

Journal of Indian Council of Philosophical Research

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Journal of Indian Council of Philosophical Research

JICPR

Editor : **DAYA KRISHNA**

Associate Editor : **R.C. PRADHAN**



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NOTES TO CONTRIBUTORS

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Authentic Robots and Inauthentic Daseins

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INTRODUCTION

The first part of our article is an illustration of Heideggerian Dasein:

In colloquial German, Dasein can mean 'everyday human existence'.¹ Accordingly, Dasein is:

1. Being-in-the world, being-there, human way of being.
2. Being-with-others.
3. The meaning of human existence, non-personal form of human existence that is understood in terms of 'what it is to exist the way a human exists', a being situated in time and space, rooted in a context. Not a conscious subject, not a human person; rather, a mass term, even culture is a Dasein in this sense (in terms of what it is to be a culture).
4. Dasein is responsible for its existence. According to John Haugeland, institutions, agencies, etc., can become Dasein, like, General Motors.
5. Dasein is language, as it is not just the sum total of its words. Language, as well as Dasein, exists self interpretively.
6. Dasein is either authentic or inauthentic.

A. An inauthentic Dasein is forgetful of its own being: it exists in a way that is not the specifically human way of existing. Dasein in its inauthenticity is forgetful of its meaning question. Its being is not a problem for it. How it exists is the ontical way, in its mode of 'to be', not in its true 'I am' mode. In this fallen state, Dasein just exists without understanding the meaning of its existence; it is not purposive.

It exists as *des Man*, the average man who exists in everydayness, the public and unreflective 'they' for whom Being is not a question.

B. In its true and authentic state, Dasein's existence is meaningful and purposive; it is both its essence and existence at one and the same time. Dasein exists ontologically. In this authentic state, Dasein has innate and *a priori* understanding of language, sexuality, sense of the future. This innate and tacit understanding is what makes Dasein unique and different from other modes of ontical existence. Dasein exists in a manner that the meaning of its existence as revealed to it, is self-disclosive. Dasein exists understandingly and in a mode that its existence is also its essence: through anticipation of death and nothingness, Dasein's own essential mode of existing is revealed to it in its anxiety and its sense of alienation from the average everydayness, in its sense of being aware of its own possibilities. In this manner, Dasein is ahead of itself, its actual existence also accommodates its possible modes of existing, including the possibility of death and nothingness that is ontologically understood by Dasein always as that essential possibility which is always a possibility but the essential possibility: it negates all other modes of existing. Being and nothingness are not contradictory terms; rather, they differ in degree, as Dasein is essentially inseparable from temporality, its essential understanding of time as the present moment is also indicating the not yet, and its just past, the actuality of Dasein also incorporates the not yet phase of its possibilities that it is moving toward death and nothingness. Man ek-sists problematically in between the possibilities of 'to be' or 'not to be'.

In this understanding of authentic Dasein, the late Heidegger made some modifications that were not made explicit in his early stage of philosophical development. This turning point of his philosophy is decisive, as the authenticity of Dasein is now better understood in terms of Dasein's openness and its passivity to receive the gift of the Being that is revealed to it. It is now entering into a mode of thought that is more symbolic and poetic and mystical, the active-passive phase of authentic Dasein is now stressed more toward listening to the sense of the newness of the tone and the music that is yet to be learnt; it is different from what Dasein was familiar with. It needs a language that

transcends the usual, familiar mode of communication. In this state, Dasein is more a respondent and a receiver than a questioner. Its authenticity is now more in terms of 'we' than an inauthentic 'I' and 'myself', 'I and my question'; more in tuning mineness to the existence and the meaning of the mystery of the Being that summons, it is more in transcending 'mine' to 'ours'.

With this very brief presentation of some of Heideggerian constraints for what it is to exist the way a human should, our attempt at making a comparative study of authentic robots and inauthentic Dasein needs some more clarification about the meaning of authenticity, inauthenticity, humans and robots. We will then make a comparison between humans and robots, applying Heideggerian criteria to unmask the specifically ontological and essential mode of any existence, human's or robot's, the possession of which is the only criteria to count for its uniqueness and the non possession of which is also the criterion to its non ontological but ontical and, thereby, inauthentic mode of existing. Hence, we will draw some consequences of Heideggerian hermeneutical philosophy that the meaning of Dasein of human way of existing, is already understood in its ontological mode of existence. First, we will concentrate on the inauthentic Dasein, the *das Man*, the anonymous, faceless, public self of Dasein and its forgetfulness of the Being question and its closeness to any mode of artificial intelligence, including its robotic mode. Dasein's situatedness and its existence as being in the world is to be interpreted hermeneutically, not a formal logical approach to its whatness but to its modal understanding, the howness, the mode of its existing. According to its theory of interpretation, 'hermeneutics', raw reality cannot be experienced as such. Even perception requires a context of interpretation. Disavowing a limited perspective, whether in politics or in art, involves establishing a broader understanding, not rejecting all structure. It is not just human frailty, naive habit, or social conditioning which causes us to impose categories and to stress certain aspects above others. Since our concern here is with inauthentic Dasein and robots, we find strong resemblance in the methods employed for understanding robots and Daseins, inauthentic or authentic, both to be understood and interpreted.

One of the strong advocates of the distinctiveness of the Heideggerian use of the term Dasein, Hubert Dreyfus, makes a comparison between robots/computers and humans, with special reference to the formalistic and skill-focussed, isolated and disembodied mode of existing of virtual realities and the unique mode of understanding and interpreting the world by humans who are embodied, and are specially privileged with innate *a priori* understanding that is practical rationality or common sense wisdom which cannot be formalized in any form of AI. This objection stands if we understand logic, discrete math, structured development, AI, and information modelling exclusively in terms of formalist thinking, as the usual mode of describing these realities using the metaphors computer 'science', and 'software engineering would reflect. In this perspective, embodiedness and its common sense turns out to be a distinctive advantage of humans over robots as the following observation makes it clear.' Researchers at Carnegie Mellon University observed that when people are given access to the worldwide web, they find themselves isolated and depressed. The promises are there that each of us will be able to transcend the limits imposed on us by our bodies, not only with our physical bodies with front and back, arms and legs, but also, 'Our moods, that make things matter to us, our location in a particular context where we have to cope with things and people, and the many ways we are exposed to disappointment and failure as well as to injury and death. In short, by embodiment they include all aspects of our finitude and vulnerability.'³

The question posed by Dreyfus is, given the fact that to the most extreme Net enthusiasts, the long-range promise of the Net is that each of us will soon be able to transcend limits imposed on us by bodies, there will be social and psychological impacts on the nature of relationship, maintained among people who are not bodily present to one another. 'Online friendships are likely to be more limited than friendships supported by physical proximity. Because online friends are not embedded in the same day-to-day environment, they will be less likely to understand the context for conversation, making discussion more difficult and support less applicable. The interpersonal communication applications currently prevalent on the Internet are either neutral toward strong ties or tend to undercut rather than promote

them.'⁴ In a hyperlinked database, all hyperlinks are alike given the lack of any semantic content determining the connections, any means for searching the Web must be a formal and syntactic technique for maintaining meaningless symbols. This, for Dreyfus, is the decisive point of difference between humans and robots in a Heideggerian perspective as only humans exist as Daseins, as self-interpreting entities whose existence is problematic and meaningful for them, and for whom mode of existing is also a mode of interpreting.

The point raised here is the difference in mode of existing and also the mode of understanding of any form of AI, including robots; it is formal and non-hermeneutic. The mechanical and artificial nature of virtual reality and the so-called uncommitted attachment of disembodied robots seemed to be a decisive criterion for the permanent inauthenticity of robots, while in humans as Daseins, inauthenticity is only a temporary phase that can always be overcome. Unless one succeeds in formulating, not to speak about formalizing, the required theory of common sense, the gap between the two is essentially unbridgeable. Contrary to these observations, the recent trends in the area of AI research are toward locating relevant semantic content as the AI researchers have lately come to see that in order to produce AI, they would have to make explicit the commonsense knowledge that people share, that we have by virtue of being embodied. More recent advances in neural networks, cellular automata, genetic algorithms, and complexity theory reflect hermeneutic ideas. In computer science, hermeneutic thought and ideas are found in the work of Floyd and her colleagues, Coyne, and the post-AI works of Winograd. 'If we are to build computer-based systems that create global networks, whose complexity rivals that of the natural world, which respect and complement and dignity of human beings, and which can adapt to support a world in constant flux, that can recognize why objects are different, why hermeneutics are important, and why formalism is limited in its application. We need a hermeneutic computer science. Thus, methodology wise, both are similar.'⁵

There is an irony here: we can say that Daseins are becoming more robot like and robots are becoming more Dasein like, or that they differ in degree, not in kind! Apparently, one cannot ignore the fallenness of Daseins from their distinctive human and meaningful state of existence.

Dasein is a being in the world with anticipatory projection, foresight, and preconception, the so-called distinctive coping abilities of Daseins, the store of common innate wisdom that is innate in it, which it usually brings to understanding, are those which 'one' generally holds. The nature and quality of its own distinctive wisdom and its strength and weakness is dependent on the nature of the 'one', one would lose gradual grip over external situations on the strength of its practical wisdom and one's coping ability, if the situated and context-dependent Dasein would find itself in a situation that there is nothing much left in that common bank that once sustained and nurtured Dasein in its difficult times. This will happen if the 'one' is becoming more robot like and less Dasein like. Is there anything left of the old reminiscences of Heidegger's Black Forest communal life when man as Dasein shared a genuine and real communal bond with beings and things, when in the divinity of the fourfold life became an orchestration of the earth, the heaven, the mortals and the divinity! The present-day Dasein faces the consequences of total bankruptcy of that 'one' now to such an extent that Everything is transformed toward a more virtual and non-human mode of existing. With television, one's public world is becoming so much visual and aural that human existence is essentially structured around wage earning, temporality can be re-defined in terms of labour time, relations to objects are now determined by property relations, human needs are met through social production, and existence is now characterized by alienation. Even in his analysis of society, of being-together and of the public realm, Heidegger fails to see that the commodity form of economic value defines the social Being of working people, of exchange products, and of cultural artifacts in a society long based on capital investment and accumulation.⁶

The perfect postmodern artifact is, thus, the Internet, and Sherry Turkle has described how the net is changing the background practices that determine the kinds of selves we can be. In her recent book, *Life on the Screen: Identity in the Age of the Internet*, she details, 'the ability of the Internet to change popular understandings of identity'. On the Internet, she tells us, 'we are encouraged to think of ourselves as fluid, emergent, decentralized, multiplicitous, and ever in process'. Thus 'the Internet has become a significant social laboratory for

experimenting with the constructions and reconstructions of self that characterize postmodern life'. Precisely what sort of identity does the Net encourage us to construct? There seems to be two answers that Turkle does not clearly distinguish. She uses as her paradigm Net experience, the MUD, which is an acronym for Multi-User Dungeon—a virtual space popular with adults that has its origin in a teenagers' role playing game. A Mud, she says, 'can become a context for discovering who one is and wishes to be'. Thus, some people explore the roles in order to become more clearly and confidently themselves. The Net then functions in the old subject/object mode 'to facilitate self knowledge and personal growth'. But, on the other hand, although Turkle continues to use the out-dated, modernist language of personal growth, she sees that the computer and the Internet promote something totally different and new. 'MUDs', she tell us, 'make possible the creation of an identity so fluid and multiple that it strains the limits of the notion.' Indeed, the MUD's disembodiment and lack of commitment enables people to be many selves without having to integrate these selves or to use them to improve a single identity. As Turkle notes: In MUDs, you can write and revise your character's self-description whenever you wish. On some MUDs, you can even create a character that 'morphs' into another with the command '@morph'.

Once we become accustomed to the age of the Net, we shall have many different skills for identity construction, and we shall move around virtual spaces and real spaces seeking ways to exercise these skills, powers, and passions as best we can. We might imagine people joining in this or that activity with a particular identity for so long as the identity and activity are exhilarating and then moving on to new identities and activities. Such people would thrive on having no home community and no home sense of self. The promise of the Net is that we will all develop sufficient skills to do one kind of work with one set of partners and then move on to do some other kind of work with other partners. The style that would govern such a society would be one of intense, but short, involvements, and everything would be done to maintain and develop the flexible disaggregation and reaggregation of various skills and faculties. Desires and their satisfaction would give way to having the thrill of the movement. Communities of such people

would not seem like communities by today's standards. They would not have a core cadre who remained in them over long periods of time. Rather, tomorrow's communities would live and die on the model of rock groups. For a while, there would be an intense effort among a group of people and an enormous flowering of talent and artistry, and then that activity would get stale, and the members would go their own ways, joining other communities. If you think that today's rock groups are a special case, consider how today's businesses are getting much work done by so-called hot groups. Notoriously, the Apple Macintosh was the result of the work of such a group. More and more products are appearing that have come about through such efforts. In such a world, not only fixed identities but even desiring subjects would, indeed, have been sucked up as standing reserve.⁷

On the other hand, can the Internet, connected to complex computers, appeal to that sense of being via the questions of interactivity, telepresence and virtual reality? If intentionality is aboutness, the ability to think about a tree intersubjectivity is the confidence that another person also thinks about a tree. Thus, from the frustrating field of AI has recently emerged a new field called knowledge engineering which, by limiting its goals, has applied AI research in ways that actually work in the real world. The result is the so-called expert system, enthusiastically promoted in Edward Feigenbaum's book *The Fifth Generation: Artificial Intelligence and Japan's Computer Challenge to the World*. Feigenbaum spells out the goal. The machines will have reasoning power: they will automatically engineer vast amounts of knowledge to serve whatever purpose humans propose, from medical diagnosis to product design, from management decisions to education. What the knowledge engineers claim to have discovered is that in areas cut off from everyday common sense and social intercourse, all a machine needs in order to behave like an expert is specialized knowledge of two types: The facts of the domain—the widely shared knowledge—that is written in textbooks and journals of the field [and] heuristic knowledge, which is the knowledge of good practice and good judgement in a field.

Using both kinds of knowledge, Feigenbaum developed a program called DENDRAL. It takes the data generated by a mass spectrograph

and deduces from this data the molecular structure of the compound being analyzed. Another program, MYCIN, takes the results of blood tests such as the number of red cells, white cells, sugar in the blood, etc., and comes up with a diagnosis of which blood disease is responsible for this condition. It even gives an estimate of the reliability of its own diagnosis. In their narrow areas, such programs give impressive performances. They seem to confirm the observation of Leibnitz, the grandfather of expert systems. He observed that: '[T]he most important observations and turns of skill in all sorts of trades and professions are as yet unwritten.' This fact is proved by experience when, passing from theory to practice, we desire to accomplish something. Of course, we can also write up this practice, since it is at bottom just another theory more complex and particular.

And, indeed, isn't the success of expert systems just what one would expect? If we agree with Feigenbaum that: 'almost all the thinking that professionals do is done by reasoning...' we can see that once computers are used for reasoning and not just computation, they should be as good or better than we are at following rules for deducing conclusions from a host of facts. So, we would expect that if the rules which an expert has acquired from years of experience could be extracted and programmed, the resulting program would exhibit expertise. Again, Feigenbaum puts the point very clearly: '[T]he matters that set experts apart from beginners, are symbolic, inferential, and rooted in experimental knowledge. ... Experts build up a repertory of working rules of thumb, or "heuristics", that, combined with book knowledge, make them expert practitioners. So, since each expert already has a repertory of rules in his mind, all the expert system builder needs do is get the rules out of the expert and program them into a computer.'⁸

AUTHENTIC DASEIN AND INAUTHENTIC ROBOTS: A REAPPRAISAL

Are authentic Daseins robot like? The strong argument against this was the distinctiveness of the human way of existing and its ontological care structure, the inbuilt coping mechanism that is its ontological temporality. In Heideggerian conception, humans basically have an innate understanding of anxiety, death, sex and language, a distinctive advantage of the human way of existing that is lacking in robots. We

will cite a counter example to this claim from Jerzy Kosinski's novel on 'Being There', a counter example to a Heideggerian Dasein and its basic ontological care structure. An authentic Dasein is basically an embodied human being who alone is essentially and ontologically Dasein like, an advantage that is exclusively enjoyed by human Daseins alone to an extent that to be embodied human one is essentially care structured. Is it conceivable that an embodied human agent is essentially robot like, that its inauthenticity is not only a temporal phase in its existence, but a permanent existential structure?

The main character of the novel is Chance, whose origins lie in obscurity, as much to himself as to the reader. He was orphaned at an age too young for him to have any memory of his biological parents. His sole custodian is the figure he knows only as 'the Old Man,' who has provided for him all his life. Chance takes care of the Old Man's garden, but rarely interacts with the man himself. His meals are prepared by one of the other servants in the Old Man's employ. Aside from working in the garden, eating, and sleeping, Chance's only pastime is watching television. It is TV alone that has given him whatever perception or understanding of culture and the normal commerce of society he may have. This is the state of affairs within which Chance has been living contentedly for perhaps thirty years or more when the Old Man suddenly dies. It is at this point that Chance learns, when he is 'discovered' rather unexpectedly by the lawyers who have come to settle the Old Man's estate, that the Old Man has kept no record of Chance's employment or residence at his house for the past few decades—in fact, nothing to indicate that Chance ever existed at all. Chance himself has never been outside of the garden walls, not to see a doctor, nor to get a driver's license, and—not surprisingly—he has never had any occasion to have visitors. There is, in short, no proof that Chance has lived before this point. The lawyers, unable to think of anything else to do, simply evict Chance from the premises. At this point, he finds himself thrust upon the 'real' world, with no prior experience of it except that which he gained through television: he is, in a sense, a 'blank slate'.

Early in the story, Kosinski compares Chance to the plants he cares for. And these plants, the author says, are 'different from people. No

plant is able to think about itself or able to know itself (3). ...' Chance is truly a human being and, therefore, an instance of Dasein though, for him, his existence was never problemating for him at any stage. The author is curious to understand the peculiarity of Chance's being in the world using Heideggerian concepts for ascertaining what it is to exist in a distinctive human way considering Chance in three main roles which relate to Heidegger's philosophical views: first, as a pre-ontological being; second, as a user of language; and third, as an instance of Dasein.

Chance as a pre-ontological being: the condition of knowing certain fundamental realities without needing to see them or have them explained first. Pre-ontology is implicit ontology: it is that which allows us, for example, to understand that a red chair is red before we learn to apply the terms 'red' and 'chair' or what either concept is used for. In this sense, Chance has no difficulty at all with many of the basics. He has learned language and can certainly communicate about all manners of furniture and colors without difficulty. He understands his garden, and speaks eloquently about the process of growth and rebirth therein, and all this is knowledge that no person, book, or TV show has taught to him. However, given this, it is only much stranger that Chance has no innate understanding of sexuality whatsoever. His first encounters with the phenomenon were through magazines that a maintenance man who came to the Old Man's house showed him. Chance did not understand the pictures. He also never directly encountered the phenomenon of sexuality again until EE (the woman whose limousine hit him) tried to seduce him later in the story: 'She brushed her hair from her forehead, and, looking at him quietly, put her hand on his arm. "Please don't ... run away from me! Don't!" She sat motionless, her head resting against Chance's shoulder.'

Chance was bewildered: there was clearly no place to which he could run away. He searched his memory and recalled situations on TV in which a woman advanced toward a man on a couch or a bed or inside a car. Usually, after a while, they would come very close to each other, and, often they would be partly undressed. They would then kiss and embrace. But on TV what happened next was always obscured: a brand-new image would appear on the screen: the embrace of man and

woman was utterly forgotten. And yet, Chance knew, there could be other gestures and other kinds of closeness following such intimacies (63).’ In Chance’s case, there is simply no presence of any sexual awareness. Chance is missing an understanding of what, by Heideggerian standards, ought to be a fundamental pre-ontological idea. Nor is this the only such example. Heidegger held that humans experience an emotion called *angst* in the course of their natural worrying about the approach of their deaths. Not surprisingly, Chance may not even know what this emotion is. At no point in the novel does he appear to perceive himself as being in any sort of danger at all. When his leg gets pinned under the wheel of the limousine, he attempts at first to brush off the injury as if it were nothing, despite his utter inability to stand. This *angst*, if it is experienced by everyone, and it relates to something everyone will endure, must be built in to our primal humanity. So, in this case, again, Chance refuses to live out the Heideggerian pre-ontology: he just doesn’t get anxious enough.

CHANCE AS A USER OF LANGUAGE

Heidegger assigned a great deal of importance to language. He thought that insight into human nature and way we organize concepts the way we do could be gained from studying languages, specifically from studying those parts which remained the same among different tongues. These, he thought, were a kind of unifying thread, and the reason people chose them would explain the way people think. Chance however, as usual, falls short of this intrinsic understanding of language of which Heidegger spoke. When the President comes to Rands’ house to visit the dying Benjamin, Chance sits dumbly by as they have their conversation, unable to comprehend a word of it, and in fact suspecting that the men spoke purposely in code to confuse him. The whole of it was above his head. And, as demonstrated in the above passage, Kosinski intentionally obscures the content of Chance’s attempts at communication. Actual dialogue is used to a proportionately small degree in the book—we always hear about what person X told person Y and how soon person Z said she’ll be coming over, but we see the quotation marks rather infrequently, as if Chance were listening and talking through a fog. This effect, I believe, is utilized to make a point.

Heidegger’s idea about language, it suggests, is wrong. There are no common syllables or patterns running subconsciously through Chance’s mind: the whole process of using English is a trying one for him.

CHANCE AS AN INSTANCE OF DASEIN

As alluded to earlier, one of Chance’s greatest shortcomings as an example of Heidegger’s *Dasein* is that his Being is not an issue for him. He knows that he exists and he accepts that. In the beginning of the story, he knows that he lives in the Old Man’s house, and even knows that there is a world outside of it, but never cares to explore that world. When the lawyers come to force him into it, they have this exchange: “I don’t have any papers”, [Chance said] “We shall need some sort of proof of your having lived here,” Mr. Franklin said firmly. ‘But’, said Chance, ‘you have me. I am here. What more proof do you need (18)?’ To Chance, his existence is self-evident. To the society into which he is about to be thrust, it is not real if it is not documented. It is they who have to question it for him, instead of him asking the question himself, as *Dasein* normally ought to. Chance’s odd behaviour is a direct result of his complete lack of acquaintance with any behavioral standards which would be considered normal (even TV, as many of us observe, does not teach these). He is utterly out of place, and the most curious thing about it is that he doesn’t appear to notice. He must know it, on some level, but he seems to remain largely unfazed by it.

According to Heidegger, *Dasein* is constantly engaged in the process of remembering the past, experiencing the present, and projecting the future. Chance is adept at two of these—remembering the past and experiencing the present. At no point whatever does he project the future. He is aware that there is a future, but trusts always that other people will arrange it for him—which, of course, they do in the end. His future, like the world outside the wall, is an uncharted territory he sees no need to explore. Chance does live out the Heideggerian concept of the ‘they-self’, though he does so in an almost paradoxical way. The ‘they-self’ is the part of *Dasein* that’s on autopilot, so to speak—the part that reacts the way it thinks it’s supposed to react, the part that’s not readily distinguishable from other they-selves. Chance has a they-self, but what is odd about it is that it is his authentic self. Having been

raised by network television programming, he knows only to act in whatever way the people in the shows he watched tended to act. He is concerned with pleasing people as well, and usually considers what action he thinks the situation demands—often recalling TV programs—before deciding how to react. He does not have much at all in the way of an independent train of thought, and is distinct from other people primarily in his rather sweeping lack of characteristics which distinguish him from other people.⁹

Are robots more Dasein like or humans? What is the authenticity in the one that is inauthenticity in the other? Our attempts at defining intelligence in terms of semantics and intentionality of meaning led us nowhere since there were cases of embodied Daseins who lacked purposiveness and semantics even in their embodied states and there is confidence in the minds of many that sophistications will be made in designing AI that the gap between humans and robots will be hoped to be bridged gradually. In the first part of the article, we made an attempt at comparing these two forms of intelligence in terms of intentionality; one limitation in all sorts of AI was found to be the lack of tacit meaning that is already available in man. Perhaps one should pay more attention to the learning ability in any intelligent system with openness to the fact that many different kinds of learning are required for robots that can do different kinds of things. This is how Part Deux has defined intelligence in humans and in robots. This will make us less sceptical about the embodied privileges of a context depended Dasein and a disembodied disadvantages of a learning robot as in this new move from physics to engineering, the possibilities of building devices that learn, as opposed to subtle way in which learning takes place in biological organisms. To quote Patrick Suppes 'In particular, we look with scepticism on claims that there are fundamental differences in principle between the learning capability of artificial devices and biological organisms. At a given level of technological development actual differences certainly exist. Everyone agrees that current robots are pretty stupid in most respects, but that widely accepted conclusion is not a proper basis for an impossibility argument... Those philosophers most devoted to the uniqueness of the intellectual power of their own

species are, however, unlikely to produce such fundamental impossibility arguments of a valid kind.¹⁰

Our conclusions are the following four phases of comparison table:

SMARTER DASEINS, UNSMART ROBOTS

In the words of Part Deux:

'AI has been fantasized about and in some sense created.'

AI is not just robots but can also be used in creating artificial systems. Systems like Semantic Web are an attempt to use AI on the Internet.

Being an AI

To become Dasein machine has to be aware of existence.

Deep Blue exists, a chess playing computer: still a complex system of algorithms and programmed moves (unto 1 billion/second).

It was 1-2-2 against Garry Kasparov. But it is not aware that it is playing chess.

Deep Blue gathers data from its environment and millions of different moves are built into its 'instinct'.

It chooses to use a specific set of commands but its existence is constructed externally rather than internally.

Connections and Meaning

The essence of becoming Dasein for machines is consciously building connections, but it needs context and meaning.

Meaning is hard to assign in a digital world.

A computer should know the difference between your saying 'Kissinger' and 'kissing her', not that it can find the small acoustic difference but because it can understand the meaning.

SMARTER AI, UNSMART DASEINS

Hitchhiker's Guide to the Galaxy:

A book that explains the meaning of existence.

The Earth is just a very complex computer, designed to figure out the question, relating to life, the universe and everything else.

In the book, humans are basically Dasein of a sort, aware of their existence, but not their purpose.

BOTH SYNONYMOUS: WHEN TIME HAS NO MEANING

The book also deals with the issue of what happens when machine becomes Dasein, and a point where time has no meaning.

CONSEQUENCES

Humans as Daseins would act the way a conscious human being (human who is self interpretative, is responsible for its existence and is aware of purpose and goal) should act: 'Heidegger'. The dominant tendency of consciousness is toward objectification of consciousness. As a result, we neglect the consequence: ethical consequence of earth and sky and water and flesh in 'injurious neglect of the thing'.

Even if we have a machine that is aware of itself and others in time, does it change anything? All Daseins will exhibit the same injurious neglect of things and beings. Even if we have a machine that is aware of itself and others in time, does it change anything?¹¹

CONCLUSION

Intelligent and smart robots: robots as Dasein, robots that have the ability to learn

'Neither natural or artificial intelligence is uniformly better. Certainly, everyone has to agree that when it comes to arithmetic, computers are much better than humans, and there is something of importance about intelligence in the doing of arithmetic quickly and accurately. It has been a criterion for judging humans for centuries. On the other hand, everyone would also agree that such a criterion is by no means enough and is certainly not as important as, for example, the ability to form new concepts to solve nontrivial problems.'¹²

But what is important for us is to decide what kind of tasks are important to be mastered and what types of learning can be built into robots in order to address these tasks. It is then fair to compare what can be expected of robots with what we do expect of humans, it should not be a question of competition between robots and humans. More than imitating robot like ways for man, we should concentrate more on developing the Dasein—like qualities that will make us also aware of

the purpose of our existing on this earth the way a human should exist. Otherwise, there is only a difference in degree between intelligent robots and humans as Daseins, authentic or inauthentic. This is our final submission that there is a difference in degree.

