade the educational system, becoming taught to large numbers of students, who, faced by the constant burden of difficult examinations, are not in a position to defend themselves, dogma becomes established”*<sup>15</sup>. The aim of teaching should be paving the way to students for critical and creative thinking which is a hard work and demands great efforts from academicians, of course, if they mind to be successful in this context. We cannot achieve this result by pushing pupils and students to constantly read what is in books and marking them based on how much they have memorized from what they have read, or based on the fitness of what they have written with our knowledge and what is in books. The business of scientific thinking is not to deal with what is written or what is been said, but to explore that which is not written and to bring in to existence that which is not said. This can only be done by new, fresh, dynamic and different interpretations of what is already old-fashioned. And the aim of learning should be, to benefit from what we read and hear in our way of thinking, not to become the slaves of what we read and hear. We cannot make progress in science by following methods and trying to fit our views to the existing paradigms of scientific knowledge. the aim of science is not to obtain reliable solutions that will be available forever. In fact the greatest tragedy to humanity is brought by the classical consideration of scientific conclusions as infallible, and scientific truth as universal and the only reliable truth. *“The attempt to enforce a universal truth (a universal way of finding truth) has led to disasters in the social domain and to empty formalisms combined with never-to-be fulfilled promises in the natural sciences.”*<sup>16</sup> Scientific reliability does not consist of our run towards some indubitable foundations on which we will fully trust, on the contrary, scientific reliability means a suspicious approach towards every solution. Scientific reliability is mainly constituted of individuals reliability to themselves, which is the necessary constituent of critical approach. The critical approach towards a solution is the only path that makes possible our participation in the knowledge yielding procedure. In fact the suspicious approach is the only necessary constituent of critical behaviour. The only reason why science deserves to be trusted, if it can be said that it deserves any trust, is because of its untrustable approach towards scientific claims. Our untrustable approach reflects our confidence in ourselves so that we can play our part in the process of our strive towards the better in knowledge. The main purpose of educators should be to raise human beings with confidence in themselves. If we brainwash our children with a baseless representations of science, as a ready-made packaged conclusion, to be known and

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<sup>15</sup> Fred Hoyle & Chandra Wickramasinghe, *Our Place in the Cosmos*, ( London: Phoenix 1996) 15.

<sup>16</sup> Paul Feyerabend, *Farewell to Reason*, ( New York: Verso 1987 ), 61

obeyed accordingly, the result will be a passive generation that will consider obedience a success. Our advancement towards a better way of knowing cannot be done with the guides and dictas of dead people. Of course we will know what was previously said about the matter but this knowing will be done with the purpose of judging, not with the purpose of obeying. The present knowledge is not an object for obedience it waits to be reshaped, restated or reprovved. These are the activities that give scientific knowledge its fresh character. The authors and patrons of knowledge are generations (participans), they play and have to play with knowledge, everything they can, in order to achieve the better. Knowledge is not our master, we are the masters of knowledge.

Science, in positivistic sense, becoms our master that dictates us how to act and compells us to become its obedient slaves. Positivistic interpretation of scientific truth as objective and based on independent facts gave scientific knowledge the status of absolute truth. Thus, science as interpreted by positivists, looses its characteristics of being a science, it looks more like a religion. Moreover, for some decades science replaced religion in Europe. A well number of people behaved with science as believers do with rvealed truth. *“The emotional energy we had once invested in religion as an absolute source of authority was ucritically transfered to science, which then became our guarantor of truth.”*<sup>17</sup> For those who concider science this way, religion also has to be subject to scientific criteria, i.e. objective and independent facts. Thus science, in the positivistic sense, was an invented religion, a religion that will serve as objective standard for testing all religions, and scientists its prophets. What seems strange in this issue is the fact that even though we all accept that science is a human activity, i.e. it is the achievement of the subject, or subjects, we still try to defend the existence of objective scientific criteria. Science is a human activity and consequently whatever affects the scientists will have an affect on science. The only way of progress is the replacement of authoritative knowledge with freedom of thinking, which is the only way for the continuous production of knowledge. Authority has no mercy; it uses every means, in order to destroy anyone who wants to stay in front of it. The case with the social scientists, that try to preserve the stability of existing knowledge, is no different. They do everything to preserve the existing, because, if otherwise, they will lose their authority in the field of knowledge. I think Feyerabend is absolutely right in his suggestion that, *“science’s “social authority ...has now become so overpowering that political interference is necessary to restore a balanced development.”*<sup>18</sup> The concepts, like objectivity, stability,

<sup>17</sup> Vine Deloria Jr, *Evolution Creationism And Other Modern Myths*, (Colorado: Fulcrum Publishing 2002), 36

<sup>18</sup> Paul Feyerabend , *Against Method* (New York: Schocken Books, 1975), 216.

certainty, exactness, facticity have no positive contribution in the process of the development of knowledge, they are tricky inventions of the authorities that guarantee them the role of controllers of knowledge par excellence, so that, they remain in the domain of absolute knowledge. Objectivity, absolute certainty, exactness, patriotism, nationalism, national scientific institutions, are the band marks of closed societies. In an open society all these characteristics disappear. We must not forget that, *“Everything we experience as an object invokes a subjective response from us”*<sup>19</sup> Nature has no dogmas, but mysteries and complicated phenomena open to our understanding of them. There are no natural dogmas. Dogmas are artificial inventions that serve the authorities in their aims of dominating others. They are invented by authorities, because an authority remains an authority, until he convinces the others, about dogmas being, not a dogma but, reality. Our educational systems, press, media, government system most of the times, serve the authorities in this context. Every research activity, every scientific conference, every educational institution, is funded by somebody, be it government or private, with a purpose, and this purpose is not Aristotle’s phantasm of *“knowledge for the sake of knowledge”* but *“knowledge for the sake of money”* or, profit in general, which are the necessary requirements for domination. We are all naturally born free. Freedom has to be the basis of every our action. We have to do all what we can in order to protect the safety of our freedom. The condition of not harming others is the building block of the safety of our freedom. Who knows how many thoughts and theories in the minds of many creative brains are cannot come into existence just because they do not fit the authoritative science of today. I think the fanatic behaviour of the scientists and their method of imposing and controlling the untouchablness and safeness of their views, which is our educational system, has blocked the way for the emergence of, who knows, how many, important and valuable ideas that, today, would speed our way towards the unknown.

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<sup>19</sup> Vine Deloria Jr., *Evolution, Creationism, and Other Modern Myths*, op. cit., 25.

**Religious Rights of Prison Inmates**  
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**Introduction**

The humane treatment of incarcerated population is the hallmark of a civilized society. Indeed, the standards of human rights are reflected in the manner in which any society handles those who are imprisoned for violation of laws. Most nations have endorsed the United Nations' guidelines that define the rights of prisoners (UN 68th plenary meeting of the General Assembly, December 14, 1990). Some of these rights are:

- ☒ To respect the religious beliefs and cultural precepts of the group to which the prisoners belong
- ☒ To retain the human rights and fundamental freedoms of all the prisoners set out in the Universal Declaration of Human Rights and, where the State concerned is a party, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as well as such other rights as set out in other United Nations covenants to be followed
- ☒ To apply these principles to all categories of prisoners without distinction

Prisoner's treatment by the state is an important human rights issue. Imprisonment poses crucial changes in the life of an inmate. Though the hope is towards reform of some kind but incarceration brings life to a screeching halt; inmates have too much time at hand and nothing much to do. Moreover, since future is unknown, they ponder over their past which generates anger and frustration and it keeps building up over time. Their present becomes stagnant though it is hoped by the system that some correction or reform will take place in their attitude and behavior. In reality, not many measures are visible for such reform to take place. Furthermore, as

crime is perceived to be an immoral behavior deserving punishment, stigma is attached to their personality and their rights are violated with impunity. 'The current political climate in which U.S. prisons operate emphasize security, confinement of inmates, and protection of the community. Rehabilitation is rarely the agenda' (Whitney 2003: 34).

### **Research Objectives**

In this paper I have focused on the issue of limited Buddhist meditation practice in the US prisons. Research suggests that Buddhist meditation in the prisons is rejected on two grounds. Firstly, inmate's religious rites are not taken seriously and secondly ignorance of prison authorities' understanding towards Buddhism plays an important role in denying the right of the prisoner to follow Buddhist precepts.

Introducing Buddhist practice in the U.S. prisons is not easy but there are two different ways in which the inmates are able to realize Buddhist services. Firstly, when administration is inclined which is rare and secondly when this service is strongly demanded by the inmates. When administration is interested then the program runs smoothly and results can be observed, however when it is requested by inmates, this process is riddled by bureaucratic difficulties. This paper examines the violation of rights of the prisoners to follow their religion and looks into ways to make meditation practice more effective and accessible in the US prison system.

### **Buddhist Path to Reform**

Buddhist meditation as a retreat was first introduced in an Indian prison- a maximum security prison known as Tihar jail. The process started as a bold initiative by an innovative administrator who saw the need for such a practice. Tihar Jail housed around 8500 convicted prisoners (Dangwal 1996: 13) and in 1993 Kiran Bedi, the Inspector General of prisons approached RN

Goenka's group, Vipassana Sadhna Sansthana to conduct the first retreat there. Goenka had learnt this meditation technique from a Burmese master Sayagyi U Ba Khin (Dangwal 1996: 237) and his Vipassana is universally recognized method of meditation. This encouragement from the Inspector General and a renowned teacher initially motivated seventy inmates to volunteer and undergo a ten-day retreat. The experience resulted in amazing transformation of these volunteers. A survey done three weeks after the course by Tarsem Kumar, Superintendent of Jail revealed some interesting facts about the participants: they showed better control over their anger and had less stressful behavior. They had better concentration on subjects of their choice and showed benevolence and compassion towards fellow inmates and staff. Their physical well being improved too and all of them became more truthful in their daily interactions with other prisoners and staff. Significantly, they focused more on the 'present' after the retreat and were more at peace with their condition (Kumar 1995: 58-59)

This experiment at Tihar Jail gained international acclaim and in certain ways became the starting point for Buddhist meditation to be introduced by prison authorities in India as well as in the US. Buddhism is not a majority religion in contemporary India though regular meditation practice still remains alive amongst many people. The program was accepted readily in India because prison staff, administrators and inmates had more awareness of Buddhist meditation than their counterpart in the west, where it is still to take root.

In this context the best results have been seen when Buddhist meditation is introduced to prison inmates by prison authorities. Impressed by the Tihar jail experiment, then prison psychologist Dr. Ron Cavanaugh, at Donaldson Correctional Facility procured two films based on the ten-day retreat and made them available to 200 inmates. Finding a positive response from the inmates a Vipassana course for its inmates, the first of its kind in North America was further organized in



January 2002 at this maximum security prison in Alabama. By various accounts Buddhist meditation practices have given encouraging results in rehabilitating the prisoners (Phillips 2008: 12-14). But unless these are supported by the top management it is difficult to reach the incarcerated population. Even in India the program was successful as long as IG prison, Kiran Bedi was in charge. After she left a perceptible lack of interest amongst the prison authorities led to the gradual decline of Buddhist meditation program in the prison. Clearly, inmates' human rights and religious rights are observed best when administration is interested in doing so.

A more popular and rapidly spreading Buddhist practice in the US prisons has emerged as a result of lawsuits by inmates themselves to assert their religious rights. One Buddhist inmate Sarika who was from Ohio, requested help from Rev Shu Ho (Mike Bonasso) of Cloud Water Zendo in Cleveland, Ohio in 1996. The issue was looked into but the teacher's meeting with the group was delayed without explanation. After many attempts to meet as a group, Sarika the inmate who had originally asked for Sho Ho's help filed a suit against the prison administration that had blocked access to Buddhist teachers (Whitney 2003: 65) Finally at the intervention and direction of the court the issue was resolved and Buddhist teacher Sho Ho started meeting prisoners and helped form a Buddhist group within the facility.

An early set back came from a ruling, 'in 1990 by the U.S. Supreme Court in a case called *Oregon Employment Division v. Smith*. In this decision, the court ruled that the "free exercise" clause of the First Amendment of the Bill of Rights does not apply to laws that are "valid, reasonable and generally applicable.' This blocked the attempts of many inmates to seek Buddhist precepts within the prison system. Finally, 'The Religious Freedom Restoration Act passed by the U.S. Congress in 1993 helped restore the religious rights of people incarcerated by the state but the Court ruled that the RFRA was unconstitutional. Despite such obstacles from

1993 to 1997 Buddhist inmates used the RFRA to get some positive response from administrators. A Texas RFRA case was even taken before the Supreme Court. Finally, several members of Congress rewrote the bill and President Clinton signed the resulting Liberty Protection Act (RLPA) into law in 2000'. (Whitney 2003:72)

Before RLPA, inmates would argue on grounds of discrimination, indicating that Christian inmates are allowed to use chapel while other religions are not permitted to have such services. After the passage of RLPA inmate demands forced the prison staff to respond. Yet, unobtrusive aggressive techniques continue to be used to dissuade Buddhist volunteers from coming to the prison. They are made to wait long hours before paper work and photographs are taken to schedule a meeting with inmates. Sometimes, meetings are cancelled without prior information and volunteers have to come back another day. This unaccountable power of prison staff to change the rules anytime on a whim creates difficult obstacles for the Buddhist volunteers who face indifference and apathy. Lack of understanding towards meditation practice and general discomfort by prison staff towards silent sitting poses further difficulties.

Donaldson Correctional Facility had two ten day retreats, at certain interval. In each retreat new inmates were exposed to Buddhist meditation technique. They benefited from this practice in a big way and it reflects in their comments which were recorded later. As one inmate expressed; John Johnson had attended the first retreat organized at the prison facility. In 1989 John was arrested as a habitual offender and sentenced to life without parole. He was in his fifties when he attended this retreat, he was in Donaldson since 1992. After doing retreat he wrote, 'I am very happy to have a practice that has opened up my heart to Dhamma. A very great opportunity came to Donaldson facility.' (Phillips: 64)

Another inmate Willie Carroll, who was forty four years old when he did this retreat. He was first sent to adult prison at the age of 16. He lived in drug recovery unit at Donaldson since 1998. He reflects, 'Seeing the spiritual enchantment on lost souls such as I... Meditating day in and out in seclusion- was something like standing before God telling him everything I'd done, and genuinely being sorry for it. All my past surfaced- the guilt – the shame, the love, the moments of anger.'

He further says;

'To this date, Vipassana has offered and continues to bring peace of mind to me, even and especially in times of seemingly total despair. I've learned to adjust my way of thinking to life as it is and not as wanted.' He did Vipassana retreat twice at Donaldson. After the retreat he kept on doing meditation daily. And on Saturdays he would sit with the group for a couple of hours. Majority of inmates tried to continue their practice with weekly sittings, till it was discontinued by the authorities. ( Philips: 64)

In July 2002, Vipassana program was shut down by corrections department. No explanation was provided why this was being done. Inmates were not allowed to meet together and meditate. Also new Vipassana courses were not allowed to be offered. The ten day retreats were discontinued and all weekly meetings were cancelled too. Volunteers realized though teachings were provided in a non-sectarian way, still they were coming from Buddhism. This could be the reason for discontinuation of the program. At this point no other programs were cancelled.

The inmates who participated in the meditation practice were called dhamma brothers, they showed tremendous calm at the discontinuation of the program. Reflecting on the Buddhist

teaching of impermanence, they claimed things are bound to change because nothing is permanent. Indicating cancellation of Vipassana retreat and waiting for another change to take place was part of the law of impermanence. Still it goes without saying that this move by correction service became a set back to their practice.

Bruce Stewart, one of the teachers for these retreats claims that the two retreats at the Donaldson facility were truly historic. Offering such a program is a good beginning however its success depends on those inmates who sign up for it. If enough enrolment is not done then course gets cancelled. In 2004 a similar retreat for women in Vermont prison was cleared by authorities and was offered but had to be cancelled later due to not enough enrollment Tihar jail former Supritendent, Kiran Bedi did her part while posted in United Nations, by showing a documentary about Vipassana program at United Nations. Correction commissioners from Boston and California also showed interest in Vipassana program. There was clearly sign of progress and interest however it becomes clear that interest of authorities in correction services is essential for this program to go on.

A new warden at Donaldson in 2005 and a new commissioner at the Alabama Department of corrections showed interest in the Vipassana program. In January 2006 a three day refresher course was offered again for the prisoners.

John Johnson who did this retreat again in February 2006 wrote, “with all these years of ‘doing time’ (prison or street time), never have I witnessed a ‘detoxification Process’ so powerful, so real, as what I have experienced with these Vipassana courses.” (Phillips: 181)

These retreats had their effect on prison guards too. In time guards became relaxed about meditation meetings and for weekly meetings permission was not required. Now inmates met

twice a week without objection from authorities. While inmates are locked away some kind of program which can bring change in their thought process is required. Buddhist meditation can become a strong rehabilitation program for those who are incarcerated and locked away.

The 2007 statistics indicates incarceration in United states has increased by 400% since 1980. US has only the 5% of the total world population, but surprisingly it has 25% of all prisoners. Clearly a reform is needed. The 'three strikes' law is instrumental in bringing new inmates in prison which resulted in prison overcrowding. Due to massive prison overcrowding, 700,000 prisoners were released from prison in 2007.

In such a situation rehabilitation of inmates becomes necessary. The root of crime needs to be evaluated rather than just treating the symptoms. Their status as a prisoner is a set back itself, promoting unequal treatment from authorities. Through Vipassana program inmates were able to see their humanity and could see the potential of change deep inside their being. The fundamental change within inmates thought and being can become instrumental in bringing a noticeable change in the prison system.

### **Ignorance and Apathy**

In the US, Buddhism is a religion that is still relatively unknown, therefore majority of the prisons do not have a Buddhist chaplain, which compounds the problems. The desire to know more about Buddhist religion and to demand special services largely depends upon specific situations and strength of inmate requests. Buddhism at times is misunderstood as idol worship.

The right to get a Buddhist priest is nevertheless progressing due to litigation and initiative taken by inmates themselves. In the Wisconsin prison system these efforts have produced good results and the program is doing very well compared to other states. 'There are 6 teachers who serve 11

institutions, and they have one part-time Buddhist chaplain' (Rev. O'Connor 2010: personal interaction). However this is by no means enough. Fortunately, Buddhist organizations are vigilant too and have played an important role in making donations of books and other supplies when asked by the inmates. In Washington State Prison System, on a prisoner's request for books about Buddhism, 250 letters were sent to various Buddhist organizations with very low expectations. However, to great surprise, 'the numbers grew every week and donations of books, tapes, and incense arrived daily unabated. In the end it was estimated that \$15,000 to \$ 20,000 worth of books and other material were received by the Buddhist groups' (Malone 2008: 17).