1. DASEIN CAN REFLECT UPON ITS EXISTENCE

- A computer can reflect upon its existence in the following sense.
 - A query to a computer reveals its Name and Address
 - Send a message to a computer, and it notifies that it has received the message.

2. DASEIN'S BEING-IN-THE-WORLD

- A computer relates itself with its environment in the following sense. It interacts with
 - its users (human beings)
 - Other computers
 - Other machines (in a network)

3. DASEIN BEING-AHEAD-OF-ITSELF

- A computer is aware of possibilities and its limitations
 - Depositing in a bank account a glass of water which a banking computer will disallow
- A computer can have many modes of operation
 - Because a computer is like a Finite State Machine. It can have states like idle-state, running-state or waiting-state.

4. DASEIN AND CARE STRUCTURE

- Computers can use tools as tools
- Computers do interact with other computers and humans in a norm-governed way
 - A computer can drive an aircraft in auto-pilot mode
 - A computer can perform a surgical operation

5. COMPUTERS AND RATIONALITY

- In a critical decision which may involve loss of life and wealth, computers go for voting
 - Several computers do the same computation
 - Majority decision is approved (In computer jargon, it is called N-version programming).
- This is an example of computers behaving in a rational way.

6. COMPUTERS AND ANXIETY

- We can model a Dasein's anxiety in terms of some extraordinary response in face of an extraordinary event. A computer can behave in a similar fashion.

Example: A computer is controlling a nuclear reactor. If an uncontrollable reaction occurs, a computer receives some panic signal, and then it may take some extraordinary measure like shutting the reactor down. As per the above model, this can be interpreted as anxiety.

A computer may receive many signals; but signals of panic situations can have higher priority.

7. COMPUTER AND DEATH

- A computer becoming non-functional may be seen as its death.
- A computer can be made aware of the fact that it may become non-functional, i.e. the non-functional mode of a computer can be included as one of its possible states (memory can store its possible states).

NOTES AND REFERENCES

1. Hubert L. Dreyfus, *Being-in-the-World*, The MIT Press, 1997, p. 14.
2. Ibid.
3. Hubert Dreyfus, *On the Internet* (London & New York, 2001), p. 4.
4. R. Krant et al. Internet paradox: A social technology that reduces social involvement and Psychological well being? Vol. 53, No. 9, pp. 1017-3.
5. Ibid.
6. Ibid.
7. Dreyfus (background)—*Highway Bridges and Feasts: Heidegger and Borgmann on How to Affirm Technology*.

8. *From Socrates to Expert Systems: The Limits and Dangers of Calculative Rationality* (PDF).
9. *Essay: Dasein in Being There*.
10. Patrick Suppes, *Language for Humans and Robots* (Blackwell, 1991), p. 359.
11. Josh Schwartzman, Being and Time: Part Dexu (*A Heideggerian Guide to Artificially Intelligent Being and Beings* (Alternative Title: *Fun for the whole family*) (PDF).
12. Patrick Suppes, *Language for Humans and Robots* (Blackwell, 1991), p. 359.

A Philosophy of Judicial Activism: Judiciary in Search of a Role in the Age of Corporations¹

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INTRODUCTION

The following questions are being explored in the present essay: *What are the new social realities* which have necessitated the reinterpretation of role of judiciary in the direction of judicial activism? *What are the principles of new constitutionalism* commensurate with the new social realities which have led to the reinterpretation of role of judiciary? *What are the changes taking place in the structure of litigation* under the impact of new role of judiciary? *What are the arguments in favour of reinterpreting the role of judiciary* in the direction of judicial activism as against the arguments advocated by the opponents? *What should be the basis of guidelines to regulate the exercise of power by judiciary* in the new regime of judicial activism?

The present essay grew out of reflections on the ongoing controversy about judicial activism in India. The lawyers, who are in favour of judicial activism, see it as a legitimate extension of the function of judiciary for the protection of rights granted by social justice, while those, who are against judicial activism, see it as an unjustified attempt by the judiciary to usurp the powers of legislature and executive in the name of rights protected by social justice. According to the opponents of judicial activism, it strikes at the doctrine of separation of powers, which is the heart of the Constitution. According to this doctrine, Parliament makes law, the executive governs and the judiciary reviews law and adjudicates disputes between states and the centre. While some interdependence has been built into the system, an encroachment by one into the powers of the other is a matter of concern to all. The

Supreme Court's decision to strike down the clauses modifying its order on disseminating information on election candidates is being seen by the government as one such encroachment on the powers of the Parliament to make law. In fact, this charge has been levelled time and again whenever the judiciary has struck down the laws enacted by legislature or has issued writs or injunctions against governments.

In the present essay, an attempt has been made to solve this controversy in favour of judicial activism by following a line of thought pursued in an earlier essay of mine 'A Normative Theory of Interpretation of the Fundamental Rights vis-à-vis the Directive Principles of State Policy'². There it was claimed that the theory of political morality developed by John Rawls comes closest to making sense of our constitution as a whole and is tailor made for the constitutional debate over the Fundamental Rights versus the Directives that we have witnessed in India.³ There it was further claimed that the value structure identified by the public political morality that justifies our constitution is its basic structure.⁴ So, an attempt was made to identify some salient features of the basic features of our constitution on the basis of Rawlsian Theory of political morality in that essay.

Now Rawls himself has further extended his theory of justice in *Political Liberalism*.⁵ Where he has introduced a new concept not present in his *A Theory of Justice*.⁶ This is the concept of *constitutional essentials*. The idea of constitutional essentials as conceived by Rawls comes very close to (I think it is identical with) the idea of basic features of constitution as conceived by the Indian Supreme Court in *Keswanand Bharati* and elaborated in subsequent judgements much earlier than Rawls.

According to Rawls, in the determination of constitutional essentials, we have to be guided by public reason. In the context of explaining the structure of public reason and the kinds of constitutionalism that it gives rise to, Rawls discussed the role of judiciary as protector and exemplar of public reason. This leads us to ask the question: What is the structure of litigation in the context and social settings, where courts are protectors and exemplars of public reason? This question has not been explored by Rawls himself. An exploration of this question leads us to the structure of litigation that turns out to be structure of

the public interest litigation as conceived in the Indian legal circles. This kind of litigation is the same as structural suit, as conceived by American legal theorists. Here, Owen M. Fiss' articulation of what is a structural suit came very handy. From the structure of structural suit, judicial activism follows by social necessity.

Since the social setting in which Rawls is developing his liberal theory of justice is equally available in the Indian context, one can come to grips with judicial activism if one analyzes it in light of his theory of justice. The present paper is an exploration in that direction.

THE NEW SOCIAL REALITIES

According to Rawls, it is an essential feature of the contractarian conception of justice that the basic structure of society is the first subject of justice.⁷ Explaining his meaning of the *basic structure of society* Rawls writes, 'The basic structure is understood as the way in which the major social institutions fit together into one system, and how they assign fundamental rights and duties and shape the division of advantages that arises through social cooperation. Thus the political constitution, the legally recognized forms of property, and the organization of the economy, and the nature of the family, all belong to the basic structure.'⁸ So, for Rawls, it is the initial objective of the theory of justice to find a conception, the first principles of which provide reasonable guidelines for the classical and familiar questions of social justice with regard to this complex of institutions.⁹

Traditionally, either person or action of person is taken as the primary subject of justice. But Rawls' theory of justice involves radical rethinking about the conception of justice by radically departing from the traditional subject of justice. This rethinking and departure is necessitated by the emerging new social realities. The new reality is that in society, the individual is no more a major player; rather, large institutions and corporations have become the leaders. Governance is no more done by a single sovereign but by numerous bureaucracies. In the market, individuals are an insignificant force compared to the large corporations. In politics, individual legislators are not so significant; rather, political parties—as organizations—have emerged as major factors. In fact, the anti-defection law has now given the political parties a constitutional

role in India. In civil society, educational institutions and religious institutions have emerged as major forces. Rawls' theory takes note of this reality and reinterprets the concept of justice to take the complex of these institutions as the primary subject of justice.

The fact that individuals have come under the sway of institutions is also recognized in Rawls' principles for individuals. The principle of fairness, which gives rise to obligations, 'holds that a person is required to do his part as defined by the rules of an institution when two conditions are met: first, the institution is just (or fair), that is, it satisfies the two principles of justice, and second, one has voluntarily accepted the benefits of the arrangement or taken advantage of the opportunities it offers to further one's interests.'¹⁰ Similarly, the duty of justice, which is one of the fundamental natural duties recognized by Rawls' theory of justice, requires people 'to support and to comply with just institutions that exist and apply to us. It also constrains us to further just arrangements not yet established at least when this can be done without too much cost to ourselves.'¹¹ So, the picture of social justice advocated by Rawls is that the principles of justice regulate the institutional framework of the society and that individuals are required to obey the laws of these institutions when they are just. As such, institutions and corporations have emerged as new factors, which regulate the life of persons according to Rawls.

How do these institutions regulate or affect the life of persons? The answer to this question emerges in the context of the arguments that Rawls gives for taking the complex of institutions as the primary subject of justice. According to Rawls, the question of justice of basic structure of a society arises because of four reasons. Firstly, some inequalities are inevitable in the basic structure of society and they affect persons' initial chance in life.¹² Secondly, the system of institutions of society shapes the wants and aspirations that its citizens come to have. It determines in part the kind of persons they aspire to be as well as the kind of persons they in fact are.¹³ Thirdly, the basic structure of society, even in favourable conditions, includes some system of legal coercion if only to guarantee the stability of social cooperation.¹⁴ And lastly, 'The role of the basic structure is to secure just background conditions, against which the actions of individuals and associations take place.

Unless this structure is appropriately regulated and corrected, the social process will cease to be just however free and fair particular transactions may look when viewed by themselves.'¹⁵ So, the complex of institutions and corporations influence the initial prospects of a person; determine how he conceives himself to be and what he can aspire to be; use coercive power and if they become unjust destroy the justice of the social process itself in which persons find themselves caught up. So, according to Rawls, there is a need for this complex of institutions and corporations to be just.

The power of institutions and corporations to affect and influence individuals and consequent need to regulate and correct them if they result in injustice gives rise to judicial activism. This point will be taken up in detail subsequently.

THE NEW CONSTITUTIONALISM AND THE ROLE OF JUDICIARY

Rawls has raised the question of justice of the complex of institutions and corporations in the context of and as a part of the problem of stability of liberal democratic society in the emerging social conditions. Rawls asks in *Political Liberalism*, 'How is it possible for there to exist over time a just and stable society of free and equal citizens, who remain profoundly divided by reasonable religious, philosophical, and moral doctrines?'¹⁶ And Rawls' answer is that such a society is possible provided 'the basic structure of such a society is effectively regulated by a political conception of justice that is the focus of an overlapping consensus of at least the reasonable comprehensive doctrines affirmed by its citizens,'¹⁷ and further when this enables 'that shared political conception to serve as the basis of public reason in debates about political questions when constitutional essentials and matters of basic justice are at stake.'¹⁸ So, the stability of a liberal democratic society depends partly on the justice of the complex of institutions operating in that society. That is to say, the injustice of the institutional arrangement threatens the stability of the liberal democratic society.

The political conception of justice that is the focus of an overlapping consensus of at least the reasonable comprehensive doctrines affirmed by citizens, according to Rawls, requires that the basic structure of society to be just must be regulated by the following two principles:

- a. Each person has an equal claim to a fully adequate scheme of equal basic rights and liberties, which scheme is compatible with the same scheme for all; and in this scheme the equal political liberties, and only those liberties are to be guaranteed their fair value.¹⁹
- b. Social and economic inequalities are to satisfy two conditions: first, they are to be attached to positions and offices open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit of the least advantaged members of society.²⁰

The first principle of justice, according to Rawls, is lexically prior to the second principle, i.e. the second principle does not come into operation unless the first principle is fully satisfied or does not apply. Hence liberty cannot be restricted for economic and social benefits. Liberty can be restricted for the sake of liberty only.²¹ Similarly, within the second principle, the first part is lexically prior to the second part according to Rawls.

Rawls specifies the scheme of basic rights and liberties by a list. In his view, the basic liberties of citizens roughly include political liberties (the right to vote and to be eligible for political office) together with freedom of speech and assembly; liberty of conscience and freedom of thought; freedom of the person along with the right to hold (personal) property; and freedom from arbitrary arrest and seizure as defined by the concept of rule of law.²²

The two principles must regulate the institutional complex of the society. Since the complex of institutions includes the political constitution of the society, the above principles must regulate the constitution of the society. Hence according to Rawls' theory, a citizen is required to decide which constitutional arrangements are just for reconciling conflicting opinions of justice.²³ The citizens must adopt the standpoint of the members of an ideal constitutional convention where 'subject to the constraints of the principles of justice already chosen, they are to design a system for the constitutional powers of government and the basic rights of citizen.'²⁴

According to Rawls, a perfectly just constitution would amount to be a just procedure which always has a just outcome. Here, the procedure

would be the political process governed by the constitution and the outcome is the body of enacted legislation. In this context, the principles of justice would define an independent criterion for both procedure and outcome.²⁵ To achieve this ideal, the liberties of equal citizenship must be incorporated into and protected by the constitution.²⁶ For Rawls, a constitutional democracy would not be just if it did not embody the basic rights and liberties.

At the same time, Rawls also recognizes the impossibility of achieving the ideal, because any feasible political procedure may yield an unjust outcome. There is no way to design a scheme of procedural political rules which will never result in unjust legislation. But it is also a fact that some schemes have a greater tendency than others to result in unjust law. Hence, from the point of view of the members of the ideal constitutional convention, another problem is to select from among the procedural arrangements that are both just and feasible, those which are most likely to lead to a just and effective legal order.²⁷

If the principle of equal liberty is to be embodied in the constitution and the constitution has to define political procedure to ensure greater likelihood of just outcome, then the constitutional arrangement must satisfy the principle of equal participation which requires that all citizens are to have an equal right to take part in, and to determine the outcome of the constitutional process that establishes the laws with which they are to comply.²⁸ The argument for this is that 'if the state is to exercise a final and coercive authority over a certain territory, and if it is in this way to effect permanently men's prospects in life, then the constitutional process should preserve the equal representation of the original position to the degree that this is feasible.'²⁹

Constitutional democracy is one such political system, which can satisfy the principle of equal participation provided that in this system the authority to determine basic social policies resides in a representative body selected for limited terms by and ultimately accountable to the electorate.³⁰ That is to say, this representative body must have more than a purely advisory capacity, i.e. it must be a legislature with lawmaking powers.³¹ In a just constitutional arrangement, traditional devices of constitutionalism like bicameralism, separation of powers mixed with checks and balances, a bill of rights with judicial review,

must limit this principle of participation provided equal worth of political liberties is maintained for all.³²

According to Rawls, from the point of view of the constitutional convention, the first principle of equal liberty is the primary standard. The second principle comes into play at the stage of the legislature. The priority of the first principle of justice to the second is reflected in the priority of the constitutional convention to the legislative stage.³³

In Rawls' political philosophy, there is the greatest urgency for citizens to reach practical agreement in judgements about the following two types of constitutional essentials:³⁴

- a. fundamental principles that specify the general structure of government and the political process: the powers of the legislature, executive and the judiciary; the scope of majority rule; and
- b. equal basic rights and liberties of citizenship that legislative majorities are to protect: such as the right to vote and to participate in politics, liberty of conscience, freedom of thought and of association as well as the protections of the rule of law.³⁵

The need for agreement on the first kind of constitutional essentials arises because, 'Frequent controversy over the structure of government, when it is not required by political justice and when the changes proposed tend to favour some parties over others, raises the stakes of politics and may lead to distrust and turmoil that undermines constitutional government.'³⁶

The constitutionalism advocated by Rawls involves five principles. The first principle involves the distinction between the people's constituent power to establish a new regime and the ordinary power of officers of government and the electorate exercised in day-to-day policies. The principle states, 'That constituent power of the people ... sets up a framework to regulate ordinary power and it comes into play only when the existing regime has been dissolved.'³⁷ The second principle involves the distinction between higher law and ordinary law. The principle says, 'Higher law is the expression of the people's constituent power and has the higher authority of the will of the people, whereas ordinary legislation has the authority, and is the expression of

the ordinary power of congress and the electorate. Higher law binds and guides this ordinary power.'³⁸ According to the third principle, 'a democratic constitution is a principled expression in higher law of the political ideal of a people to govern itself in a certain way.'³⁹ These values may be stated in a preamble, embodied as constraints in a bill of rights or implied in a framework of government.⁴⁰ The fourth principle states, 'that by a democratically ratified constitution with a bill of rights the citizen body fixes once and for all certain constitutional essentials. It is through these fixed procedures that the people can express, even if they do not, their reasoned democratic will, and indeed without those procedures they can have no such will.'⁴¹ The last principle of constitutionalism is that 'in constitutional government, the ultimate power cannot be left to the legislature or even to a supreme court, which is only the highest judicial interpreter of constitution. Ultimate power is held by the three branches in duly specified relation with one another with each responsible to the people.'⁴²

Since constitutional democracy is based on the distinction between constituent power and ordinary power as well as between the higher law of the people and the ordinary law of legislative bodies, it rejects parliamentary supremacy and accept the Supreme Court and higher judiciary as one of the institutional devices to protect the higher law.⁴³ Since the higher law expresses, embodies, and implies the public political values, the role of the Supreme Court is to protect these values. So, in a dualist constitutional democracy, the role of higher judiciary is to prevent the higher law and public values from being eroded by the legislation of transient majorities, or more likely, by organized and well situated narrow interests skilled at getting their way.⁴⁴ This may appear as antidemocratic to some advocates of majoritarian rule. But Rawls argues:

If the court assumes this role and effectively carries it out, it is incorrect to say that it is strait forwardly antidemocratic. It is indeed antidemocratic with respect to ordinary law for a court with judicial review can hold such law unconstitutional. Nevertheless, the higher authority of the people supports that. The court is no antimajoritarian with respect to higher law when its decision reasonably accords with

the constitution itself and with its amendments and politically mandated interpretations.⁴⁵

Apart from the protection of values and the higher law, the higher judiciary has another role in a constitutional democracy, according to Rawls. That role is to give due and continuing effect to public reason by serving as its institutional exemplar.⁴⁶ To serve as an institutional exemplar of public reason requires three things. One, courts can appeal only to public political values. Judges cannot invoke their own personal morality, nor the ideals and virtues of morality generally. 'Especially, they cannot invoke their or other people's religious or philosophical views. Nor can they cite political values without restriction. Rather, they must appeal to political values they think belong to the most reasonable understanding of the public conception and its political values of justice and public reason.'⁴⁷ Second, as an exemplar of public reason, the higher judiciary must try to develop and express in their reasoned opinions the best interpretation of the constitution they can using their knowledge of what the constitution and constitutional precedent requires.⁴⁸ Here, the best interpretation is the one that best fits the relevant body of constitutional materials like the constitutional cases, practices and traditions, and constitutionally significant historical texts and justifies it in terms of the public conception of justice or a reasonable variant there of.⁴⁹ And the third and last aspect of the court's role as exemplar of public reason is that it must 'give public reason vividness and vitality in the public forum, this it does by its authoritative judgements of fundamental questions.'⁵⁰ The court fulfils this role, according to Rawls, when it clearly and effectively interprets the constitution in a reasonable way. When the court fails to do this it stands at the centre of political controversy. The terms of settlement of this controversy become public values.⁵¹ Hence it follows:

The constitution is not what the court says it is. Rather, it is what the people acting constitutionally through the other branches eventually allow the court to say it is.⁵²

This holds good all the more where legislature has the power to amend the constitution and where the executive has the power to bring a bill for amendment of constitution in a legislature.

So far we have been thinking along with Rawls. Now we have to depart from his way of thought and explore an area not explored by him. He has emphasized only two roles of higher judiciary in a dualist constitutional democracy: One, protection of higher law against legislative encroachment of it, and two, protection of political values by being an institutional exemplar of public reason. But there is also a third role that is mandated by Rawls' political conception of justice that higher judiciary must assume and which requires radical rethinking about the nature of adjudication.

According to Rawls, the public political values identified by his political conception of justice regulate the basic structure of society, i.e. the complex of major institutions and organizations whether political, economic, or social. So, the protection of higher law and constitutional values requires that these values must be given meaning in the operation of this institutional complex. The constitutional values and the higher law can be eroded not merely by legislative excesses or due to lack of guidance about the use of public reason on the part of citizens but also by the operation of other institutions, which go on to make the basic structure of society. So, occasions may arise when the constitutional values cannot be protected without bringing changes in the complex of institutions as it exists. Hence, the higher judiciary can be called upon to protect the constitutional values against the threat that the present institutional arrangement poses to them. Hence, the higher judiciary may also be called upon to eliminate such threats by restructuring the institutions and corporations.

THE EMERGING NEW FORM OF LITIGATION

When the courts are called upon to restructure an institution or corporation to eliminate the threat to constitutional values, the suits that courts have in front of them are called structural suit by Owen M. Fiss.⁵³ Structural suit as a genre of constitutional litigation originated in Warren Court era in America and developed through the extraordinary effort to translate the rule of *Brown vs. Board of Education* into practice.⁵⁴

The Indian higher judiciary is also called upon to undertake this kind of task in numerous public interest litigations involving the

legislature, ministries, investigating agencies like CBI and the police, penal institutions, educational institutions, business corporations, etc. Although a full-scale institutional reorganization is yet to be attempted by any Indian higher judiciary, yet it is showing a definite trend toward that direction.

The structural suit is a form of injunctive litigation, since the institutional reconstructive directives have to be conveyed by means of injunctions. But injunctive litigation vests quite a great power in the hands of judges. No doubt, there is a cry against it and it is claimed that judges are usurping the power of executive and legislature under the guise of such litigation.

In a structural suit, the judge is required to protect the constitutional value by restructuring the institution to remove the threat posed to the constitutional value by the institution under consideration. This requirement necessitates rethinking about the form of litigation. The traditional form of lawsuit is not suitable here. Owen M. Fiss vividly describes the traditional individualistic triadic dispute resolution model of law suit, 'as a conflict between two individuals, one called plaintiff and the other defendant, with a third standing between the two parties, as a passive umpire, to observe and decide who is right, who is wrong, and to declare that the right be done'.⁵⁵ The structural suit will require radical transformation of this model of lawsuit, according to Fiss.

The traditional lawsuit focuses on the incidence or occurrence of wrongdoing or an illegal 'transaction'. But structural lawsuit focusses not upon particular incidence or the occurrence of wrongdoing like non-fulfilment of obligation or breach of duty, but upon the conditions created by an institution, which threatens important constitutional values.⁵⁶ For example, systematic failure of the investigating organizations to carry investigations when politically significant agents are involved. This kind of failure threatens the constitutional value of 'equality before the law' involved in the rule of law.

In a structural suit not only the focus of the suit shifts, but also the party structure undergoes radical change. In the traditional lawsuit the three components of the plaintiff, i.e. the victim, the spokesman, and the beneficiary and united in a single agency. But in a structural lawsuit

the three components of the plaintiff fall apart and separate out. The unity of the three components in a single plaintiff disintegrates.⁵⁷

In a structural suit, the victim is generally not a single individual but a group which may or may not have an identity apart from the institution or the conditions created by the institution of which they are the victims. Sometimes, the victim may not be visible at all as the entire society as a whole is victim.

In a structural suit, since there is either no visible victim or the group is so vulnerable vis-à-vis the organization of which it is the victim, to insist upon the requirement that the spokesman must also be the victim is nothing less than either being insensitive to the threat to the constitutional value or being cruel. Hence in the structural suit, generally the spokesman need not be the victim.⁵⁸ In Indian higher judiciary has already taken cognizance of this by admitting the legal and constitutional tenability of public interest litigation. Public interest litigations are precisely such suits where the spokesman who brings the suit is different from the victim of the conditions maintained by the acts of omission and commission of any institution or organization.

In the context of structural suit the relation between victim and the spokesman is not that of identity but is entirely instrumental.⁵⁹ Hence, in such suits, the judges are required to determine whether the interests of the victim are adequately represented. The courts must ask the spokesman whether he is an adequate representative. Since there is only an instrumental relation between the victim and spokesman in the structural suit, there can be multiplicity of spokesmen representing different views as to what is in the interest of the victim group. In the structural suit, it need not be the case that all those on the plaintiff's side are equally antagonistic to the all those on the defendants.

In the structural suit the group who benefits from the remedy granted need not coincide with the group who is the victim. This arises because of the group nature of victim and, more fundamentally, from the instrumental nature of the remedy. Exercise of all governmental power is constrained by consideration of efficiency and fairness and hence in the structural suit, these considerations may lead the courts to structure the beneficiary class so that it is not coextensive with the victim group.⁶⁰ For example, when a corporation is asked to shift its pollutant factory,

the beneficiary class of this remedy may be far wider than or at least may not coincide with the original victim group or the future victim group.

In a structural litigation, the three components of the defendant, i.e. spokesman, wrongdoer and the addressee or the person who must provide the remedy, fall apart.⁶¹ In a traditional lawsuit, all these three are united in a single defendant.

In the context of structural suit—since the focus is on the condition created by the functioning of an organization—the remedy prayed for is an injunction. Hence, it does not require a judgement about wrongdoing, future or past.⁶² The temporary injunctive restructuring of CBI in recent cases is done by courts without passing any legal judgement of the wrongdoing on the part of higher-ups in the organization. In the structural suit, the restructuring of the organization is done not because it has ‘done wrong’ in literal or metaphorical sense but because reform is needed to remove a threat to constitutional values posed by the operation of the organization.

In a structural suit, the directives are addressed to some office in the organization or the institution, but not necessarily to the person who happens to occupy the office at any specific time. These directives are given to the office not because the present or the prior occupant of the office is guilty of wrongdoing but rather because the judicially prescribed action is necessary to eliminate the threat that the functioning of the institution as a whole poses to the constitutional values.

In the traditional dispute resolution litigation judge is merely an observer between the two disputants and hence plays a passive role. He has to rely on the initiatives of the disputants for the presentation of the facts and the law and the articulation of the possible remedies. But in structural litigation, the falling apart of the various functions on the side of both the plaintiff and the defendant necessitates the abandoning of the passive posture on the part of the judges and that means structural suit requires judicial activism. Complete reliance on the initiative of the parties before the court in structural suit is not tenable.

In such a suit on the side of the plaintiff, the spokesmen elect themselves to be the spokesmen of the victim. There is no guarantee

that they adequately represent the interest of the group whom they are representing. Similarly, on the side of the defendant, the named defendant need not be an adequate representative of the interest of the organization he is representing, since the adversary elects him. The presence of an improper representative on either side of the structural lawsuit may have consequences that far transcend the interests of the participants. The self-elected spokesman on the side of the plaintiff may compromise the interest of the victim group in a way that cannot be easily rectified in subsequent proceedings. Similarly, on the side of the defendant, the spokesman elected by the adversary may not be able to protect the interest of all who have a stake in the organization in some way or the other.

Hence, the responsibility falls on the judge to ensure adequate representation of all who have a stake involved. Since the judge must not take this responsibility of representation himself, he can invite the parties purportedly represented in the lawsuit independently. The judge can also invite certain organizations or agencies to participate in the lawsuit as an *amicus* or as a party or as a hybrid. Judges can also create their own agencies such as special masters to correct any representational inadequacies.

The remedial phase in the structural litigation differs from the remedy of the traditional dispute resolution litigation. In the latter, the remedy is designed to ensure or prevent a discrete event and the judicial function ends when the judgement is announced and the discrete event of omission or commission ensues. The structural litigation is not episodic. It involves a long, continuous relationship between the judge and the institution. It is concerned not with the enforcement of a remedy already given out but with the giving or shaping of the remedy itself. The remedy involves the court in the continuous reorganization of an on going institution so as to remove the threat it poses to constitutional values. The court's jurisdiction will last as long as the threat persists. No doubt the higher judiciary is involved continuously in the functioning of the CBI in recent cases. A long-term supervisory relationship develops between the judge and the institution, for the performance must be monitored and new strategies devised to ensure that the operation of the organization is kept within the constitutional bounds.

ARGUMENTS FOR REINTERPRETATION OF ROLE OF HIGHER JUDICIARY

Since the courts exist to give meaning to constitutional values in a dualist constitutional democracy, the structural suit is the primary mode of discharging this function on the part of the courts in the changed social realities. Dispute resolution may be a consequence of the original function of the courts but certainly it is not its primary function. Dispute resolution can be left for arbitration, tribunals or lok adalats.

Here it may be argued that in a dualist constitutional regime, although the courts have to interpret and protect the higher law and the constitutional value, yet restructuring of the complex of institutions to give meaning to these values must be left to other agencies like legislature or executive branch of the government. The argument is based on the premise that these agencies have special expertise in the reorganization of ongoing social institutions, which is not available to the courts.

The reply to the above argument is that when the courts have to discharge the function of restructuring a social institution through a structural suit, it is not to deny other agencies the power of structural reformation through their own instrumentalities like executive orders or legislation. What the critics need to argue is that because these other agencies have special competence in structural reformation, it altogether prevents the courts from undertaking structural reformation to give meaning to constitutional values through structural suit. So far, it is only an assertion that constitutional agencies other than courts possess some expert knowledge, but no evidence of this has come so far. If there is such a body of relevant knowledge it is not clear why it can't be available to the courts, say either through expert witness or through auxiliary officers of the court. Hence, this argument to deny to courts the role of restructuring institutions through structural litigation fails. In fact, this argument fails to understand the argument why the courts are called upon to entertain the structural suit. The argument is based on the premise that the courts are the guardians of the higher law in a dualist constitutional regime and that they have a special competency of giving meaning to constitutional values, since the courts are the exemplars of public reason and it is their sole reason. Other agencies, for example, the legislators need not justify by public reason why they

vote as they do or make their grounds consistent and fit them into a coherent constitutional view over the whole range of their decisions.⁶³ Hence, they may be voting their personal preferences. As such, these other agencies cannot be given the sole responsibility of structural reformation to give meaning to the constitutional values. They lack independence that is so essential for giving expression to our constitutional values.

In the context of the new economic institution, the lack of independence has been heightened and the executive and legislative bodies of state do not function as overarching institutions controlling and facilitating the emergent new economic institution, but they are functioning as corporate bodies looking after the interest of their own personnel who man the various bureaucracies under executive and legislative apparatus (not the citizens at large) in collaboration with the multinational corporations operating within the new emergent institution, as we will argue below. That is to say, bureaucracies under the executive and legislative bodies now function as corporate bodies with their own instrumentality side by side with the multinational corporations. The political is vanishing as a power, and the executive and legislative bodies of the state have become—what they had never before been for human thought—compulsory associations for their own benefit and partners of multinational corporations in the new global economic arrangement.

Advancement in communication technology made in the twentieth century is incompatible with the economy and commerce controlled by nation state. Economic advantage has passed to the side of liberalization and globalization. Now the greatest beneficiary of these changes are the 'multinational corporations' which are prepared to take advantage of every market, which have capital to invest and which have diversified their business activities into areas that offer large returns. Such multinationals having the command of the global market and economy are on their way to getting beyond the control of national governments. In fact, these multinationals now are on the way to control the national governments.

In politics, individual legislators are not so significant; rather, political parties as corporate bodies have emerged as major factors. In fact, the

anti-defection law has given the political parties a constitutional role in India. After the anti-defection law, political parties have changed their role in the body politic. Consider a legislature of 420 members of, say, three political parties. Now if the legislature is hung it behaves not as a democratic deliberative body of 420 members but as an assembly of three entities with varying voting powers guided with three whips respectively. Similarly, if a party gains clear majority, the legislature behaves like an assembly of one entity, i.e. it behaves like a tyrannical or monarchical power due to anti-defection law. Because of this law individual members do not count much but the party as an entity with a whip is more significant in the legislative process. So we can say after the anti-defection law the legislature instead of functioning as a democratic assembly functions as oligarchic/aristocratic body of Greek political theory if the legislature is hung and as a tyrannical/monarchical body if there is a clear majority of one party. Since legislature is losing its democratic character, people are also losing interest in who is manning these bodies. This is an indicator of the fact that like the *sacerdotium*, the political is also vanishing as a power and is getting marginalized.

For the first time in the history of mankind not the individual agents but corporate bodies of all sorts, have emerged as the dominant players in the social drama. These bodies have both money and enterprise. For obvious reasons, these corporate bodies are against the division and disorder, which is fostered by the modern politicians. They also want the politicians to be prevented from maintaining disorderly bands of hangers-on criminals. In fact, the criminal-political nexus needs to be destroyed. From every point of view, it is advantageous that politicians are de-powered and the power passes into the hands of judges who do not need money and muscle power to win elections to maintain their position. From America to India, the political battles are now fought in the courtrooms. In such a situation, it is natural that courts assume the power of restructuring the institutions and corporations to protect the constitutional values without leaving the task to governments alone.

There is another reason why the judiciary should assume this role. Traditionally, the higher judiciary has performed the task or function of giving meaning to our public values. And now it is trying to perform

this function in a changed public culture, which is dominated by operating large-scale organizations. It is to perform the function traditionally assigned to the judiciary in the changed social world that judiciary is also evolving their adjudicatory form that is reflected in the increasing judicial activism.⁶⁴ If the judiciary were to fail to evolve this new form of adjudication, it will also fail in its constitutional responsibility in the changed social reality.

But it needs to be recognized that this evolving form of adjudication violates the right of the individual to participate in a proceeding that might adversely affect him due to the nature of representation involved. According to Fiss, 'this right, taken in its highly individualistic cast, is denied, indeed seriously compromised by the kind of representation lying at the heart of a structural suit—the representation of interests by spokesmen for groups and offices rather than identifiable individuals.'⁶⁵ The reply to this is that firstly, as implicit in the public culture of a democratic polity, this principle—if at all applicable—is applicable only to that adjudication which is only dispute resolution. This principle is not applied to constitutional adjudication, for even without the new form of adjudication when courts interpreted the constitution and gave their ruling that affected parties beyond the litigants, all who were affected never had the right of participation individually. A precedent binds all even if they had no chance to participate in that litigation. If the right of participation is taken seriously in its individualist cast, then the doctrine of precedent has to be given up. Hence, the right of participation in the proceedings that may adversely affect an individual cannot be taken as part of our considered judgements of justice in reflective equilibrium.

It may be argued that according to Rawls, an ideal constitution embodies the principle of participation which says, as explained earlier, 'that all citizens are to have an equal right to take part in and the determine the outcome of the constitutional process that establish the laws with which they are to comply', and now we are denying the right of participation in the courtroom proceeding that results in precedent binding all with force of law. Is it not a contradiction? The solution of this apparent contradiction is at two levels. At the first level, the principle of participation is applicable only to that mode of determination of

law, which is legislation. It is not applicable to that mode of determination of law, which is precedent. At the second level, in the case of legislation as a mode of determination of law, the principle of participation is satisfied if the citizens are given the right to participate in the election of legislators and after that the participation is indirect through representation by legislators. In case of structural suit, no doubt, the principle of participation is directly not applicable, yet virtual participation is ensured by remaining within the limits of public reason.

Public reason, as explained before, is the reason of the citizens; so when the case is decided on the sole basis of public reason even though there is no direct participation of the victims individually, as the spokesman need not be elected by them, it cannot be denied that the victim participates virtually like the participation of all in the hypothetical original position of Rawls' theory of justice and the participation of all Indian citizens in 'we the people of India' in the preamble to our constitution. Without this theory of virtual participation, we will not be able to say as the new constitutionalism requires that even when courts are antimajoritarian with respect to ordinary power, yet they are not antimajoritarian with respect to higher law and exercise of higher constituent power, when its decisions are reasonably in accord with the constitution itself and with its amendments and politically mandated interpretations.

It may further be argued that the judiciary is given the power to protect the higher law through the power of review in a dualist constitutional democracy because of two factors. One, the exercise of that power is constrained by participation in a dialogue with following limitations: (a) judges are not in control of the subject matter of dialogue, but are compelled to participate in dialogue on grievances brought to them by others. (b) judges do not have complete control over whom they must listen to. They are bound by rules requiring them to listen to a broad range of persons or spokesmen. (c) judges are required to speak back, to respond to the grievances or claims, and to assume individual responsibility for the response. (d) judges must also justify their decision only through the exercise of public reason. Two, the judges are independent. But structural suit will compromise the independence of judiciary. The remedial phase will lead the judges to

abandon their position of independence and enter the world of politics and administration.

This fear is based on the ground that traditionally, the remedy is tailored to fit the violation. If the violation is a 'wrong doing' then a unique remedy can be deduced from this 'wrong doing'. But in context of structural suit, the violation is not a 'wrong doing' but a threat posed by the organization to the constitutional value. According to Fiss, there can be many ways of eliminating the threat. Hence, the judges have to choose. The remedial phase involves making this choice. This involves the judges in politics and compromises his independence by giving up the tailoring principle.

The reply to the above argument, according to Fiss, is that even if tailoring principle has to be given up that does not mean that judges must play politics. According to Fiss, the traditional concept of 'equitable discretion' can control the shaping of remedy and set of subsidiary considerations can be brought in to block politics at the remedial phase. According to Fiss, 'These subsidiary considerations have ... an important bearing on some facets of the partly structure the divergence between victims and beneficiaries of the decree, and also on the identity of the office or agency that bears the burden of the remedy.'⁶⁶ In his view, these subsidiary considerations 'also give the structural decree a tentative and hesitant character'⁶⁷. He further writes, 'These subsidiary considerations also explain the specifics usually found in the final stages of a structural injunction'⁶⁸.

Even if subsidiary considerations are taken into consideration and politics is avoided at the remedial stage, yet it remains a fact that the structural remedy involves a judge deeply in the organization for a considerable period. When this is coupled with the desire of the judge to be effective in implementation of the remedy whatever that may be, it may compromise the independence of judges, since 'practical success vitally depends on the preferences, the will, of the body politics'.⁶⁹ But this is a dilemma that we have to face according to Fiss. 'Independence is a critical element in the process that legitimates the judicial function, for having us believe that judges can articulate and elaborate the meaning of our constitutional values, and yet to fully discharge that function, to

give that meaning a practical reality, judges are forced to surrender some of their independence.⁷⁰ Is there no way out of this dilemma?

At this stage, one may be tempted to argue that this dilemma is created not because judges are discharging the duty of giving meaning to constitutional values but because they are trying to enhance the worth of these values, which is the job of legislative branch. The desire to create a countervailing power to protect the individual or group of individuals against the power of institutions is the job of legislature as it is the responsibility of the legislature to implement the second principle, which says in part that the power of the downtrodden be increased. So, the entire enterprise of structural adjudication must be abandoned to escape the dilemma.

But, this solution of the dilemma must be resisted. Courts are not trying to usurp the legislative function. Rather, when looked at from the perspective of Rawls' theory of political justice, the problem we are confronted with is the problem of coming to an agreement about the first constitutional essential. That is to say, we are facing the problem of coming to an agreement about 'fundamental principles that satisfy the general structure of government and the political process: the powers of the legislature, executive and the judiciary; the scope of the majority rule...'⁷¹ Now essentials of this kind can be specified in various ways. Rawls mentions only two alternatives: presidential or cabinet government.⁷² But we have also a variation regarding judiciary: should judiciary be having power to entertain structural litigation or should there be no such power in the hands of judiciary? Other things remaining the same, which constitutional arrangement is more conducive to achieving just outcome: one with judiciary having power to entertain structural suit or one with judiciary having no such power? In Rawls' scheme of things under the changed social reality that he takes note of, the first alternative appears to be superior.

The reason for the above conclusion is that the constitution, which opts for the first alternative, embodies the constitutional essentials of the second kind also. The second kind of constitutional essentials include not only the values covered by the first principle of justice, i.e. basic rights and liberties but also some principle of opportunity, which may include at least freedom of movement and free choice of occupation

even if it is not required to go as far as fair equality of opportunity.⁷³ These second kind of constitutional essentials, according to Rawls, include some social minimum providing for the basic needs of all citizens even though the difference in principle or the second principle of justice is not included under this kind of constitutional essentials.⁷⁴ In the changed social reality where individuals are at the mercy of large social organizations, judiciary with the power to entertain structural suit ensures the minimum power necessary to meet the basic need of individuals and groups of individuals for protection against victimization by large-scale organizations.

If this appears to enhance the value of the rights and liberties—which value is not required to be protected under first principle and appears as implementation of the second principle, which is the jurisdiction of legislature—it is so because of the embodiment of the one of the constitutional essentials of the second kind, i.e. 'some social minimum providing for the basic needs of all citizens' in the constitution, which has the potential of increasing the worth of basic rights and liberties and which also is part of the second principle.

If by definition this power, which is vested in the courts by embodiment of this constitutional essential in the constitution, is called legislative power, then maybe the courts are exercising legislative power. But dualist constitutional democracy does not envisage separation of powers on definitional lines even though it does envisage distribution of power to three organs: judiciary, executive, and legislature. For example, when the legislature indulges in impeachment proceedings or contempt proceedings, it exercises judicial power. When an executive issues ordinance, he exercises legislative power. Similarly, when courts are entertaining structural suit, they may be exercising legislative power but that is rightfully theirs, not the one that rightfully belonged to other branches, which courts are usurping. Merely by giving a name to a power, it cannot be taken away from the organ of the government to which it belongs as justified by public political morality of the society.

For the sake of argument, we had conceded that maybe by definition the power exercised by courts in granting remedy in a structural suit is legislative power, but in reality it is not so. The difference between judicial power and legislative power is not that the later makes law

while the former does not; since legislative power results in statute law while judicial power results in law as precedent and *stare decisis*. The real difference is that legislative power results in a law embodied in canonical words, while the judicial power results in a law not embodied in canonical words, as the *ratio decidendi*, for operation of precedent and *stare decisis* has to be stated again and again in each new case and can differ in words each time. It is only with respect to *res judicata* that the judgement assumes the form of canonical words.

It may be argued that traditionally legislature makes law while judiciary merely finds or ascertains the law and applies it to the case at hand, which is taken as the fundamental difference between the legislative power and judicial power. The reply to this is twofold. First, so far in the history of legal theory, there is no theory of legislation that makes legislation a case of making or creating a law. In natural law tradition legislation is nothing but ascertaining the natural law by legislature and giving it a canonical statement (i.e. giving it as a statute). Legal positivism from Bentham to Hart takes legislation as nothing but ascertaining the law in the present situation by applying the principle of utility, the one ultimate law known and all other law of statute are nothing but subordinate statements of this law for the situation at hand. Even though for early positivists positive law is the general command of the sovereign yet it was not understood as making law but application of principle of utility. The will of the sovereign attaches to the canonical statement, i.e. statute and not to the law. Even though framers' intent is taken as the law in theory, no positivist was foolish enough to advocate that if the legislator is living then we can go to him directly and ask what his intention was as we will be required to do if will attaches to the law. The will or intent attaches to the words and the law has to be ascertained from these words by interpretation. Second, if we take the view that the legislature creates or makes the law and the view that judiciary merely finds the law seriously, then the present form of precedent and *stare decisis* have to be given up.

So the view we arrive at is that law has to be ascertained both by the legislator who embodies it in a canonical statement and the judiciary who cannot embody it in a canonical statement. And now arises the possibility of skirting the issue of politics and loss of independence on

the part of the judiciary if it exercises the power of granting remedy in a structural suit. The illusion of politics being played is created because of wrong conceptualization of judicial power. Even in the structural suit, courts are not making choice or exercising their will; rather, they are discovering and ascertaining the law to arrive at a judgement regarding the remedy to be granted. For this, we need a proper theory of interpretation and judgement commensurate with the task of structural suit. To give even a bare outline of such theory is beyond the scope of this paper.

GUIDELINES FOR EXERCISE OF JUDICIAL POWER

As explained above, it is because of wrong conceptualization of judicial power that we have an illusion of a dilemma. The judiciary has the power to grant remedy in a structural suit vested in it because of its independence but in the exercise of that power there is a danger of compromising that independence. The attempts to circumvent the dilemma either by leaving the burden of choosing and implementing the remedy entirely on the defendant, or by creation of a new procedural institution called special masters or by use of a multitude of judges in the litigation or by the creation of a strong representational structure have failed. Of course, the dilemma can be resolved by allowing the judges only the power of declaration of rights but that will violate the public political morality by derogating from the power that is rightfully the court's power, i.e. the power to enforce the rights. So we have to reconceptualize the exercise of judicial power to avoid the problem of illusion of loss of independence of judges in structural litigation. The solution we have to seek depends on the idea that courts ascertain the law through interpretation and find the remedy in judgement. There is no exercise of will involved on the part of judiciary. Hence, the fear of loss of independence of judiciary due to any power struggle involved in making a choice is ill founded so also any solution of this fear in any external restructuring of the structural litigation is misguided. What we have to spell out clearly is the principles on which the correct remedy is based, so that courts can ascertain the correct remedy. That means we have to spell out the details of public reason going beyond what Rawls has done. Let us undertake that task briefly.

Before the coming into being of intermediary corporate entities like political parties, business organizations, bureaucracy, etc., man's action was characterized by the following four factors, according to Jonas.⁷⁵ Firstly, the technology available to man could neither damage the object of technology, i.e. nature permanently nor required any permanent reconstitution of the psyche of the subject, i.e. the man to suit the technology. Hence, as far as its effect on nature and man was concerned, technology was neutral and man's dealing with nature was ethically and juridically neutral. Secondly, since the effect of man's action was ethically and juridically neutral, the ethical and juristic significance belonged to the direct dealing of man with man. Thirdly, in the domain of man dealing with man, the entity of man and the basic condition in which man dealt with man, was constant in essence and not itself subject to change due to man's action and technology employed in the action of man. Fourthly and lastly, the good and evil about which action had to care lay close to the act. That is to say, the good and evil either resided in the action itself or in its immediate reach both in space and time and, hence, no remote planning was required while acting. The effective range of action was small, the time span of foresight, goal setting, and accountability was short, and control of circumstances was limited. Proper conduct had its immediate criteria and almost immediate consummation. The long-run of consequences beyond was left to the chance, fate or providence. Ethics and law, accordingly, were of the here and now, of occasions as they arise between men, of the recurrent, episodic, typical situations of private and public life.

When the intermediate corporate sector emerged—intermediate between man and the society as a whole—these corporations and institutions were subsumed under the category of 'person' and were distinguished from men by the qualifier 'jural' or 'artificial', man being 'natural' person. In this way, the concepts of obligation and duty applicable to man were extended to make them applicable to corporations and institutions. This step was legitimate since emerging intermediate corporate sector and its actions were also thought to be characterized by the four conditions mentioned above.

But presently, the nature of the corporate sector as well as the corporate funded research generated technology has changed in such a manner that the four conditions mentioned above do not hold good.

Due to corporatization of political parties through the anti-defection law, the legislature is losing its democratic character as it was argued before. The legislature, instead of functioning as a democratic assembly, functions as oligarchic/aristocratic body of Greek political theory if the legislature is hung and as a tyrannical/monarchical body if there is a clear majority of one party. So, without violation of any law, without any 'wrong doing', i.e. without any non-fulfilment of obligation or breach of duty on the part of anybody, the corporatized political parties have changed the complexion of body politic to destroy its democratic character permanently.

The business corporations like multinationals have now the technology and, hence, power to destroy the nature permanently so as to make it inhospitable to mankind and make it impossible for man to enjoy his rights, including the right to life. As such, the actions of corporations on nature are no more juridically neutral.

The corporate sector is also effecting through its technology by man himself. Man is 'enframed' to consider himself as 'homo-faber' to suit the technology, while the true vocation of man is to be 'homo-sapien' and not homo-faber.

The nature of corporate entities is also not fixed any more. The very corporate-funded research generated technology, once adopted, changes the corporation's organizational setting to suit the technology adopted.

Thus, the problem of interaction of corporations with individuals and groups of individuals and the problem of effect of interaction of corporations with nature or nature and man cannot be solved by extension of the concept of obligation and duty to corporations, by subsuming the corporations under the category of 'persons' in law. Rather, we need to think afresh in order to generate principles for the ascertainment of the remedy in the structural suit consistent with the principles of justice.

For this purpose, we will look at the concept of responsibility. 'Responsibility' has two different meaning according to Jonas.⁷⁶ In one sense, 'responsibility' means 'being accountable "for" one's deeds

whatever they are; and in the second sense it means responsibility "for" particular objects that commit an agent to particular deeds concerning them'. In the former sense, one is responsible for what happened while in the later sense, one honours his responsibilities.

In the formal and causal attribution of deeds done sense of responsibility, one is responsible if he does the act. It means the doer must answer for his deeds. He is responsible for its consequences and where the case warrants he is made liable for them. The damage must be made good and wrong must be punished. In case of damages being made good whether the causality emanates from the accused concerned is investigated and in criminal liability apart from the causality of the deed the quality of action is also investigated for design, premeditation, motive, accountability, etc. In this case, it must be noticed that though the action emanates from the agent, yet 'responsibility' becomes real when others hold the doer responsible.

The substantive responsibility, which is positive duty of power, is vastly different from the account of responsibility given above. It concerns not *ex post facto* account for what has been done, but is related to fore-determination of what is to be done. In this sense, one feels responsible not in the first place for one's conduct and its consequence, but for the matter that has a claim on one's acting. What for one is responsible is distinct and separate from itself, yet in the effective range of his power, in need of it or threatened by it. What for one is responsible confronts his power with its rights guaranteed by justice and enlists it for itself through these rights.

This kind of responsibility is nonreciprocal relation since it is not between equals. In this sense, the child is the responsibility of the parents. This responsibility is natural and not contractual. This is to say, this responsibility arises not because of choice or assent but because the agent has the power. Hence, it is not given to alteration of its terms by the participants. So the responsibility of the corporations is the natural correlate of the power they have.

The primary objects of this responsibility are the other human subjects with their rights. This responsibility encompasses the total being of their objects with rights, i.e. all the aspects of them, from bare existence to the highest interest in development and exercise of the two moral

powers. In other words, the corporations have to take care of everything so that nothing is adversely affected in their achievement of goals because they possess enormous power. The corporations must function to achieve its goals among human beings with felt solidarity. The corporations need to be so organized that functionaries of the corporation act with solidarity of fate with the humans among whom their corporation functions. The public in which the corporations act is itself vulnerable and hence corporations need to operate with the consciousness that issues of common welfare do not simply look after themselves but require conscious direction and decision and improvement. That is to say, corporations have to operate with the recognition that the corporations' own cause is included in the public cause, it cannot achieve its own cause in disregard of the public cause. The corporation has to recognize itself as a creature of the human community whose cause, therefore, has to be served in its own cause.

This total responsibility of the corporations to take care of the cause of the community in the pursuit of their goals is continuous. This continuity of concern through time must preserve the identity of the community in which the corporation pursues its goal. And lastly, this responsibility for a life—be it individual or communal—goes beyond its immediate present. The corporations must pursue goals with concern for the future so that their pursuit of goals do not endanger the life of man and his community in future.

The remedy sought in the structural suit is to reorganize the corporation in a manner that makes it behave in a responsible manner as outlined above, towards the individuals who have rights and liberties granted by justice.

Be it noted that as social justice requires that individuals conform to the principle of fairness and natural duties, it also requires corporations to be responsible in the sense outlined above. Any corporation, which is irresponsible, offends the principle of justice by destroying the very conditions in which principles of justice can be followed.

A political party issuing a whip to vote on a bill in a particular manner to its legislators yet not having its organizational elections or not having a democratic constitution is irresponsible in the sense mentioned above, even if it is violating no law. Similarly, corporations

earning profits but discharging toxic affluent in rivers, making freshwater scarce for public are acting irresponsibly. Educational institutions, whether they charge fees or are funded by the society—when they fail to teach for the minimum periods per annum fixed by law or competent authority, or are not able to hold examinations on time holding careers of students to ransom—are also acting irresponsibly. This kind of situation calls for public interest litigation to reorganize these corporate entities to make them act with responsibility.

Previously, the sense of responsibility did not play any important role because the law was concerned with strengthening the institutional and social ordering that would assure such permanence that next generation steeped or educated in law is seen as repeating the same social order. To use a metaphor, generations lived in the same social building with the same furnishings. That is to say, law is premised on permanence of the social order, which is threatened only by inscrutable fate. The law is premised on the absence of that dynamism which dominates all of modern existence and consciousness. But the coming of age of corporations has changed this static premise and we moderns are caught up in perpetual change induced by the plethora of corporations. Since the corporate world is responsible for the fast change, they need to be responsible agents, unlike the individuals who never had such power of change.

The law and jurisprudence, as it exists, is basically an atemporal enterprise, which is reflected in the episodic character of its judgement pronounced, wrong done, and remedy provided, as discussed before. But functioning of the corporate sector has forced the temporality into the heart of law since the acts of corporate world do not seem to exhaust in time and, hence, the time frame has to be taken into account in the functioning of the corporations requiring a sense of responsibility.

The traditional theories of law are based on the fear of the content of 'ought' of law overstepping the ability of man. It became one of the principles of rule of law that 'ought' implies 'can' and hence what a man can't do he cannot be commanded that he ought to do. But now we have a different scenario. The power of corporate world is constantly overstepping the dos and don'ts of law; thereby the power of corporations is going unregulated by law. As a result, there is the need

for law based on the idea of responsibility. Whether there is an explicit do or don't of law to regulate the power that any corporation recently acquires, it must inherently by its nature, regulate this power by its sense of responsibility.

The Rawlsian theory of justice is based on, among other things, the idea that 'The role of the institutions that belong to the basic structure is to secure just background conditions against which the actions of individuals and associations take place. Unless this structure is appropriately regulated and adjusted, an initially just social process will eventually cease to be just, however free and fair particular transactions may look when viewed by themselves'.⁷⁷ Not only that; 'the conditions necessary for background justice can be undermined, even though no body acts unfairly or is aware of how the over all result of many separate exchanges affects the opportunities of others. There are no feasible rules that it is practicable to require economic agents to follow in their day-to-day transactions that can prevent these undesirable consequences. These consequences are often so far in the future, or so indirect that the attempt to forestall them by restrictive rules that apply to individuals would be an excess if not an impossible burden.'⁷⁸ As we have noted earlier, this tendency for background justice to be eroded even when individuals act fairly is due to the power of institutions and corporations always out stepping the existing legal rules. Hence, there is need for readjusting and restructuring of these background institutions and corporations if their functioning results in injustice even if no wrong is done by any body or no obligation is violated. The need to maintain the justice and fairness of the institutions and corporations is their responsibility—in the sense of responsibility outlined above—and restructuring can be done by courts to make these institutions and corporations responsible agents.

It is because of the sense of responsibility that the higher judiciary is restructuring the process of litigation that come in front of it by reinterpretation of its role in a dualist constitutional democracy because the judiciary itself is now a corporate entity with enormous power.

The discharge of responsibility is dependent not on making choice and acting with will but on interpretation by which it discovers the concretized law in the case at hand and the judgement by which it

discovers the right course of action. So, the sense of responsibility is dependent on the theory of interpretation and judgement. For this purpose, there is need to recover the classical Greek phronesis as articulated by Socrates, Plato and Aristotle.