Each prison has different rules and variable numbers of inmates are needed to make a request to the authorities, to get a Buddhist volunteer. In Ohio prison system five inmates need to make a request. This poses further difficulties, if one inmate places a request for meditation he risk's breaking the no-recruitment regulation and if he tries to get four others to join in his request he is perceived to be a trouble maker. Some prisons also have a regulation that to receive visitation or services from religious groups, the inmate must have been a member of that religion prior to incarceration (Whitney 2003: 125-126).

In California, Buddhist Peace fellowship has founded prison programs. Still Buddhist volunteers do not have direct access to California prisons, like Christian ministries. Because most prisoners are not Buddhists therefore the Buddhist prison program was introduced as offering dharma and / or stress reduction classes- based on whatever a particular administration would tolerate (Lion 2008: 33). Another difficulty that the prison program faces is due to the continued indifference to all religions except Christianity. In the US, Buddhism is still not a recognized religion and on this ground prison authorities deny the request to have space for a prison Chaplin. This creates problem for volunteers who participate in prison program and most of the time they have to face

ridicule and settle for ad hoc bare arrangements (Nakao 2009: interview). The Christian chaplains do not have to walk into the rows to meet inmates. The Buddhist volunteers are forced to see deplorable living conditions; face taunts and leers and sometimes even witness brutality at first hand. Moreover not having a Buddhist chaplain means, they are forced to negotiate with the guards for their safety and protection of the inmate receiving their precepts.

Buddhist volunteers also have to be extremely careful in following rules laid out by prison administration. They have to face the possibility of rejection at every step. Furthermore, one wrong step on their part opens the threat of having the program scrapped in the entire state. These programs are run by individual efforts and sustain as long as individual volunteer has time and devotion to make visitation at prison regularly. The differences are significant since Buddhist volunteers do not enjoy institutional support like their Christian counterpart and thus are always in a weak position. Lack of institutional backing also implies that volunteers have to learn about the prison system and its culture on their own and at risk to themselves. They are not permitted to ask any questions of the inmates and to understand the background that led to the incarceration of these people. The prison authorities' indifference towards an alien religion and misunderstanding of its practices create unbridgeable gulf. In majority of prison systems authorities do not work with the volunteers and help them understand the peculiar situation of their subjects. Consequently, it takes months for the volunteer to build some kind of rapport with the inmate and individualize the teachings and bring material to address specific problems of the individual.

Issues often disrupt regular Buddhist practice amongst inmates who complete their prison sentence. Some prisons have a rule that religious volunteers cannot have any contact with inmates after they are released. If they do then the Sangha's privilege of inside visitation is taken

away. There are other issues too; parole of an inmate directly to a Sangha has legal dimensions that scare away some dharma groups. Inmates who are sex offenders present a very strong challenge to the compassion of Sanghas. When released, these former inmates are often subject to registration statute, which mean that neighbors of the Sangha have to be notified if such an individual were to take up residence at a dharma center. This creates liability issues and strains relations with the neighbors. (Whitney 2003: 203)

My research clearly indicates that in order to get best results the prison administration needs to get involved. Moreover, correctional personnel themselves require to be trained in Buddhist meditation. As indicated by the survey done after Tihar jail project, the staff members who attended Vipassana meditation themselves realized positive benefits. They increased their sense of duty and devotion developed better relationship with the prisoners. In the US besides the effort of the prison psychologist Dr. Ron Cavanaugh (mentioned above), the case of Dr. Deborah Marshall is also illustrative. She understood the value of Vipassna program from her prior Buddhist experience. Additionally, her position in prison administration played an important role in introducing Buddhist meditation in the prison system. She took the initiative of bringing her meditation cushion and demonstrating for the staff how to sit in a meditation posture. This generated keen interest among prison staff and helped them understand its value in working with the inmates. (Phillips 2008: 15-16).

Wisconsin prison program can be called a success story in reference to Buddhist prison program, though it is not perfect yet and a lot more needs to be done. This was not introduced as a pre-organized “program”, but began in 1998 at an inmate’s request for correspondence and a visit by a Buddhist priest. Rev. Tonen was the first Buddhist priest to begin this program of prison visits. In Wisconsin prisons currently there are 6 Buddhist teachers altogether who represent different



traditions. They represent Soto Zen, Rinzai Zen and Thich Nhat Hanh's Mindfulness practice. They offer programs ranging from an hour and fifteen minutes to two hours in length, including meditation, services, talks and discussion. This program is in its infancy, though it has paved a path for itself still there is a lot which needs to be done.

Buddhists in Wisconsin have created sanghas for inmates in eleven prisons. Two prisons out of these have weekly visits. Other five prisons have fortnightly visit by Buddhist volunteers. Rest of the four prisons have monthly visits. The visits to the maximum security facility, the Wisconsin Secure Program Facility, are limited to pastoral visits utilizing closed visitor's booth

All prisons for adult offenders routinely have at least one chaplain, sometimes two. There is a half-time Buddhist chaplain at the Jackson Correctional Institution. Rest of the services are done by volunteers. Buddhist volunteers are mindful to follow all rules laid out by prison authorities diligently. These rules are based on security considerations and volunteers are not exempt from them. Prison program runs smoothly if regulations are not evaded.

These programs are offered as primarily religious reasons and programs are presented as meetings for the Buddhist religious practitioners in the institutions. These programs depend on effectiveness of Buddhist volunteers, and depend on their consistency and patience with inmates. The volunteers honor their commitment as the greatest teaching they can impart to inmates. Consistency and patience are also important in gaining the respect and cooperation of prison staff. Patience is required to avoid discouragement with the often fluctuating attendance.

The meeting with inmates occurs in whatever space is designated as the prison chapel. Sometimes volunteers cross open areas between the gatehouse and the place assigned for meeting. However in maximum security prisons, Buddhist volunteers are escorted by the

chaplain or a corrections officer to the place of meeting. In medium security prison volunteers are allowed to go alone. Sometimes priests have pastoral visits in the Segregation units, where one is escorted by an officer.

The information about a sangha member's release from prison is not provided to Buddhist volunteers. That information will come, if at all, from the inmate him/herself. Such contact is often considered fraternization and is forbidden until the former inmate is "off paper", i.e. has completed parole. However, at times Rev. Tonen was able to obtain personal permission from the DOC to meet with released inmates who had been participants in her group while inside.

Wisconsin Zen Center helps prisoners in rehabilitation only minimally. Their prime function is counseling and/or correspondence. A few may actually attend the practice at the center if they are released to the neighboring area. Wisconsin Zen Center is a small Zen Center, with limited resources. They lack the personnel or financial means to do more than this during the difficult transition of recently released inmate, back into the community life.

The prison regulations cite Buddhism as one of the major "umbrella" religious groups. Each major religion is allowed one special "feast day" per year for special celebrations and Wisconsin Zen Center conducted an all-day retreat, with lunch provided, to celebrate Rohatsu Sesshin at the Oshkosh Correctional Institution. The chaplains, by definition, are charged with supporting all spiritual practices.

Within the Wisconsin system, upon incarceration each inmate is required to fill out a Religious Preference form, stating his/her religion, if any. The inmate may then attend only programs offered within that religion. This preference can be altered every six months if the inmate so desires. An individual inmate would then inquire of the chaplain if Buddhist practice is being

offered. If not, the chaplain may go to the DOC's Religious Practices Advisory Committee, upon which Rev. Tonen serves, to ask if there is a Buddhist volunteer who will meet with the inmate on a pastoral visit. It usually takes some time before enough inmates have an interest to warrant scheduling group practice. Individually, they may meditate within their cells.

Within the Wisconsin prison system prisoners may insist upon having religious emblems or articles that are not allowed for security reasons and raise a charge of discrimination. For instance, in Wisconsin, inmates may have religious pictures and calendars and Buddhist inmates may have malas and medals that meet certain specifications, but for security reasons may not have incense or meditation cushions in their cells. Though incense can be used for group services. In some states, incense and/or cushions are allowed. Rev. Tonen argues such articles are not necessary for practice.

The Buddhist prison program has become a valued part of the Wisconsin Department of Corrections system. Rev. Tonen foresees its growth and continuity even after she retires. She argues though the prison administration's cooperation is crucial for success of program, at the same time volunteer's commitment and knowledge of their subject are equally important for the success too. It is a disservice to one's religion to offer someone ill-trained as a representative of Buddhism to the inmate population. It is rather a two way road where prison authorities and Buddhist volunteers play equally important role for the success of the program.

## **Conclusion**

The Vipassana program started at the W.E. Donaldson Correctional Facility, with the support of prison staff. But thereafter, the inmates practicing Buddhist meditation faced many difficulties. One inmate Benhamin Oryang wrote to Jenny Phillips, 'No official explanation was ever given.

On July 9, 2002, word came that the Department of Corrections had shut down Vipassana program. It became clear that at least one individual in power had found the fact that Vipassana courses were based on the teachings of the Buddha. These were perceived to be too threatening in a fundamental religious sense, even though the teachings were carefully presented in the same strictly universal, nonsectarian way that the Buddha originally gave them. So, without warning, restrictions were suddenly put into place in an effort to revert to the status quo. The Dhamma brothers were no longer allowed to meet together and meditate, and more courses could not be organized and given.' (Phillips 2008: 80)

Another letter from Donaldson indicates that the term 'Vipassana' was considered objectionable, and was not used. 'Moreover, Wednesday was the only day permitted for the meditation group in which an hour fifteen minute slot was allotted to listen to tapes on meditation practices and to actually meditate as a group.' (Phillips 2008: 126). These two letters clearly indicate that continuous support from prison staff is necessary. Though individual biases of prison staff create ongoing obstacles for inmates, however currently most of the states in the US have Buddhist groups running prison program with varying degree of success, and the number of active groups varies from city to city (Lion 2008: 33). Success of such programs largely depends on the support they get from prison authorities. Not only such programs need initiative from prison authorities but they also need continuous support for their sustenance. The crucial issue is one of recognizing the rights of the prisoners and to include the right to practice their religion of choice. The real success can come only when prison administration accepts Buddhist meditation as a correction and reform program for inmates and applies it in all the prisons of US.

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**Religion: A Tool of Dictators to Cleanse Ethnic Minority in Myanmar?**

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The logo for the International Association for Freedom of Religion (iafor) is centered on the page. It features the lowercase letters 'iafor' in a light blue, sans-serif font. The text is enclosed within a circular graphic composed of two overlapping, semi-transparent arcs: a light blue arc on the left and a light red arc on the right, which together form a partial circle around the text.

iafor

**Religion: A Tool of Dictators to Cleanse Ethnic Minority in Myanmar?**

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Yangon, Myanmar*

Religion plays a vitally important of life among the people of Myanmar.<sup>1</sup> Beginning from the ancient Myanmar, even before the arrival of religion, such as Buddhism and Christianity, religion is firmly rooted in the heart of the people. They worship and adored “nats” or “spirit” which is a form of the reverence of the spirit of nature.

Buddhism was first introduced around 241 BC but only in the time of King Anawrahta who unified the Burmese kingdom in 1044 AD, the utmost importance of Buddhism in Myanmar started as political events.<sup>2</sup> From that time, Theravada is considered as the State religion. Today, the Therevada Buddhism is practiced by the Burman, Mon, Shan, Rakhine, and some Karen. In 1962, General Ne Win, who ruled the country in 1962 to 1988, promised that the government would not involve itself in mixing religion and politics. Against his promise, his government had clamped down on all forms of organizations, including many Buddhist organizations.<sup>3</sup> And all of foreign Christian missionaries were expelled from Myanmar, and their properties and mission schools became the properties of government. Religion for Ne Win regime is to mean only Buddhism. When the Ne Win regime was ousted in 1988 uprising, General Than Shwe succeeded the power to control the country. Like Ne Win, Than Shwe declared that there will be no discrimination in religions. In practice, the military government has increasingly taken representing itself as pious Buddhist and Burma ethnic. General Than Shwe said that, “As you know, I am a soldier, but at the same time, I am also a Buddhist. I faithfully try to follow the Buddhist teaching.”<sup>4</sup> This religion, Buddhism, becomes a tool of dictators to demolish ethnic minorities, and it has been used as a legitimacy to maintain their power.

In this paper, I will try explore about the ethnic minorities groups in Myanmar and will focus upon their pain and suffering of inflicted by the military government.

### **Who are the Ethnic Minorities?**

Myanmar is an ethnically diverse nation. The government officially recognized that there are 135 distinct races. These 135 races are grouped into eight namely: 1. Chin, 2. Kachin, 3. Kayah, 4. Kayin, 5. Mon, 6. Bamar or Burman, 7. Rakhine, and 8. Shan. Most of ethnic minorities are grouped according to region rather than linguistic or ethnic affiliation. For example the Shan includes 33 tribal groups and the Chin includes more than 60 ethnic tribal groups. There is no clear census of ethnic population after 1988, since the dictators tried to minimize the minority population. According to 1983 census records 69 percent of the population belongs to the majority Burman (Bama) group, while 8.5 percent as Shan

<sup>1</sup> In this paper, I will use the name “Myanmar” as a country name and “Burma” for the ethnic Barma people. “Burma” was the country name before the military government change “Burma” to “Myanmar.” USA, EU, and some ethnic groups in Myanmar and the opposition party, Nation League for Democracy lead by Aung San Suu Kyi, do not recognize the name and still use the word “Burma’ for the country name. As for me, I prefer to use Burma to denote the “Burma ethnic’ because it is always the word to denote the Burma ethnic.

<sup>2</sup> Ananda W.P, Guruge, *What in Brief is Buddhism* (Hacienda Heights: Buddha’s Light Publishing, 1999, 2004), 105-107.

<sup>3</sup> **Gustaaf Houtman**, *Mental culture in Burmese crisis politics: Aung San Suu Kyi and the National League for Democray* (Tokyo: The Institute for the Study of Languages and Cultures of Asia and Africa 1999), 269.

<sup>4</sup> *Ibid.*, 269.

(including sub-nationalities), 6.2 percent as Karen, 4.5 percent as Rakhine, 2.4 percent as Mon, 2.2 percent as Chin, 1.4 percent as Kachin and 1 percent as Wa.<sup>5</sup>

Whenever we talk about Myanmar before the colonial period (1886-1948), it is excluding other ethnic such as Chin, Kachin, Kayin, Shan and others since they never had been part of the Burma king instead they have each of their own territory. Only after the British invaded and ruled out the country in 1886, it was easy for them to unite all other ethnics groups to the administrative of Rangoon (now in it becomes Yangon). And from that time, the ethnic minority groups in Myanmar became part of Myanmar. Some of the ethnic groups were separated into two countries or more than one territory. For example, the north-western part of the Chin territory became part of India, in Mizoram State, Manipur State, Assam State, and Nagaland state and some Chins known as Bawm are also living in Bangladesh. And some of the Chins people are living in Chin State of Myanmar, Magwe division, and Sagaing division. After the Independence from the British colonials, these ethnics groups have launched armed struggles against the army demanding self-determination, democracy, and even to regain their owned territories.

Each of these groups practiced each of their own cultures, languages and religions. Most of the non-Burman ethnic minorities are living along the country's mountainous frontiers. During the colonial periods, the British refers to the land of ethnic minorities as "Frontier Burma" or "Excluded Area."<sup>6</sup> Myanmar has experienced a long history of conflict among various ethnic groups along fluid frontiers. The boundaries between their state were finally fixed only during British imperial rule from the 1820-1948. Most of the non-Burman ethnic were not satisfied with their British policy that they were under the administration of Yangon, who are mostly the Burma in ethnicity. As a result they have different interest during the WWII. Many Burman ethnic joined the Japanese forces during the WWII while many minorities' ethnic groups remained loyal to Britain. This reflected a genuine desire for independence on the part of both groups; the Burmans struggling to be free of the British colonial yoke, and ethnic minorities wishing to escape Burman domination.<sup>7</sup>

During the time of preparation for independence from Britain, General Aung San had tried hard negotiating the ethnic minority groups to join the new union promising that after decade they would think about their independence. With this promise, the Chin, Kachin and Shan leaders signed the Panglong Agreement on February 12, 1947. This date was called as the "Union Day." It was the date when the ethnic minorities-- Chin, Kachin and Shan-- joined the Union of Myanmar. The Karen ethnic did not sign the Panglong agreement because they did not put their trust on the Burma leaders including General Aung San. In spite of the promise and guarantees of Panglong Agreement, the successive Burmans government underestimated the size of ethnic minority and brutally started ethnic wars as soon as the declaration of independence from Britain.

## Ethnic Cleansing and Burmanization

<sup>5</sup> Ashley South, *Ethnic Politics in Burma: States of Conflict* (London and New York: Routledge, 2008), xv.

<sup>6</sup> Rachel M. Safman, "Minorities and State-building in Mainland Southeast Asia" in *Myanmar: state, society and ethnicity* edited by N. Ganesan and Kyaw Yin Hlaing (Singapore; ISEAS Publishing, 2007), 54.

<sup>7</sup> Rianne ten Veen, *Myanmar Muslims: The Oppressed of the Oppressed* (Wembley: IHRC, 2005), 7.



Despite many ethnicities, cultures, religions and ethnics, the military dictators recognized only one - that which is male, Burman and Buddhist.<sup>8</sup> The military government has sought to make the Burmese language, Buddhism and Burman culture as the single identity for the country. Non-Burman and non-Buddhists are excluded in government official positions, ranks, vote, and opportunities. The ethnic minorities in Myanmar clearly aware that Buddhism is a tool of dictators to clean, to demolish the ethnic minority since the military rulers belong to the Burma ethnic who are Buddhists. The assimilation process of ethnic minorities even started before the independence period. This process has been known as 'Burmanization.' The word Burmanization means to make all ethnic people Burmans and Buddhists. Before the independence period, the national motto was, "Amyo, bartha, thatana" meant 'Burmese race, Burmese language, and Burmese religion (Buddhism).'<sup>9</sup>

Since the formation of the Burma Socialist Programme Party (BSPP) and the Military Revolution Council in 1962, Myanmar was administered under the military, in which there were no ethnic leaders in government administration. All of the authority rested upon the Burma. The Burmanization movements started as a variety of policies that lead to the assimilation of peoples into a common culture, which is known as the Burma cultures. The introduction of the 1974 Constitution, the coup of 1988, the replacement of the BSPP by the National Unity Party, and the 1990 elections have no reduced either the centralization or the Burman domination.<sup>10</sup> All the enacted laws reveal the dominance of Burman in the state elites, and the superiority of the Burman people and culture and it leads to the assimilations of ethnic minority. After the 1991, the military government started the most intensive war against ethnic minorities along the borders of China, Thailand, and Bangladesh. This military operation was not only aim to end the ethnic insurgencies but also to promote the Burma culture and Burma people.<sup>11</sup>

The largest Christians are Chins. They are living in Chin State in the north-west part of the country near the Indian border. According to Human rights activists, the Chin Christians are subject to "systematic persecution". The military government has sent hundreds of Buddhist monks to the Chin state to convert Christians to Buddhism. Those who become Buddhists are promised special privileges and opportunity.<sup>12</sup>

Publishing the Chin Bible is prohibited and it is considered illegal. According to *Asia News*, in 2000 alone, about 16,000 copies were seized and burnt. The government has also closed down more than 80 churches around the capital Yangon in 2001 and has denied Christians the right to meet in places built in the last hundred years. Since 1994 all applications for new churches have been turned down. Gatherings that exceed five people other than for Sunday mass require a permit from the authorities.<sup>13</sup>

David Mathieson from Human Rights Watch is reported to have said that the military rulers use Buddhism, the majority religion, to prop up their rule. "There are a lot of stories of people who - either in the military or in the public service or even in business -find that their career is coming to a hold at a certain level if the do not convert to Buddhism."<sup>14</sup>

<sup>8</sup> Teresa O'Shannassy, "Burma's excluded majority: women, dictatorship and the democracy movement, 8.