Let me end this essay with reply to an objection that may be raised. The objection is that Rawls' theory of justice is based on the idea of contract in the original position, which is expected to regulate the power distribution. But now we have brought in a non-contractual natural correlate of power to control it. Is it not a contradiction? The answer is that Rawls' theory is not contract based throughout, rather, the idea of contract in the original position plays a limited role of discovery of principles of justice to regulate institutional complex and principles for individuals. But the possibility of his justice as fairness being 'the focus of an overlapping consensus of at least the reasonable comprehensive doctrines affirmed by its citizens'⁷⁹ refers to a non-contractual aspect of Rawls' theory. The idea of overlapping consensus is developed to take care of 'the appearance within the same society of rival authoritative and Salvationist religions'⁸⁰ as a feature of modern social reality. We have merely extended the idea to take care of any kind of diverse institutions and corporations and not limiting ourselves merely to churches. The possibility of overlapping consensus itself depends on the sense of responsibility of these corporate entities, a sense that is not contractual but natural correlate of power that these corporate entities have including the judiciary itself as a corporate entity as one among these corporate entities.

NOTES AND REFERENCES

1. This is a revised version of an earlier essay entitled 'Rawls' Theory of Justice and Its Implication for the Role of Judiciary', presented in a National Seminar on 'Social Justice in the Indian Perspective', Department of Philosophy, University of Rajasthan, Jaipur 302 004, 20-22 March 1997.
2. In *Social Justice and Social Processes in India*, ed. N.R. Madhav Menon, Indian Academy of Social Sciences, Allahabad, 1988, pp. 66-105.
3. *Social Justice and Social Processes in India*, p. 71.
4. *Ibid.*, p. 75.
5. Columbia University Press, New York, 1993.
6. Harvard University Press, Harvard, 1971.

7. *Political Liberalism*, p. 257.
8. *Ibid.*, p. 258.
9. *Ibid.*, p. 259.
10. *A Theory of Justice*, pp. 111-2.
11. *Ibid.*, p. 115.
12. *Ibid.*, p. 7.
13. *Ibid.*, p. 259.
14. John Rawls, 'Kantian Constructivism in Moral Theory: The Dewey Lectures 1980', *The Journal of Philosophy*, Vol. 77, 1980, p. 583.
15. John Rawls, 'The Basic Structure as Subject', *American Philosophical Quarterly*, Vol. 14, No. 2, April 1977, p. 160.
16. *Political Liberalism*, p. 47.
17. *Ibid.*, p. 48.
18. *Ibid.*
19. *Ibid.*, p. 5.
20. *Ibid.*, p. 6.
21. *A Theory of Justice*, p. 302.
22. *Ibid.*, p. 61.
23. *Ibid.*, p. 196.
24. *Ibid.*, pp. 196-7.
25. *Ibid.*, p. 197.
26. *Ibid.*
27. *Ibid.*, p. 198.
28. *Ibid.*, p. 221.
29. *Ibid.*, p. 222.
30. *Ibid.*
31. *Ibid.*
32. *Ibid.*, p. 224.
33. *Ibid.*, p. 199.
34. *Political Liberalism*, p. 227.
35. *Ibid.*
35. *Ibid.*, p. 228.
37. *Ibid.*, p. 231.
38. *Ibid.*
39. *Ibid.*, p. 232.
40. *Ibid.*
41. *Ibid.*
42. *Ibid.*
43. *Ibid.*, p. 233.
44. *Ibid.*
45. *Ibid.*, p. 234.
46. *Ibid.*, p. 235.

47. Ibid., p. 236.
48. Ibid.
49. Ibid.
50. Ibid., p. 237.
51. Ibid.
52. Ibid.
53. Owen M. Fiss has elaborated his conception of structural suit in 'The Forms of Justice', *Harvard Law Review*, Vol. 93, No. 1, November 1979, pp. 1–58, in the present essay, I have relied entirely on this essay of Fiss for the idea of structural litigation.
54. 'The Forms of Justice', p. 2.
55. Ibid., p. 17.
56. Ibid., p. 18.
57. Ibid., p. 19.
58. Ibid.
59. Ibid., p. 20.
60. Ibid., p. 22.
61. Ibid.
62. Ibid., p. 23.
63. *Political Liberalism*, p. 235.
64. 'The Forms of Justice', p. 36.
65. Ibid., pp. 40–41.
66. Ibid., p. 49.
67. Ibid.
68. Ibid.
69. Ibid., p. 54.
70. Ibid., p. 58.
71. *Political Liberalism*, p. 227.
72. Ibid., p. 228.
73. Ibid.
74. Ibid., pp. 228–9.
75. Hans Jonas, *The Imperative of Responsibility: In Search of an Ethics for the Technological Age*, The University of Chicago Press, Chicago & London, 1984, pp. 4–5.
76. *The Imperative of Responsibility*, pp. 90–98.
77. *Political Liberalism*, p. 266.
78. Ibid.
79. Ibid., pp. 133–72.
80. Ibid., p. xxiii.

Affirmative Action and Justice to Equality

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Affirmative action—the practice of giving special consideration or preferential treatment to certain classes of people over the others such as scheduled tribe, scheduled caste, backward classes, women and minorities—has been a social and political issue on which there have been a lot of public debate between its critics and defenders within our country. The critics say affirmative action is a social evil because it denies justice to others or involves a form of 'reverse discrimination' that bestows 'undeserved preferences' on its beneficiaries. The defenders say, affirmative action is not a social evil. It is a social good because it gives justice to people in the form of 'compensation' who have been, and continue to be, the victims of past institutional discrimination, mistreatment and exploitation. Both the camps have fought the issue tooth and nail, not only through newspapers, magazines and articles but also on the streets. The debate remains an ongoing one on the issue of reservation for women in the State Assemblies and Parliament. So, there is a social and political need to reflect critically upon the issue and this is what the present essay aims. In this article, an attempt has been made to argue throughout that both its critics (non-beneficiaries) and defenders (beneficiaries) have not placed their arguments on a proper ground. The critics place their arguments on the premise that affirmative action bestows 'benefits' on its beneficiaries and deprives the others who do not benefit from it. The defenders place their arguments on the premise that it compensates people who have been discriminated, and continue to be discriminated because of their membership in a particular group. But both these premises do not constitute, to my mind, a proper ground for the affirmative action

policy. The critic's argument does not hold well because affirmative action is not intended to bestow some benefits on its beneficiaries and deprives the others. If any society does so, then it is surely a morally unjustified act. The defender's argument also does not hold well because affirmative action is not intended to compensate people who have been victims of the past injustices. If any society does so, then it is surely a morally unjustified act. The policy of affirmative action, it could be said, is morally justified only when it is intended to promote equality of opportunity for all actors by levelling the playing fields of consideration marked by inequalities. The promotion of equality of opportunity by levelling the playing fields of consideration marked by inequalities does not involve in it any kind of preferential treatment or discrimination because the playing fields for all actors in a social context marked by inequalities must be equal for availing the equality of opportunity. When we see the policy of affirmative action as a policy of equalizing opportunity for all individuals and groups who have been facing, and continue to face, the past institutional injustices, discriminations, exploitations, mistreatments and obstacles, and not as a policy of bestowing some benefits on its beneficiaries or compensate them, many objections raised against it are resolved. In other words, when we see affirmative action as an attempt to equalize opportunity for all individuals and groups who have been facing, and continue to face, historical institutional discriminations and obstacles to equal consideration and treatment, it is not a social evil. It is a morally justified act; it does not bestow 'preference' on its beneficiaries; nor does it deprive the others who do not benefit from it. It only levels the playing fields of consideration for all individuals and groups within a social context marked by inequalities which the principle of justice to equality always demands. To level the playing field means to provide an equitable playing field for all actors in a social context.

The idea of 'an equitable playing field' is a complex idea on which one may or may not have any agreement because it gives rise to many problems and interpretations. But here when I talk about it, I speak not only in the sense of material conditions such as resources, facilities, wealth and income, etc., but also in the sense of social, cultural, institutional and physical conditions relevant to the playing fields

concerned. If social, cultural and institutional structures of any society are oppressive and exploitative for certain classes of people, they cannot play any game on the same foot with others who do not suffer from these factors even if they are given equal consideration and treatment in the playing field because these factors put them in disadvantageous position compared to their counterparts. The nature, form and degree of oppression and exploitation resulting from the past socio-cultural and institutions factors differ from context to context. But, whatever the context might be, morality always demands protective discrimination for all individuals and groups who suffer from the disadvantaged position due to socio-cultural and institutional factors of the past to bring them on par with their counterparts who do not suffer from these factors, and one way of doing it is by making the playing fields equal in relevant respects for all individuals and groups alike through the policy of affirmative action.

No doubt, there is no one criterion of equity for all playing fields. The criterion of equity differs from field to field because of variations found in socio-cultural, institutional, material and physical conditions of actors and in their situations. For example, the socio-cultural and institutional disadvantages from which women as a class suffer men do not. Likewise, the physical disadvantages from which disabled people as a class suffer women do not. There may be a class of people who suffer from both the disadvantages. Such a class we call the product class of two classes, the class of women and the class of disabled. What is true of these two classes of people also could be said to be true of the other classes of people as well in this respect, namely, scheduled tribe, scheduled caste, other backward classes and minorities. This is so simply because these social categorizations and classifications of individuals and groups are not mutually exclusive and collectively exhaustive. They intersect with one another. That is why the criterion of 'an equitable playing field' also differs from one context to another. Not only this, these social categorizations and classifications are not conceptually very neat and clean at all because they are vaguely defined by the society. Take, for example, the idea of a minority. What is meant by the idea of minority is not very clear. It means different things to different people in different contexts. Linguistic, ethnicity,

regional, religious and numerical features are generally identified as defining characteristics on which one may or may not have any agreement. This is true not only in the case of the idea of minority. It is also true in the case of the idea of a backward class. The idea of a backward class is vague. It too means different things to different people in different contexts. Caste, which is considered to be a backward class from one angle may not be a backward class from another. Not only this, caste which is considered to be a backward class in one region of the society may not be a backward class in another region of the same society. The birth-condition does not constitute a genuine ground to classify different groups of people into backward and forward classes. The problem becomes more complicated when we enter into the domain of individuals because what is true of a group may not be true of individuals of that group. Nonetheless, whatever be the case, one thing is quite obvious that the present Indian social categorizations and classifications of people into minorities, backward and forward classes cannot be said to be proper categorizations and classifications at all because they are not well defined. As a result, the complexity of the problem pertaining to the policy of affirmative action for minorities and backward classes increases further. But this does not mean that the policy of affirmative action for these groups of people is not at all required. It only means that social categories and classifications with which the policy of affirmative action deals must be well defined. While formulating the policy of affirmative action of any form for the different groups of people within a particular society, an attempt should be made that no individuals or groups enjoy the benefits of affirmative action on more than one account unless it is rationally and morally desirable; only the deserving individuals and groups should get the benefits of affirmative action and none else.

One might say here that what we consider as an equitable playing field in one situation at a particular time may not be an equitable playing field in another situation and at another particular time. This is so because human conditions, environment and situations are not static. They keep on changing from time to time and situation to situation. As a result, any criterion of equitable playing field which is considered as rational and moral may not result in the 'levelling of playing field'. Even if

they do, the playing field will not remain an equitable playing field for long, as different individuals and groups may take differential advantages from it and turn the levelled playing field into an unlevelled one. There is no doubt about it that human conditions, environment and situations are not static. They keep on changing from time to time and situation to situation. As a result of it, any playing field which is considered as an equitable playing field in one situation at a particular time for certain classes of people may be turned into an unlevelled one. But this does not mean that the policy of affirmative action is not a morally significant policy at all; it is not socially and morally required to equalize the playing fields for all individuals and groups who suffer from a disadvantaged position due to the past historical, physical, cultural and institutional factors without any fault of theirs. It only means that the policy of affirmative action must be reviewed and revised from time to time and situation to situation so that different individuals and groups do not take undue advantages from it and turn the levelled playing field into an unlevelled one.

It is quite evident from the foregoing discussion that the principle of justice to equality does not preclude affirmative action. It only emphasizes that affirmative action ought to be done on a rational ground. It ought not to be done on an irrational or arbitrary basis. Everybody ought to be given equal consideration in a social context marked by inequalities while framing the policy of affirmative action of any form without doing injustice to any particular group against the others. And this does not imply that the principle of justice to equality asserts that everybody ought to be treated equally in every respect. Even if one formulates the principle of justice to equality in this sense, one cannot treat everyone equally in every respect because people are different physically and psychologically. Not only this, their social and physical conditions also vary from one context to another. This is an undesirable concrete reality. Above all, the principle of justice to equality does not assert that everyone ought to be treated equally in every respect. It asserts that equals ought to be treated equally in the respect in which they are equal. And to say this is not equivalent to saying that we cannot treat people differently even if they are different in relevant respects which rationally justify difference in their treatment. The

principle of justice to equality allows us to treat people differently when they differ in relevant respects. In other words, the principle of justice to equality asserts that equals ought to be treated equally and unequal ought to be treated unequally; equals ought not to be treated unequally and unequal ought not to be treated equally. If they are treated differently, there must be some rational ground to justify it because the principle of justice to equality always demands it. The principle of justice to equality always admits exceptions in certain contexts where there exist relevant differences among people but not arbitrarily. But whatever differences we consider as morally relevant differences and select to justify difference in treatment, they must be upheld consistently in all cases alike without exceptions because the principle of justice to equality involves in it the notion of impartiality and impartiality can be shown only by universalizing the ground of its justification and acting accordingly whenever the occasion arises. Moral reasons are universal and person-neutral. They are not subjective in character. In other words, what is rational is rational for all in alike cases and what is irrational is irrational for all in alike cases. If my view is correct, we cannot say that affirmative action is a rational action for certain classes of people, i.e. beneficiaries, but is not a rational action for another classes of people, i.e. non-beneficiaries. The problem of relation between 'reason' and 'morality' is a complex problem on which we may not have any agreement. But here, in this context, when I talk about reason and rationality, I talk in the moral sense. The notion of morality essentially involves within it the notion of rationality but the notion of rationality does not essentially involve the notion of morality. Their relation is one directional. Nonetheless, while framing the policy of affirmative action of any form from the moral point of view, we must always think rationally whether people who are given special consideration over the others are really deserving. Our main task while framing the policy of affirmative action of any form, thus, consists in identifying which differences really count morally to justify equality of consideration and equality of opportunity among different groups of people. And in doing so we cannot simply ignore the inequalities existing in any particular society caused by the past human agencies and their actions. When we understand the notion of justice

to equality in this sense of the term and not in a mathematical sense and rest our policy of affirmative action on it, it does not involve an unjust denial of equal treatment or reverse discrimination. Rather, it restores justice to everyone by eliminating inequalities, injustices, bitterness and sufferings existing within the society caused by human agencies.

In fact, when we talk of justice to equality in a social context, we do not talk in descriptive-comparative sense at all. We talk in the prescriptive-comparative sense and in this sense it always implies that everybody ought to be treated on an equal foot; they ought not to be treated on an unequal foot. If we treat people on an unequal foot, there must be some rational ground to justify any difference in their treatment. If we do not justify it rationally, it would mean that we do not treat people on an equal foot; we treat them on an unequal foot and treating people on an unequal foot without any morally good reason is unjustified because the demand for justice to equality is a demand to give reasons for unequal treatment. The notion of justice to equality does not necessarily imply that everyone ought to be treated equally in every respect. It only implies that everyone ought to be treated equally in the respect in which they are equal. And to say this is not equivalent to saying that the principle of justice to equality always requires that everyone ought to be treated equally in every respect. The principle of justice to equality is not descriptive. It is a normative principle. It prescribes everyone ought to be treated equally in the respect in which they are equal; they ought not to be treated unequally unless there are good reasons to justify difference in their treatment and this prescription is a moral prescription and not a legal prescription. In other words, justice to equality consists in treating equals equally and unequal unequally. The question of injustice arises when we treat equals unequally and unequal equally without any good reason. The notion of justice to equality involves in it the notion of impartiality and the notion of impartiality consists in equality of consideration in the sphere of social, political, economic, legal, cultural, religious, etc., life of the people and this can be justified only by universalizing the genuine ground of equality of consideration and acting accordingly whenever occasions arise.

The question of justice to equality is not a matter of what we have in reality. It is a matter of what we do and the manner in which we do certain kinds of things in a social context. In fact, when we talk of justice to equality in any particular social context, we do not talk in the same sense. We talk about it in different senses in different contexts. To some, justice to equality means political equality only and to others, it means equality before the law. To some, it means nothing more than fair distribution of social goods and services among people. But when I talk about justice to equality in the context of affirmative action, I do not talk in any one of these senses. I talk in the sense of equality of opportunity and equality of opportunity logically presupposes equality of consideration in the respect in which people are equal in a social context. If there exist inequalities in a particular society which result from the past institutional discrimination, the question of treating equally everyone simply does not arise at all. It arises only when their playing field is alike, which the equality of consideration and the equality of opportunity always logically presuppose. It is our human nature that when we find inequalities in consideration and treatment, we make a lot of hue and cry; we fight against it because we feel we suffer from injustices which actually may or may not be a genuine feeling at all because the notion of justice to equality does not logically rest on the notion of what we feel. It rests on the notion of rationality and the notion of rationality is different from the notion of feeling. In other words, justice to equality is not a matter of feeling. It is a matter of principle. That is why we cannot just say that affirmative action is unjust because I feel or I felt like it. The notion of justice to equality does not logically rest on the notion of caste, tribe, class, creed, religion, gender, race, minority and region. It logically rests on the notion of impartiality or fairness in dealings of human affairs. When we consider the factors of caste, class, creed, religion, gender, race, minority and region as morally relevant factors to justify difference in their treatment in a particular social context, for example India, we do not do it merely on this ground because these are the factors of caste, class, creed, religion, gender, race, minority and region but because we find that these factors are morally relevant factors in the consideration of levelling the playing fields for all actors. We cannot simply say that people

ought not to be treated differently on the ground of the factors of caste, tribe, class, creed, religion, gender, race, minority and region even if they are morally relevant factors in the consideration of levelling the playing fields for all actors because it goes against the principle of justice to equality. But when I say so, it should not be taken to mean that I am favouring the existence and operation of these systems. It only means that any factor, no matter what, if it is morally relevant in the consideration of levelling the playing field, it must be taken into account while framing the policy of affirmative action of any form. We can criticize any policy of affirmative action morally only when it is done solely on the ground of the factors of caste, tribe, class, creed, religion, gender, region and minority and not on this ground because these factors are morally relevant factors for levelling the playing fields for all the actors marked by inequalities because the notion of justice to equality does not logically rest on them. But if the factors of caste, tribe, class, gender, religion, minority and region are morally relevant factors in the consideration of levelling the playing field for all actors belonging to different groups in a particular social context, we should not brush them aside just by saying that these are the factors of caste, tribe, class, gender, region, minority and religion. We will have to take into account for levelling the playing field for all individuals and groups. But at the same time, we must not forget that if there are certain people who do not suffer injustices resulting from the factors of caste, creed, religion, gender, minority and region, they ought not to be given any special consideration on these basis because these factors do not rationally justify difference in their treatment. If they are given special considerations by any society simply on this basis because they belong to this or that particular caste, class, creed, religion, gender, region and minority, ignoring their morally relevant differences, it would amount to doing injustice to others because it deprives them from justice to equality. The principle of justice to equality is a rational principle. It takes into account all the relevant factors existing between different groups of people in a social context. Whenever we demand for justice to equality we, in fact, demand for rationality and demand for rationality consists in equality of consideration and equality of treatment among the equals. When we base the policy of affirmative action of any form

on such a premise, it does not actually involve reverse discrimination or unjust denial of equal treatment. It rather gives justice to everyone.

The criterion of justice to equality, thus, greatly depends upon what we hold as morally relevant. Where there are clear accepted rules, the problem of relevance poses no difficulty because we can decide it taking into account only those factors which rules sanction. But justice to equality does not consist only in a matter of applying the rules to particular cases without discrimination. Justice to equality also demands that the rules of application must be just. If the rules of application themselves are not just and involve in them discrimination and exploitation against certain classes of people, they cannot give justice to them even if they are applied consistently to all particular cases in dealings of human affairs. That is why the notion of justice to equality always requires not only that the rules must be applied to particular cases consistently in dealings of human affairs but also rules must be just. A society governed by unjust rules is an unjust society. Where there are no just rules and rules are to be framed to eliminate discrimination from the society, the problem of moral relevance poses a lot of difficulties because one can always logically question whether the selected difference is really a morally relevant difference to the consideration of justice to equality. This problem we cannot settle easily. Not only this, there is no one criterion of moral relevance *per se* because the criterion of moral relevance differs from one context to another due to the variations found in the societies in the sphere of material, social, cultural, legal and political life of people. The ground on which we talk about justice to equality in the context of women, we do not talk on the same ground when we talk about justice to equality in the context of scheduled caste, scheduled tribe, backward classes and minorities. If different groups of people suffer injustices from different causes, the ground of levelling the playing field for them will naturally be different. It cannot be the same. The criterion of capability and the criterion of merit, no doubt, do constitute as rational criteria for distributing social goods and services in certain contexts. But they do not constitute rational criteria for distributing social goods and services in all contexts. In certain context, the criterion of need constitutes a rational criterion, instead of capability and merit, for

distributing social goods and services among people. For example, in the context of handicapped people, the criterion of capability and the criterion of merit do not constitute as rational criteria for distributing social goods and services. In such contexts, we need to constitute a rational criterion for distributing social goods and services among them. But while doing it within such contexts, it should always be done rationally and not arbitrarily.

Social injustices may occur at two levels: at the level of the framing of rules and at the level of the application of rules. If social injustices occur at the level of the framing of rules, they continue to perpetuate in a society even if no one does it intentionally to any particular individual or a group of individuals. If social injustices occur at the level of the application of rules, the executive authorities can be held morally responsible. But if social injustices occur at the level of the framing of rules, the executive authorities cannot be held morally responsible. Only the legislative authorities can be held morally responsible. But in either case, the victims of rules suffer injustices. Nonetheless, whatever the criterion of social justice we may select for levelling the playing field for all actors in a social context by introducing the policy of affirmative action of any form, it must be a rational criterion loaded with morality. It should not be an irrational criterion. The reason is that because the notion of justice to equality always involves in it the notion of rationality and the notion of rationality is conceptually linked with the notions of impartiality, fairness, consistency and objectivity. The question might be asked: how are we to decide what is rational and what is not rational in the consideration of levelling the playing field for all actors? Of course, there is no one criterion of rationality *per se* to decide what is rational and what is not outside the context because what is rational in one context may or may not be rational in another. This happens simply because of the variations found in the concrete social realities. For example, caste is not a relevant factor in the consideration of weight between two different groups of individuals but it is a relevant factor in the consideration of justice to equality between two different groups of individuals in a context wherein injustices result from the hierarchy of a rigid caste system of a particular society, for example, Hindu society. But within a particular context,

we can determine very well what is rational and what is not after examining the facts in the light of certain conditions which the principle of justice to equality always demands that they ought to be fulfilled for any action to be just. If some differences significantly affect the applicability of the principle of justice to equality in a particular context, they are morally relevant differences, and hence they ought to be taken into account while framing the policy of affirmative action because they constitute a rational ground to justify difference in treatment among people in that context. But if some differences do not significantly affect the applicability of the principle of justice to equality in a particular context, they are not morally relevant differences, and hence they ought not to be taken into account while framing the policy of affirmative action because they do not constitute a rational ground to justify difference in treatment among people in that context. But whatever differences we may select as morally relevant in order to justify the difference in treatment among different groups of people, they must be upheld consistently throughout in all cases alike without any exception because the notion of justice to equality conceptually involves in it the notion of universalizability. The feature of universalizability constitutes a formal ground for the principle of justice to equality. The feature of universalizability requires that whatever constitutes as a rational criterion to justify difference in treatment between two different groups of people, it must be universally applied to all cases alike without any exception. If there are no morally relevant differences between two different groups of people within a particular society, they must not be treated differently. If we treat them differently, it would amount to mean the denial of justice to them because it goes against the principle of justice to equality. But the feature of universalizability does not necessarily require that the criterion of justice to equality must be applied consistently in every respect to all cases, irrespective of whether or not there exist morally relevant differences between them. It also does not necessarily require that the criterion of justice to equality must be subscribed to by everyone. It only implies that whatever constitutes a rational moral ground in one case to justify difference in treatment also constitutes a rational moral ground to justify difference in treatment in all cases alike. The feature of

universalizability always admits exceptions in certain cases where there exist morally relevant differences among people. But it does not by itself render any criterion of relevance a just criterion. Besides the features of universalizability, any criterion to qualify as a just criterion must also strike a balance of social goodness to all people concerned positively and negatively. Social justice does not consist in mistreating people universally, consistently and equally in all alike cases. Social justice consists in elimination of sufferings from the domain of social life caused by the factors of discrimination and mistreatment. The principle of social justice to equality is, thus, conceptually linked with the notion of social well-being of all people concerned. It is perfectly possible that while framing any criterion of social justice to equality in a particular context what one thinks would be striking a balance of social goodness to all people concerned may not strike because his/her thinking may go wrong; and even if it does not go wrong, it may not yield the actual result because there always exists a logical gap between the intended result and the actual result. So, what one intends may not be the case. But merely on such grounds, he/she cannot be held morally responsible for injustices caused by it. The features of impartiality, fairness, universalizability, autonomy, reasonability, objectivity and social goodness of all people concerned are integral to our conception of social justice to equality. This implies that the idea of social justice is a second order of value. It rests on the realization other values.