<sup>9</sup> Samuel N. Lynn, "Voices of Minority Ethnic Christians in Myanmar" in *CTC Bulletin*, {<http://www.cca.org.hk/resources/ctc/ctc02-02/ctc02-02e.htm>}

<sup>10</sup> David Brown, *The State and Ethnic Politics in Southeast Asia*, (London: Routledge, 1994), 50.

<sup>11</sup> Dorothy Q. Thomas, *A Modern Form of Slavery: Trafficking of Burmese Women and Girls into Brothers in Thailand*. (New York, Washington: Human Right Watch. 1993), 10-11.

<sup>12</sup> "Systematic religious persecution in Myanmar" in *Asia News*. [<http://www.asianews.it/index.php?art=1711&l=en>]

<sup>13</sup> Ibid.,

<sup>14</sup> <http://www.dw-world.de/dw/article/0,6112583,00.html>

Today, religious persecution and ethnic cleaning is still go hand in hand. Human right violation and ethnic wars against the Rohingyas, Chins, Kachin, Karen are still happening in Myanmar. Many of the ethnic minorities had fled to India, Bangladesh, China, Thailand and Malaysia. Most of the ethnic minorities were not allowed to vote in the 2010 election. According to the Physician for Human Right report, about three millions of ethnic minority groups are not allowed to vote in the November 7, 2010 general election.<sup>15</sup>

### **Religion as a tool to cleanse minority ethnic**

In Myanmar, 85% of the population professes Theravada Buddhism (roughly 48 million), 6% Christianity (1.65 million Baptists and 550,000 Roman Catholics), 4% Islam (2.2 million), 1% Hinduism (550,000) and the remaining 1 % consists of Mahayana Buddhism, Vajrayana Buddhism and Animism.

Converting to Buddhism meant to lose their previous cultures and practicing the Burma's culture. In other word it is becoming Burma. The wish of the Burma Buddhist for other people is to convert to Buddhism. In 1882, Shway Yoe wrote, "The Best thing a Burman can wish for a good Englishman is that in some future existence, as a reward of good works, he may be born a Buddhist and if possible a Burman."<sup>16</sup> The Shway Yoe's words reflect the real Burma's thought regarding their view upon other religions.

Not only Buddhism, but also Christianity had been the destroyer of ethnic identity and cultures. The Chin people, for instance, felt this case more than other ethnics group in Myanmar. Before the arrival of the Christian missionary to the Chin land, the Chin had their distinct cultures, and practices. But when the missionary taught about Christianity, they taught them to abandon all of their cultures and practices teaching them that all these pre-Christians elements in Chins cultures were evils. Instead, they taught to practice the western life of culture. These kinds of teaching result that many of Chin Christians abandoned their identity, they lost their culture, and even their history. But now, when the Church leaders, theological lectures, professor realized the importance of preserving culture. The Chin Association of Christian Communication (CACC) was formed by some of Church leaders to find the lost elements of Chins culture and literature. Today, Christianity becomes the religion that protects the Chin peoples from the danger of assimilation into the Burma Buddhists. The Christians organizations are trying hard in working for promoting ethnic language and literature, culture, and preserving the ethnic identity.

The ethnic minority language and literature were taught for five years in the primary schools before 1964. During the socialist period, they were taught in three years. But they were finally banned in public schools in about the end of Ne Win's regime.<sup>17</sup> In order to keep ethnic existence and cultural identity, preservation and promotion of language and literatures plays an essential part. But today, many young ethnic minorities cannot speak nor write in their own languages. Today, Burmese language became the official common language of all ethnic groups and it is also the only medium of instruction for all education in Myanmar. A crucial problem for the minority ethnic is the dictators' attempts to eliminate the long existing languages of minority ethnic.

### **Buddhism as A Tool of Legitimacy**

<sup>15</sup> Physicians for Human Right, "Lie under the junta: Evidence of Crime against Humanity in Burma's Chin State" January 2011, pg. 19.

<sup>16</sup> Shway Yoe, *The Burman: His Life and Notion* (New York: W. W. Norton and Company. Inc. 1963) , ix.

<sup>17</sup> Samuel N. Lynn, "Voices of Minority Ethnic Christians in Myanmar" in *CTC Bulletin*,

{<http://www.cca.org.hk/resources/ctc/ctc02-02/ctc02-02e.htm>.

Religions had been used as a tool of legitimizing their power. The dictators clearly understand that more than two third of the population are adherents of Buddhism. In every state activity, the military leaders are on the side of Buddhists. They publicly announced that Buddhism is the most suitable religions for the country Myanmar. Therefore, force of conversion to Buddhism is not practiced publicly but the government applied pressure on students and poor youth to convert to Buddhism. Adherence or conversion to Buddhism is generally a prerequisite for promotion to senior government and military ranks.

It was U Nu, the first Prime Minister of Union of Myanmar, who pushed to make Buddhism the state religion in 1961. The idea of Buddhism as State religion is continued by General Ne Win and continued by General Than Shwe's regime. For instance, the official Ministry of Religious Affairs includes a department for the *Promotion and Propagation of Sasana* (Buddhist teaching). State-controlled news media frequently depict or describe the government officials paying homage to Buddhist monks, making donations at pagodas throughout the country, officiating at ceremonies to open Buddhist shrines. Nearly all of the book of Buddhist religious teachings have been published by the government. The two Buddhist universities in Yangon and Mandalay are running with the state-sponsored under the program of "State Monk Coordination Committee (Sangha Maha Nayaka Committee or SMNC). And the state-sponsored International Theravada Buddhist Missionary University (ITBMU) in Yangon, was also opened in 1998.

While supporting the religion Buddhism, the military government had been trying to eliminate the other religions such as Christianity, Islam and Hinduism. The government prohibited publishing the teaching of other religions since the time of 1960s. All publications of religious sermon, teaching in ethnic language remain subjected to control and censorship. It is illegal to import translations of the Bible in indigenous languages. The other religious organizations must register with the Ministry of Home Affairs with the endorsement of the Ministry for Religious Affairs. The government never funded or support of non-Buddhist religions while they support fully to Buddhism.

The military government has used different mask to gain its goal. Recently, the Union Solidarity and Development Association (USDA), a government-sponsored mass organization which won over 80 percent of vote in 2010 election, has actively involved in the Buddhist movements. They build Buddhist shrines and schools in the ethnic minorities areas, who are mostly poor Christians. They are taught the Buddhist culture and doctrines aiming convert to Buddhism.

In short, we can summarize that the military government has used Buddhism as a state religion and it fully support for that religion in order to legitimize its power to control the country where two third of the population is Buddhists.

### **Restrictions on minority ethnic religious freedom**

The Government continued to show preference for Theravada Buddhism while controlling the organization and restricting the activities and expression of the Buddhist clergy (Sangha). Any organization that does not support the government is denounced as illegal organization. Based on the 1990 Sangha Organization Law, the Government banned any organization of Buddhist monks other than the nine state-recognized monastic orders. Authorities frequently refused to approve requests for gatherings to celebrate traditional Christian and Islamic holidays and restricted the number of Muslims that could gather in one place. For instance, in late 2006 a prominent Muslim religious organization planned to hold a golden jubilee in Mawlamyine, Mon State, to celebrate the founding of their organization. After they requested permission to hold the event, the local Division Commander, Brigadier General Thet Naing

Win, called representatives of all non-Buddhist religious organizations in the area to a meeting. He informed them that permission would not be granted to hold any religious functions or ceremonies due to security reasons. None of the Buddhists ever faced such kind of restriction and difficulty in holding their religious events and feasts.

On January 23, 2007, Christian Solidarity Worldwide (CSW) released a report that documented the Government's restrictions, discrimination, and persecution against Christians. Afterward, the Ministry of Religious Affairs pressured religious organizations in the country to publish statements in government-controlled media denying they had any connection with CSW or to condemn the report, and to reject the idea that religious discrimination existed in the country.

The Government continued to discriminate against members of minority religious groups. Many house churches in Yangon area closed because they did not have proper authorization to hold religious meetings. On October 1, 2006, the Agape Zomi Baptist Church, with more than 1,000 members, had to stop its weekly services at Asia Plaza Hotel in Rangoon after the hotel management refused to continue renting them a conference room. The hotel managers claimed that the township authorities had ordered them to stop renting its facility to the group, which had worshipped at the hotel for approximately one year.

In November 2005 authorities in Insein Township, Rangoon, pressured evangelical Christians of the 20-year-old Phawkkan Evangelical Church to sign "no worship" agreements. Some signed the agreements out of fear, but others refused. In February 2006 the authorities issued an order banning worship at the church.

The Religious Affairs Ministry does not allow building any church building officially. However, the Burma Buddhists are building a lot of pagodas in the Christian lands, where there is no Buddhist at all. The Catholic Church established new dioceses in Kachin and Shan states. The bishop of the new diocese in Pekon, Shan State, decided to build his residence on a plot of land owned by the church. Brigadier General Myo Lwin, commander of Military Operation Command Seven at Pekon, ordered the partially built structure demolished, confiscated the land, and extended his own compound fence to enclose the church property. Despite appeals to higher authorities, the Church has not recovered its property. In the past, pagodas or government buildings often have been built on confiscated Christians' land. In Kachin State, authorities have constructed Buddhist shrines in Christian communities where few or no Buddhists reside and have tried to coerce Christians into forced labor to carry bricks and other supplies for the shrine's construction. In September 2006 government officials inaugurated a pagoda near the Kachin Independence Organization's headquarters at Laiza, Kachin State. Kachin sources reported there were no Buddhists living in the community. In northern Rakhine State, authorities frequently forced Rohingyas to help construct Buddhist shrines, even though Buddhists there account for approximately 2 percent of the population.

Some Christians in Chin State claimed that the authorities have not authorized the construction of any new churches since 1997. A Christian leader in Chin State stated that to obtain permission to repair or build a church he first had to obtain permission from the Ministry of Religious Affairs, the Ministry of Progress of Border Areas and National Races and Development Affairs (NaTaLa), the Immigration Department and the Township Peace and Development Committee. State censorship authorities continued to enforce special restrictions on local publication of the Bible, the Qur'an, and Christian and Islamic publications. Authorities also restricted the quantity of Bibles and Qur'ans brought into the country. In general, the Government has not allowed permanent foreign religious missions to operate in the country since the mid-1960s. It expelled nearly all foreign missionaries and

nationalized all private schools and hospitals, which were extensive and affiliated mostly with Christian religious organizations.

Non-Buddhists continued to experience employment discrimination at upper levels of the public sector. Few have ever been promoted to the level of Director General or higher. There were no non-Buddhists who held flag rank in the armed forces, although a few Christians reportedly achieved the rank of Lieutenant Colonel. The Central Executive Committee of the largest opposition group—the National League for Democracy—also included no non-Buddhists, although individual members from most religious groups in the country supported the party. The Government discouraged Muslims from enlisting in the military, and Christian or Muslim military officers who aspired for promotion beyond the rank of major were encouraged by their superiors to convert to Buddhism. Some Muslims who wished to join the military reportedly had to list "Buddhist" as their religion on their application, though they were not required to convert.

In 2007, Burmese language document titled, "Program to Eliminate Christianity." The document suggested 17 points for countering Christianity in the country; however, the source of the documents was unreliable because of some grammatical errors. However, there are some elements that mention the government campaign to "Burmanization." For instance, the NaTaLa, the Buddhist movement in the Chin States, focuses on the poor Christians to convert to Buddhism that is to become the Burma.

### **Muslim minority not recognized as citizens**

The Muslim Rohingya minority in southwestern Myanmar is perhaps suffering the most among all ethnic groups in the country. The regime does not even recognize the Rohingya as citizens of Myanmar. The government destroyed their houses, building and burnt their crops so thousand had to move to neighbouring Bangladesh.<sup>18</sup> According to International Religious Report 2007, there are approximately 25,000 Rohingya refugees in Bangladesh.<sup>19</sup> The government does not give them citizenship. Instead, some of them were given 'Temporary Registration Cards (TRC).' According to UNHCR, there are 800,000 Rohingyas in Myanmar and only 650,000 possessed TRC. In order to apply RTC, the Muslim men were asked to submit photos without beards. The authorities did not grant permission to Rohingya to travel for any purpose. They did not have access to state-run schools beyond primary education because there is no secondary school for TRC cards holders. They are not allowed to apply for any government office. Some Rohingya Muslims who wanted to be soldiers had to list 'Buddhist' as their religion on the application forms.<sup>20</sup>

### **The Unsure future for Ethnic Minorities**

The 2008 Constitution of the Union of Myanmar forbids discrimination on ethnic or religious background. But it also states that misusing of religions for political purpose is forbidden. Some argue that this paragraph paves the way for persecuting religious minorities, as any public activity can easily be assume as political purpose.<sup>21</sup> However many people considered that it is not a new statements. It was also stated on the paper since 1962. In spite of the

<sup>18</sup> "Systematic religious persecution in Myanmar" in *Asia News* {<http://www.asianews.it/index.php?art=1711&l=en>}

<sup>19</sup> International Religious Freedom Report 2007 (<http://www.state.gov/g/drl/rls/irf/2007/90131.htm>).

<sup>20</sup> Ibid.,

<sup>21</sup> Ana Lehman, "Religious minorities face persecution in Myanmar," {<http://www.dw-world.de/dw/article/0,6112583,00.html>}

existing constitutions, the government has been systematically discriminated against ethnic minorities and it supports the policy of burmanization. Just before the November 7, 2010, military government unveiled a new flag which consists of a large single white star which instead of fourteens stars in the old one. Many of ethnic minority are dissatisfied with the new flag symbolized Burmanization-- the policy of assimilating all ethnic minorities into the dominant ethnic Burman group-- which would result in the loss of their cultures and identities. Therefore, the future of ethnic minorities in Myanmar is unsure and no one can predict what will happen in the period of the coming new government in Myanmar.



**A Model Development of Higher Educational Management by Applying  
the Philosophy of Sufficiency Economy in the Private Higher Educational  
Institutions of Thailand**

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## ABSTRACT

The research objectives were to study the principles, the practical level, and to develop a model of higher educational management in the private higher educational institutions of Thailand by applying the philosophy of sufficiency economy (PoSE) bestowed by the King. The research findings were as follows : (1) The experts' opinions were that general management was the model of non-profit institutions, academic management was on critical thinking about academic contents based upon the philosophy to a real life, research management was to relate with balancing between the concept of teaching and research based upon the philosophy, budget management was to spend money moderately, capital value, value for money, and human resource management was to develop themselves from inner extraction or to have them know themselves, and bring their knowledge applied for self-analysis. (2) To practice the philosophy by 297 administrators, lecturers and personnel of the private higher education institutes was in high level. (3) The model was that : general management was institutions clearly setting its philosophy, vision for scenario management accorded with mission applied by it, academic management, institutions managed by recruiting human resources to productive processes as adequate ratio of teaching material, accommodation, and also technology and information for producing, research management emphasizing on reasonable research methodology with setting research developing committee, constructing the measurement criteria for motivating all the personnel do research by determining the research mission as a crucial part of administrators, lecturers and personnel, budget management, institutions made the budget plan covering the capital incomes and expenditures for reasonably buying, hiring, and human resource management, institutions conducted by recruiting, competitive examining the human resources with knowledge and morality by means of appropriated process.

**Keywords :** Philosophy of Sufficiency Economy, Higher Educational Management, Higher Educational Institutions of Thailand

## INTRODUCTION

The education is a dynamic process which has all the time been transformative, that is, it is necessary to seek a new knowledge to be efficiently applied in educational administration. In this case, the government is aware of educational revolution in all levels called five educational revolutions (Office of Commission of Higher Education, 2009 : 3). Higher educational revolution has been written in the 15 year long higher educational framework. Office of Commission of Higher Education (2008 a : 21-22) is responsible, controls, looks at the mentioned education bringing the PoSE bestowed by His Majesty King Bhumibol Adulyadej, which to be applied in educational management. It is obvious that all the institutions accept that they primarily understand and then they should analyze to be able to practice. That practice is based upon human resource, demographical resource, etc. Its institutions are priority to analyze, synthesize, or integrate leading to practice by managing in accompanying with the willing of the educational act and the private higher education institution act with objectives of educating, supporting the academic and professional knowledge, teaching, researching, academic servicing, and also art and cultural preservation.



The higher educational management (HEM) has been changed in accordance with educational reform covering the teaching and learning, research especially in the contents of academic, innovation integrated with community cooperation. Therefore, Paitoon Sinlarat (2004 b : 13-14) proposed a new paradigm of HEM covering academic management changed from application into production, human resource from supporting into recruitment and employment etc. and Manit Boonprasert (2004: 63-93) also proposed a modern HEM consisting of general management emphasizing on a modernized strategy, academic management on student centered, research management on the leading university of researching, financial management on income development, on human resource management on recruitment and providing sufficient salary much more than state provision.

The HEM especially the private higher education in Thailand in the present is to focus on the good governance to be applied. The PoSE is the good governance giving rise to high achievement. Even the world organization, that is, United Nations Educational, Scientific, Cultural Organization (UNESCO) has accepted this philosophy as fruitful practice in daily life, therefore it will be obviously applied in higher educational institutions, especially in the private higher educational institutions (PHEIs) in the fields of general, academic, research, financial and human resource management. These fields are said to be the principle missions of higher educational institutions serving social they have lived. These missions are concern with teaching and learning to develop or produce the qualified human resource for developing the social as such. It is the PHEIs to enact their roles and also be aware of applying the PoSe in accordance with the higher educational standards.

The questions of how the PoSE is implemented in educational management in the PHEIs consisting of administrators, lecturers and personals, in what level, and also how the model of such an implementation is. These questions are giving rise to the research questions and rationale or intentions to operate the so-called research. It is reason that the PoSE is the great principle with an important framework capable to be applied in a daily life or even in any management. If it is applied in each of situations, it means that the mentioned philosophy will firmly be continued or sustained and propagated to various institutions which develop those organizations including educational institutions. Yet, another reason to dominate the PoSE and take it as a conceptual research framework is that to bring a good thing to live in a happy life to praise, to devote, to dedicate the royal genius of His Majesty the King propounding this sort of philosophy and having bestowed to his all tribes of citizens since 1974 for bringing to behave happily and peacefully.

His majesty the King's address delivered on Kasetsart University Commencement Ceremony on 19 July 1974 was that "The development of the country must be fostered in stages. It must start with the construction of infrastructure, that is, the provision of food and basic necessities for the people by methods, which are economic, cautious and conforming with principles. Once the foundation is firmly established, progress can be continually, carefully and economically promoted. This approach will prevent incurring mistakes and failures, and lead to the certain and complete achievement of the objective.." National Economic and Social Development Board (NESDB), 2007 : 32)

Therefore, "a model development of the HEM by applying the PoSE in the private higher educational institutions (PHEIs) of Thailand," operated or proposed as a research title, is a kind of good governance. If it is implemented to such completely practices, it is to get a good educated one, excellent one and one living in a happy society forever.

## **RESEARCH PROBLEM**

The researcher wants to know how the Thai private higher education institutions take the principles of the PoSE to be applied to the private higher educational management. And in what level the Thai PHEIs take the PoSE to be applied to the private higher educational

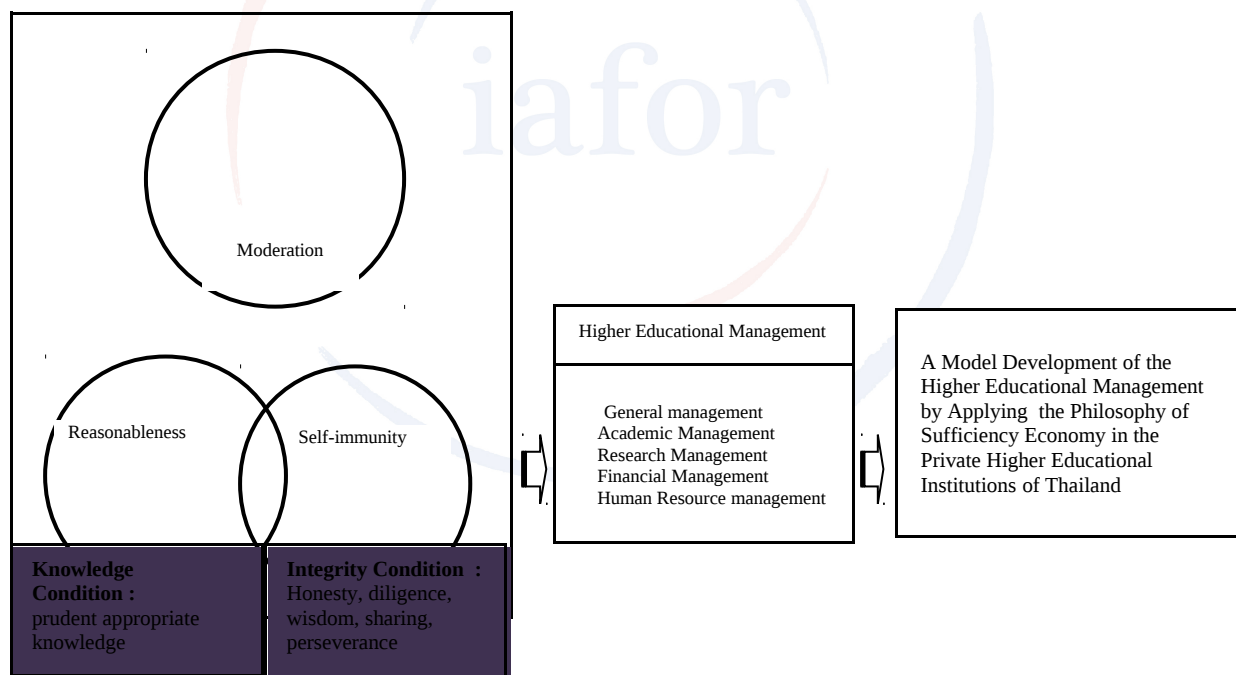
management (PHEM) including how the model of development of the HEM by applying the PoSE in the PHEIs of Thailand looks like.

**RESEARCH OBJECTIVES**

The objectives of this research were (1) to study the principles of the PoSE applied to HEM, (2) to study the practical level of such an application, (3) and to develop the model of the HEM by applying the PoSE in the PHEIs of Thailand.

**RESEARCH CONCEPTUAL FRAMEWORK**

The researcher studies the documents, and research works concerned especially work of Sutham Areekul (2000) proposed the model of HEM based upon those of United Nations, that of Amorwit Nakornthap (2001) proposed the ideas of higher educational development, that of Paitoon Sinlarat (2003a., 2003b) proposed the principles of higher educational management as academic one, that of Manit Boonprasert and others (2003) proposed the ideas of HEM covering general, academic, research, budgeting, and human resource management, that of Nipa Kooponsak (2007) explained how to apply the PoSE in HEM, and important work of Preeyanut Piboonsarawut (2008) pointing out how PoSE having been driven to all sorts of educational institutions including other documents and research works. These were integrated to form a conceptual framework of this research as follows :



**Figure 1** Research Conceptual Framework  
**SCOPES OF RESEARCH**

The scopes of this research cover the management principles of the PHEM with the main contents of general, academic, research, budgeting, and human resource management integrated with the PoSE consisting of moderation, reasonableness, and self-immunity with the main conditions of knowledge based upon prudent appropriate knowledge, and integrity conditions of honesty, diligence, wisdom, sharing, perseverance.

The scopes of geological features cover the 57 PHEIs, both colleges and universities.

The samples used in this research were administrators, lecturers and personnel performing in various departments of the PHEIs with the application of the PoSE. The administrators as such are highest, middle and lower administrators. They are the university presidents, vice presidents, dean, directors and head of department including lecturers and personnel from the 57 private higher educational institutions. The table of sample estimation made by Taro Yamane was applied with only 5 % error, therefore, totally 390 samples classified as 171 administrators, 219 lectures and personnel were used as samples for this research.

The independent variables of this study were general, academic, research, budgeting, and human resource management, which were integrated with the PoSE consisting of moderation, reasonableness, and self-immunity together with the main conditions of knowledge based upon prudent appropriate knowledge, and integrity conditions of honesty, diligence, wisdom, sharing, perseverance as above mentioned.

The dependent variables were a model development of the HEM by applying the PoSE in the PHEIs of Thailand.

## METHODOLOGY

In this research, the researcher conducted four stages as follow :

**Stage 1** the researcher studied document and research works concerned with the PoSE applied in the PHEIs and then brought the ideas for constructing the interview questionnaires for interviewing 7 experts. The results of interviewing were transformed to construct and develop as five rating scale questionnaires of performing by applying the PoSE in the PHEIs. After that, those questionnaires were passed through the five questionnaire specialists for qualified scrutinizing and tryout was also made.

**Stage 2** to bring all the qualified questionnaires gone by qualified processes with reliability at .975, and discrimination during .234 - .799 to collect the data from the 390 subjects so the 390 sets of questionnaires were sent by replied-registered mail and only 297 or 76.15 were received. To collect all the data, the researcher made it by himself by closely cooperating with the Association of the Private Higher Educational Institutions of Thailand (APHEIT) for getting completed data as required.

**Stage 3** the researcher used the data having already and completely been collected by choosing the items with a moderately performing by applying the PoSE with mean more than 3 or above. Such items were synthesized as performance indicators and a model proposal development of the HEM by applying the PoSE in the PHEIs of Thailand. In developing the model as such, primarily the researcher invited 25 connoisseurs responding the apt and possibility of the appropriate model together with its questionnaires. In this stage, the processes of Delphi technique were taken into accounts for two rounds. In this case, median and interquartile range were displayed to show the connoisseurs' responding whether they insist on their responds or change them. If they all insist on their responds, it leads to reach a consensus as the approved model.

**Stage 4** to integrate or synthesize the model, it was based upon all the stages of the research to form the model called A Model Development of the Higher Educational Management by Applying the Philosophy of Sufficiency Economy in the Private Higher Educational Institutions of Thailand.

## RESEARCH RESULT

From the above mentioned research objectives and their stages of methodology, the research findings were as follows :

The opinions of all the experts for suggesting the PoSE applied in the PHEIs were that (1) general management was the model of non-profit emphasizing on institutional commitment, culture by determining its philosophy, vision, economy, self-refuge, reasonably expenditure spending for a good life living, (2) academic management was to emphasize on critical thinking about academic contents based upon research integrated with the PoSE to a real life, to put this philosophy into general education in all the subjects for awareness of a good life living, (3) research management was to relate with balancing between teaching and research of understanding research concept based upon this philosophy as pedagogical unit and benefit to community. This was done by the research network helpful to the nation with adequate money for research support, (4) budget management was to spend money moderately, capital value, value for money and quality by analyzing, emphasizing the outcome in kind not in cash at the same time brought the outcome to institutions, and human resource management was to have human being develop themselves by means of inner extracting development, that is, to have them know within themselves and their bring knowledge management applied for self-analysis.

To practice by application of the philosophy for Thai HEM done by data collecting from 297 out of 390 samples as administrators, lecturers and personnel, only 76.15 %. The results of practicing were in high level running from academic management, general management, budget management, human resource management, and research management respectively and a model development of the HEM by applying this philosophy was conducted by choosing the items with the moderate practicing level assigned as indicators accompanied with the model proposal, and by determining 25 connoisseurs respond the questionnaires in the first and second round as apt and possible for practicing of the mentioned model. The results of responding as a whole were high levels with high and highest congruence.

A model of the HEM by applying the PoSE was as follows : (1) general management was institutions clearly setting its own philosophy, vision for scenario HEM accorded with mission applied by the PoSE by means of basically concrete planning necessarily to have a method of assessing based upon knowledge and morality. These should be done in the forms of activities and projects emphasizing on the philosophy leading to implement as higher educational culture, (2) in academic management, institutions manage by scrutinizing or recruiting human resource inputs to productive processes as adequate ratio, especially teaching material, accommodation, and also technology and information for producing. The academic management process was applied by the PoSE covering knowledge and morality, and also it was to be determined as its vision or scenario of institutional academic management including its mission added as usual practice, (3) research management emphasizing on reasonably research methodology with setting research developing committee, constructing the measurement criteria for motivating all the personnel do research by determining the research mission as a crucial part of administrators, lecturers and personnel and also the research budget was sufficiently arranged, (4) in budget management, institutions made the budget plan covering the capital incomes and expenditures for reasonably buying, hiring, cooperating for external budget to support the teaching, researching, etc. This is performed by activity, project organizing as well as networking with sector, association such as alumni. The institutions control its budget leading to transparency giving rise to self-immunity, and (5) human resource management, institutions conducted by recruiting, competitive examining the human resources with knowledge and morality by means of appropriated process. The job determination and job classification were clearly set for human resources both academic and non-academic staff. This is continuously and sufficiently done as proportion of their students by application of the PoSE as such.

## **DISCUSSION**

In this research, the researcher collected data from the 297 subjects as administrators, lecturers and personnel from the 57 PHEIs. The research findings were that all of them perform by applying the PoSE in high level in every factor running from academic, general, budgeting, human resource, and research management respectively. It is obvious that one of the missions of HEM is academic management the administrators, lecturers and personnel perform by applying the philosophy in high level in the first category. In that, academic management is said to be crucial principle of HEM covering teaching and learning or even classroom action research for the required goals and also management by zero defect. The HEM is very important as Paitoon Sinlarat (2003a : 2-4) points out that to become an academic administrator in higher education is based upon becoming an academician or a university scholar before, and then it is suitably appropriate to become the academic administrator. If anyone is not academician, he or she cannot be accepted by the community of scholars. Therefore, the administrators, lecturers and personnel realize performing by applying the PoSE in the HEM in high level, especially the item of academic management so as to qualified achievement of student becoming an prospective educated man or elite. The reason to perform by such a philosophical application in high level in higher education is that higher education firmly holds that an important task in higher education is pedagogy, that is the task of encouraging, enhancing students to complete their courses or graduate as qualified one and then efficiently serve the society as well as living a valuable life in the society in accordance with the willing of the National Education Act B.E. 2542 (A.D. 1999) and amended as the second version B.E.2545 (A.D.2002) especially in section 6 summarized that educational management should develop Thai people making them perfect in health, emotion, intelligent, knowledge ,virtue norms or culture for living their lives with other people pleasantly. Thus, administrators, lecturers and personnel try their best to nurture the moderation, reasonableness, self-immunity, and knowledge and integrity conditions to all their students. Such a typical activity can be exemplified by a research finding by Benchawan Uchupongamorn (2009 : 132-139) that it is very necessary for students to think critically and then make up their mind buying the daily goods. These are depended upon their faculty bases the students belong to. Apart from this, it is consistent with the policy of the Office of Education Council, OEC (2010 : 14-17), the educational government bureau responsible for setting the national education policy, makes a national education plan B.E.2545-2559 reporting the main points of the plan that state wants the good man characterized as polite, good willing, virtuous, etc. the excellent man as a high potential, good achieved in ones' study or well educated, and the pleasant man as good healthy, joyful, good human related, etc

In fact, to nurture all the students good, excellent and pleasant ones is to carry on driving the PoSE for the ultimate purposes of moderation, reasonableness, self-immunity with the conditions of knowledge and integrity. If students deeply understand the PoSE and use it to a good account. In case of obviously understanding PoSE, Nattawut Huayrerai and Rangsi Kaewnamsai (2009 :1-2) studied and found that 62 % of female students and 67 % of male ones perceived to be implemented of PoSE from studying the subject matter of sociology, economy, politics, and also science and humanity. As a whole, they agree to apply PoSE in every sector and in their daily lives in high level, especially students registering the political science course. However, they apply in their studying in moderate level. Even though, in foreign countries, most of scholars such as Crosby 2008 :1-2) are aware of nurturing all the students good, excellent and pleasant ones by taking the ideas of William James to be main principles. According to William James, students should be complete human being, thoughtful, purposeful, self-devoted, etc. This idea is consistent with what Hughey (2000 : 1-2) proposed in his article about management philosophy adopted in the higher educational institutions as a new philosophy. He tried to have students the quality-oriented idealist, occupational climber, and elite conception, etc. same as those of Sperlich and Spraul (2007 : 10). On the other hand, Lunenburg and Ornstein (2008 : 57-61) proposed the quality management in the educational management based upon Edwards Deming's 14 points in the

sense that all educational institutions, not only university but also primary, secondary, or high schools should be transformed. They should have to establish a new priority so as to attain their goals.

An application of PoSE in the HEM in the term of research management even in high level running in the last one because of research mission being scrutinized as rather obstructive tasks which administrators, lecturers and personnel scarcely do their research. This is depended upon a great deal of facilities apt or not apt to in particular of lacking both qualitative and quantitative researchers. It is very important points to apply the PoSE for researchers' self-immunity based upon knowledge and code of ethics directing them succeed in their preferred aims. As the (NESDB, 2007 : 30-31) points out that "A teacher or lecturer should be a role model for students by living a life based on PoSE, so that they can teach by example and be able to guide students to a better understanding of PoSE through classroom curriculum and student activities. To live one's life, based on PoSE, it is essential for human beings to live harmoniously in society and also to coexist with nature. One should reflect on and practice PoSE until one believes that the principles will lead to progress in one's own life and to peace and harmony in society. In practice, one should adhere to morality; honesty and integrity; generosity; self-discipline, patience and prudence in making decisions and taking action; and perseverance in continuously improving oneself. These will lead to self-immunity from changes, and enable one to be moderate and reasonable in life, so that one can efficiently rely upon oneself and be capable enough to help others and contribute to society. As knowledge and reasonableness are very significant, educators have the vital role on these matters. Such knowledge must be prudent, careful and appropriate for each socio-geographic conditions

## RECOMMENDATION

### Recommendation for higher educational institutions

**Academic management**, to academically manage the output especially the student as graduates qualitatively and efficiently serve the society and also live their happy lives in the society and to operate to academically manage for teaching and learning by authentic evaluation of curriculum by means of putting moral principles in it for self immunity.

**General Management**, to set institution philosophy covering moderation, reasonability, self-immunity, knowledge condition and morality including to set vision which is an obvious scenario of higher education by reasonable process, and to bring the PoSE to be the important basic planning for corporate HEM by constructing indicators of moderation, reasonability, self-immunity, knowledge and moral conditions of higher education and they are used for corporately assessment

**Budget Management**, to bring the PoSE for applying to budget planning in the short and long term by using audit and assessing processes suitably, purely and transparently and to set the budget committee for controlling, auditing, following the budget expenditure transparently by applying the PoSE based upon the budget data for decision making

**Human Resource Management**, to make a significance of human resource management by using the human resource cooperatively between department, faculty by constructing the system and mechanism for assessing administrators, instructors and personal and emphasize knowledge and morality cultivation, to obviously set the institutional policy for human resource management based upon reasonably human being behaving and to manage the human resource by setting the fund for social welfare for helping personals based upon moderation because human resource is said to be power of driving the institutions to fulfill the institutional goals

**Research Management**, to set the research committee for institutional research development or set any research network or associations, to place a guideline for good self-immunity to the researchers with knowledge, with the ethics of conduct for research within institutions or even associations, and to set the cooperative offices for patent or provide research

information, comply or collect the research articles or papers by setting it as the institutional central or associational offices

**Recommendation for applying as the full model**, to apply the full model to HEM by applying the PoSE in the PHEIs of Thailand, and it should be followed by assessing its further application

#### **Recommendation for further research**

**Academic Management**, to do a research concerned with the graduates and serve the society by means of following their work in the conceptual frames of the PoSE, and to do a research concerned with the essentials of the PoSE which is applied in the educational curriculum of the bachelor, master and doctoral levels in the term of integrated study

**General Management**, to do a research concerned with the vision of the university council as the leading sector to set the policy giving rise to implementation, to do a qualitative research about vision of university administrators especially the high administrators with the PoSE implementation to corporate practice, to do a research about the higher education managing plan emphasizing the reasonable process for making a decision, to do a research about administrators, instructors and personals living their lives in the higher educational institutions, and about administrators, instructors and personals living their lives based upon the religious doctrines emphasizing the middle paths or any other religions they believes

**Budget Management**, to do a research concerned with the PoSE application to budget planning to expense moderately, reasonably, and self-immunity, and with the role of budget committee with the PoSE application for their decision making

**Human Resource Management**, to do a research concerned with the human resource management emphasizing on their relations with one another, and with establishing the fund for social welfares based upon the PoSE application

**Research Management**, To do a research concerned with the meta analysis of the PoSE application which will be seen as whole conducting in macro factor, with a guideline for making the private university as the research university or the teaching university based upon the PoSE ,with creating the philosophy of higher education based upon the PoSE, and with application of the PoSE mixed with higher educational principles of academic excellence, academic autonomy and academic free

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**Should We Draw A Line Between Business And Ethics?**

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**Category: Business and Management Ethics**

The logo for the International Association for Business Ethics (iafor) is centered on the page. It consists of the lowercase letters "iafor" in a light blue, sans-serif font. The text is enclosed within a circular graphic composed of two overlapping, thick, curved lines. The outer line is light blue and the inner line is light red, creating a stylized circular frame around the text.

iafor

## Should We Draw A Line Between Business And Ethics?

Yusuke KANEKO (University of Tokyo)

### §1 Could the Company Be Ethical?

At the beginning of the book *The Company*, Micklethwait&Wooldridge write as follows:

- (1) Hegel predicted that the basic unit of modern society would be the state, Marx that it would be the commune, Lenin and Hitler that it would be the political party. Before that, a succession of saints and sages claimed the same for the parish church, the feudal manor, and the monarchy. The big contention of this small book is that they have all been proved wrong. The most important organization in the world is the company.