In the light of the above discussion, let us now critically examine the arguments of both the camps (beneficiaries and non-beneficiaries) in the Indian context. When we critically examine the arguments of both the camps, we find that their arguments do not rest on a proper ground because of the following reasons. Some critics argue that affirmative action is morally unjustified on this ground because it bestows benefits on its beneficiaries and deprives the others without any fault of theirs. No doubt, it is perfectly true that we cannot hold present people belonging to the class of non-beneficiaries morally responsible for the harms, oppressions, exploitations and injustices which were done in the past by their forefathers to people belonging to the class of beneficiaries (i.e. scheduled castes, scheduled tribes, backward classes, minorities and women). We can hold morally responsible only

those people of the past who had harmed, oppressed and exploited people of the class of beneficiaries. It is also perfectly true that any policy of affirmative action based solely on the factors of caste, tribe, class, minority, race, gender and region does not, and cannot, morally justify the policy of affirmative action because it involves 'reverse discrimination' that bestows 'undeserved preferences' on some of its beneficiaries. But the critic's argument that affirmative action bestows benefits on its beneficiaries is not a valid argument at all because it logically assumes that there are no discrimination, exploitation and mistreatment caused by the historical factors of caste, tribe, class, race, gender, minority and region, which is not the case in the Indian context. This is so because empirical evidences clearly show that in many cases, certain groups of people suffer injustices caused by the historical factors of caste, tribe, class, gender, race, minority and region. The argument holds well only in those cases where people do not suffer injustices on the account of the historical factors of caste, class, gender, race, minority and region but still enjoy the benefits of affirmative action simply because of their membership. There exist empirical evidences which clearly support this view. But the counter empirical evidences do not establish the point that affirmative action of any form is morally unjustified. What it establishes is that the manner in which the present policy of affirmative action has been formulated and implemented in the Indian society is not morally justified at all. Any policy of affirmative action surely is morally unjustified if it rests solely on the ground of the factors of caste, tribe, class, gender, race, minority and region because these factors do not by themselves constitute a proper ground to justify the policy of affirmative action. But to say all this, however, does not mean that the factors of caste, tribe, class, gender, race, minority and region do not, and cannot, play any significant role from the moral point of view at all in the consideration of justice to equality among different groups of people in any social context. It all depends upon the context in which we talk about equality of consideration and equality of opportunity among different groups of people. If these factors significantly affect the applicability of the principle of justice to equality of consideration and equality of opportunity in a particular social context, they are morally

relevant factors in that context, and hence should be taken into account for levelling the playing fields in order to ensure the equality of opportunity to the suffered groups. But if these factors do not significantly affect the applicability of the principle of justice to equality of consideration and equality of opportunity, they are not morally relevant factors, and hence should not be taken into account for levelling the playing fields. In other words, if certain groups of people suffer injustices on the account of their membership of a particular caste, tribe, class, gender, race, minority and region, then these factors, no doubt, do morally count to justify difference in their treatment to level the playing fields marked by inequalities. But to say all this, however, does not tantamount to mean that whosoever belongs to these groups must avail of the benefits of affirmative action simply on the ground of their membership even if they do not suffer injustices resulting from the historical factors of caste, class, gender, race, minority and region. No doubt, it is morally unjustified when the policy of affirmative action is formulated and implemented just to bestow some benefits on certain arbitrarily selected groups of people over the others because the notion of social justice to equality does not logically rest on the idea of bestowing benefits on certain arbitrarily selected groups of people over the others. But when the policy of affirmative action is formulated and implemented to level the playing fields marked by inequalities in any social context on a proper ground which, in turn, brings some benefits to certain groups of people over the others, it is morally justified policy because the idea of social justice does not preclude from it. The idea of social justice involves in it the idea of social goodness and the idea of social goodness can be realized only when we level the playing fields for all actors alike. But no policy of affirmative action can be defended or refuted just by appealing to its consequences in the light of certain selected groups of people whatsoever because utility is not the ground of social justice. The ground of social justice is the principle of moral equality and the principle of moral equality does not logically rest on the principle of utility. It rests on the principle of impartiality, fairness, reasonability, autonomy, objectivity and social goodness of all people concerned. Social justice to equality is a matter of principle, not a matter of politics or concession.

Some critics argue that affirmative action is morally unjustified because it has not solved the problem for which it was designed to solve, i.e. the removal of caste, tribe, class, race, gender, region and minority's bitterness, discrimination, exploitation and mistreatment from the society. Instead of removing bitterness, discrimination, exploitation and mistreatment resulting from the historical factors of caste, tribe, class, gender, race, region and minority, it favours existence and operation of these categories and makes them more rigid. No doubt, it is true that the policy of affirmative action has not solved all problems of injustices resulting from the historical factors of caste, tribe, class, gender, region and minority's discrimination, exploitation and mistreatment. It is also equally true that the policy of affirmative action, namely, the policy of reservation based on the factors of caste, tribe, class, gender and minority has made these categories more rigid. But this is not proper to say that affirmative action is a social evil because it has obviously reduced in many respects in cases of discrimination, exploitation, and mistreatment resulting from the factors of caste, tribe, class, gender and minority. In fact, the policy of affirmative action cannot solve all the problems of discrimination, exploitation and mistreatment existing in the Indian society we confront because it is intended only to counter the ways in which the factors of caste, tribe, class, gender and minority impede equal access and opportunity. Above all, we cannot judge the justness of any affirmative action merely on the grounds of what it produces—good or bad—because the notion of social justice does not logically rest on the notion of consequences. It rests on the notion of moral equality which involves in it the notion of universalizability, impartiality, fairness, rationality and objectivity, besides the consideration of social goodness of all people concerned.

Some critics argue that affirmative action is morally unjustified because it infringes the principle of justice to equality. According to them, the principle of justice to equality always demands that everybody should be given equal consideration and equal opportunity to compete for the same job or admission without any discrimination or preferential treatment. The jobs and admissions should be given to the persons who are more qualified and competent. But this argument is not correct because it logically assumes that the playing field for all actors is

equal, which is not the case. No doubt, it is true that the principle of justice to equality asserts that everyone ought to be treated equally without any discrimination. But this does not mean that the principle of justice to equality does not admit any exception under any circumstances. The principle of justice to equality always admits exceptions in certain cases where there exist morally good reasons to justify difference in treatment among different groups of people in a particular social context. Where there exist morally good reasons to justify the difference in treatment among different groups of people, treating them all equally in every respect is highly unjust. Above all, the principle of justice to equality does not logically assume a quality which everybody has to the same degree. It only prescribes that everyone should be treated equally unless there are morally relevant factors to justify difference in their treatment. The moral justification for distributing equal opportunity to different groups of people in a particular social context, no doubt, generally depends on what one deserves according to his or her own worth or capability. But it does not mean that the criterion of worth or capability constitutes rational grounds in all the spheres of human life. For example, merits and capabilities do not constitute a rational ground in the context of handicapped people while considering fair distribution of social goods and services. In such contexts, the needs constitute a rational ground for distributing of social goods and services. We cannot say that handicapped people do not deserve any special consideration because they lack the required merits and capabilities compared to the others who possess them. Handicapped people, no doubt, do deserve certain special consideration or preferential treatment or protective discrimination from their society in the distribution of social goods and services even though they do not possess same qualifications and capacities on par with non-handicapped people. It is morally justified to give them some special consideration or preferential treatment or protective discrimination based on their needs. Furthermore, according to the principle of retributive justice, people deserve morally only that what they earn by their deeds. They do not deserve that what they do not earn by their deeds. Physical qualities and capacities people do not earn by their deeds. They only own them from their forefathers. But on these grounds, they cannot

morally claim that they should be treated differently from the others who lack these qualities and capacities. Moreover, individuals' professional skills and capacities to a large extent depend upon the resources, facilities, socio-economic, cultural and environmental conditions and trainings which they get and in these respects they are all not alike. There exist inequalities among them. And if there exist inequalities among different groups of people in terms of their resources, facilities, income and socio-cultural backgrounds and trainings, treating them all equally in every respect without levelling their playing field is not morally justified because the equality of opportunity and the equality of treatment always presuppose it.

Some people argue that affirmative action is a social evil because it victimizes certain classes of people who are deprived from its benefits. But this argument is not valid because it logically assumes that affirmative action is intended to harm certain classes of people and bestow benefits on the other classes, which is not the case because affirmative action is not intended to harm certain classes of people and bestow benefits on the other classes of people. It is intended to level the playing field for all the actors marked by inequalities to provide and ensure the equality of opportunity to them within a particular social context. Some people argue that groups cannot be held morally responsible for the injustices and harm done historically to the people of scheduled castes, scheduled tribes, backward classes, minorities and women simply because groups do not perform actions. Actions are always done only by individuals and individuals are different from groups. So, only individuals can be held morally responsible and not groups. Furthermore, we should compensate only individuals for the wrongs done to them and not to those to whom no wrongs were done. But this argument is not valid because it logically assumes that groups do not count morally, which is not the case. If certain groups of people suffer discrimination, mistreatment and exploitation from the other groups of people because of their memberships, it is morally justified to level inequalities caused by these factors through the enactment of affirmative action because the principle of justice to equality always demands that we must now equalize them because they are members of that deprived group and all members of advantaged groups must

share collective responsibility. Above all, it is not correct to say that only individuals count morally. Groups and institutions also count morally, and hence are required to share collective responsibility according to the principle of social justice.

Some people argue that affirmative action is morally unjustified because it involves preferential treatment and the idea of preferential treatment by definition is morally unjustified. But this argument is invalid because affirmative action is not intended to bestow 'preferential treatment' to certain selected classes of people over others. It is intended only to equalize the playing field of opportunity. Justice consists in treating equals equally, while injustice consists in treating unequal equally and equals unequally. If the policy of affirmative action is intended to give some preferential treatment to certain classes of people over the others who do not morally deserve, it is surely a morally unjustified policy. But if it is intended to give some special consideration to certain classes of people who morally deserve, it is not a preferential treatment at all because they get only that what they morally deserve. The policy of affirmative action, no doubt, does rest on the principle of difference in treatment. But this does not mean that it rests on a preferential ground. If the policy of affirmative action rests on a morally justified ground which requires difference in treatment among different groups of people and brings some benefits to certain groups of people over the others, it cannot be called a preferential treatment at all. Even if we call it as preferential treatment for the sake of argument, it is a morally justified preferential treatment. The same argument also holds well against those people who criticize the policy of affirmative action by saying that it is morally unjustified because not only there are people not belonging to preferred class who suffer present competitive disadvantage but also there are members of the preferred class who suffer no such disadvantage.

Some people argue that affirmative action is morally unjustified because it deprives administrators the right to admit the most competent person for a course or the employers to employ the most competent person for a job. But this argument is not valid because there is no such thing as merit *per se*. Having high grades in college or university in a particular subject does not automatically mean that one is more

qualified or would be better than someone else who has less grades. Nor does it justify the claim that he or she deserves a seat in medical or engineering college. An individual deserves the seat if the society decides that he or she could be the best doctor they think we need. If the society needs to increase the number of female physicians because women are more likely to take to medical care, then sex becomes a qualification for the post and someone who is female is better qualified. The principle of justice to equality demands the policy of affirmative action because it gives and ensures justice to all those individuals and groups who have been victims of institutional discrimination the jobs which they would have got had there been no institutional discriminations, mistreatments and exploitations in the past against them by the advantageous groups. Not equalizing the field of opportunity through the policy of affirmative action amounts to mean allowing past discrimination to perpetuate within the society. Reserving seats or jobs for less qualified is fair to better qualify who would not have been better qualified in a non-discriminatory world. Moreover, the policy of affirmative action is not intended to give preferential treatment to less qualified people over the more qualified people or to interfere in the rights of administrators and employers. It only intends to level the playing field for all the actors in order to provide them equality of opportunity in the genuine sense of the term, which moral conception of social justice always requires. Equality in all respect may not be morally desirable but equality in the playing field and equality of opportunity are morally desirable to maintain and sustain social harmony and development in the sphere of human life. The principle of justice to equality demands that the society must help those people who are in disadvantageous position (i.e. scheduled castes, scheduled tribes, backward classes, minorities and women) because of no fault of theirs to bring them at par with the others who are in an advantageous position to avail genuine equality of opportunity. To give equal opportunity to everyone in a particular social context where inequalities exist is morally unjust. The policy of affirmative action is morally justified when it is intended to remove the inequalities existing among different groups of people within a particular society in order to make it a just society. No doubt, discrimination is an unjust denial of equal treatment. But the

equality of treatment always presupposes the equalities in terms of resources, facilities, socio-economic, political and cultural conditions of all actors from which the Indian society lacks. Equal treatment among equals is morally justified. But equal treatment among unequals is not morally justified. There is nothing morally wrong to level the playing field for different groups of people marked by inequalities by introducing the policy of affirmative action when it is socially and morally needed. Those who consider the policy of affirmative action as a 'preferential treatment' assumes that the criteria and procedures generally used for admission and jobs are neutral indicators of 'merit' unaffected by the factors of caste, tribe, class, race, gender and region and are fairly and impartially applied to all individuals of each stages of selection process which is not correct. They are open to question because the empirical evidences prove the opposite in many cases. Personal interviews, jobs evaluation and recommendation all have inscape subjective elements which often work in favour of certain classes of people against the others.

Let us now turn to examine the arguments of beneficiaries. The beneficiaries defend the policy of affirmative action on various grounds but none of their grounds can be considered as proper. Some people argue that the policy of affirmative action is morally justified because it gives preferential treatment to members of marginalized groups as compensation for injustices they have suffered. But this argument does not hold well because it logically assumes that the policy of affirmative action is intended to compensate the marginalized groups of people, which is not the case. Moreover, the demand for compensation can be made only from those who are responsible for causing injuries and none else. We cannot hold advantageous people responsible who are paying the prices for affirmative action just because they happen to be members of that class by their birth on which they had no control. So they do not own any moral responsibility for any harms of injuries suffered by any of its beneficiaries. Not only this, one can compensate individuals only for wrongs that they have specifically suffered and not for any kind of suffering. There is also a problem relating to the criteria of compensation. Why should the policy of reservation in jobs be considered as an appropriate form of compensation? Why should

economic factor not be considered as an appropriate form of compensation? We cannot compensate marginalized groups of people alike just because they happen to be the members of the class by birth. Any sensible criterion of compensation will have to take into account the amount of specific injuries or harms suffered by the marginalized groups of people because, according to the principle of justice, compensation ought to be given only to those who genuinely deserve it. It ought not to be given to those who do not morally deserve it. Moreover, compensation is not a matter of concession. It is a matter of principle which requires payment of damages done to the others to the extent of injury he/she has caused to them. Empirical evidences clearly show that those who have been most injured are not the ones who receive compensation. People who have not been injured are the ones who most receive compensation, which is not morally justified.

Some people argue that affirmative action is morally justified because it prevents discrimination. Not giving special consideration to the people of marginalized groups amounts to allowing past discrimination to perpetuate, which is not morally justified. But this argument does not hold well because empirical evidences clearly show that it does not prevent discrimination at all. It involves reverse discrimination and decreased competitive and professional efficiency of people. Affirmative action is morally justified not because it prevents discrimination or inspires its beneficiaries but because it aims to level the playing field for all actors so as to ensure equality of opportunity in genuine sense of the term. We also cannot say that affirmative action is morally justified because it gives certain classes of people the jobs they would have got had there been no discrimination because its opposite is also equally true. There is no guarantee that the job which they have not got would have been theirs if there were no discrimination in the society caused by the historical factors.

In short, we can conclude that a proper policy of affirmative action does not vitiate the principle of justice to equality. The principle of justice to equality rather demands it. The policy of affirmative action is morally justified when it is intended to level the playing field for all actors marked by inequalities in a social context for providing and ensuring equality of opportunity to them in genuine sense of the term.

We can neither criticize nor can defend the policy of affirmative action of any form based solely on the factors of caste, tribe, class, race, gender, region and minority because these factors do not, and cannot, by themselves constitute a proper ground for formulating and implementing the policy of affirmative action. We also cannot criticize or defend the policy of affirmative action by keeping in view the interests of certain selected groups of individuals. The policy of affirmative action does not involve in it any kind of stigma on its beneficiaries that they are less qualified; nor does it impose any costs on its non-beneficiaries. It is a rational policy when it centres on an equitable playing field for all actors in a social life. When we see the policy of affirmative action as a policy of equalizing opportunity for all individuals and groups who have been facing—and continue to face—injustices resulting from the past institutional imbalances, discriminations, exploitations, mistreatments and obstacles, and not as a policy of bestowing some benefits on its beneficiaries or compensate them, it is not a social evil. It is a morally justified policy which any society always requires in order to be a healthy society. The problem arises when we do not base the policy of affirmative action on proper grounds.

Is Testimony a *Sui-Generis* Source of Knowledge?

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THE NEW EPISTEMOLOGY OF TESTIMONY

Thanks to Professor Arindam Chakrabarti for raising the key issue of testimony in current epistemology even while bringing it to bear on the epistemological traditions of ancient India, especially on the Nyāya concept of *Sabda* as a valid source of knowledge. The full significance of this thrust requires us to understand that at least two interrelated interpretations of *Sabda* are in order. The first interpretation is called *Sabdabodha* or linguistic understanding. The second interpretation is the case for linguistic knowledge or verbal testimony (Mohanty 1992: 253). Verbal testimony is literally a sort of verbalizing testimony that is expected to lead us towards understanding of the verbalized testimony. This is what is called understanding *Apta Vākyas* (sentence uttered by 'truth-speaking authorities' or *Aptas*), but without understanding its sense, reference, truth, or even justification. This is the bottomed-out sense that should get the full credit according to the author. Both of them seem to diverge in their lead. Understood in the second way, it is one among the five *Pramāṇas*.

My hunch is that all the five *Pramāṇas* can be homogenized, forming a hierarchical pattern. Arranged thus, it might divest the argument of any foundational sense of philosophy of language which is what is entailed by the first. Arindam harps on the 'crucial confluence' of the foundational sense (5). It is by no means clear whether the verbal articulation of testimony can be equivocated with testimony as it is floated in the context of recent social epistemology. Social epistemology stands for socially transmitted knowledge, where the cognitive powers the one or the 'other' interplay. As Burge (1993) concludes, testimony becomes a reliable rational source of justified true belief with due

emphasis laid on understanding. For Burge, such an understanding is a device to preserve the cognitive content of testimony of others and it becomes a source, not of *de dicto* beliefs of others but, of *de re* beliefs of one's own (see J.N. Mohanty 1992: 251). It is an extended theory of justification in which the information flowing from others gets 'homogenized' at the point where it terminates in oneself. The point to be understood here is that the flow of information must be accounted by causal or deductive means, which looks next to impossible. Calling attention to the fact that epistemology, in this sense, should become the branch of social psychology rather than individual psychology, one must know how to extend the discussion to the two dominant paradigms of cognitive science, namely theory-theory and simulationism (*Infra*).

Given the rough-and-ready distinction between knowledge for oneself (*Swarthanumāna*) and knowledge for other (*Pararthanumāna*), it is doubtful whether the latter can accommodate the social epistemology expounded in the writings of Alvin Goldman (1986, 1992, 1999). For Goldman, testimony is to be treated as a species of Bayesian inference with a certain veritistic effect (1999: 115) of increasing the subjective probability to objective probability on a reliable base. Goldman uses reliabilism as a peg on which to hang the testimony of others but without breaking the causal chains so as to ensure the inference to the best explanation. The causal chain is fitted into an information-theoretic model in which the input from others increases the veritistic import of the output. Accordingly, testimony is just an extension of inference from oneself to inference from others. It adds more reliabilist premises to inference from others so as to increase the probability. The strategy can be taken to the extreme by making the entire set as inference from others (simulation from others) rather than the inference from one's own (theory-theory). Granting that the nīśus of *Anumāna* is *Pararthanumāna*, we need to grade the cognitive powers of others over one's own. Even so, this grading of *Anumāna* must require *de re* beliefs. This might conflict with the notion of trustworthy person or *Apta*, if it is construed as *de dicto*. Both are counterintuitive to the social transmission of knowledge which requires expert knowledge and not *Aptas*. Social transmission is not a one-sided diet going from *Aptas* to their vassals.

While *Apta Vakyas* mimic the revealed word of god, the constitution of expert or shared knowledge requires all of us to be 'competent' members of the society. This is exactly the frontier area that brings together an interface between epistemology and cognitive (*primary epistemics*) and social sciences (*secondary epistemics*). The Indian counterpart is not germane to it. It is nowhere evident that testimony is *sui-generis*. What options remain for Arindam to escape inference if he explicitly aims to combine epistemology more with philosophy of language than with cognitive science? He likes to endorse the critique against the individualist bias in Western epistemology. Does Arindam succumb to a similar bias even if he does not say so? This itself is an indication of Arindam's lopsided approach.

Be that as it may, Arindam's 'depth' epistemic project is not undermined by the above methodical flaw. His reading is unprecedented and probably sets the tone for a new direction in Indian Epistemology. To what extent his attenuated defence of irreducibility of testimony could be used for proving that testimony is to be treated on par with other sources of knowledge still remains an open question. In the recent state-of-the-art lecture on epistemology, he has attempted to provide the gist for a strong version of Irreducibility Thesis in support of a non-inferential account of testimony-generated beliefs simultaneously dismissing in toto all the inferential accounts of testimony by means of arguments. This goes directly counter to the current understanding of testimony advanced in the writings of Quine, Ernest Sosa, as well as Alvin Goldman (*Infra*). Arindam favours H.H. Price rather than Quine. He hardly mentions Sosa or Goldman. If what Arindam claims is right then it lends a new lease of life to the erstwhile *Pramāṇasastras*, especially the variety found in *Nyāya*. In this paper, I shall examine the conditions laid down by Arindam with a view to highlight what roadblocks that obstruct us from getting a strong variant of an Irreducibility Thesis. As said above, the mild form of this maintains a parity thesis but a preferred stronger version appears in the form of the Irreducibility Thesis. While the Parity Thesis can allow the interdependence of all, in Arindam's considered view, the reducibility is not entailed by it. Interdependence does not entail Reducibility. My suggestion, broached above, is to understand that *pramāṇas* could be

hierarchically arranged to give them a new lease of life. I hope to show that so long as Arindam has not succeeded to overcome these roadblocks, his efforts will prove to be futile.

Without unnecessarily burdening myself with a bare summary of Arindam's ongoing work, I shall try to elicit the conditions he has laid down in the above lecture which is apparently consistent, but slipshod at times lapsing into obscurity, even while charging the so-called western traditions for the continuous neglect of testimony in their approaches. He regrets how the western traditions 'disqualified' testimony and calls attention to the way it was 'either underplayed, ignored, or rejected' (11). Let me recount some of the conditions in the following arguments which stand in support of proving that testimony is an irreducible *sui-generis* knowledge source in the Nyāya way.

DEFINING MOMENT OF TESTIMONY

Consider the testimonial of some who has witnessed Mahara Jyothi (as described by devotees who throng the Temple at Sabarimala in Kerala, call the credal sentence *M*) as a distinctly visible fireball in the far distant mountain after the dusk: 'I have witnessed *M* yonder in the mountain'. In Goldman's view, for example, such a sentence is based on perception, memory, authenticity, and inference. In sharp contrast, in Arindam's views, it can be divested of all the other modes making it almost as *sui-generis*. Thus, calling it *Apta* sentence *p* tokened with authority is entailed by the following:

That is, one claims that *p* if:

- (i) One recognizes rather than understanding the claim that *p*.
- (ii) One non-inferentially testifies to the claim that *p*.
- (iii) One testifies to the claim that *p* in preference to the claim that he knows that *p*.
- (iv) One can avoid the claim whether it is asserted to be true.
- (v) One cannot modify the above sentence by changing the pronoun (*de dicto*).
- (vi) One can thus produce multiply *Apta* sentences.
- (vii) The above sentence (in *oratio recta*) provides an *a priori* source of knowledge.

- (viii) The above sentence is an exclusively belief-in claim (faith or blindtrust).
- (ix) Even if it has originated in a perceptual claim.
- (x) The above sentence makes no doxastic claim.
- (xi) The above sentence makes no epistemic claim.
- (xii) There is a sense of understanding the direct speech.
- (xiii) Such an understanding is a deeper epistemic paradigm.
- (xiv) One has a presumptive right to know its veracity.
- (xv) Given that *p* is not reducible to language as such.

Hence, it follow that

- (xvi) *p* is an irreducible quoted sentence of testimony.

All the above fifteen premises are nuanced and scattered throughout Arindam's text, but not in this specific order. All of them add crucial lines of support to his argument for irreducibility. The irony in Arindam's stance is that he cannot derive his point about the status of verbal testimony on the basis of verbal testimony. The point that should not be missed here is that in order to establish that verbal testimony as a *sui-generis* source of knowledge, he has to resort to some *Anumāna* or other. Of course, premise (xii) is a rallying point on 'understanding', which is mistakenly equivocated with communication. Closely on its heels is (xiv) which deploys the 'presumptive right' to know. The reason why 'recognition' (p. 19) is counterposed to perception (ii) is that Arindam wants to separate it from language (propositional knowledge), calling it as 'denaturing' of epistemological claims (10). This goes patently against his avowed aim of combining cognition with the philosophy of language. Probably, Arindam treads on a dangerous path if he brackets faith or believe-in (Price) or Principle of Credulity (Reid) with epistemology as suggested in (viii).

The way (vii) makes *Apta Vākyas* as axiomatic or at least necessary propositions is clearly a Burgean move to make justified true beliefs *a priori*. Thus, together with (xii), Arindam seeks to christen *Apta*-tokens as *a priori* ('I believe that the Pythagorean Theorem is true') is *a priori* so as to entail his conclusion about the presumptive right in (xiv). But he conveniently overlooks Burge's formulation of the 'Acceptance Principle' (*AP*) that runs thus: 'A person is entitled to

accept as true something that is *presented as true*, and that is *intelligible* (by other means such as perception) to him, unless there are stronger (*defeasible*) reasons not to do so' (emphasis mine). He also forgets what *AP* entails. Within his what is called the interlocutor-recipient model, *AP* entails a 'combinatorial' chain that stipulates a non-proprietary (extended body of) justification to be run into a proprietary (individual's body of justification), not an *a posteriori* way, so as to avoid further Gettier cases. It is termed as *a priori* in the case of interlocutor because it is otherwise 'overdetermined' with *a posteriori* justification in which case this demands justification of the justification (Burge calls it as metajustificationist). Similar is the case of computer proofs done by a machine, but such machines are ultimately made by beings with propositional attitudes (see fn 11, 472). Thus, the computer proofs are *a priori* as well as contingent in which case they are said to be overdetermined (see fn 8, 466). There is a certain parity is that does not reject the knowledge derived from other sources, but only the justification from such sources would be 'redundant'. There is a further oversight but in Arindam and then in Burge. This is that the entire argument rests upon Quinean presupposition about verbalizing across cultures (translatability) that is analogical to verbalizing across individuals (see Burge's acknowledgement in fn 25 on 487). In all probability, Arindam might reject the Quinean perspective for the following reason:

I know that *p*, when *p* is a false *Apta*-token, and given *p* is synonymous with *q*, it cannot engender knowledge by testimony, because *q* is also false (6).

Arindam can put up, in my humble opinion, a strong case in the face of failure of traditional methods of epistemology, all of which use justification as the central notion. Justification, it is agreed, is a term of art in epistemology as reflected in the troubles with defining knowledge in terms of justified true belief (*JTB* Analysis). What goes counter is the case of Gettier who produced counterexamples to it. Goldman is ready to abandon justification. He is also ready to replace truth with veritism of the social type. But Arindam wants to counterpose *testifies-to the belief-that* to the above notion of justifies to truth. The

latter requires perception, memory, and inference as sources of knowledge. On Arindam's understanding, the former could be divested of these other sources to which it is embedded thus making it independent. Testimony is proved to be an independent *Pramāṇa*. *A fortiori*, Nyāya's advocacy of verbal testimony as an independent *Pramāṇa* is entirely justifiable. One might also gain a lemma about its irreducibility to perception, memory, and inference. Irreducibility is not then the defining moment of testimony.

THE UR-ARGUMENT

According to Arindam, such a lemma can be derived even while one agrees to the interdependence of all sources of knowledge. Interdependence does not entail reducibility. What underlies the independence claim is a sort of *Ur*-argument which speaks of testimony as a foundational *Pramāṇa*. Perception and inference can be reduced to verbal testimony, but not conversely. It follows that knowledge derived from 'verbal testimony is not a second class citizen in the Republic of Reason' (sec. 4, 17) Q.E.D. This is the *Ur*-Argument. Arindam cannot establish his foundational claim without inviting trouble. He claims that it cannot be so non-circularly reduced to perception or inference without committing a falsity. Thus, he demonstrates that the following reductionist argument (*IR* # 1) will not do.

- a. *S* is generally reliable, i.e. whatever *S* says is likely to be true
- b. *S* has said that *p*

Therefore, *p* is true

Supposing a dentist tells me that I have two cavities. I cannot overshoot to the fact to verify so as to prove its reliability but take his words on trust. That is, we do not need to rely on his truth-telling ability or true believer, but have to take his word because he is an *Apta*. In order to do this, we need a concept of a trustworthy person. No epistemics could gain a ground there. This is the reason I have chosen the creedal sentence *M* about Mahara Jyothi. Nor is it necessary to take for granted his cognitive or linguistic ability of any one individual. That would make the argument circular in Arindam's understanding, as shown *IR*

#2 and IR #3. The previous argument might be construed as involving the principle of charity which stipulates that normally people do not lie. That this is not true is seen from Arindam's retort saying that we need not take him as a true believer who believes truly of the facts he speaks. When this is ruled out, Arindam can only foist a sense of fairy-tale authority to *Apta*. Are the soothsayer's *Apta Vākya*s the last word on epistemology?