(Micklethwait&Wooldridge [2003], pp.xiv-xv)

Micklethwait&Wooldridge are quite right. However, seen from another viewpoint, they might be wrong. For especially such authors as Hegel, saints or sages are considered to have dealt with ethics. If the company has nothing to do with ethics, these authors had to state no more about the company than specialists say anything irrelevant to their own field. Accordingly, with regard to the statements above, we are tempted to ask, “Could the company be ethical?”

### §2 How Does One Establish a Company?

Our object of study is the very modern organization, the company. Can we include it in ethics? This is the central question of this essay.

Now, then, let us consider the company firstly from a contemporary viewpoint. To be concrete, “How does one establish a company?” “What is its internal structure like?”

For example, suppose a certain Japanese, named “X,” is about to establish a company. What must he do?

X must follow *Companies Act (Kaisha-hou)*<sup>1</sup> here in Japan. And among various forms of companies, he will choose a *joint stock company (Kabushiki-gaisya)*. This is because if he should make a crucial mistake in his business, he would not have to take more *liability* than the *stocks* he subscribes for, while in the case of a non-joint stock company, such as a *general partnership company (Goumei-gaisya)*, he must take *unlimited liability*. It is this *limited liability* that makes entrepreneurs choose the form of

<sup>1</sup> As for translations of Japanese into English, see Ministry of Justice [2010] and Kashiwagi [2007].

a joint stock company. Therefore, X also chooses to establish a joint stock company. Let us trace the actual process in order.

First, X must introduce himself as an *incorporator* (*Hokki-nin*). And as an incorporator, he shows the image of his company, and appeals for investment.

Second, X must prepare *articles of incorporation* (*Teikan*), in which a name, such as "...& Co., Ltd." or "...ltd.," its location, and the formation as to *directors* (*Torishimari-yaku*), *company auditors* (*Kansa-yaku*), etc. are elaborated. These articles of incorporation are checked by a public officer called a *notary* (*Koushou-nin*).

Third, incorporators and investors subscribe for the stocks, when the ratio of their investment is fixed. And they proceed to pay money into the checking account of a bank, when the capital of X's company is determined.

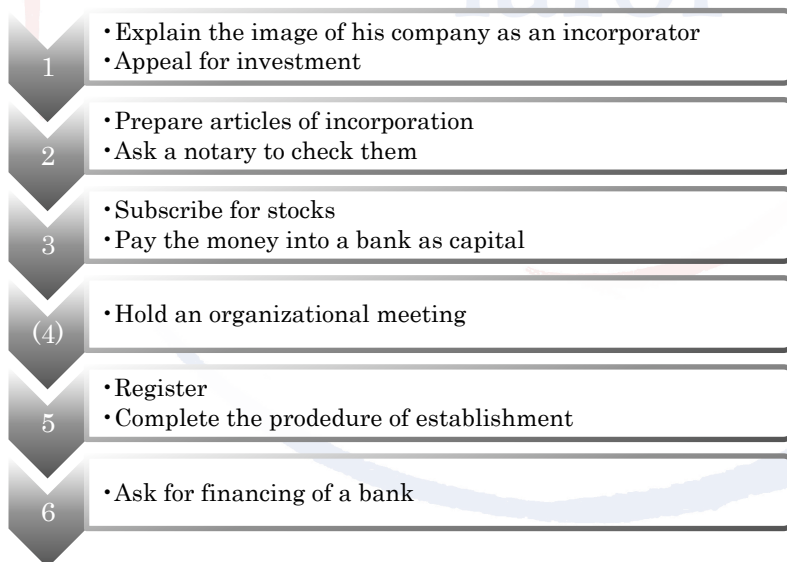
Fourth, in case of *incorporation by solicitation* (*Boshuu-setsuritsu*), X must hold an organizational meeting.

Fifth, X *registers* his company. Then, his company is considered to be "established."

Sixth, after the registration, X may go to banks to ask for financing.

This process is summarized as follows:

## (2) The Process of Establishing a Company<sup>2</sup>



<sup>2</sup> See Shibata [2006], p.17.

### §3 The Hierarchy of the Company

This is how X's company is established. In most cases, incorporator X becomes a *director (Torishimari-yaku)* of his company. A director is a *manager* of the company. As such, X employs *labors*, and prescribes to them.

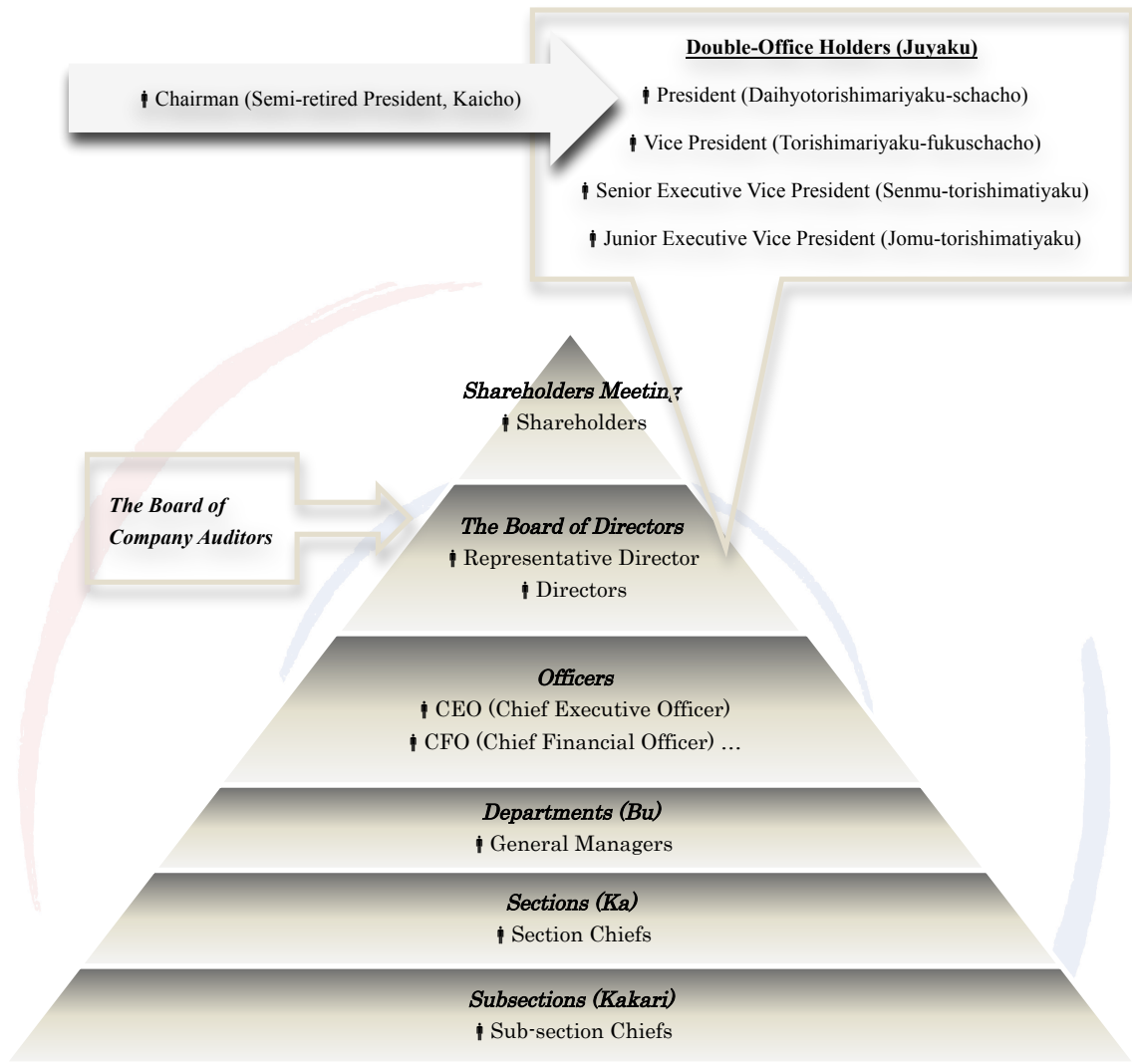
Except X, there are also incorporators who do not touch on management. Such incorporators become pure investors, that is, stockholders (shareholders). They do not touch on management but *own* the company. Thus, there arises two opposite sides in one company, namely, *the management side* composed of a manager and employees, and *the ownership side* composed of stockholders (investors).

According to Iwata, we can liken this form of the company to that of a baseball team (Iwata [2007], pp.129f. pp.186f.); a company is a baseball team; a stockholder is an owner of the team; a director is a baseball manager; employees are baseball players.

In *shareholders meeting (Kabunushi-soukai)*, owners, i.e. stockholders, can dismiss the manager, i.e. the director, and further change the formation of their team, i.e. the company, by changing its articles (*Teikan*). Therefore, in case X's company becomes too large for him alone to manage, its formation can be changed, initiated by the shareholders meeting; for example, the number of directors can be increased, *the board of directors (Torishimariyaku-kai)* can be organized, a *company auditor (Kansa-yaku)* can be introduced, *the board of company auditors (Kansayaku-kai)* can be organized, and so on.

This is how the following hierarchy appears when X's company adequately grows:

(3) The Hierarchy of a Company<sup>3</sup>



**§4 A Historical Point of View**

This is the short sketch of the company from a contemporary viewpoint. And as to this organization, we are tempted to ask, “Could it be ethical?”

To consider this question, let us further take a historical point of view. On the basis of the contemporary aspect sketched above, we are now able to comprehend such a historical analysis more properly. And thereby, we can approach the original aim of the company, that is to say, its nature.

For this purpose, we return to the book cited at the beginning of this paper, *The Company*. According to Micklethwait&Wooldridge, the birth of the modern company is

<sup>3</sup> See Shibata [2006], p.82, Iwata [2007], pp.187-188, Wikipedia [2010].

traced back to *the Victorian Company Act* of England in 1862 (Micklethwait&Wooldridge [2003], p.xiv, p.52). At that time, the focus was on the regulation for establishing joint stock companies, the companies with limited liability.

In our times, as seen in §2, we can easily establish a joint stock company if only we follow Companies Act. But this easy process was not acknowledged from the beginning. In the old days, establishing a joint stock company was a privilege for specific merchants. As for non-joint stock companies, every merchant could establish them freely. In fact, merchants established something like general partnership companies as early as ancient times<sup>4</sup>. But in that case, they had to take unlimited liability, heavy risk, for their business, so that they could hardly embark on big business.

This is why it was indispensable for incorporators to obtain limited liability. However, as easily seen, limited liability is not a type of rule *naturally* accepted by members of a company, but *legally* imposed on them, which is a task of the state.

Thus, the problem of limited liability was undertaken by the state. The Victorian Company Act was a positive answer to it; that act loosened up the regulation for establishing joint stock companies<sup>5</sup>.

### §5 As an Instrument of Imperialism

The Victorian Company Act was pushed through by the vice president of the Board of Trade, *Robert Lowe*, whom Micklethwait&Wooldridge call “the father of the modern company” (Micklethwait&Wooldridge [2003], p.51). Although this act finally admitted merchants freely to establish joint stock companies, yet there was a heated debate at that time concerning the admission<sup>6</sup>.

Even after the *First Industrial Revolution* (in the eighteenth century), *industrialists* still doubted about setting the company free from state control<sup>7</sup>. As to this doubt, we

<sup>4</sup> In ancient times, merchants already carried out *joint stock*, that is, the mode of business in which more than one person invest for business (Micklethwait&Wooldridge[2003], p.3). But it was narrow relation between a merchant and investors.

In medieval times, the idea of a *legal person* (*Houzin*) already pervaded people. Churches and universities were regarded as such. In addition, *guilds* in German bloc (ibid., pp.12-14), *comanie* in Italian bloc were also counted as such (ibid., pp.7-11). But they were not joint stock companies yet; guilds were a mere association of merchants to monopolize trade with a certain market; *comanie* were a family firm in which each member must take *joint liability*, a kind of unlimited liability.

<sup>5</sup> Concrete contents of this act are as follows (compare this with (2) above):

- (i) There is no minimums for share capital.
- (ii) Seven incorporators are required.
- (iii) The incorporators shall make articles of incorporation (a Memorandum of Association).
- (iv) At registration, the location and the name with “...ltd.” shall be notified.
- (v) Banks and insurers are excluded from this act.

(Micklethwait&Wooldridge[2003], p.52)

<sup>6</sup> Micklethwait&Wooldridge called it “The Great Victorian Debate” (Micklethwait&Wooldridge[2003], pp.49f.).

<sup>7</sup> For example, *James Watt*, the inventor of the steam engine, who was in a partnership relation with industrialist

must know the fact beforehand that the company (the joint stock company) was originally created by the *state*.<sup>8</sup>

*The Age of Discovery* initiated by Vasco da Gama, Columbus, etc. motivated states to promote trade with the new world called “the Indies.” Their aim was at such commodities as spiceries. This interest of states coincided with that of merchants making ventures. This was why states began giving *charters* to merchants who established companies for trading with the Indies. These *chartered companies* were nothing but the original forms of the modern joint stock companies. Their representatives are *the East India Companies* of England, France, and Holland.

In this way, the company was originally created by sovereign nations; it was nothing but a political creation (ibid., p.53). But “political” does not always mean “ethical.” So here again arises the question, “Could the company be ethical?”

Given the present point, we cannot help answering, “No.” Chartered companies, such as the East India Companies, were nothing but instruments of *imperialism* (ibid., p.28); this was confirmed by the history of the invasion of India. In addition, we can also find slave trading company, such as the Royal African Company, around this time (ibid., p.40).

## §6 As an Instrument of Speculation

For good or ill, the company was originally created by the state. States controlled companies through the charters. But the Victorian Company Act emancipated companies from this control.

However, it was the chaotic generation-decay of many companies that resulted from this emancipation (cf. Micklethwait & Wooldridge [2003], pp.51-52). Of course, we may say, it is not until such chaos was experienced that we could open up the new age of *liberalism*. Furthermore, we may expect, through *competition* in the midst of such liberalism, the company gradually became ethical.

Nevertheless, as stated above (the second paragraph in §5), the pioneers of modern companies, industrialists, had long doubted about such liberalism (ibid., pp.41-43, p.49). Why?

It was because there remained traumata of *bubbles*. Phenomena of bubbles are not peculiar to our age. As seen from the famous *Dutch tulip bubble* from 1636 to 1637, for example (ibid., p.20), the bubble is almost a destiny of the mercantile transaction.

Since companies were organized as joint “stock” companies, stock exchanges have

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Matthew Boulton, refrained from embarking on the big business, making use of limited liability (Micklethwait&Wooldridge[2003], pp.42-43).

<sup>8</sup> As for the following, see Micklethwait&Wooldridge[2003], pp.21-28.

been indispensable for their subsistence<sup>9</sup>. Although the stock exchange appeared as early as medieval times (ibid., p.18), *regular* stock exchanges were organized in Holland in 1611 (ibid., p.20), in England around 1700s (ibid., p.32), and so on; these dates mean the time when chartered companies, such as the East India Companies, appeared.

In the case of the English East India Company, it paid no less than a *fifty percent dividend* to investors in 1680 (ibid., p.25). Quick-eyed investors could not ignore such high-return shares, so that its stock price rose up from 250 pounds around 1601 (ibid., p.22) to 300 pounds in 1680 (ibid., p.25).

In this way, early joint stock companies were regarded not only as instruments of imperialism but also of *speculation* (ibid., p.28). But herein, people were to experience “the biggest financial bubble in the history” which was caused by *John Law* and his *Mississippi Company* (ibid., pp.28-31).

This bubble occurred in France suffering from a large amount of debt for the war against England (e.g. *War of the Spanish Succession* from 1701 to 1713). France made the money by issuing national bonds. However, in the case of national bonds, the state must pay fixed interest in addition to their principal. To avoid this, France directed its attention to chartered companies with the thought that it could tap a new source of revenue by issuing shares of a chartered company.

This was why an incorporator of the Mississippi Company,<sup>10</sup> John Law, curried the favor with the king of France, Louis XIV. At that time (in the early seventeenth century), France colonized the middle part of North America along the Mississippi river, calling it “Louisiana.” There, John Law started his business, attracting investors with sugar-coated words; in this respect, he was genius. The result became mass frenzy. Mods of investors besieged Law’s office (ibid., p.30).

However, the actual condition of Louisiana was fairly meager (ibid., p.30). Law made a kind of fraudulent scam. That was why the bubble inevitably burst. It is said that John Law fled to Brussels in 1720, leaving France in chaos (ibid., p.31).

## §7 Shareholder Theory

In the history above, we could not find anything ethical about companies. Originally, they were instruments of imperialism (§5), and later, changed themselves into

<sup>9</sup> The tradability of stocks is understandable from a legal point of view. If investors were in a position to get back their money whenever they want, companies would immediately lose their capital. Therefore, another place to provide investors with the way to get back their money is required; it is nothing but a stock exchange, where investors can get back their money by selling their stock to other investors. See Shibata [2006], pp.44-45.

<sup>10</sup> Strictly speaking, he bid in the *Companie d’ Occident* and renamed it “the Mississippi Company” (Micklethwait&Wooldridge[2003], p.29).



instruments of speculation (§6).

According to Micklethwait&Wooldridge, actually, the early companies were far from ethics (ibid., p.xx). In the Age of Discovery, the voyages, such as undertaken by the East India Companies, were something like the investment in space exploration (ibid., p.19). Most of crew died during voyages<sup>11</sup>. Treacheries daily occurred<sup>12</sup>.

From these facts, we cannot help concluding that companies were originally not ethical but mere profit-makers for investors, such as states and speculators.

This conclusion was currently supported by Milton Friedman, the Nobel Prize-winning economist (Friedman [1970]). His target was what we call “CSR (*Corporate Social Responsibility*)” (cf. Marcoux [2008], 2)<sup>13</sup>. Criticizing CSR<sup>14</sup>, he insisted that the social responsibility of the company was only to make a profit.

According to Friedman, even if each company pursues its profit, mere egoism will not result; rather, each company can attain certain social responsibility; that is, it can reward to investors who subscribed for its stocks.

This opinion of Friedman’s is not going too far. In fact, economist Iwata coolly accepts it in his argument on CSR for the environment (Iwata [2007], pp.35-36). Then, how did Friedman substantiate his argument? Let us trace it.

First of all, he set up the following premise:

- (4) The ideal society is to be formed in the midst of free competition, where everyone pursues its own profit. (cf. Friedman [1970], p.55)<sup>15</sup>

This premise can be regarded as that of liberalism; Friedman refers to Adam Smith (ibid., p.53).

And in accordance with this liberalism, Friedman refused CSR, because CSR tells companies to do something for the whole society; this appeared a kind of *socialism* to Friedman (ibid., p.52). In addition, even if companies decide to do something for the whole society, what should they do? Vagueness remains here.

- (5) The concept of “social responsibility” is vague. Each company cannot find what to do in order to fulfill it. (ibid., p.51, pp.52-53)

<sup>11</sup> For example, in the first voyage of the East India Company, a quarter of crew were dead (Micklethwait&Wooldridge[2003], p.22).

<sup>12</sup> For example, Cornelis de Houtman, who was chosen by Dutch merchants in 1595, poisoned one of his captains and returned with two-thirds of his crew gone (Micklethwait&Wooldridge[2003], p.19).

<sup>13</sup> Marcoux [2008] is not referred to with the number of the page.

<sup>14</sup> In the following, “CSR” is regarded as the abbreviation of various words; e.g. “the idea of CSR,” “the requirement of CSR,” and so on.

<sup>15</sup> This is not the citation from Friedman’s article. The same is true of (5) and (6) below.

Let us consider this point more in detail.

Suppose that a certain director decided to spend his company's money to stop inflation. But, although an expert of management, he is a layman of inflation; so probably his attempt will be in vain.

Friedman called this defect of CSR that of the "consequence." Even if a certain company decides to take CSR, it may fail in the consequence, because in not a few cases, such a company does not know how to attain its aim.

However, there is one consequence at which every company knows how to arrive. It is the profit of its stockholders. Every company can surely predict that making its profit directly becomes the benefit for its stockholders. This is why the following conclusion is drawn:

(6) The only responsibility that should be taken by the company is for its stockholders.

### **§8 Risk**

In this way, Friedman concluded that the company does not have to take CSR but only to pursue its profit. Certainly, as far as his premise (4) works, this conclusion is sustainable. However, we may say that premise (4) is too optimistic; optimistic trust on *free competitive society* underlies Friedman's argument.

Could we leave people free to pursue their own profit forever? As far as it is *inside a society* that they pursue their profit, I think, we cannot leave them free forever. They must become careful about their neighbors<sup>16</sup>.

Let me elaborate this point, narrowing our subject down to the company. Suppose that a certain company sells certain products, knowing that they probably cause certain harm. What if the company continues selling them? Then, it will inevitably lose its trust among consumers; further, consumers may stop purchasing all the products of that company.

As seen from this example, if a company wants to make a profit, it must direct its attention not only to its profit but also to consumers.

Those to whom the company must direct its attention are not limited to consumers. It is probable that the company causes harm to its environment. It is also probable that it causes harm to its employees.

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<sup>16</sup> Maybe the argument hereabout seems too simplified. But I myself have my previous studies of Kant and Hume in mind (e.g. Kanko [2009]).

The possibility of harm, in other words, *risk of harm* makes the company direct its attention to all the members of a society. So, contrary to Friedman's conclusion, we may say that if the company wants to pursue its profit, it must take CSR.

### §9 Stakeholder Theory

The argument in the previous section is grounded on risk of harm. The risk also includes that of shareholders. For shareholders take risks of losing their money. However, risks are not limited to shareholders'. According to Beauchamp&Bowie, risks are classified as follows:

(7) Kinds of Risks (Beauchamp&Bowie [2003], p.167)<sup>17</sup>

(i) Risks to Consumers

- Foods as products may have too much fat and sugar.
- Drugs as products may have side effects.
- Cigarettes are typically harmful for health.

(ii) Risks to Workers

- Working in harmful situations may impair workers' health.

(iii) Risks to Environment

- Factories may emit harmful substances.

(iv) Risks to Investors

- Management plan going too far may squander the capital.

Compare this list with the figure below put forward by philosopher *Edward Freeman* for explanation of his *stakeholder theory*:

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<sup>17</sup> Each item is a little altered by Kaneko.

(8) Stakeholder Theory (Freeman [1997], p.59)<sup>18</sup>



Here, the terminology “customers” in the right upper circle is interchangeable with “consumers” in (7)-(i) above<sup>19</sup>. Likewise, “employees” is interchangeable with “workers” in (7)-(ii); “environment” is the same as in (7)-(iii); “owners” is interchangeable with “investors” in (7)-(iv).

On the other hand, “owners” are nothing but shareholders in our foregoing arguments. Likewise, “management” is directors, and first of all, “the corporation” in the center is the company.

In this way, consideration for risks unites other members of a society with the company. Shareholders (owners) are no more than one factor.

These members or factors are nothing but *stakeholders*. Freeman defined this terminology in three ways:

<sup>18</sup> Three circles in this figure, that is, “Other Companies (Competitors),” “Government,” and “Environment” are added by Kaneko on the basis of Freeman’s argument in Freeman [1997], p.61, and p.64 note 10.

<sup>19</sup> Strictly speaking, customers and consumers are not interchangeable. But within my argument, I think that this interchangeability is permissible.

## (9) The Definition of Stakeholder

(i) The Literal Definition (Freeman [1997], p.54)

: Those groups who have stakes in the company.

(ii) The Wide Definition (ibid., p.58)

: Those groups who are affected by the company.

(iii) The Narrow Definition (ibid., p.58)

: Those groups who are vital to the survival and success of the company.

Freeman drew the figure (8) above in terms of the narrow definition (ibid., pp.58f.). On the contrary, our argument matches with the wide definition, where “affection” means “causal relationship” in terms of risk.

## §10 Conclusion

Stakeholder theory is the theory that relates the company not only with its stockholders but also with other members of a society. Therefore, we may think that this theory affirms CSR<sup>20</sup>.

In order to substantiate this theory, Freeman made “The Economic Argument” (ibid., pp.57-58). Its main point is very similar to our argument in §8; that is, each company cannot pursue only its profit with “free-rider” attitudes. For companies are always exposed to potential involvement in risk. If a company wants to survive and succeed in a society, it must take care about all the members of a society.

Therefore, the narrow definition of stakeholder above (=9-iii) is eventually absorbed in its wide definition (=9-ii). The company must take care about stakeholders *in the wide sense* whenever it cares about stakeholders *in the narrow sense*.

We can interpret Friedman’s stockholder theory as Freeman’s stakeholder theory *in the narrowest sense*<sup>21</sup>. Friedman’s theory goes in the opposite direction to ours. But it does match with *American corporate governance* very well<sup>22</sup>.

However, place the same argument in another context; for example, think it in terms of *Japanese corporate governance*. Actually, we Japanese find Friedman’s theory a little strange. We think that the company is, first of all, for employees and take it for granted that the company takes CSR (cf. Iwata [2007], pp.80-82, pp.162-169).

It is this Japanese corporate governance that Freeman’s stakeholder theory matches with (cf. ibid., p.11). So, in terms of Japanese corporate governance, we can affirm CSR.

<sup>20</sup> But, the connection between stakeholder theory and CSR is not inevitable one. We can interpret stakeholder theory only as that which reconciles the interests among stakeholders in balance (Freeman [1997], pp.60-62). As for this point, see also Iwata [2007], pp.35f.

<sup>21</sup> Freeman said that his theory was a generalization of stockholder theory (Freeman [1997], p.58).

<sup>22</sup> Regrettably, there is no room to elaborate *corporate governance* in this paper. See Iwata [2007].

And as far as we include CSR in ethics, we can further conclude, “We should *not* draw a line between business and ethics.”

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# **Can a Non-empirical and Non-rational Way of Forming Beliefs Be a Sustainable Epistemological Reaction to Epistemic Barriers?**

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Topic of the Paper: Epistemology, Philosophy of Religion

The logo for the International Association for Philosophy of Religion (iafor) is centered on the page. It features the word "iafor" in a light blue, lowercase, sans-serif font. The text is enclosed within a circular graphic composed of two overlapping, semi-transparent arcs: a light blue arc on the left and a light red arc on the right, which together form a partial circle around the text.

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 2011

### **Can a Non-empirical and Non-rational Way of Forming Beliefs Be a Sustainable Epistemological Reaction to Epistemic Barriers?**

*Abstract: Many philosophers in the analytic tradition have attempted to examine the notion of "epistemic limits" (Plato, Kant, Wittgenstein, Fodor 1983; Nagel 1986; McGinn 1996; Williamson 2000; and others). "Are we cognitively/epistemologically limited beings?" is a question that is answered positively in many philosophical debates. It is almost a common (explicit or implicit) conviction that human beings face several types of epistemic barriers during their lifetime. The more significant question "What kind of epistemic position do/should we take towards epistemic barriers?" is less examined than the former. There are only a few options to take a position. Agnostic stance, which has been defended as a sustainable position recently (Rosenkranz 2007; Magnus 2005), is one of those options. Appealing to ways other than rational and empirical methods is another. This paper chiefly focuses on the latter question, while criticizing the agnostic stance in favor of appealing to other ways of forming beliefs on what is beyond the epistemic barriers.*

*The main conclusion that I reach in the paper is that appealing to other ways of forming beliefs on what is beyond the epistemic barriers is epistemologically more tenable than taking an agonistic stance. Disregarding other epistemologically controversial aspects of religious beliefs, this conclusion may well be considered to provide an epistemologically sustainable ground for religious beliefs in general.*

Questions such as "What is knowledge?" and "How can I know?" have been more commonly studied than the question "What are the limits of my knowledge?" in epistemology. Limitations of our knowledge may vary. It may result from the things external to the mind, or it may result from the capacity of our experiencing the external things, or it may result from the natural languages we use, or the structure of the conceptual system we are bound with. Examples of such include Plato's questioning of human knowledge in his *Republic*, Kantian treatment of the thing-in-itself<sup>1</sup> in his *Critique of Pure Reason*, Wittgenstein's consideration of natural languages in his *Tractatus*. And more contemporary ones include Fodor's proposal of endogenous constraints on concepts of human beings (Fodor 1983<sup>2</sup>), and Nagel's (1986), McGinn's (1993) and Williamson's (2000) examinations of epistemic limits.

Many take for granted that there are epistemic limits. I will not take that for granted. I will rather attempt to show that there exist several kinds of barriers before human epistemological practices. What bear more significance for the purpose of this paper, however, are the epistemic stances towards what is beyond our epistemic limits. Agnosticism, as one of the significant approaches, is recently claimed to be a sustainable stance towards epistemological barriers we face (Rosenkranz 2007; Magnus 2005). I will attempt to show, as well, that agnostic stance cannot be taken in many cases, and is not compatible with the nature of human epistemological activities.

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1 For an examination of Kant's treatment of thing-in-itself and Hegel's response to it, see also Kreines (2007).

2 For a critique of Fodor's view, see also Rellihan (2005).



Here is a detailed plan for this paper: I will first categorize parts of reality, and simply propose that reality divides into three domains with respect to our methods of investigation of it. My categorization will take as its primary basis the notion of “epistemic barrier,” which I will postulate in order to investigate possible approaches to what is beyond the limits of human knowledge. Accordingly, I will then ask two central questions: (1) Can empirical or rational methods be an epistemic guidance for an epistemic agent while she faces an epistemic barrier, which completely constraints her in forming beliefs on what is beyond the barrier? (2) If the answer is “No,” and my answer will be “No,” what options are available for the agent to form beliefs on what is beyond the barrier in order to take a relevant epistemic attitude? After discussion of two possible stances as reactions to question (2), one as agnostic and the other as employing other methods, I will be defending two claims: (a) Since agnostic stance is not really compatible with human nature, the epistemic agent has no option but take the stance that appeals to other ways of forming beliefs, and (b) Adopting some other ways of forming beliefs on what is beyond the epistemic barriers is a credible epistemic stance to which the agent applies several epistemic standards.

Let us say there is the part of reality consisting of *facts* that are accessible to scientific (empirical) investigation. This part of reality comprises facts open to scientific observation and experimentation. For instance, if you wish to find out what biological changes would occur if you climb to the top of an 8.000 meter-high mountain, you go climb, observe your body and do experimentation if it is necessary, and you get what you need to find out empirically. The knowledge you acquire through this way is of the states of affairs occurring in a domain that is open to any scientific investigation whose method is primarily an empirical one (including relevant rational thinking of course). We can call this part of reality ‘The Domain of Facts’.<sup>3</sup>

‘The domain of facts’ consists of *facts*, but that is not the only part of the whole reality. Another part consists of *what is behind the facts*. You observe that you freely choose to eat an ice cream and think that what has caused the action of your eating ice cream is your free choice. But someone may intelligibly ask and utter the questions: Is your free choice the real cause of your action? Might there be some other unobservable cause that brought about both your decision of eating ice cream and your action of eating it? What is the nature of causation involved here anyway? What kind of philosophical tie takes place between cause and effect even in ordinary cases? These are metaphysical questions that are not subject to scientific observation and experimentation. There are other topics in this category like the nature of concepts, existence, knowledge, moral/aesthetic values etc. You need to do some philosophical (rational) reasoning to answer these questions. And the answers you will acquire will be primarily based on rational grounds. We may call this part of reality ‘The Domain of behind the Facts’.

The last part of reality is the main target of this paper. It is that which consists of *what is beyond the facts*. To explicate this part of reality, let me introduce the notion of ‘epistemic barrier’ first. To begin with an example, think about space travel. It seems that human beings cannot gain all the knowledge there is of different sections of the universe, just because they cannot travel all sections of it in an adequately short duration. This is because

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<sup>3</sup> Here, what I mean by ‘fact’ is any objectively observable relation between any existing observable entities. And what I mean by ‘state of affairs’ is simple atomic facts that does not include more than one relation between two entities. And finally, what I mean by ‘reality’ is the totality of truths.

of its enormous size. It is so huge that even in thousands of years this may never be possible at all. This is what the world outside brings us as a limitation against our entire capacity of acquiring knowledge. There are other limitations we face on this very same subject. We may never know all there is to know of different sections of the universe, also because of our limited lifespan, brain structure, neurophysiologic features etc. The astronauts we send for space travel may never know certain laws governing those sections of the space, just because they are biologically limited. There is more to these limitations. On the same very point, we should seriously consider our conceptual capacity as well. Our unlucky astronauts perhaps are not capable of completely conceiving certain concepts like infinity, unordinary spatiotemporal properties, backward causation in time etc. Unknown to them, this may be one of the serious obstacles they encounter in their exploration of the space. As a result, it is quite obvious that we are epistemologically limited beings, which basically means that human beings do not have the capacity of acquiring all there is to know. And it is because of the limitations we face. Let us classify these limitations under three groups: (a) Universal limitations (like the enormous size of the universe and causational complexity), (b) Biological limitations (like humans' limited lifespan, brain structure and neurophysiology), and (c) Cognitive limitations (like our limited conceptual capacity).

Having clarified the notion of epistemic barrier, we can now think about the last part of reality, i.e., the part that consists of *what is beyond the facts*. So far I have used the term 'fact' in the sense of 'facts subject to scientific (empirical) investigation'. Perhaps, we should now admit that there are facts closed to any scientific or philosophical investigation carried out by humans. These facts may exist unknown to us, and remain unknown forever only because we are epistemologically limited beings. Well, one might question the existence of such facts and demand a justification. But this would never be necessary. The metaphysical possibility for the existence of such facts is enough to lay out the parts of reality we are interested in. And that possibility can be shown easily by a simple metaphor. Just as an elephant is epistemologically incapable of knowing the details of quantum mechanics, it is quite plausible to assume that the world consists of facts some of which are beyond the epistemic barriers and, therefore, totally closed to human cognition epistemologically. This body of facts is what constitutes the final part of reality—'the domain of what is beyond the facts'. Let us summarize these three parts of reality as follows:

- (1) The Domain of Facts: We may also call this domain "empirical domain." It basically consists of states of affairs open to everyday observation and/or scientific investigation.
- (2) The Domain of what is Behind the Facts: This domain may also be called "rational domain." It simply consists of states of affairs open to everyday reasoning and/or philosophical (conceptual) investigation.
- (3) The Domain of what is Beyond the Facts: This domain is by definition unreachable through empirical and/or rational methods. It supposedly consists of states of affairs completely closed to any scientific or philosophical investigation—and obviously any everyday observation and reasoning—carried out by human beings.

Now we have reached to a point where we are forced to take a stance on the epistemic inadequacy involved in the last domain of reality. Towards this inadequacy, there are two possible stances for an epistemic agent to take. First, she can be agnostic and believe that as long as humans are bound with those epistemic limitations mentioned above, what is beyond the epistemic barriers can never be known by humans. Second, she can hold that methods other than the empirical and rational ones can be pursued to form beliefs on what

is beyond the epistemic barriers. On the former stance, the agnostic may either hold the view that forming beliefs on what can never be known, as an epistemic act, is implausible, or the view that forming beliefs on what can never be known is plausible with some certain conditions. But this latter view has to be reduced ultimately to the second stance. Before examining these two stances with details, let us give a final thought to whether or not empirical/rational method can shed any light on this third domain of beyond the facts—the domain that contains possible facts beyond the universal, biological and cognitive limitations surrounding human cognition.