It is here that Arindam has recourse to Hume's famous discussion on 'Miracles'. His main point here is that without any necessary 'causal connexion' between *Aptas* who claim to have seen miracles and the actual occurrences of miracles, they could still be trusted. Arindam spends no time on seeing the inductive force of the argument, but risks a critique by telling us that a similar argument is in order. If he agrees that even *Apta*'s reliability is based on previous experiences of having heard that he had seen Mahara Jyothi, then the granting of epistemic status will turn out to be dubious. Arindam overlooks how Thomas Reid assigns complementary function to the 'principle of veracity' and 'principle of credulity'. The upshot is to show that any step he takes to speak something in favour of *Apta*, he cannot escape perception, memory, language and inference.

Let us read Arindam's mastery of logic with the help of the following piece of reasoning:

S testifies to the belief that *p* ('I witness Mahara Jyothi)
Therefore, *S* can come to know the belief that *p*

Is this not a piece of *Anumāna*? Similarly, the argument

S relies on *T*'s testimony that *q*
Therefore, *S* is completely justified in believing that *q*

is also to be classified as a piece of *Anumāna*.

A more clear-cut formulation (E) where the amalgamated version appears is due to Ernest Sosa which reads as follows:

(E) *T* testifies that someone *Apta* testifies.
S perceives that someone *Apta* testifies.
Therefore, *S* knows that some *Apta* testifies.

Let us note while passing another formulation of the Principle (T) by Sosa. But Sosa would have brought out clearly the inductive force of Arindam's argument which deploys yet another notion of 'presumptive right' as follows:

T testifies that someone *Apta* testifies.

Therefore, someone has the 'presumptive right' to know that *p*.

(T) From the sort of people I have dealt with in the sort of circumstances now Present, testimony is normally correct (testimony is possibly correct).

This is based on the continuous acceptance of testimony and inductive. Sosa concludes saying that this resembles memory. This is exactly the point repeatedly emphasized by all writers but Arindam, unfortunately, misses them. This will veto many of the premises that the first-formulated argument enjoin.

Supposing Arindam wants to persevere in his Nyāya outlook. Then his strict formulation must seek something like the following:

S can come to know that *q* through essential nature on *T*'s testimony that *q* (but *T* need not know that *q*, or be completely justified in believing that *q*, or even so much as to be at all reliable on questions such as the question whether *q*).

The above formulation is due to Sosa but the brackets may have to be treated as containing the corresponding *ceteris paribus* clauses to help the above formulation. What I shall call the 'gradual exclusion' of every other source of knowledge in favour of verbal testimony can hardly provide any new agenda for epistemology. The *Ur*-argument will not buy anything. To conclude: since the *UR*-argument is a case of inference, Arindam cannot escape inference. But this is not tantamount to lend credence to Vaiseshika's Reducibility Thesis. If all cases of *Anumāna* are inference for others, then testimony is ruled out of court. There appears to be no bridge between the Indian (Verbal) Testimony and western testimony. Is Arindam chasing a shadow?

IS NYĀYA A DEFLATIONIST?

We shall better consider a more interesting formulation which Arindam places at the beginning of his lead paper which runs as follows (6):

- (a) *S* knows that *p* (I witness, etc.)
- (b) *S* tells *H* that *p* (on the assumption of sincerity and veracity)
- (c) *H* understands that *p*
- (d) *H* has no reason to distrust *S*
- (e) Therefore, *H* comes to know that *p*

The onus is on Arindam to tell us in what sense this is not a piece of Anumāna similar to the above lengthy or shorter formulations. Looking at from his point of view, such a turning of the tables against might look like a bombshell for many an Indian with a strong dose of philosophical patriotism and who want to counterpose the Nyāya to the Vaiseshika standpoints in the above manner. But the matter can be addressed afresh.

The last-mentioned argument plays a trick on us with notions of saying knowing truth, etc., including a distinct conception of 'understanding'. Much of his claim hinges squarely on this strange notion, which requires a more clear formulation. Granting that his main interest lies in deflation of a range of notions (know, truth, justification, belief, meaning, language and understanding), can we hope to resuscitate his argument by accepting the deflationist view of truth and meaning (Cf. Horwich 2002) if only to explicate an implicit notion of understanding which he strongly advocates. But then he has to accept the following equivalence a derivation from Tarski:

$S \text{ means } p \rightarrow (S \text{ is true} \leftrightarrow p)$

This formulation will definitely help if he wants to underscore an 'implicit' theory of understanding. Such a theory will be quite consistent with Arindam's way of understanding the subject (*a*) and the predicate (*F*) to form an integrated content where the Tarskian equivalence (*p* and *p* is true) is collapsible into sheer content 'that *a* is *F*'. Make no mistake about it that this so only when Nyāya is a deflationist (or, anti-realist) in his approach without getting trapped either in compositionality or in inference or in perception. The point of dispute here is the sentence (S):

S: Dogs dogs dogs dog dog dogs

has the following syntax

$[[\text{Dogs}_N [\text{dogs}_{N1} [\text{dogs}_{N2} \text{dog}_{V2}]_{NP}]_{NP}]_{NP} [\text{dog}_{V1} [\text{dogs}_{N3}]_{VP}]_S$

according to Fodor (Fodor Sentence), which requires explicit understanding, but a counter example like 'Certain dogs dog dogs' (Horwich Sentence) need not because it only requires implicit understanding as manifested by use. The former devolves understanding with cognition while the latter denies it (see A. Kanthamani 2004). Moreover, he may not agree with this because he may not, after all, agree with the *Apta* sentence in the earlier Tarskian way. This much is enough to shake him out of stupor. Nevertheless, Arindam thinks that he is capable of producing convincing reasons for upholding his stance by citing precedents like H.H. Price, Quine, and Burge. If the upshot is anything, it might give indirect support to Goldman who prefers a combination of deflationism and correspondence theory but it can hardly support Arindam's stance.

WHAT ARINDAM FAILS TO APPRECIATE?

Arindam case for the testimony fails to note one important thing, namely that the testimony is not introduced as an independent concern by the above writers. They all concur in including testimony as an extension to the *JTB* analysis of knowledge. The social transmission of knowledge is considered to be an externalist addition to the internalist or individualist accounts of knowledge. Understood thus, testimony is abbreviated into testimony of other people. It is hazardous to conclude from the above lines that there is a distinct variety of veritistic knowledge. All of these, therefore, lie on a continuum of a viable theory of knowledge. But *JTB* analysis has not been received and appropriated into Indian accounts of epistemology. Karl Potter, for example, has contended that such an account is 'foreign' to Indian Epistemology. Now, Potter's contention may trigger off a response like the one espoused by Arindam. Granting that such an account looks plausible, still we have to a long way to go to establish the credentials of testimony as an independent *Pramāṇa*.

The reason why Arindam cannot abbreviate testimony as testimony of other people is that in case you define verbal testimony (VT) as

VT = *df.* The entire set of statements uttered by *Aptas* other than the one

And, if all the others (other than the one) turn out be *Aptas*, that will result in chaos of episteme. Between testimony as a social mechanism that conveys belief across lives at a time and verbal testimony as a *Pramāṇa*, there is a vast chasm.

Arindam cites Price as lending credence to a 'pragmatic justification for treating testimony in general as an independent knowledge-source', even though he concedes that for individual cases, Price can recommend an 'empirical check' (16ff.). Price distinguishes between belief-in (I believe you, or I believe in God) and belief-that (I believe that *p*), but he thinks that the former is analogical to faith, and it is based on trust. Even if a theist may refuse to budge in response to an atheist's disproof, still he may not be willing to give up his belief. In which case, this goes counter to what is taken as trust. He may retort saying that I do not believe you. The rationale for non-separability becomes obvious here. Hence, pragmatism demands that we suitably combine both of them and in all cases of belief, propositional belief may require supplementary attitudes. There is no reason to believe that a 'pragmatic' separation between them looks plausible. There is no warrant to classify Price as a local reductionist. In fact, Arindam's distinction between a global reductionism and local reductionism seems to be spurious.

A bare summary may require the following accounts of testimony. While Goldman aims to place testimony as part of the defence of simulationist paradigm within cognitive science, avoiding any tack with folk-psychological tacit theory-theory, Burge's full-fledged definition may be stated as follows:

(B) Testimony = *df.* Content preserved token that is understood as such (given other things equal).

Goldman might question Burge's way of collapsing the testimony of others into one's own, but allowing a choice between testimony of many others. But he might concede Quine's reversibility of beliefs. While this is being so, Quine's reflections on testimony, it must be contended, add no support to the above.

For Quine, episteme is the common, shared, intersubjective, expert knowledge. This means that there is no flow from others as Burge contends and no simulationism as others like Goldman argue so as press into service abduction-like cases which require a disjunction of alternatives and the consequent inference to the best explanation. Two problems are said to be cropping up in simulationism. One is about how to 'cantilever out' from the first-person to the third-person perspective. The second is the problem about fallibility. Neither of them can get us out of the starting from one's own model. Quine looks better since this route is avoided. Again, both of the above problems are solvable within Quine's account of testimony which cannot be seen quite independent of his other standpoints (e.g. holism). Let us start with his definition. Quine defines testimony in terms of its information-gathering function of language and dovetails it with the social nature of learning, but not without the anchor of observation sentences as primary vehicles (sometimes Quine calls them Observation Categoricals). In Quine's emphasis, testimony is attached to the verbalizing across individuals. Just as verbalizing across cultures is called translation, verbalizing across individuals is called testimony. So, Quine's definition of expert testimony (ET) boils down to:

(ET) = *df.* the epistemic consequence of verbalizing across individuals towards the common expert knowledge of science.

Now, ET, as Quine admits, has correlation with (total) evidence, perception, truth and above all, it is not infallible. Both verbalizing across individuals and across cultures never enter into disharmony except when empirical evidence demands revision. Both stand in support of a common repository of expert knowledge in science, where science is freed of the culture to which it belongs. This is because science is a critical mass or what is called the big bundle of stated and unstated assumptions (i.e. holistic) that implies the observables with which it shares the empirical content (see *Quine* under Key Philosophers in *Conversation: Andrew Pyle 1999: 22*). But when it implies a false prediction, we spare the analytic nature of the critical mass (the maxim of minimum mutilation) and hence its necessity (A. Kanthamani 2003

characterizes this as leading towards a culture-free science and thence forward to multiculturalism.)

Quine is more a social epistemologist than a behaviourist. He traces the correlation between truth and testimony to lie in the social nature of learning. Like Hume, he opines that we make a causal leap to the truth of the observation sentences of others through testimony. The senses extended their domain through the module. If *Aptas* are in a better position, we can revise our opinion in that light. The major benefit of testimony is the common fund of scientific knowledge. Above all, Quine has an added insight when he tells us that one cannot have current beliefs that are false, because they recede into the past. Moore's paradox has a bite here. This set of current beliefs does not include false beliefs. It belongs to the past, thus making truth and falsity asymmetrically related. It is asymmetrical because the way truth is related to falsity is not symmetrical from the way falsity is related to truth. That is, while falsity recedes into the past, truth is looking to the future. This receding into the past synchronizes the beliefs that are true both from first-person and third-person point of view that are received 'off-line' as simulationists contend (see the comments by Martin Davies 1994 on the controversy between theory-theory and simulationism). The true beliefs of the present are looking to the future for revision. Quine lays down this as the specific criterion for a clear distinction between true and false beliefs in the past. Let us read the full quote in which Quine juxtaposes both: 'One cannot properly said to believe anything that one considers absurd, but one can believe something (as credible) that one previously considered absurd.' Read the sentence after skipping the sentence which remarks how this is supported by science, 'what had seemed absurd becomes credible, and hence *no longer absurd*, by force of expert testimony' (52 emphasis mine). They are not binary. Testimony, when it is not apt, gets revised. Quine may hail that reversibility is the robust feature of testimony. Arindam is nowhere nearer to Quine. That *Apta* sentence-tokens are neither reliabilist nor revisible is no guarantee for any new epistemology of verbal testimony.

NOTES AND REFERENCES

- Arindam Chakrabarti, *State-of-the-Art Lecture on Epistemology* (delivered at the SSUS at Kalady, Kerala, India) contains the full analytic text that has been presented elsewhere and also in many previous publications; see especially his 1992 *On Knowing by Being Told* in *Philosophy East and West* (3), 2004, pp. 395–6.
- Quine and J.S. Ullian, *The Web of Belief* (Random House: New York); see especially Chapter 5, 1978 (pp. 50–63).
- Ernest Sosa, *Testimony* (Entry Article) in *A Companion to Epistemology* (eds.) Jonathan Dancy and Ernest Sosa (Blackwell), pp. 503–5.
- Stephen Stich, *Fragmentation of Reason* (Cambridge, 1990).
- Alvin I. Goldman, *Epistemology and Cognition* (Cambridge, Mass: Harvard University Press, 1986).
- Alvin I. Goldman, *Liaison: Philosophy Meets Cognitive and Social Sciences* (Cambridge, Mass: MIT Press, 1992).
- Alvin I. Goldman, *Knowledge in a Social World* (Oxford: Clarendon Press, 1999).
- Paul Horwich, *Deflating Compositionality* (pp. 77–93) in response to Jerry Fodor and Ernie Lepore's *Why Compositionality Won't Go Away: Reflections on Horwich's Deflationary Theory* (pp. 58–76). Both are printed in *Meaning and Representation* (ed.) Emma Borg (Blackwell, 2002).
- Martin Davies, *The Mental Simulation Debate* in Christopher Peacocke *Objectivity, Simulation and the Unity of Consciousness: Current Issues in the Philosophy of Mind* (Proceedings of the British Academy 83) esp. Section III (99ff.) (Oxford, 1994).
- Karl Potter, *Does Indian Epistemology Concern Justified True Belief?* In *Journal of Indian Philosophy*, 1984, pp. 307–8.
- Andrew Pyle (ed.) *Key Philosophers in Conversation* (The Cogito Interviews) (Routledge, 1999).
- J.N. Mohanty, *Reason and Tradition in Indian Thought: An Essay on the Nature of Indian Philosophical Thinking* (Oxford: Clarendon Press, 1992).
- A. Kanthamani, *Does Verbalizing Across Cultures entail Quinean Multiculturalism?* In *Indian Philosophical Quarterly*, 2003, pp. 199–217.
- A. Kanthamani, *M. Dummett's Post-Fregean Theory of Meaning* in *Theories of Meaning* (ed.) Raghunatha Ghosh (to appear in the Proceedings of the UGC Special Assistance to the Department of Philosophy, North Bengal University, 2004).

Can We Bid Farewell to Reason?

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The notion of 'reason' plays a vital role in modern western philosophy. The post-modernists have attempted to reject both traditional and modern concepts of reason ('Reason' with a capital 'R'). For them, philosophers who dislike complexity accept universal reason and universal reason is an imposition since diversity is more human than unity. As Feyerabend claims:

Reason has been a great success among philosophers who dislike complexity and among politicians who do not mind adding a little class to their struggle for world domination. It is a disaster for the rest, i.e. practically all of us. It is time we bid it farewell.¹

In this paper I will argue against Feyerabend's theory of reason ('reason' with a small 'r') and, then argue for an alternative theory of reason. The first part of the paper deals with Feyerabend's idea of reason. Secondly, I discuss indispensability of reason.

I

Feyerabend has rejected scientific realism and absolutism based on reason. Feyerabend says, 'My aim is to show that relativism is reasonably human and more widespread than is commonly assumed'.²

Feyerabend argues that there are multiple cultural societies in the history of mankind, and each culture develops its own rational order without taking any help from another. According to him, the appeal to a universal reason and universal culture is based on a philosophical myth. No culture, however primitive, is worse than any other, since it has its own secrets to good and happy life.³ Culture, in this sense, is

not a truly objective phenomenon. It is pervaded by the subjective elements.

For Feyerabend, people react variously to races, castes, classes, cultures, customs, etc. The basic tendency of human beings is to learn and to know what developments are going on in the other societies or cultures. For Feyerabend, that does not mean that they assent to other cultures. They all accept that cultures differ and so do the ways of life of the peoples concerned. Knowledge of a culture and belonging to a culture are two different things. In his words:

Being equipped with a brain and a mouth they not only feel, they also talk, they articulate their emotions and try to justify them. Relativism is one of the views that emerged from these processes. It is an attempt to make sense of the phenomenon of cultural variety.⁴

Relativism follows from the fact that people differ from one another. They have different ways or forms of life. Their cultures, social practices and values differ as widely as possible. Feyerabend opines that the hegemony of reason is disproved by the varying cultural lives of people. The absence of a universal culture defeats the idea of the presence of a universal reason, hence, of an objectivity based on that universal reason.

Feyerabend further says that the social life of people is historically conditioned, and different belief systems emerge due to various historical and religious traditions. These traditions, though different, co-exist and interact among themselves. For instance, Buddhism and Christianity have interacted with and profited from each other. Even by studying the primitive societies, the culturally advanced society can also profit.⁵ In other words, since cultural pluralism is beneficial for another allegedly worse and an allegedly better culture, cultural pluralism is more desirable than cultural monism. The so-called 'Reason' advocates for a cultural monism, hence, 'Reason' is undesirable.

Conceptual relativism offers the view that there is no one conceptual system which science offers. There are different conceptual models which science works with and hence, there are several scientific traditions, rather than one universal science. These scientific traditions are not only different, but are also mutually incommensurable. Thus,

science is relative to its paradigm, scientific tradition and to the society and culture in which it is born.

Feyerabend's theory of science rejects the age-old belief that there is one progressively unfolding scientific world-view. It offers the view that there are multiple scientific world-views which are not based on reason. Relativism seems to follow as a natural consequence from Feyerabend's theory of multiple and incommensurable world-views.

Incommensurability means that two theories or paradigms cannot be compared, and that they cannot be translated into one another. There is no common external standard by which both can be compared directly and translated. In other words, there is no common language in which both can be fully expressed. There is, therefore, no neutral standpoint from which both paradigms can be studied.

There are three distinct areas of incommensurability between competing paradigms:

- (i) Incommensurability in their respective lists of problems along with their methods and standards of resolutions
- (ii) Incommensurability in their terms and concepts
- (iii) Incommensurability in the worlds they represent

Paradigms are incommensurable mainly because they are 'theories, methods and standards', all in one. The incommensurability thesis leads to conceptual relativism. Each paradigm presents its world-view according to the concepts and law it accepts. So no two theories or paradigms present the world in the same way. Since world-views differ, so do the worlds they represent. Thus, conceptual relativism follows inevitably.

There is no one conceptual system that science offers. There are different conceptual models which science works with and so, there are many scientific traditions rather than one 'universal science'. These scientific traditions are not only different, but are also mutually incommensurable. Thus, science is relative to its paradigm, scientific tradition and, above all, to the society and culture in which it is born.

The important feature of science is the paradigm that provides the methods and techniques of scientific research. The term 'paradigm' has several meanings.⁶ There are three⁷ important senses in which paradigm has used:

- (i) The first is the metaphysical meaning of a paradigm. It is the sense in which we talk about the total world-view within a given science. It is a novel view and a general organizing principle that governs perception. Besides, it provides a 'map' that describes which entities exist and how they behave.
- (ii) Secondly, a paradigm has a sociological significance as it outlines the set of values, beliefs, and other social habits. In this sense, paradigm is a cultural pattern that regulates man's pursuit of science.
- (iii) Thirdly, in the narrow sense of the term, paradigms stand for the working models in the specific areas of science, i.e. the quantum model in physics. The function of a paradigm is to differentiate one generation of scientific practitioners from another. Each scientific community upholds a reigning paradigm, which differentiates it from the neighbouring community even in the same age.

Paradigm is the fundamental image of the subject matter within a scientific tradition. It defines what should be studied, what questions should be asked, and what roles should be followed in interpreting the answer obtained.⁸ So, paradigm is a conceptual scheme, which serves to differentiate one scientific tradition from another.

Feyerabend accepts the idea that sciences are culture-bound and hence, there exists pervasive relativism in every aspect of human life. He says:

Much of what we know about people, their habits, idiosyncrasies, and prejudices, arises from interactions (between people) that are shaped by social customs and individual preferences; this knowledge is 'subjective' and 'relative'.⁹

The most important feature of relativism, as laid down by Feyerabend, is rejection of or 'farewell to' reason. He believes that reason has been responsible for objectivity and truth in science and knowledge. The idea of objectivity has misled us to believe that there is a universal culture and a universal science, which all people must accept. Such pernicious ideas have the implication of rejecting the non-western cultures and societies. This globalization of culture and science has

been responsible for the inhuman tendencies eliminating the alien cultures and societies.

II

Relativism is self-defeating when it considers reason to be culture-bound. A culture-bound reason turns out to be the Absolute Reason for that culture. In the way of fighting against universal reason across all cultures, it takes refuge in Absolute Reason in every culture. The same holds well with respect to 'truth'. Instead of accepting an absolute truth, it accepts many absolute truths when considers truth to be culture-bound. To be culture-bound, 'truth' won't have any other sense but an absolute determination of truth by the culture to which it is related. As Quine aptly puts it:

Truth, says the cultural relativist, is culture-bound. But if it were, then he, within his own culture, ought to see his own culture-bound truth as absolute. He cannot proclaim cultural relativism without rising above it, and he cannot rise above it without giving it up.¹⁰

With a similar tone, Putnam says:

Relativism, just as much as Realism, assumes that one can stand within one's language and outside it at the same time. In the case of Realism this is not an immediate contradiction, since the whole content of Realism lies in the claim that it makes sense to think of a God's Eye-View (or, better, of a 'View from Nowhere'); but in case of Relativism it constitutes a self-refutation.¹¹

No doubt, knowledge about a culture and even reactions against or interactions with it, are different from belonging to the culture. But the very possibility of this difference entails a transcultural communication. If one asks for an epistemological basis of this transcultural communication, one cannot deny the indispensability of Reason. It is presupposed by every culture that can take an account of reason. If one likes, one may call this universal reason as the transcendental reason. It functions as the background framework of all possible frameworks. If corresponding to every framework one conceives of a world-view, then there can be a background world-view of all world-views. For any

determination of truth, one ultimately falls back upon the background world-view. As Wittgenstein says:

I do not get my picture of the world by satisfying myself of its correctness; nor do I have it because I am satisfied of its correctness. No: it is the inherited background against which I distinguish between truth and false.¹²

Wittgenstein's idea is that truth is not relative to a culture or a language. If we accept the idea that truth is relative to culture, then this will be a trivial thesis, since truth must belong to some language or the other. Wittgenstein has never been troubled by the argument that truth is relative to any specific culture.¹³ For him, such relativism is not a serious view at all. He says such cultural and linguistic relativism make a very poor understanding of language.¹⁴

Cultural relativism suggests that language and knowledge are relative to cultures. It further claims that truth is relative to culture. That is, neither nature nor reason dictates categories and concepts; they result from social negotiations and conventions. Therefore, concepts vary from culture to culture. Such conceptual differences are a matter of empirical research.¹⁵ Wittgenstein writes:

For here life would run on differently ... What interests us would not interest them. Here different concepts would no longer be unimaginable. In fact, this is the only way in which essentially different concepts are imaginable.¹⁶

The existence of different cultures does not defeat the idea that there is a universal reason. For, only if such a reason works as the background reason, transcultural interaction becomes meaningful. And the existence of transcultural interaction is as much real as that of multiple different cultures.

Wittgenstein ends the relativization of truth to culture. He advocates that there is a universal 'truth' which is shareable by all cultures and all languages, which is based on reason. Truth is not relative to any language or culture. Truth is transcendental, unchanged and common to all cultures and languages. According to him, reason plays a very crucial role insofar as truth and reality is concerned.

According to Wittgenstein, truth is transcendental, unchanged and common to all languages. Communication is not possible between people if they have radically different conceptual schemes. Therefore, for communication to be possible, there must be a common coordinate system. Thus, people may speak different languages, but the scheme or ontology is common among languages.

We can move from one context, culture, language or personal point of view to another without changing our beliefs, customs and moral principles. We can come closer to the inhabitants of other cultures or linguistic groups through an understanding of their beliefs, customs and moral principles. It is possible that with a little effort, we can adopt the customs and cultures of others without ambiguity. But the possibility of such cross-cultural transplanting and excursions makes sense only if certain fundamental conditions on the means of communication between the inhabitants of different cultures can met.

If there is nothing common among cultures or sciences, then the problem of incommensurability arises. Incommensurability means that two cultures or paradigms cannot be compared, and that they cannot be translated into one another. According to Feyerabend, there is no common external standard by which both can be compared directly and translated. In other words, there is no common language in which both can be fully expressed. There is, therefore, no neutral standpoint from which both cultures or paradigms can be studied. But, that is not the case. We do communicate, interact and translate among ourselves.

Feyerabend's 'Farewell to Reason' is not possible, because the core of philosophy is constituted by 'Reason'. Truth is truth for all humanity; there is no individual or private truth, just as there is no private language.

Unity is the basic principle of human thought. All humans are rational beings. We may think, act or practice different cultures or sciences differently, but there is a unity underlying the thought processes of every human being.

Therefore, it is the unity, and not diversity, which must lie at the basis of culture and science.

NOTES AND REFERENCES

1. P. Feyerabend: *Farewell to Reason*, Verso (London, 1987), p. 17.

2. Ibid., p. 13.
3. Ibid.
4. Ibid., p. 19.
5. Ibid.
6. M. Masterman: 'The Nature of a Paradigm' in *Criticism and the Growth of Knowledge* (ed.) Imre Lakatos and Alan Musgrave (Cambridge: Cambridge University Press, 1970).
7. Ibid.
8. See Masterman's 'The Nature of a Paradigm' in *Criticism and the Growth of Knowledge*.
9. See Feyerabend's *Farewell to Reason*.
10. W.V. Quine: 'On Empirically Equivalent Systems of the World', *Erkenntnis* 9, 1975, pp. 327-8.
11. H. Putnam: *Realism with a Human Face*, (ed.) by James Conant (Harvard University Press, Cambridge, Mass, 1990), p. 23.
12. Wittgenstein: *On Certainty*, (tr.) D. Paul and G.E.M. Anscombe (Blackwell, Oxford, 1974), Sect. 94.
13. Wittgenstein says, in ground level there are variations but if we move little beyond than the unity plays a crucial role.
14. Bernard Williams: 'Wittgenstein and Idealism' in *Moral Luck* (Cambridge: Cambridge University Press, 1981).
15. Welston La Barre: *The Human Animal*, (The University Chicago Press, Chicago, 1954), pp. 176-7.
16. Wittgenstein: *Zettel*, (tr.) G.E.M. Anscombe (Blackwell, Oxford, 1967), Sect. 388.

Paradox of Friendship: Hegel and Levinas

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ABSTRACT

This paper aims to explore the possibility of evolving a 'new' framework for conceptualizing friendship. Conventionally, equality is being regarded as its condition of possibility. However, in this essay, friendship, understood as the reciprocal relation among equals, is shown to be necessarily paradoxical. In the first part, an attempt is made to place the question of friendship within the framework of Hegel's phenomenology of self-consciousness and to reveal its paradoxical nature. In the second part, attention is focussed on rethinking the equality-paradigm, suggesting an alternative framework to think the question of friendship. This is done by critically analyzing the Hegelian premises regarding the problem of recognition and the formation of self especially in the light of Levinas' radical reworking of the concepts of the self and the other.