One might think that empirical/rational method may promise some hopes towards gaining the knowledge of states of affairs occurring in this third domain. Perhaps in the far future with some scientific and philosophical advances, what currently seems to be beyond epistemic barriers will become knowable. In order to argue for such a view, however, one must ultimately hold that human cognition is capable of exceeding not only its own biological and cognitive limits but also the universal ones explained above. I believe holding such a view would not be wise, because the axioms and principles of empirical/rational method have already aroused within those three kinds of limits, thus are bound with them. But let us give some credit to this view for a moment, and consider whether or not one of the stances mentioned above towards the states of affairs in this third domain would still be needed for an epistemic agent to take. In fact, she still has to take one of the above stances, since her epistemic attitude towards what is beyond the barriers has nothing to do with how the human cognitive capacity would advance in the future. The epistemic agent's predicaments result from those limitations in his lifespan, and she has to develop an attitude while she still lives. She has to take a stance while she is still epistemologically suffering from her limits. Hoping that the future generations of her own kind will be able to exceed their limits in the far future would not obviously solve her predicaments during her life.

Let us now examine the two possible stances towards the third domain. As to the first one, which is agnostic, I believe it is not always possible to take such an agnostic stance in those cases where the epistemic agent is either forced to take an action or is under the inevitable affects of emotional and sensual states, or when curiosity wins. I would like to examine these three situations under three scenarios:

*Scenario 1 - Being forced to take an action:* Suppose that one day the researchers in NASA detect an intergalactic radio signal from a distant galaxy, which they become certain that it is not a fake one: it really comes from that galaxy. Although the signal has a complex structure, the researchers finally decode a message embedded in it. Nevertheless, after examining the message, they are not only surprised but also quite shocked. For, the message exactly says “we will destroy the Earth.” Well, this is just a thought experiment, but like most of the thought experiments, it is aimed to reveal our intuitions that we are not aware of in normal conditions. Now, it is clear that the researchers in NASA face several epistemic barriers one of which is the distance between the Earth and the galaxy from which they received the signal. Nonetheless, they have to form some beliefs on the origins of the message, the likely sender, and the available data regarding that distant galaxy and so on. They have to do this because relevant authorities have to take an action; otherwise life on Earth might end. It seems that the researchers cannot be agnostic on such a scenario: They cannot say, for example, “it is implausible to form beliefs on something we do not have enough data to do so.”

*Scenario 2 - Facing Death:* When we reflect on our mental life, three kinds of mental items immediately draw attention: beliefs, emotions and desires. I believe not only beliefs, but also emotions and desires play important roles when an epistemic agent is about to take an epistemic attitude. Among those three, epistemologists are primarily concerned with beliefs and the conditions under which beliefs gain the status of knowledge in relation with truth and justification. Emotions and desires have usually not been considered among the elements that affect relevant rational mental processes producing beliefs. I believe, however, disregarding the epistemic roles emotions and desires play in forming beliefs gives rise to an inadequate understanding of the nature of human doxastic activity. Think about Betty who is a full-fledged agnostic. For her, there is nothing to believe on what is beyond the epistemic barriers such as death. Suppose that Betty undergoes, very sadly, a lethal disease. She knows that she is going to die soon because of this deadly illness. Since her disease is not a mental one, nothing prevents her from rational thinking. So, she can perfectly undergo such processes of rational thinking that humans are mortal, that she is human, and that sooner or later she was going to die, so nothing to worry about and no revision is necessary in her belief system. Is this how Betty apt to think? The answer is clearly “no.” She will most probably begin to consider seriously her agnostic epistemic attitude towards what is beyond death even though she had already been aware of the reality of death before. What cause her to consider a revision of her epistemic attitude are the emotional and sensual states she experiences. It is obvious that her emotions and desires will heavily influence what beliefs she is going to form on what is beyond the barrier of death. One thing is very clear: Her agonistic epistemic attitude will not get strengthened; rather it will get gradually weakened. The reason for this is that her previous agnostic stance was not fully natural; rather it was the result of a suppression that suppressed the awareness of a very natural cause: death. This means that she was not fully aware of the reality of death before, and, as a result, her agnostic stance has not been well established epistemologically. If this is a true description of Betty’s epistemological situation, we should be clear about one question: Which is epistemologically more credible, Betty’s previous full-fledged agnostic stance or the likely revised epistemic position of her facing death? A friend of agnosticism against epistemic barriers might be more inclined to methodological naturalism and claim that whatever hypothetically exists beyond death should not affect our epistemic activities. But this would undermine her agnostic position, since in justifying her agnostic stance, the full reality of a very natural cause, death, cannot be neglected. Note that what is important here is not whether Betty will revise her epistemic stance or not. Rather, what bears significance is that the possibility of her revising the epistemic stance she takes seems more plausible to our epistemic intuitions.

*Scenario 3 - Incomprehensibility:* As I mentioned earlier, it is possible that there exist things that are incomprehensible to human cognition. Infinity, some awkward spatiotemporal properties like simultaneity in relativity theory, backward causation in time etc. can be re-mentioned here. In fact there is no need to mention such examples; just the metaphysical possibility that somewhere in the universe there is something with a highly complex incomprehensible organization is enough to construct such an argument. So, suppose that there are things whose organizations are incomprehensible by human. Obviously, this would not mean that such an organization cannot be comprehended by *any* beings even in principle. Somewhere in the universe, there can be a sentient being which is capable of comprehending this organization. So, it is not plausible to take such a stance on this incomprehensibility that no being can acquire the knowledge of it. Rather, it is quite reasonable to form beliefs on it, beliefs that are not produced by empirical and/or rational method, but acquired in some other ways.

Although other arguments can be constructed, I believe the arguments above constitute good reasons to be convinced that for what is beyond the epistemic barriers, agnosticism is not an *actual* option compatible with the real nature of human beings. The next step then is to examine the other stance that other ways of forming beliefs about what is beyond the epistemic barriers should be welcomed epistemologically. Other means of forming beliefs should be welcomed, because it is the human epistemological nature that forces epistemic agents to form beliefs, in some or other ways, on the third domain. This is what happens in belief forming processes of epistemic agents. A normativist in epistemology, at this point, may express his concern that epistemic agents are bound with epistemic duties, and these duties restrain him from forming such beliefs on those grounds that have not been approved by pre-established epistemic norms. Such a concern can be resolved by the fact that no method of forming beliefs on the third domain would and could be built groundlessly. The epistemic practices we the human beings are involved are all guided by an inner truth-seeking epistemic behavior. No epistemic agent can believe something false while she is aware of its falsity. Hence, it is obvious that other ways of forming beliefs on the third domain will have some epistemic grounds. The problem is of the epistemic quality of such grounds.

Let us now step back for a while and see where we started and where we have reached. We began categorizing domains of reality and draw most of our attention to the last domain, which consists of possible facts unreachable by empirical and rational methods. We realized that once we grant the existence of such a domain containing such facts, we feel compelled to take an epistemic stance towards what cannot be investigated by empirical and rational methods. There are two possible stances to take for an epistemic agent: She may either take an agnostic attitude, or she may appeal to other ways of forming beliefs, as what it happens in normal conditions. We have seen that taking an agnostic stance is not only quite problematic, but also not possible to take in many cases. The only remaining option, then, is to appeal to other ways of forming beliefs. At this point, a question concerning the epistemic legitimacy of those other ways arises: How are the beliefs formed by ways other than empirical and rational methods going to be evaluated in order to see if the beliefs acquired by the epistemic agent through those ways rely on epistemologically good grounds? In other words, what standards will those beliefs on what is beyond the epistemic barriers be expected to meet?

At this very point, are we talking about determining a set of epistemic standards, or detecting the set of epistemic standards already having been applied by the epistemic agents? It depends on one's epistemic stance indeed. If one is a normativist in epistemology, one must be talking about the former; but if one is a naturalist in epistemology, one must be talking about the latter. Here, if I must remind the reader of my chief concern in this paper, my primary goal has been to show that epistemic agents who appeal to other ways of forming beliefs on what is beyond the epistemic barriers cannot be judged to present implausible epistemic behaviors. Given this goal, the matter of determining a set of epistemic standards for the relevant purpose is beyond the scope of this paper. What I aim to argue perhaps only requires showing that epistemic agents who appeal to the ways of forming beliefs other than empirical and rational methods, in fact, employ certain epistemic standards either deliberately or unintentionally. And this, and the previous conclusion, I reached, that empirical/rational methods and the agnostic stance are not options for an epistemic agent to form beliefs on the third domain, will suffice for the final conclusion that beliefs gained by other ways cannot be judged to be epistemologically groundless.

It seems that epistemic agents who appeal to other ways of forming beliefs employ two kinds of standards: internal and external. Internal standards are those which are imposed internally by the dynamics of the method adopted. External standards, on the other hand, are those by which the epistemic agent judges the beliefs externally to make sure that his beliefs are somehow connected to the other two domains—empirical and rational domains. To exemplify the usage of these standards, take John who has believed for years in an eternal life after death. He accordingly believes that he will continue to live even after he dies. Clearly, he, or anyone else, cannot find an empirical support for such a belief. Nor can he construct a well established rational basis for that belief. Nevertheless, he employs several epistemic standards in holding the belief of that sort. Authenticity of the belief, how supported from the sources the belief is, the reliability of those sources and so on can be good examples of the internal standards. John, on the other hand, demands that his belief about life after death is not completely isolated from what he knows about the empirical and rational domains—i.e., his belief is epistemologically connected to the world he lives in. That is why he also applies several external epistemic standards to his belief—standards that are independent of the internal dynamics of the belief system he submitted himself to. The external standards John employs may come from a number of sources such as his previous empirical experiences (empirical compatibility), rational principles (like consistency), and his emotional and sensual states (convenience to his emotions and desires). All these deliberate or indeliberate applications at least show that John does not choose what he believes randomly in an epistemic sense, which makes his believing act of that sort epistemologically respectable.

Can religious faith be counted under those other ways of forming beliefs? As one can easily interpret, the answer is “yes.” In a purely epistemological sense there is no apparent reason not to consider religious faith under those alternative ways of forming beliefs. Granted, religious faith can be a multifaceted doctrine having many ontological and axiological aspects as well as epistemological ones. But at the end, it is a way of forming beliefs on the third-domain particularly on what is beyond the death barrier. If forming beliefs through ways other than the empirical and rational ones is a sustainable epistemological reaction to epistemic barriers by the above considerations, then in an epistemological sense religious faith, too, being subject to internal and external epistemic standards mentioned in the preceding paragraph can well be a sustainable epistemological reaction to certain epistemic barriers as well. Indeed, what could be a stronger motivation than emotional and other kinds of desperations against epistemic barriers for a religious person to hold beliefs of his religious faith?

What I have claimed so far can be summarized as follows: There are epistemic barriers that we the human beings face in our epistemic practices. Ordinary orthodox methods like empirical and rational ones do not help in knowing what is beyond the barriers. On the other hand, using other methods to form beliefs on what is beyond the barriers is not groundless. It is rather credible epistemologically. Here is the chief reasoning I have used to support this view: The domains of reality divides into three parts: The domain of empirical facts, the domain of rational facts, and the domain of beyond empirical and rational facts. The facts existing in the last domain cannot be known by empirical and rational methods by definition. Seemingly, an epistemic agent has two options towards this kind of facts unreachable by empirical and rational methods. She can either adopt an agnostic stance or she can appeal to other ways of forming beliefs about the facts in this domain. Through several arguments, I have argued that for an epistemic agent, agnostic stance is not a real option compatible with human nature. Therefore, her appealing to other ways of forming beliefs on the third domain is a sort of epistemological necessity. This necessity together

with the epistemic standards she applies to her beliefs acquired by non-empirical/rational ways provides, I claim, a kind of epistemic legitimacy for her beliefs of this sort. Whether or not these beliefs are true regarding the third domain is something beyond the scope of this paper, and does not affect the conclusion that forming beliefs through ways other than empirical and rational methods on what is beyond the epistemic barriers can perfectly be sustainable epistemological reactions to the barriers in question.

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**"Reason And Religion, Reason To believe: Research On The Malaysian Students On The Relation Between Reason, Religion and Ethics."**

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An research has been conducted to see the perception of the Malaysian students on the relation between reason, religion and ethics. Based on the knowledge that the Quran was revealed about 1400 years ago, a series of 2 hours lectures on the relation between the Quran, Science and Mathematics were delivered to the respondents by using the Power Point presentation. Among the relation between the Quran and Science which were shown to the respondents was the arrangement of the 114 chapters of the Quran, which when the number of verses for every chapter were keyed in into the Microsoft excel, and subsequently creating a scatter diagram. When the coordinates of the number of verses versus the chapter numbers were connected, creating a graphic design of the word Allah and Muhammad. Another aspects of the uniqueness of the Quran which was shown to the respondents is the interlocking nature between the number of chapter of the Quran, the number of verses and the lexical concordance of the words in the Quran. The relation between the Quran and science specifically the "big bang theory" which is stated in Chapter 21 verse 30, the middle chapter of the Quran which is named as The Iron and the uniqueness of the chapter was also shown to the respondents. After the lectures the respondents were asked to answer an open ended question on the effect of the lectures on the issue of the reason, religion and ethic, it was discovered that the respondents were overwhelmingly moved by the lectures. 61% of the non Muslim respondents were impressed and had a second thought on Islam, and 100 % of the Muslim respondents claimed that they had experience a stronger belief in their religion.

## **Introduction**

Science has always been associated with logic and reason while religion and revelation have been claimed to be illogical and unreasonable. Because of this, science has gained more trust among the people compared to religion especially in the economically developed countries where science has advanced. The percentage of atheism were 4% in the United States, 7% in Italy, 11% in Spain, 17% in Britain, 20 % in Germany and 32% in France (Financial Times). In the European Union, the percentage of atheism stands at 18% according to a European Survey. In Australia, 19% of the people profess no religion while in Japan between 64 to 65 % of the people are atheists, agnostics or do not believe in a god (Zuckerman et al:2007). The ascend of atheism in the developed countries has been bolstered atheists scientists including Richard Dawkins, a Cambridge professor in biology whose The God Delusion was sold more than two millions copies. Richard Dawkins bitterly criticized religion and claimed that religion adherers as disillusioned people, that ethics and morality has nothing to do with religion.



## THE AIM OF THE STUDY

The aims of the research was as follow.

- To know the respondents' perception between reason and revelation.

## THE RESPONDENTS

This study was conducted on three groups of university students In Malaysia. They were from the Faculty of Education, Faculty of Law and the faculty of Science. These group of students include students from different religious belief including Islam, Christianity, Buddhism, Hinduism, free Thinkers and from minority religious group such as Sikhism. Altogether 250 non-Muslim students, both male and female took part in the study. Their ages range from 19 years to 45 years old. These students were among the students who were taking the compulsory university course of Islamic Civilization. The percentage of the respondents based on their ethnicity are as follow. The Chinese 73%, The Indian 11.5%, The Iban 5.8%, the Kadazan 1.9% and other smaller ethnic 7.7 %.

## METHOD OF THE STUDY

The respondents were exposed to the scientific miracle of the Quran. The researcher delivered a 2 hours talk on the scientific miracle of the Quran. By using lap top computer and LCD projector, various Qur'anic verses which relate the scientific phenomena with the audio were projected to the screen. The various verses were accompanied with pictures. The scientific miracles of the Qur'an is divided into several categories such as cosmology, embryology, anatomy, oceanography, botany, topography and entomology. The researcher explained and expounded the content of the Qur'an the scientific explanation of the verses. After the presentation, every respondent was given a booklet containing questionnaire with a statement. The respondents were asked to choose the a response ranging from 1. Strongly agree 2. Agree 3. Not Sure 4. Disagree 5. Strongly disagree. The respondents were also asked to respond to an open ended question.

## THE PRESENTATION

The respondents were given two hours lecture on various topic on the relation between revelation and science. Among the topics presented to the respondents were.

1. The arrangement of the chapters on the Quran
2. Cosmology in the Quran including the big bang, the expansion of the universe,
3. Oceanography: the deep sea, salt water of the sea and the fresh of the river do not mix.
4. The origin of fossil fuel
5. Respiration at the higher altitude

1. The Arrangement of the Chapters of the Quran. When the number of verses of every chapter of the Quran was keyed in into the Microsoft excel, and then a scattered diagram of the distribution of the chapters was created. When the coordinate of the chapters of the Quran

were connected to each other in a specific way a design in Arabic of the word Allah and Muhammad were formed. The respondents were also shown the interlocking of the chapters of the Quran and also the word balance of the Quran.

## **2. The Genesis of the Universe**

Chapter 21 verse 30

Have those who disbelieve known that the heaven and the earth were joined Together as one unit piece, the We parted them? And We made from water Every living thing. Will not they then believe

## **2. The expansion of the universe**

Chapter 51 verse 47

With power did We construct the heaven. Verily we are Able to extend Their vastness of space thereof.

## **6. The Collapse Of The Universe and the Big Crunch**

Chapter 21 verse 104

And (remember) the Day when We shall roll up the heaven like a scroll rolled up for books. As we began the first creation, We shall repeat it. (It is) a promise binding upon us. Truly, we shall do it.

## **5. Fresh Water and Sea Water**

Chapter 25 verse 53.

And it is He Who has let free two seas (kind of water) this is palatable and sweet, And that is salt and bitter, and He has set a barrier and a complete partition between Them.

## **6. Difficulty in Respiration At Higher Altitude**

Chapter 6 Verse 125

And whomsoever Allah will to guide, He opens his breast to Islam: and whosoever He will to send astray, He make his breast closed and constricted, as if he is climbing The sky. Thus Allah puts the wrath on those who believe not.

## 7. The Origin And Source of Fuel

Chapter Verse 80.

He who produces for you fire out of the green tree, when behold  
You kindle therewith

### DATA ANALYSIS

These statements of the questionnaires were as follow.

1. Qur'an and Science should be taught in the Islamic Civilisation course
2. You find this lecture to be attractive
3. You like the lecture on Qur'an and Science
4. You are amazed with the information on science in the Qur'an
5. You have heard about science in the Qur'an before
6. You become more convince in the truth of the Qur'an after this lecture
7. You feel that this lecture try to coax you into Islam
8. The Qur'an should become a source of scientific knowledge
9. Bible could be a source of scientific knowledge
10. Science ia against religion
11. You understand the content of the lecture on Qur'an and science
12. You have a strong belief in your religion
13. You feel that this lecture has changed you perception on the Qur'an
14. The public should know this Qur'an and science
15. The Qur'an should be a guidance
16. The Qur'an is the guidance of the Muslim
17. Non-Muslim should know the uniqueness of the Qur'an
18. You are influenced by the content of the lecture

### Closed Ended Question

The respondents were also asked to write their opinion the topic. For instance how the lecture could strengthened their faith or change their perception on the Qur'an. For the purpose of the seminar, only specific statements were selected.