What is friendship? What is it for me to have a friend? What kind of relation do I have with my friend? Is it a relation where I love or recognize the other as I love or recognize myself? Conventionally, friendship has been understood as a relationship between equals. Someone becomes my friend only when I am able to treat him/her basically as a person *like me*. Considering the other person as equal is not to imply the claim that the other must be equal to me in all respects. It is to acknowledge the integrity of the other at the fundamental level, to treat the other as having the same self-consciousness that I have or as having equal access to communication with me. Necessarily,

friendship understood in this manner implies individuation, i.e. to have a friend means I must be an individual first, having a peculiar kind of awareness of myself and also that I must recognize the other as an individual, as another self.

It was Hegel who, probably for the first time in the history of thought, has subjected the question of self-consciousness to a rigorous philosophical analysis. His phenomenology of self-consciousness, to my mind, implies an attempt to demonstrate the internal dynamics of the process of individuation. In this sense, Hegel was the first to reveal the conditions that make friendship as a reciprocal relation among equals possible. However, in a significant sense it can also be shown that Hegel's discussion of the process of individuation results in demonstrating the impossibility of friendship, the peaceful co-existence of the self and the other recognizing each other. Self-consciousness, for Hegel, emerges with an inherent tension with the other self-consciousness. So, what is actually revealed through Hegel's analysis is a paradox of friendship: the condition of its possibility; i.e. individuation, is also, at once, the condition of its impossibility. Obviously, by following Hegel's logic of analysis, one cannot but end up with this paradoxical conclusion. This paper suggests the reader to rethink the Hegelian premises regarding the questions of self and the other in exploring the question of friendship. I think Emmanuel Levinas' radical reworking of the questions of the self and the other becomes crucial in this regard. Levinas' phenomenology of alterity can be shown to provide the conceptual platform for thinking friendship differently by radically questioning the Hegelian mode of conceptualizing self in terms of recognition. The strategy here would be to contrast Levinas' phenomenology of alterity with Hegel's model and to inquire into the possibilities of finding out an alternative way out of the philosophy that is centred on the concept of self in order to think the question of friendship.

HEGEL'S DIALECTIC OF DESIRE

For Hegel, what makes man different from other beings is the fact that he/she exists as an individual having a peculiar kind of awareness of himself/herself, and also having a specific relation to the other. Hegel

calls this awareness as self-consciousness. The problem of self-consciousness as discussed in his most difficult text *Phenomenology of Geist* is important. In many ways, it has influenced many continental thinkers of contemporary relevance. Self-consciousness, in Hegel's sense, is not merely to be understood as a quality attributed to the human beings; Man *is* self-consciousness. 'I' is equal to self-consciousness. This is to express pure identity that can be put in the symbolic form 'A = A'. If A is to be identified with itself, it needs some contrast. It requires B from which to differentiate itself. So, A = not B. I can only be conscious of myself if I am also in a position to be conscious of something other than myself. Although I require an object outside myself, this outer object is also something alien to me, and a form of opposition to myself.

There is, therefore, a complex relationship—a love-hate relationship—between self-consciousness and the external object. The complexity of this relationship is comprehended in Hegel by the category *Beegierde* that could be translated as 'desire'. To desire something external is to wish to own it. Desire, thus, is wish for possession. By desiring something I wish to make it my own, to convert it into something that is mine. I do not want to destroy it altogether, but to strip it of its externality. Self-consciousness, in this sense, seems to be self-negating, for if the object of desire is done away with as an external reality, self-consciousness will have eliminated what it needed for its own being. If A = not B then it is also the case that A is self-contradictory, it contradicts itself; A implies 'not A'.

In Hegel's language, to desire something is to be unsatisfied; desire is 'unsatisfied state of consciousness'. Man as a being of desire is always in an unsatisfied state of existence. His/her very being is permanently unstable, internally challenged. It is also to be taken into account the fact that desire implies not just the biological need for an object, but it is an expression of a fundamental human drive, the drive for self-assurance. In other words, Hegel treats desire to be the existential predicament of human subjects who to be must cancel the externality of an external embodiment and exist by being internally challenged. Subject, thus, is *always already* subject-in-process.

RECOGNITION AS THE GROUND OF INDIVIDUATION

The drive for self-assurance cannot be satisfied at the level of consumption. In consuming what I desire, I seem to overcome that alien reality and recover myself, but this self-assurance is fundamentally inadequate to what I am. For, the negation of externality involved here amounts to the total abolition of the conditions of my existence. For, coming to proper self-assurance, says Hegel, a human subject must discover a medium, whose otherness could be negated without its being abolished. This should be a reality that is fundamentally different from the reality of material objects. If man is to be fully at home, this reality must reflect to him what he/she is. In the dialectic of desire, man confronts with alien objects that he/she then destroys and assimilates; what is needed is a reality that, as Charles Taylor observes, 'will remain, and yet will annul its own foreignness, in which the subject can nevertheless find himself'.¹ And this, man finds in other men in so far as they recognize him/her as a human being. So, the basic desire of self-consciousness can only be fulfilled by another self-consciousness. 'Self-consciousness attains its satisfaction only in another self-consciousness.'²

Another person, for Hegel, is another self-consciousness. Self-consciousness demands not simply any external object, but another self-consciousness. One way of explaining this is to say that to have self-consciousness, one needs *another*, another individual. Self can emerge only in the context of interaction with another individual. What makes a human being different from other beings, therefore, is the fact that it exists fundamentally by confronting the other as another individual. Living face-to-face with the other individual is, thus, an ontological necessity of all human beings. This field of face-to-face relation can be regarded as the social field. An individual, therefore, is essentially and invariably a social being.

Let us suppose that A stands for self-consciousness and B for another self-consciousness. A exists primarily by confronting B. What precisely is it that A requires from B? Hegel says that it is acknowledgement of recognition. Each self-consciousness seeks recognition from the other. Consequently, the absence of recognition from the other is an existential challenge for everyone. To understand this point we need to take note

of the real sense of the German word for self-consciousness. Renowned Hegel-scholar, Peter Singer points out that Hegel's expression *Selbstbewusstsein*, referring to self-awareness, has also the sense of 'being self-assured'.³ It is probably this sense of the German word that gives support to Hegel's idea that my self-consciousness is threatened by the existence of the other person who fails to acknowledge me as an individual.

Hegel emphasizes on the mutuality of the desire for recognition. 'A' demands recognition from 'B' and 'B' also desires to be recognized by 'A'. Is it thus the case that both A and B could peacefully recognize each other and be done with it? Hegel's answer would be definitely in the negative. Self-consciousness seeks to become pure, and to do this it must make sure that is not dependent upon the other individual from whom it seeks recognition. To prove that one is not dependent is to engage in a life-death struggle with the other person; 'each seeks to kill the other', intending to show that he/she is not dependent on the body of the other. Hence, at the fundamental level, the relationship between the two individuals is not of the nature of peaceful reciprocal recognition, but of constant struggle. Look at Hegel's own description of this extremely complex situation: '... the relation of the self-conscious individuals is such that they prove themselves and each other through a life-and-death struggle. They must engage in this struggle, for they must raise their certainty of being for themselves to truth, both in the case of the other and their own case'.⁴

War and violence, thus, are not accidents. They are to be understood as the very conditions that make the process of proving oneself as an individual possible. In other words, they are the necessary components of the process of individuation. Each individual, in the process of proving him/herself as a person, intends to annihilate the other. However, this leads to a paradoxical situation that killing the other is nothing but destroying the source of recognition that each needs to confirm his/her sense of himself/herself as a person; it is, in a crucial sense, 'suicidal'. So the victor of the war is left with no other option but to spare the life of the other, realizing that it is essential to the conformation of his/her integrity. Now, the task before the victor is extremely complex and even self-contradictory in nature. He/she desires to kill the other but at

the same time wishes to spare his/her life. Hegel's analysis shows that his double-faced desire is fulfilled through the operation of power. Instead of killing the other, the victor exercises power over him/her, making him/her thing-like and dependent. Obviously, the situation becomes unequal and hierarchic in which the victor is independent and the loser dependent. In Hegel's own words, they 'exist as two opposed shapes of consciousness; one is the independent consciousness whose essential nature is to be for itself, the other is the dependent consciousness whose essential nature is simply to live or to be for the other. The former is lord, the other is bondsman'.⁵

It is clear from the above analysis that any human subject's being in the world is comprehended by Hegel in terms of two categories, namely desire and recognition. Man desires the objects; in every attempt of possessing them he/she cancels their otherness and fails to be happy. Also, as an individual, he/she seeks recognition from the other; in the process of proving him/herself as a person he/she attempts to make the other dependent and situates/defines him/herself in a hierarchic, unequal situation. What is important to be noted here is that in conceptualizing the self and the other in terms of recognition, Hegel touches upon the conditions of social life of the individuals in the civil society, but at the same time, his conceptualization makes it explicit the impossibility of the friendly co-existence of the individuals in such a society. However, this is not to be understood as a contradiction in Hegel's mode of theorizing, but as a contradiction implied in the idea of sociality that is based on the model of equality. Friendship conceived as a social relationship between equals is possible only when two persons recognize each other, engaging in a reciprocal relationship. But engaging in such kind of a relationship, each recognizes the other in order to be recognized by the other, loves in order to be loved. Other is only a medium through which the self returns to itself. Love here can only be self-love and friendship at the best becomes inauthentic.

LEVINAS' PHENOMENOLOGY OF SOCIALITY

Is it possible to think of sociality going beyond the concepts of equality and recognition? It is in the context of taking up this question for discussion that Levinas' phenomenology and his conceptualization of

self becomes important for us. For Levinas, when the sociality is conceived as a face to face relation in which each individual is free from the other standing face to face with the freedom of the other, alterity is being thought as redundant, being ultimately reducible to self. What necessarily happens in such a situation is that conflict becomes the essential mode of social relations, as each individual sees its alterity wrested from it by the other. For Levinas, my face-to-face relation with the other is fundamentally 'ethical'. Face of the other originally appears to me as a trace of alterity. Alterity implies transcendence. For 'me' the other is transcendent; it necessarily transcends my grasp. He/she looks at me always from a distance, remaining external to me. The face looking at me thus escapes *phenomenality*; it resists my attempts of comprehending it through the application of my self-centred categories. The other, in this sense, is, *absolving*, the *absolute*.

The formulation of the face-to-face relation in terms of transcendence is important for our present examination of friendship. To treat the other as *absolute* in the Levinasian sense is to think that the other is not equal to me. He/she is above me, 'looking at me from a height'. It is precisely in this sense that Levinas argues that the face-to-face is to be characterized by the inequality of its terms. Does Levinas, by this argument, insist on the inherent superiority of some over the others? The answer is definitely in the negative. To understand the crucial significance Levinas gives to the term 'inequality', we have to differentiate it from the idea that some individuals are better than others. The inequality of the face-to-face relation consists in the other's absolute transcendence. Transcendence of the face is a unique experience; its uniqueness consists in the fact that it can be experienced only from within the face-to-face relation. It is only for 'me' looking at 'your' face that 'you' are transcendent and unequal. So, the meaning of the term 'inequality' is essentially confined to the face-to-face relation as it is felt from within that relation. For a third party, both the other and myself are like A and B having equal status. The third-party perspective converts inequality into equality. Levinas clarifies this idea by maintaining that 'inequality' "does not appear to the third party who

would count us" and also that "the inequality *is* in the impossibility of the exterior point of view, which alone could abolish it"⁶.

It is not merely the case that 'inequality' is invisible to an 'outsider', but that it consists in its invisibility to an outsider, who stands outside the face-to-face relation. Obviously, this conceptualization of the face-to-face is in direct contrast with the Hegelian idea of face-to-face relation based on mutual recognition of individuals. Hegel's attempt is to represent the face-to-face relation in terms of mutual recognition, and this kind of representation is possible only from a third-party perspective. In this mode of representation, what actually happens is a reduction of 'the face-to-face' to the categories of being. The ethical face-to-face cannot be conceptualized in terms of being without losing its real significance; it originally resists ontology. To treat the face-to-face in terms of being, as a relation between two individuals, as if what matters most is their essential similarity to one another; is to reduce ethics to ontology. To claim the irreducibility of the face-to-face is, above all, an expression of Levinas' insistence upon the primacy of ethics over ontology.

DESIRE AND NEED

Levinas, in his work *Totality and Infinity*, invites our attention to the significant distinction that he makes between need and desire. Hegel uses the expression desire almost synonymously with need. When I experience need, the relation between the 'I' and the thing needed can be described in terms of lack. I need something means I need something which I lack. Suppose I am hungry and I need food. In order for my need to be satisfied, that which confronts me as other—the food—undergoes a transformation; it becomes part of my being. To put it in Levinas' language, its 'alterity is thereby reabsorbed into my own identity'.⁷

Desire is not need. To desire is not to need something that I lack. My original experience of the other person is an expression of desire; it cannot be described in terms of need because it does not refer to any lack of my being. At the level of consumption, it is true that my experience in the world is based on need and is definitely self-centric. I learn to manipulate the objects that I find around me and control

them to my advantage, cancelling their otherness. My attitude towards these objects is self-centric that I feel myself to be free to play with them, 'to enjoy them at my pleasure'. But my original experience of the other person cannot be reduced to this attitude. The other person as he/she comes before me face-to-face is not the mere negation of the self, as supposed by Hegel. Any description of the other as the negation of the self fails to do justice to the other as I meet him for the first time in his strangeness face to face. I see him/her 'blindly', in the sense that this sight is without any kind of conceptualization. It is a 'blind sight', rather a 'touch'. He/she is present near to me but there is also a sense of distance, strangeness in his/her glance. Other is other than myself, an outsider, and I am completely uncertain about what his/her strange eyes may mean. If I consider him/her as an extension of myself, or, if I place him/her under my categories then what I actually do is to reducing him/her to what he/she is not.

Can the self co-exist with the other and still retain the otherness of the other? Can I live with 'you' keeping the 'twoness' of our relation intact? Levinas believes that this kind of a non-violent co-existence is made possible by language or speech. The face of the other, the questioning glance of the face seeks for a meaningful response from me. By looking at the face I feel myself to be answerable. It does not mean that I always respond to the other. But in order for community to be achieved, communication to be possible, it is necessary that a responsible answer must be given. I must speak. What is it that to speak? Speaking is primarily a giving. It is 'putting my world into worlds, and offering it to the other'.

Language, therefore, is primarily ethical. To understand language merely as a system of signs and communication merely as an exchange of signs is to miss this ethical dimension. To speak is to enter into a relation with the other. This relation is of the nature of interaction and there cannot be any interaction without something to give. Speech implies an initial 'act of generosity', an offering of my world to the other. The essence of speech is 'goodness'. The community born out of communication, thus, involves generosity and goodness at the fundamental level. 'The other is not the negation of the I, as Hegel

would like to say. The fundamental fact of the ontological scission into same and other is a non-allergic relation of the same with the other'.⁸

To speak is, fundamentally, to have a non-allergic relation with the other. It is to welcome and, in welcoming the other, I am not becoming one with the other. I am separate from the other, maintaining a distance from what is said. 'Saying' is not one with the 'said'. The other also cannot be reduced to the conversation. He/she is still strange to me. I am never sure what he/she understands from the speech and what he/she will say at the next moment, and hence, real conversation with the other is angst to the core; it cannot be exhaustively and systematically planned. There cannot be any logic of communication at the fundamental level. It is true that as a social being I live by planning things, systematically arranging the modes of my interactions with the other. But prior to these, I am a 'being' with an inevitable ethical choice to welcome the stranger and to share his/her world by speaking to him/her. In other words, society is not a structured whole that determines the individuals; nor it be a free association of the individuals. We become structured in our living by first being responsible for the other, freely making a choice for communication. Communication does not necessarily lead to a master-slave dialectic as supposed by Hegel. In communication, I do not become the slave of the other, depending entirely on him/her. Nor does the other become my slave. It is in this sense that Levinas says real conversation is 'metaphysical'; it implies a desire that 'tends towards something else entirely, towards the absolutely other'.⁹ By the expression 'metaphysical', Levinas refers to an other-directed movement that does not coincide with an unsatisfied need; it is a movement of desire that is 'situated beyond satisfaction and nonsatisfaction'.¹⁰ To be precise, communication is an expression of desire, not a matter of need.

Here one can notice an important point of departure from Hegel's dialectic of self-consciousness. For Hegel, as we have seen earlier, self emerges in context of interaction or communication. Communication in the Hegelian sense is a face-to-face encounter where each ego needs the other, to be recognized by the other, to establish its own awareness of itself. So what constitutes the self is, for Hegel, the desire for recognition. Obviously, this desire coincides with need. Levinas, on

the contrary, discusses the constitution of the self on the basis of his understanding of desire that does not coincide with need. It is in the call to responsibility that comes from 'you', that the 'I' first becomes an 'I'. In being called into question the subject sees itself, for the first time, as an 'I' capable of distinguishing itself from the world, recognizing and conceptualizing itself as autonomous.

Levinasian I is desire itself. Before it discovers itself as ethically related to the other, as already implicated in the relationship of unconditional responsibility, it cannot properly be said to be a subject. To posit being as desire is not to first isolate an 'I' which would then tend toward a beyond. As Levinas says, 'it is to affirm that to apprehend oneself from within—to produce oneself as I—is to apprehend oneself with the same gesture that already turns toward the exterior to extravert and to manifest—to respond for what it apprehends—to express; it is to affirm that the becoming-conscious is already language, that the essence of language is goodness, or again, that the essence of language is friendship and hospitality'.¹¹ Obviously, the attempt here is to re-conceptualize the question of self in terms of desire. What is most important to be noted in this project of reformulation is that it problematizes the conceptual structure of the 'egalitarian' idea of friendship on which the modern socio-cultural and political institutions are built up.

NOTES AND REFERENCES

1. Taylor, Charles, *Hegel* (Cambridge University Press, 1975), p. 152.
2. Hegel, G.W.F., *Phenomenology of Spirit*, Trans. A.V. Miller (Motilal Banarsidass Publishers, Delhi, 1998), p. 139.
3. Singer, Peter., *Hegel* (Oxford University Press, 1980).
4. Hegel, G.W.F., *Phenomenology of Spirit*, p. 114.
5. *Ibid.*, p. 115.
6. Levinas, Emmanuel, *Totality and Infinity: An Essay on Exteriority*, Trans. Alphonso Lingis, Duquesne University Press, Pittsburg (Pennsylvania, 1969), p. 251.
7. *Ibid.*, p. 33.
8. *Ibid.*, p. 305.
9. *Ibid.*, p. 33.
10. *Ibid.*, p. 179.
11. *Ibid.*, p. 305.

Reality, Imagination and Truth

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To imagine is to bring 'something' into being. The question whether this is 'real' or not does not, and perhaps cannot, arise. And, if the question of 'reality' does not arise, how can one ask whether it, or any statement about it, is 'true' or 'false'.

Imagination is perhaps the primal 'activity' of consciousness and yet has not been the subject of sustained philosophical reflection even though Kant refers to it many a time and Fichte made it play a central role in his philosophical exploration as embodied in his *Science of knowledge*. Instead, it is thought or 'thinking' that has been the centre of their attention. The activity of reason or 'reasoning' which tries to determine what is 'real' or 'unreal' and, thus, indirectly establish what is 'true' or 'false', has been the centre of their attention.

But 'thinking' presupposes that which is to be 'thought about', that 'something' in which, or in respect of which the distinction between the 'real' and the 'unreal' is to be made. This is generally supposed to be that which is 'given' to us in sense-perception, or what Kant called 'outer' sensibility. But perception or outer sensibility does not make a distinction between the 'illusory' and the 'non-illusory'. It gives us only 'presentations', a fact which Kant knew so well, but somehow refused to see the implications thereof. Presentations, as everyone knows, are not confined *only* to sense-experience; they are found elsewhere also. Dreams are a classic example of this, as is daydreaming or even what is called 'fantasy', which some try to distinguish from imagination proper. In fact, the sense and depth of what is to be included under the term and what not, has hardly been discussed except in the context of 'artistic creation' where it had obviously to be tied to the 'objects' that were created and hence could not be 'freed' from it.

Moore was perhaps the first person to see this as he asked himself the question what was common to a dream object and an object when it happened to be an illusory object of sense-perception. He thought it deserved a name and called it 'sensus' or 'sense-data' which, at one time, used to be discussed amongst the British philosophers of that time.

But Moore's interest was primarily cognitive and he formulated the whole problem in terms of the 'given' and not in terms of that 'activity' which brings the so-called 'given' into being. And, even those who talked of 'activity' could only think of something outside as the 'cause' of this activity, forgetting that this 'something' could not be present in dreams, or fancy or hallucinations, or the hundred-and-one 'objects' that haunt the human mind. Once imagination is 'freed' of its dependence on 'objective' factors and seen as the most natural and spontaneous activity of consciousness, it would begin to be thought of in a different way. It will begin to be seen as that primal activity of consciousness which lies at the foundation of all other activities. This is the 'practical' activity not of reason but of consciousness which, through self-consciousness, makes that which has come into being an 'object' to consciousness and thus subject to both theoretical and practical reflection that lead in different directions. Even at the primary level, there was a feeling-dimension that was 'felt' in relation to that which was brought into 'being' by imagination, as is well known in the case of dreaming. But there one could not do anything about it, a fact that becomes evident at the secondary level of reflection, whether 'theoretical' or 'practical'.

The almost complete absence of freedom in respect of both the objects of dream and the activity of dreaming implies that the so-called activity of imagination or rather of consciousness 'imagining' is not only of a radically different kind from the type of activities that we know of at the level of secondary reflection known to us in the exercise of what has been called theoretical and practical reason. But even at this level or levels, there is a *prima facie* difference as one seldom ascribes any 'activity' to consciousness in its 'knowing' function, where it is the element of 'givenness' and being determined by this 'givenness' that predominates the analysis. All attempts, whether scientific or

philosophical, to prove otherwise have failed to disabuse consciousness of its almost absolute passivity and receptivity in this domain and this, for the simple reason, that once something has come into being, no matter how, it begins to have an independence and autonomy of its own, which is not easy to dispute.

This may appear difficult to sustain in face of the counter-evidence from dreams where the dream object is totally dependent on the activity of dreaming, but if one remembers that one does 'remember' what happened in dream and that memory affects one's 'working' life and consciousness, then one might think differently.

But, as everyone knows, 'knowledge', or rather 'knowing', is only one part of life, and that too not a very important part. There are hundred-and-one other 'activities' that consciousness seems to engage in where the 'active' element involved in comes to the fore, sometimes in a weak and sometimes in a strong way. Normally, the term 'willing' is supposed to express this in a pre-eminent way. But even such words as 'wishing', 'desiring', 'longing', 'aspiring', etc., denote the same, though in a far more faint and shadowy way. These actions express that 'active' element in consciousness which leads away from that which 'is' and hence appears as 'given' and seeks either its change or a movement towards something else which, however, need not be known except in terms of the 'dissatisfaction' with what is present and an 'inclination' towards something else.

Behind all these thoughts, however, lies that which is known as 'feeling' and which knows nothing except that there is dissatisfaction or satisfaction. Consciousness, thus, at its foundations is not cognitive at all; as active, it only imagines and feels what it imagines to be satisfying or dissatisfying and in case it is dissatisfying, it longs for something else. Perhaps this is a description of what 'life' is at pre-conscious levels in terms that are appropriate only at conscious and self-conscious levels. But the phenomena designated by these terms are well known, as also the fact that what occurs at these levels is not describable in terms of the distinction between 'truth' and 'falsity' which appears later. This distinction, which has played such a fundamental role in all philosophical thinking since its very beginning is thus irrelevant to the psychic life of man as it is 'lived' by him and

as is paradigmatically illustrated by the dreams which he dreams and which, however faint or vivid they might be, no one would think of describing as 'true' or 'false'.

Imagining, thus, need not be confused with, or confined only to that mental activity which results in creation of images, or even to that which consists in giving a form or shape or organization to them, an activity which is known as 'art'. The two activities, the one of 'creating' or bringing something into being and that of giving it a form, or rather 'forming' it, though distinguishable, are mostly simultaneous in character and hence may be seen as two sides of the same activity.

The difficulty in talking of 'truth' in respect of art creations or of describing them as 'real' or 'unreal' is well known, but it has hardly been the subject of reflection why it is so, or why having a distinctive, differential identity of their own, distinguishing them from others of their own kind and having a long-lasting effect on human beings, they should not be accorded a specific species of 'thinghood' and 'being' of their own. One reason for this perhaps, is that almost from the very beginning, it has been regarded as an 'imitation' of what was 'real'. This is as true of art that is regarded as 'realistic', as of that which considers itself, and is considered by others, as 'spiritual' or 'idealistic' in character. But art has always done so under constraint and the artist, even under severe limitations, has always tried to escape them unless he himself has believed in them. Yet, even in those rare cases, there has always been a conflict or a compromise between the demands of art and the faith or the belief that one holds or actively espouses. And, there are arts that are non-representational by their very nature and in their case at least the question of their being 'unreal' could not even arise.

What is surprising, however, is that the activity of imagination has been generally seen as confined only to the art, as if it were not present everywhere, which it will have to be if it is a fundamental activity of consciousness.

Its universal presence, once admitted, would however transform man's understanding of himself and all his activities in a way that is difficult to conceive or think of. The usual way in which this presence has been entertained upto now, is to think of it in terms of the 'magical' and

'mythical' mentality that was there in the primitive man. The mentality which was formed and saturated by the 'imagining' activity of consciousness, it is urged, is now only a relic of the past, superceded as it has been by the rational-scientific activity which tries to 'know' reality as objectively as it can and determine the 'truth' about what 'is'. This is considered as 'thinking' in the evolutionary perspective which is supposed to underwrite the 'exclusive' superiority of the way reason has emerged and functioned within the western civilization during the last four hundred years or so.

The view, though widespread and almost universally accepted, forgets on the one hand that most of what exists is the creation of man, and that in its 'creation' imagination has played a central role from the beginning. This 'imagining' activity, on the other hand, has never been anarchic or arbitrary, as is generally assumed. Instead, it has always been subject to an immanent internal critique determined by the nature and quality of what it has brought into being and the function it performs in the survival, development and growth of that which has brought it into being. Thus, both the source of 'imagining' and its product are simultaneously affected by an immanent evaluative activity which does not function in terms of 'real' or 'unreal', or 'true' or 'false'. Yet, there is a continuous critical evaluation modifying everything, an activity which encounters a 'limit' or 'check' or 'resistance' as it does not yield the desired result or even when it does, it does not find it satisfying. The cycle is unending but, at each step, imagination remains the source of the transformation of that which was 'non-being' into 'being'. But the 'being' that is brought into being is itself infected with non-being and the feeling of something else that functions as a 'check' or 'limit' or 'resistance' giving rise to that idea of 'reality' which is felt and experienced as 'independent' of that which is the source of the 'imagining'. Fichte has called this 'not-self', but it would have been better if he had considered it as an 'x' independent of the self as its nature cannot be determined by this fact alone, or defined in terms of one's own 'self-certainty', which is an illusory projection of the linguistic formulation 'I am' that occurs at the reflexive level of self-consciousness.

The necessarily postulated 'other' which is the result of the 'felt' resistance or 'check' to one's activity of changing what was 'felt' as

unsatisfying in respect of that which the imaginative activity of consciousness had brought into being has, then, to be the same or similar to that which one 'feels' in oneself. One may call it a 'self' or something else, but it is as much an 'x', i.e. essentially indescribable except as that which 'checks' or 'resists' or 'restrains' one's activity when it takes a certain form or direction which itself is not uniquely describable or 'determinable'. But, then, one's *own* 'x' would have to be seen in the same way, i.e. as 'determining' or 'restricting' the activity of that 'other x' which will also have to be granted the same power of bringing something into being through its activity of imagination. There would, thus, have to be granted an essential equality between them even if differences in the power of imagining and the content thereof be admitted.