### Data Analysis

The raw data was analyzed using SPSS. The analysis was split into 1. descriptive and 2. Inference. The descriptive analysis was based on percentage and min analysis i.e. to see the percentage of the respondents who feel that they are agree to every propositions, how many percent who are unsure and the percentage who disagree with the proposition. The Min analysis is to find the min of the responses to every proposition. The inference analysis was based on t-test to see any difference of perception between the difference ethnic groups, religious believes, faculties, ages and sex and whether these differences were significant or not significant. ANOVA analysis was used to

determine whether there were any significant difference between the means of different religious groups. To identify the factor which cause the difference, descriptive test to find the means was conducted. The analysis was done in the following order (Diagram1)

### The Findings

The responses were analysed using the SPSS software and the findings are shown below.

You find the lecture to be attractive

Table 1. Overall percentage of the student response

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly agree	29	16.5	16.5	16.5
agree	55	31.3	31.3	47.7
Unsure	55	31.3	31.3	79.0
Disagree	27	15.3	15.3	94.3
Strongly disagree	10	5.7	5.7	100.0
Total	176	100.0	100.0	

Table 1 indicates that 16.5% of the respondents strongly agree with the statement, 31.3% agree to the statement. The total cumulative percentage is 47.7%. The respondent who were unsure were 31.3 %. The respondents who disagree to the statement was 15.3% and those who were strongly disagree were 5.7%. The cumulative percentage was 21%. The finding show that 47.7% of the respondents were attracted to the lecture. The overall mean for the statement 2.625.

To see the difference between the various religious group towards the various statements proposed to them, ANOVA and Post-Hoc analysis were carried out.

Table 2:

Statements	Religious groups	Means
Qur'an and science should be taught in the course of Islamic civilization	Christianity	2.4600
	Buddhism	2.4824
	Hinduism	1.7353
	No-Religion	1.7500
	Total Means	2.3121

Analysis of means show that the mean respond for the Hindu respondents were the highest, followed by the respondents who did not profess any religion, Christianity and Buddhism. Analysis by ANOVA

### ANOVA

### Post-Hoc Analysis

Table 3.

Difference between	Significant	Significance different
Christian-Buddha	0.999	No-significant different
<u>Christian-Hindu</u>	<u>0.014</u>	<u>Significant</u>
Christian-No-religion	0.519	No-Significant different
Buddha-Christian	0.999	No-Significant different
<u>Buddha-Hindu</u>	<u>0.004</u>	<u>Significant</u>
Buddha-No-Religion	0.554	No-Significant different
<u>Hindu-Christian</u>	<u>0.014</u>	<u>Significant</u>
<u>Hindu-Buddha</u>	<u>0.004</u>	<u>Significant</u>
Hindu-No-religion	1.000	No significant different

The analysis show that there is no significant different of the respond between Christian and Buddha and between Christian and no-religion. No Significant different between the groups were observed because the majority of the Christian and Buddhists were from the same ethnic group i.e. Chinese. However there was a significant different between Christian and Hindu. Almost all of the Hindu were the Indian ethnic. This is the reason why there was a significant different between Christian and Hindu.

You like the lecture on the Qur'an and Science

Table 4,

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly agree	21	11.9	12.0	12.0
Agree	54	30.7	30.9	42.9
Unsure	61	34.7	34.9	77.7
Disagree	32	18.2	18.3	96.0
Strongly disagree	7	4.0	4.0	4.0
Total	175	99.4	100.0	100.0

Table 2 indicate that 12 % of the respondents strongly agree with the statement, 30.7% agree with the statement. The cumulative percentage of those who strongly agree and those who agree was 42.9%. This means that 42.9 % (43%) of the respondents claimed that they like the lecture on Science and the Qur'an.

The percentage of the respondent who were unsure with the statement was 34.7% while those who disagree was 18.2% and strongly disagree 4.0%. The total percentage of those who disagree and strongly disagree was 22.3%. This means that 22.3% of the respondents claimed that they dislike the lecture on science and the Qur'an. To know which of the religious group were more positive to the statement, a descriptive test was conducted to find the mean of the respond according to the religious group. The findings are as in table.

Table 5

Statements	Religious groups	Means
You find the lecture to be attractive	Christianity	2.8000
	Buddhism	2.8235
	Hinduism	2.0000
	No-Religion	1.7500
	Total Means	2.6229

Table shows that the respondents who profess no religions were those who said they like the lecture on Qur'an and Science. This was followed by the Hindu, Christian and Buddhists.

Table 6.

Difference between	Significant	Significance different
Christian-Buddha	0.999	No-Significant different
Christian-Hindu	0.009	Significant
Christian-No-religion	0.305	No-Significant
Buddha-Christian	0.999	No Significant Different
Buddha-Hindu	0.002	Significant
Buddha-No-Religion	0.272	No Significant Different
Hindu-Christian	0.009	Significant Different
Hindu-Buddha	0.002	Significant Different
Hindu-No-religion	0.977	No Significant

The table indicate that there was no significant different between the Christian and Buddhists respondent while there was significant different between Christian and Hindu, Buddha and Hindu.

You are amazed with the information on the science in the Qur'an

Table 7.

Frequency	Percent	Valid Percent	Cumulative Percent
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<b>Strongly agree</b>	<b>31</b>	<b>17.6</b>	<b>17.8</b>	<b>17.8</b>
<b>Agree</b>	<b>75</b>	<b>42.6</b>	<b>43.1</b>	<b>60.9</b>
Unsure	44	25.0	25.3	86.2
Disagree	15	8.5	8.6	94.8
Strongly disagree	9	5.1	5.2	100.0
Total	174	98.9	100.0	

Table 3 indicates that 17.8% of the respondents strongly agree with the statement, 43.1 % agree with the statement, The total percentage of those who strongly agree and those who agree was 60.9%. The percentage of the respondent who were unsure with the statement was 25%, and the percentage of the respondent who disagree was 8.6% and strongly disagree 5.2%. The total percentage of those who disagree and strongly disagree was **13.8%**.

## Analysis

Table 8

Statements	Religious groups	Means
You are amazed with the Information on Science in The Quran	Christianity	2.6200
	Buddhism	2.4588
	Hinduism	1.9394
	No-Religion	2.0000
	Total Means	

The table indicates that Hindu respondents were the most receptive to the statement “you are amazed with the scientific information in the Qur'an, followed by the respondents who professed no religion, Buddhists and Christian.

## Post Hoc Analysis

Table 9.

Difference between	Significant	Significance different
Christian-Buddha	0.846	No Significant different
Christian-Hindu	0.020	Significant
Christian-No-religion	0.702	No Significant different

Buddha-Christian	0.846	No Significant different
Buddha-Hindu	0.068	No-Significant different
Buddha-No-Religion	0.849	No-Significant different
Hindu-Christian	0.020	Significant
Hindu-Buddha	0.068	No Significant
Hindu-No-religion	0.999	No Significant different

### Analysis Based On Race

Table 9.

	Chinese	%	Cumulative .percent	Indian	%	Cumulative percent
Strongly agree	16	12.7	12.7	14	36.8	36.8
Agree	56	44.4	57.1	14	36.8	73.6
Unsure	37	29.4	86.5	6	15.8	89.4
Disagree	11	8.7	05.2	3	7.9	97.3
Strongly disagree	6	4.8	100	1	2.6	100
	126			38		

The table indicate that from the cumulative frequencies, more Indian are amazed with the information on science in the Qur'an than the Chinese. The mean response for the Chinese respondents was 2.48 while for the Indian was 2.02.

### Analysis Based On Religion

Table 10.

	Christian%	Buddh%	c.f.	Hindu	%	c.f
	c.f.	a				
Strongly agree	4	8	8	13	16.0	16
Agree	25	50	58	32	40.0	56
Unsure	12	24	82	26	32.1	88.1
Disagree	4	8	90	7	8.6	96.3
Strongly disagree	5	10	100	3	3.7	100
	50		81			33

The table indicate that the percentage of the Hindu respondents who strongly agree and agree was 78.8%, the Christian respondents percentage was 58% and the Buddhist was 56 %.



You are convinced with the truth of the Qur'an

Table 11.

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly agree	14	8.0	8.0	8.0
Agree	39	22.2	22.4	30.5
Unsure	96	54.5	55.2	85.6
Disagree	10	5.7	5.7	91.4
Strongly disagree	15	8.6	8.0	100
Total	174	98.9	100.0	

The table indicates that 8% of the respondents strongly agree with the statement, 22.2% agree to the statement. Altogether 30.5% of the respondents give a positive response to the statement. Meaning 30.5% of the respondents claimed that they are convinced with the truth of the Qur'an. However the statement did not indicate how far they were convinced with the truth of the Qur'an.

The respondents who were unsure on the statement was 54.5% , meaning 54.5% of the respondent were unsure with the truth of the Qur'an ,while those who disagree was 5.7% and strongly disagree was 8.6%. Altogether 14.3% of the respondents were negative to the statement. Meaning 14.3% of the respondents were not convinced with the truth of the Qur'an.

You become more convinced with the truth of the Qur'an after the lecture

Table 12.

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly agree	17	9.7	9.8	9.8
Agree	40	22.7	23.0	32.8
Unsure	85	48.3	48.9	81.6
Disagree	13	7.4	7.5	89.1
Strongly disagree	19	10.8	10.9	100.0
Total	174	98.9	100.0	

The statement was posted to the respondents whether they become more convinced with the truth of the Qur'an after listening to the lecture.

The percentage of the respondents who strongly agree with the statement was 9.8% while those who agree with the statement was 23 %. The total percentage of those who strongly agree and agree with the statement was 32.8%, meaning 32.8% claimed that they become more convinced with the truth of the Qur'an after the lecture was delivered. The percentage of the respondent who were unsure was 48.9%, and those who disagree was 7.5% and those who were strongly disagree was 10.9%. The total percentage was 18.4%, meaning the percentage of the respondents who were not convince with the truth of the Qur'an after the lecture was 18.4%.

This lecture try to influence you

Table 13.

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly agree	7	4.0	4.0	4.0
Agree	23	13.1	13.2	17.2
Unsure	66	37.5	37.9	55.2
Disagree	41	23.3	23.6	78.7
Strongly disagree	37	21.1	21.1	100
Total	174	98.9	100.0	

The table indicates that 4.0% of the respondents strongly agree to the statement, 13.1% agree to the statement. Altogether 17.2% of the respondents were positive to the statement, which means that they felt the lecture tried to influence them. The percentage of the respondents who disagree with the statement was 23.3% and those who strongly disagree with the statement was 21.1%, meaning 44.4% of the respondent claimed that the lecture did not try to influence them.

Table 14.

Non Muslim should know about the scientific miracle of the Qur'an.

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly agree	21	11.9	12.1	12.1
Agree	57	32.4	32.8	44.8
Unsure	63	35.8	36.2	81.0
Disagree	22	12.5	12.6	93.7
Strongly disagree	11	6.3	6.3	100.0
Total	174	98.9	100.0	

### The Close Ended Question

The following comments were made by the respondents. These comments were translated from the Malay language. The comments are written here to get the clear idea how the non-Muslim respondents think about the Qur'an. These comments were analyzed according to the semantic differential method. Statement which was considered very positive was marked ++, positive comment was marked +, neutral comment was marked =, negative statement was marked -, and very negative statement was marked --

- This lecture has given the non-Muslim students the chance to know more about the Qur'an. It shows that the Qur'an is not merely a religious book but it encompassed all the issues

related to human life in this universe. As a science student, this lecture could help any person to know more on the different types of scientific knowledge and the Qur'an. (+)

- This topic should be studied by the Muslim. Non-Muslim should also understand it because it a great source of knowledge.(+)
- I am very much attracted with the scientific information of the Quran. After this lecture. It has given me a clear view in what the Quran says although I am not very sure how the prophet Muhammad could foresaw the future, but I am satisfied with the evidences given.(+ +)
- Although there are a lot of thing has been proven by the Qur'an, the non-Muslim still face the problem of understanding the Qur'an because it is Arabic language.(+)
- I am very amazed because a lot of scientific information is found in the Qur'an. I feel it is important to tell the public about this so that they could understand the Qur'an (++)
- I have to do my own research first before coming to a conclusion. (=)
- By showing more research and evidences and translated it into other languages so that it can be understood.(=)
- I am amaze with the relation between Qur'an and science.(++)
- I am very much amazes because so much scientific information is found in the Qur'an.(++)
- The Qur'an is a source of good knowledge for those who are looking for knowledge. The method of teaching should be interesting so that it can attract the interest of the students. (+)
- I am attracted to the content of the Qur'an. I am not sure whether it is true or not because I do not know how to read the Qur'an. I feel curious about it whether it is real or just coincidence. (+)
- It could strengthened human understanding between science and Qur'an (+)
- I don't believe that science is 100% from the Qur'an. But I believe what has been delivered in the lecture is not a coincidence. However to me it is just a knowledge and should be studied by everyone and whether the source of knowledge is the Qur'an pr not is not important.(=)
- This topic can be said to be interesting. It can be studied.(+)
- This topic is able to refresh the lesson that was learned during the secondary school and I am really amazes with the relation between the Qur'an and science (++)
- I am sorry, it cannot convince me because I respect my own religion (=)
- The Qur'an should be practiced by people so that they could follow the right way (+)
- It will take a long time to believe in the Qur'an(=)
- It can convince me if more scientific proof could be provided (+)
- It has given me wider exposure on the Qur'an (+)
- The lecturer should use teaching technique which are interesting and attractive. Uninteresting method will reduce the interest of the students.(+)
- In my opinion, although this topic has highlighted science in the Qur'an, I still have a lot of doubt.(=)
- By using the Qur'anic source and scientific research, the real picture of the Qur'an could be seen, This explanation has made the other race know more about the Qur'an.(+)
- I will increase reading material about the Qur'an. Beside that I could get more guidance from the other lecturer about the teaching of Islam.(+)

- I think my perception on the Qur'an has changes. Now I think I understand more about it.(+ +)
- The Qur'an is a guidance to the Muslim. It is a source of knowledge. The Qur'an show something. It is god revelation. There is not much different between the Qur'an and the Bible. The information lead people to good behaviour(=)
- I have good perception about all the revelation. As such my belief on the truth of the Qur'an has been always good. (+)
- This lecture explain the relation between the Qur'an and science. This explain that science and Qur'an is very closely related and not baseless claim. The Qur'an has even explains science before the existence of experiment.(+)
- It has increased the useful knowledge to be use in the daily life. It enable me to understand the Qur'an.(++)
- I am interested to know more about the Qur'an (++)
- Very interesting lecture to know more about the teaching of Islam. It is suitable to be taught to the non-Muslim students just to improve the knowledge about the religion in Malaysia (+)
- I do not understand this lecture and I feel there is slight relation between Science and the Qur'an (=)
- Before this lecture I am totally ignorance on the relation between science and the Qur'an and now I know a little bit about science and the Qur'an although (+)
- The lecture Qur'an and science should be a compulsory for the student to improve the knowledge. (++)
- Informative (+)
- This lecture has given me more knowledge about the Qur'an. After listening to this lecture, I become more interested to know more the content of the Qur'an. (++)
- It is true that there is relation between as a source of knowledge, however the method is not interesting. (+)
- A little bit boring (-)
- Able to understand the content of the Qur'an and science (+)
- For me this topic is a mere knowledge only (=)
- I want to know more about the Qur'an but as knowledge only (+)
- Every religious book should be studied because it is god revelation . What is more important is to use science as a mean to improve the wellbeing of human being.(=)
- I am very amazed and curious with the scientific information in the Qur'an especially about the finger print (++)
- Simpler method of teaching should be used so that the non-Muslim students could easily understand it.(=)
- The students should be exposed at very early stage (+)
- It give knowledge about the Qur'an which is related to science (=)
- This lecture has changed my perception on the Qur'an (++)
- This lecture will be my new interest (++)
- This lecture has given me new perception about the Qur'an. I did not realize that the Qur'an contains so much knowledge(++)
- Very interesting lecture (+)

## Discussion.

The finding of the research indicated that about 61% of the respondents were amazed with the scientific statements in the Quran. The finding has also indicated that the respondents could accept the idea that reason and science could be reconciled and do not contradict with each other. The other religions other than Islam, such as Christianity and Judaism have also been promoting the idea that their holy book i.e. The Bible and The Torah do not contradict science and reason. The importance of the notion that there is no contradiction between reason, science and religion could be understood in relation to the concept that ethic and morality are grounded on the strong belief and conviction in the religious teachings. A person could have a strong belief in the religious teaching if the religious teaching could be proven to be true. When a person have a strong belief and conviction in the religious teaching, he or she will be obey whatever laws and regulations stipulated by the religion. In Islam, there are rules and regulations which are laid down in the Quran and the saying of the prophet. For example:

"Fight in the cause of God those who fight you, **but do not transgress limits; for God loveth not transgressors. (Chapter 2:190)**"

"**But if the enemy incline towards peace, do thou (also) incline towards peace**, and trust in God: for He is One that heareth and knoweth (all things). (8:61)"

"If thou dost stretch thy hand against me, to slay me, it is not for me to stretch my hand against thee to slay thee: for I do fear God, the cherisher of the worlds. (5:28)"

"God does not forbid you from showing kindness and dealing justly with those who have not fought you about religion and have not driven you out of your homes. God loves just dealers. (60:8)"

"And fight them until persecution is no more, and religion is for God. But if they desist, then let there be no hostility except against wrongdoers. (2:193)"

"Let there be no compulsion in religion: Truth stands out clear from error: whoever rejects evil and believes in Allah hath grasped the most trustworthy handhold, that never breaks. And Allah heareth and knoweth all things. (2:256)"

"Again and again will those who disbelieve, wish that they had bowed (to God's will) in Islam. Leave them alone, to enjoy (the good things of this life) and to please themselves: let (false) hope amuse them: soon will knowledge (undeceive them). (15:2-3)"

"Say, 'The truth is from your Lord': Let him who will believe, and let him who will, reject (it): (18:29)"

"If it had been thy Lord's will, they would all have believed,- all who are on earth! wilt thou then COMPEL mankind, against their will, to believe! (10:99)"

"Say: 'Obey Allah, and obey the Messenger: but if ye turn away, he is only responsible for the duty placed on him and ye for that placed on you. If ye obey him, ye shall be on right guidance. The Messenger's duty is only to preach the clear (Message). (24:54)"

"Say : O ye that reject Faith! I worship not that which ye worship, Nor will ye worship that which I worship. And I will not worship that which ye have been wont to worship, Nor will ye worship that which I worship. To you be your Way, and to me mine. (109:1-6)"

## References

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