The question of the possible plurality of these 'x's is bound to arise as well as the one relating to the ground of the distinction between them. The former can only be answered in terms of 'indefinite extensibility', as once plurality is admitted even in terms of duality of, say, 'x' and 'not x', the latter cannot be limited in principle except in terms of that which it excludes, that is, 'x'. Kant appears to have seen this point and, hence, called the judgement predicating this exclusion 'infinite' and the category corresponding to it as 'limitation'.

The question relating to the ground of the distinction has usually been attempted to be answered by bringing in the notions of space and time into the picture. But while they may possibly provide the basis for the distinction in ordinary contexts, it is difficult to see how they can be of any help at the level of 'imagining consciousnesses' about which we are talking here. Leibnitz is the only philosopher I know of who sees this problem and hence conceived of the idea of 'monad' whose sole activity consisted in 'representing' or what we have called 'imagining'.

But, whether we can 'feel' space where there is no air or if movement itself gives us a 'feel' of space, is not easy to answer. But even that space which is not 'enclosed' and is 'free of air' has 'properties' or characteristics, is known by the fact that any 'thinking' about it results in 'antinomies' as Kant saw long ago and, on the basis of which, he concluded that it was 'transcendental' in character. But Kant did not

see that the 'antinomies' he was encountering in his 'thinking' about space were the result of the fact that it was being conceived of in Euclidean terms.

Kant, of course, cannot be held responsible for this. But after Einstein's use of a non-Euclidean geometry, i.e. Riemannian, in his empirical picture of the universe, it is a moot question whether antinomies will arise in that case also. But, *prima facie*, it is true that space itself is being seen as 'curved' in this geometry, and if even the notion of a 'uniform' curvature is not capable of being formulated there as the notion of a 'straight line' in Euclidean terms has become unintelligible, then the notions of 'beginning' and 'end' or 'finite' and 'infinite' would have to be formulated otherwise.

The problem is important as the very notion of 'external' reality depends on the notion of space as 'being extended' or 'being essentially constitutive' of it. Yet, if different kinds of spaces are conceivable as the existence of non-Euclidean geometries attests, the distinction between the 'real' and the 'imaginary' would arise once more and we will have the same problem on our hands as the one we started with.

The problem with space, however, is different as it has a 'scientific' discipline dealing with it. Time does not seem to bear anything analogous to it. Kant thought that 'arithmetic' will do the job, but he was mistaken as the apparent division between arithmetic and geometry is ultimately untenable as it is the continuum or field of numbers which contains them both. But 'time' seems as essential to the notion of 'reality' as 'space' and, if so, in what direction shall we see to find a clue to understanding the distinction between 'imaginary' and 'real' time?

Time, as everyone knows, is closely related to change and motion, the two notions which are essentially 'relative' in character and hence involve comparison and measurement in a way that is not the case in the case of space. But 'motion' involves both space and time and that makes space 'relative' in a way in which just geometry could not do. But, though space is necessarily involved in the very concept of 'motion', the converse is not true except in the context of measurement which seems to function differently in relation to space on the one hand and time, on the other.

The measurement of time involves reference not only to hours, minutes, seconds, but also to days, months and years which essentially depend on the cyclical motion of the earth on its axis and round the sun. This is essentially relative to the earth which is functioning as the 'centre' for us and, as everyone knows, would vary with planets other than ours. The larger cycle of the whole planetary system, including the sun, has perhaps not yet been of interest but it should provide the reference point or the standard for adjustment and correction of the varying 'times' at different planets just as we already habitually do in different parts of the earth.

The point, however, is that all these movements are 'cyclical' in nature and that the superimposition of 'linearity' on it is an illusion imposed by the linearity of counting which infects all mathematics, the discipline that provides the foundation for all the cognitive enterprises that aspire to be 'scientific' to-day. This, however, finds its direct opposite in all artistic creation which rejects 'linearity' in the understanding of 'reality' as it is rooted in that which is the source of whatever comes into 'being' and, hence, is being in tune with that which pulsates in and behind the universe, and not divorced or cut-off from it as the analytic intellect is.

The analytic intellect, however, is deeply rooted in whatever may be regarded as the source of all that is and perhaps is a 'form' of that active attitude which looks at and examines that which is brought into being by 'imagining' and 'founding' in some respect or the other. It also seems more directly related to space as apprehended and interpreted ordinarily through a linear perspective unaffected by the diverse cyclic rhythms of time in which living beings 'live'.

The perspective of time, whether linear or cyclical, opens up problems which baffle all conceptual formulations as whatever we 'think' is conditioned by the illusory concreteness of the situation in which 'thinking' is being done. And, as this 'thinking' is being done by human beings, it tends to be anthropocentric in the worst sense of the word, as it even forgets the knowledge that is claimed to be 'knowledge' by men today. Not only the time perspective of 'evolution' are forgotten, but even such directly apprehended facts as evidenced by the behaviour of other living beings that they also know in some sense of the word

'know' just as men do, and that if this had not been the case they would not have survived, differentiated and developed over times longer than man has been supposed to be on the earth.

Once the time-perspective and the behavioural evidence from the world of 'living beings' is brought into the picture, the 'thinking' on the activity of 'imagining' and its essential characteristic of bringing something into being, is bound to become radically different from what it has been upto now. Imagination would, then, be seen to lie at the root of creation, not just at its beginnings, but as there all the time, working silently behind all that comes into being.

The story of coming into being, however, does not start with what we understand as 'living', either in the plant or the animal form. It goes much further and includes the world we call 'non-living' which itself is presupposed for any 'living' thing to come into being in the world that we know. The diversity and variety in this world is as incredible as that found in the world of 'living beings'. One need only look at the cloud formations in the sky or the line of mountain peaks where vegetation stops and snow begins or even visit a store mart, if not a jeweller's shop, to be convinced of this.

Shall we, then, dare extend the idea of imagination or something akin and analogous to it, to the realm from which it has been rejected for substantive reasons upto now? We may or may not, but shall it really matter? The choice either way poses the same dilemma: shall we interpret the world of living beings on the pattern we choose for the non-living or opt for a dualism which is intellectually unsatisfactory?

The problem is with the intellect and unless we see the relation between intellect and imagination, we will not be able to even formulate the problem in a satisfactory way. The first thing to note in this connection is that intellect has always an element of imagination, or rather, had an imaginative aspect to it. 'Ideas' do arise from somewhere, and there is such a thing as 'conceptual imagination', as every thinker knows. One sign of this is that we seldom ask of a product of 'thinking' whether it is 'real' or 'true' in the usual senses of these words, just as one does not do so in the case of a product of imagination as, say, a work of art. On the other hand, intellect always plays some role in the critical evaluation of what is produced by the activities of imagination,

though it is difficult to say whether it functions immanently within the activities of 'imagining' itself. Dreams, daydreams and fantasy seem obvious counter examples, but once imagination is seen as the exercise of the creative function in us and is employed in such a manner, the critical function inevitably comes into play and this is what the intellect is supposed to do.

But neither the intellect nor the imagination are supposed to have anything to do with the world constituted by all that is 'non-living' in its nature. And, yet that is the realm which is supposed to be the 'real' reality in the paradigmatic sense of the word. Strangely, however, while it is itself considered to be essentially inert and 'dead', it is also supposed to simultaneously provide that basic material to the 'living world' without which it cannot be living. The two characterizations, it is not seen, make contradictory demands as that which is really dead in the sense that it was never alive and never could be so, can hardly provide the material for that which is living. The plant world seems an exception, but it occupies that midway region which is difficult to describe as either fully 'alive' or 'non-alive' as 'matter' seems to be. Also, it is true, as is sometimes said, that some form of 'life' is necessary for the plant world to come into being, survive and flourish or that the dependence between the animal and the plant world is not a one-way affair. But if this is so, then the self-contradictory contention would be based only on the *a priori* assumption that the existence of the world of the non-living must have *preceded* that of the 'living'. But we have already questioned the *necessity* of the postulation of 'linearity' as a characteristic of temporality and if one accepts this, one also sees the *non-a priori* character of the assumption which seems so self-evident to everybody.

In fact, the 'reality' of the non-living world seems to be derived from its seeming solidarity, persistence and resistance in the context of whatever man tries to do in the world. But man himself is primarily the 'body' which feels both the solidity and the resistance as well as the persistence through the other senses that also belong to it. But matter is not only that which is known through the senses, and man is not just the body, as everyone knows. Persistence and resistance are also found in all that man creates, and wherever these are, 'solidity' may also be

said to be, at least in a metaphorical sense. Yet, the body is the 'body', and its primacy cannot be denied. But the primacy and 'reality' is that of the 'living' body and 'life' not only encounters the 'resistance' of that which is called 'matter', but perhaps even more of that which is 'living'. And, that which is 'living' has not only some sort of a unitary and 'unifying' centre, but also that which strives to maintain and perpetuate itself against all odds and thus is inevitably regarded as if its behaviour were purposive and teleological in character. And, wherever there is purpose or teleology, or even 'seeming' purpose and teleology there is imagination, i.e. that which conceives of what is not there and, by so conceiving brings it into being.

Without life or that which we call 'living', the question of 'reality' does not and cannot arise even in respect of that which is supposed to be 'non-living'. And, 'life' cannot be understood without imagination or the activity we call 'imagining'. The notion of 'reality', thus, is intimately related to the activity of 'imagining' on the one hand and that which is brought into being by this activity, on the other. The former is not of one kind, nor is, for that matter, the latter. If the postulation of a first act of imagining, though necessary, is essentially unhelpful as it hides from us the fact that all later acts are affected and modified not only by the awareness of that which has been brought into being; but by a recollective reflection on the modality of the previous act of 'imagining' itself. The activity itself gets modified and changed because of that which it has created. As the two go on changing and multiplying, affecting each other continually, a strange world comes into being, dominated more and more by that which palpably seems to 'exist' and feels to be 'real', obliterating that which is its source as that itself now gets more and more determined by the demand that it function so that its products may accord with or fulfil the criteria which its own products now impose on it.

The products of that which is the source of the imagining activity which can hardly be called 'personal' in any relevant sense of the term or even 'impersonal', for that matter, are so diverse and historically cumulative and collectively interactive in nature that any characterization of them in terms of a unitary and uniform criterion of 'reality' is bound to be not only unilluminating, but futile. The criteria have to develop

immanently from the realm, and even therein they have to go on changing as the realm itself differentiates and divides incessantly because of internal and external factors.

Parallel to this, there is a subtler differentiation in the activity itself whose modalities can hardly be conveyed by the term 'imagining' we have used until now, though it alone can perhaps convey that which we have tried to highlight in our discussion so far. 'Thinking', for example, is the name we give to an activity that seems so central to all that man is and does, and yet it is so different from 'imagining' or at least from that which is conveyed by the latter. But, the moment one asks 'where do ideas come from?' or 'where the ideas arise?', one again seems to return to the same source to which the term 'imagining' had pointed. Yet, the two activities are so different, even if each may have an element of the other, particularly at advanced levels where the activity itself becomes an object of reflection. The last, that is 'reflection' makes both 'thinking' and 'imagining', 'objects' to itself and sees them simultaneously as that which brings something into being and that which itself has been brought into being, for if it were not so, then it should not have been there to be 'known' at all.

This is the central paradox with which thought has been engaged with since its beginnings. The paradox, however, is a paradox only if one looks at the activity only in terms of either itself or of what it brings into being, or even both of them together. Each of these, and even all of them together, are contingent not only in the sense that they might not have been, but that they can cease to be if one so desires. One can stop 'thinking' or 'imagining' or even 'reflexivity' or, for that matter, any other 'activity' one might choose to name or think of.

Ultimately, therefore, there is this 'freedom' or 'indeterminacy' or 'unknowability' that lies behind the inexplicability of anything 'coming into being' that imagination exemplifies and embodies at the human level. And, as far as this is concerned, there can be no question of 'truth' with respect to it, as it just 'is' and the question 'what it is' is completely irrelevant to it, at least at that moment when it has announced or asserted its 'being-ness' independent and irrespective of what it may 'later' be seen to be. The latter is not only logically dependent on the former, but may be disputed as the former cannot be. And, the moment

one begins to dispute that, the question of 'reality' would arise as it would relate to the sort of 'being' that being is supposed to have and what status one wishes to accord to it in the hierarchy of being which the use of the term 'real' inevitably involves as it is *not* an ontological but an axiological or valuational concept.

But, the distinction and the dispute would apply not only to the 'product' of the activity or all that has been brought into being, but also to the 'activities' from which they have emanated or come into being. These activities are so diverse, and yet have only few names such as 'thinking', 'imagining', 'reflexively reflecting', 'intending', 'willing', a fact epitomized by Descartes' lumping them all together under a single umbrella, the word 'cogito', obliterating all distinctions between them as if they were not important at all. Yet, the distinctions between them are not only important but on them depends what we shall regard as more or less real, or even as 'unreal'. Not only this, the hierarchy between them gets reflected in the hierarchy between their products though, surprisingly, the relation between them does not get so reflected, as one would have expected on other grounds. Thinking presupposes imagining and both are presupposed by the activity of 'reflection', but no one thinks that which is presupposed is more important than that which depends on it. This, at times, seems clear but some times, as in the case of 'knowledge' and 'action', it does not appear to be self-evident which depends on what or which is more important than the other, though philosophers—generally, perhaps because of a professional predilection, seem to rate knowledge above action.

A close delineation and study of the diverse 'activities' through which different kinds of objects are brought into being is, thus, a desideratum which is urgently required. But there can be little doubt that the two most fundamental 'activities' that we know of are those through which something is brought into being and that through which there is a 'withdrawal' or even a 'refusal' from engaging in this activity. The Indian names for these have been *pravṛtti* and *nivṛtti*, but they do not capture the essence of what we are trying to say. There is nothing intrinsically wrong with the activity that brings something into being, nor anything right with the withdrawal or refusal from it, or even its absolute cessation if that were conceivable. The identification of *pravṛtti*

with *dosa* in the Indian tradition is purely gratuitous, just as is the case with the opposite, *nivṛtti*. Nor have they seen the diversity and multifariousness of *pravṛtti* and the relations between them or, for that matter, the deeper relation between *nivṛtti* and *pravṛtti* where the former provides the precondition for the latter, and the latter provides the impulse and the temptation for the former.

It is the movement between the two, however, that provides the tension and the dialectic which creates both the 'internal' and the 'external' worlds at the human level, at the root of which lies what is called 'imagination' and to which we have drawn attention in this paper. The involuntary cessation of this movement is 'death' or something akin to it, while its voluntary stoppage is yoga as defined in the *yoga sutras*. But the definition states only the negative conditions; it does not spell out the positive to which it has to be only a prelude or the relation/s which this is bound to have with both the earlier phase consisting of the activities and their products whose foundation is the imagining activity described earlier. But imagination stands midway between these two radically disparate, even opposed, movements and mediates between them as yoga, or what is called yoga, would have been inconceivable without it. Yoga is as much the result of the creative activities of imagination as anything else and once this is seen, both the inner and the outer world would be 'seen' differently, that is, seen in their infinity which is intrinsically inexhaustible either to the yogic or the scientific vision.

NOTE AND REFERENCE

Many of these ideas and concepts were elaborated by Fichte a long time ago in the past, dealing with the 'Practical' in his *Science of Knowledge*. But he does not see them as rooted in that active power of consciousness which is not exhausted by these, or by being dissatisfied, desires a change and longs for something else.

An Evaluation of Knowledge in Traditional African Thought and its Impact on Contemporary Times

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INTRODUCTION

This paper examines the nature, sources and methodology of acquiring knowledge in African traditional societies as well as the impact and significance of such knowledge in the traditional setting as also in the contemporary world, particularly with reference to the current challenges facing Africa. Consequently, this paper shall look at the nature and acquisition of knowledge generally, the nature and acquisition of knowledge in traditional Africa, the influence of the traditional forms of knowledge, and knowledge acquisition on the contemporary African.

KNOWLEDGE AND THE ACQUISITION OF KNOWLEDGE

Knowledge is frequently distinguished from belief by asserting that knowledge necessarily involves truth; i.e. to know that *p* necessarily implies *p* is true. This view of knowledge, which comes down from classical times, led to the association of knowledge with infallibility (the Cartesian indubitable and certain—anything said to be known should be infallibly true—if at any time, it is shown to be less than perfectly true, it loses all claims to be and/or to have been knowledge). This way of looking at knowledge has been described by Popper as essentialism (for the knower grasps, claims to grasp or seeks to grasp the essence of the thing—its true nature—once and for all).¹ Popper also argued that this view of knowledge leads to an essentialist conception of explanation—the view that an explanation is the ultimate account of the nature (essence) of a thing—and an attempt to develop methodologies for accomplishing this.² On this construal, explanation

seek to provide knowledge in an essentialist sense. But explanation need not do this. Explanation, according to Popper, can be conjectural, the most plausible opinion based on verisimilitude—approximation to the truth.³ On this construal, truth as a component of knowledge is not absolute truth but an approximation of absolute truth.

One may not agree with Popper's rejection of essentialist explanation and pursuits as misguided (when compared to science, the most effective way of gaining knowledge about physical nature in the world today, which is based on the model of conjecture and refutations); the gains of this epistemic orientation are apparently not many in understanding physical phenomena, but in other areas of human interest they are stronger. Consequently, we shall proceed in this paper on the basis of the view that epistemic orientations—conceptions of knowledge, explanation and methodology—provide different forms of knowledge. We shall try to show that this point of view is correct as well as evaluate the traditional African epistemic orientation. In order for us to appreciate the nature and character of epistemic orientations, we shall first distinguish between folk knowledge (popular and common sense knowledge; knowledge that is more or less the property of the vast majority of members of a society; used by people in dealing with their common and everyday problems) and what we may call elite knowledge (the knowledge that belongs to the knowledge specialists; people who engage in the generation and preservation of knowledge on their own behalf and on behalf of their societies). Elite knowledge is usually theoretical cum research-based knowledge, while folk-knowledge need not be so.⁴ Examples of folk-knowledge in a low-technology agricultural society, such as the traditional African society, are the sorts of roots that are edible and the sort of leaves that are poisonous. Examples of theoretical research knowledge of knowledge specialists are the germ theory of disease, spiritist theory of disease, atomic theory of matter. It should be noted that elite-knowledge enriches folk-knowledge; many things that are held by knowledge specialists sooner or latter filter down to the ordinary folk and become part and parcel of the repertoire of knowledge of the ordinary man. For example, many people know how to cure common cold and malaria with *dogonyaro* leaves, quinine tablets, etc.; and so do not need to consult a traditionally or western-

trained doctor. Again, we can easily encounter ordinary folk using the notion of atoms to describe something or speculating about the germs that have caused a particular disease. Folk-knowledge, on the contrary, presents the knowledge specialist with problems that demand theoretical attention.

Let us here clarify the notion of the knowledge specialist who possesses elite-knowledge. In most societies, there are specialists of various types; indeed, it can be said that the vast majority of the population of a society specialize in one thing or the other; and these specializations involve the possession of special knowledge which other members of a society do not have. In some African traditional societies, for example, there are usually wine-tapers, herdsmen, farmers, arbitrators, smiths of various types (block, iron, gold, silver, bronze), spokesmen/orators, administrators (rulers), doctors, etc. Persons in all of these categories except that of the doctor will pass as possessing specialist knowledge but not as a knowledge-specialist; this term can only be attributed to the members of other categories when it is used in a loose and rather imprecise way. This is because it is the class of doctors that see to the generation and maintenance of knowledge. In the class of doctors, there is a subclass: the class of doctors who specialize in generation, elaboration and maintenance of the theoretical and methodological framework that deals with the fundamental questions about reality—why things are? why they are the way they are? etc., and consequently, what thing can be known? why and how they can be known? This class of doctors is the ultimate source and preserver of the dominant epistemic orientation in a society. In the modern western society, this class of doctors is made up of philosophers and scientists. In other forms of societies, including pre-modern European ones, this class of doctors took other tasks in addition to the one above. The ancient philosopher could be a practicing medical doctor, engineer and architect as well as the ancient Egyptian genius that was Imhotep. In order to understand the nature of the dominant epistemic orientation in traditional African societies; the sort of knowledge generated within it and how this was done, we will have to identify the above-mentioned subclass of doctors in the traditional societies and examine their thoughts, beliefs and operations. Let us now turn to these tasks.

KNOWLEDGE AND THE GENERATION OF KNOWLEDGE IN TRADITIONAL
AFRICAN SOCIETIES

The class of specialists mentioned above that we are interested in is the class of what is frequently called native doctors. Among the Igbo, the native doctor is referred to as *dibia*. There are three types of *dibias*: (i) the *dibia afa*—specialist in divination; *afa* means divination (it derives from *igba afa*; *igba* is a root word for the verbs: to run—*igba oso*; to spread—*igbasa*; to agitate by irritating—*igbakasi*; *afa* apparently comes from the root word 'fa': to squeeze into or out of; *afa* is a noun depicting this action; *igba afa* is thus literally: to run—engage in—the act of squeezing into—penetrating—the mystery of the past, present and future); (ii) *Dibia aja*—specialist in preparing the items for, and performing sacrifice/specialist 'sacrificer'; *aja* means sacrifice, (iii) *Dibia ogwu* (*ogwu* means medicine and it derives apparently from *Nkpologwu* 'which means root(s), but has been extended to include any object or combination of objects—leaves, barks, animal parts, minerals, etc.—that can be used to cure a person of an ailment by physical or mystical means as well as charms and magic for both evil and good purposes'); this category could be subdivided into specialists in orthopaedic medicine, midwifery/gynaecology, surgery, psychiatry, and general medicine (physician), sorcerer, witchdoctor, herbalist.⁵ Among the Yoruba, there is roughly the same classification, viz., *babalawo* (literally, father of the secrets of divination), *abọriṣa* (specialist 'sacrificer') *oniseḡun* (herbalist, etc., the equivalent of the *dibia ogwu*, more or less).

The word *dibia* appears to be a short form of a longer word deriving from *di* (which literally means husband and generally connotes lord, master) and *bia* (which means 'come' and stands for the verb 'to come'). It is probably the short form of the longer *diobialima*; *diobiagamalu*; *dibiagamalu*; all of which mean the lord or master of those who have come to gain information (knowledge) or those in need of information (knowledge) that will solve their problem(s). It should be noted that many *dibias* combine two or more of the areas of specialization mentioned above. The *dibia* trained for a long time: ten to fifteen years. Onwuejeogwu says in this regard that 'a child apprenticed at ten takes over fifteen years to qualify and more than twenty years thereafter

to gain public respect credibility and recognition for excellence'; and, Abimbola says virtually the same of the *babalawo*: 'most start their training at an early age, usually between ten and twelve, and they remain with their master for the next ten or fifteen years before the first part of their training is completed'.⁶

The *dibias* were the custodians of the traditional African world-view; they are largely responsible for the creation, elaboration and maintenance of these world-view. This could be seen clearly in the place of *dibia* in the daily lives of the people and in the cultural and political power of *Umunri*—an Igbo clan of ritual specialists. The *dibia* featured in important decision-making of individuals and communities, in settling disputes, in treating ailments, etc., as Abimbola says, in respect of the Yoruba:

The Yoruba regarded *Ifá* as the repository of their beliefs and moral values. The *Ifá* divination system and the extensive poetic chants associated with it are used by the Yoruba to validate important aspects of their culture. *Ifá* divination is therefore performed by the Yoruba during all their important rites of passage such as naming and marriage ceremonies, funeral rites and the installation of kings. In traditional Yoruba society, the authority of *Ifá* permeated every aspect of life...⁷

And as Onwuejeogwu points out in respect of the *Nri* Igbo (which also holds largely for the rest of the Igbo):

Since ritual values pervade the economic, social and political systems, major social actions related to other systems involve the consultation of *afa*, because the concept of 'success' and 'good' are conceived of as connected with the actions of dead ancestors and living elders on the one hand and that of individuals on the other.⁸

The *dibia* was, thus, a key figure in the life of a community at both the individual and communal levels; it is in this regard that people of *Nri* descent (*Uminri*) traversed more than half of Igbo land in their capacity as ritual specialists (*dibia aja* and, to some extent, *dibia afa*) instituting taboos, removing abominations, officiating at certain levels in title taking, controlling the forces relating to agricultural productivity,

providing advice on religious and ethical matters, etc.; and, consequently, exercising some religious and morally based political power over a large area; as G.T. Basden puts it, "nri" men (priests) being travellers, were met with frequently ... and thus the name was given, in mistake, to the whole country lying east of Onitsha'.⁹

It is pertinent to note here two important things: Nri was a *dibia* whose authority was institutionalized among his descendants (*Umunri*) by reposition of ultimately the authority (*ofò*) to practice the art of the *dibia* in the office of *Ezenri*—the king of Nri. The other is a specific claim to the effect that African traditional religion as practiced by the Igbo and hence the philosophical basis of Igbo culture was founded by Nri *Dibias*. This could be seen clearly in both the legendary and more factual elements of the Nri corpus of origin: quotes from Onwuejeogwu and his observation as well as the observation and sources of *Afigbo* that demonstrate this include:

Chukwu, the Creator, sent Eri down.
Eri came down from the sky.
He sailed down the Anambra.
And established himself at the present site of Aguleri.
He had *mystical* powers and won over the people of the area.
They had no king he conquered them and became king...¹⁰

Nri Ifikuanim the son of Eri, a great *dibia* after afa revelation left the Anambra southwards into the forest ... Before he moved to a new site he consulted his afa.¹¹

Eri's son Nri inherited his power.
Since then Eze Nri controls the earth (ana).
Eze Nri is Eze Alusi.¹²

Power *ike iché*, the ability to make decision and act on persons or groups is derived from Chukwu and symbolized in the *alo nrimeri*, collective *alo* staff of dead and living *eze*. The *eze* derives this political-religious power through Eri the founder of the Eri clans in the Anambra valley. Eze Nri established the *ozo* title to allocate this power which is re-enacted in the *ozo* title ceremony by giving the *alo* ... Authority is conceived as like *ike iji ofò*, the right to use the

ofò staff and is delegated downwards from the *eze* who holds the *ofò nrimeri* 'collective *ofò* staff of living and dead *eze* Nri to the *ozo* who holds *ofò ozo* and the *dibia* who holds *ofò dibia*'.¹³

These accounts show the success of a *dibia* is founding ora ... some major divinities of the Igbo, their tittle taking, etc., their religion and culture perhaps.

What we are to make of these traditions and the entire cosmology and Nri corpus, which as Afigbo says 'may well contain another dimension of historical truth which has not hitherto been recognized—evolution of Igbo traditional religion'?¹⁴ Did the Nri generate the entire Igbo traditional religion or did they build on an already existing corpus. It is hard to determine this. But we can say that Eri, Nri and the early Eze Nris were relatively highly gifted *dibias* who gained some insight into the nature of reality and who developed novel systems of controlling and manipulating mystical and supernatural forces (at a very high price—human sacrifice) and who also systematized their knowledge and manipulatory operations into a coherent system—a religious world-view with institutions and practices that were meant to effect/enhance their religious/ritual political, economic and social control of other communities who did not have the benefit of their insight and manipulatory powers. It was on account of their superior knowledge and mystical powers (their religious ideology and praxis), not force, that other communities accepted their suzerainty. And since they had very wide influence among the Igbo, we can safely say that the dominant elements of the Igbo religious world-view was created by the early *dibias* of the Nri system; so much so that we can call the traditional African religion of the *Igbo* Eriism-Nriism.

In a similar vein, *Ifá* is said to be in its present form the creation of Orunmila, who most probably was very proficient and reformist *babalawo*, and the later *babalawos* who developed the system he had founded.¹⁵

Having seen that the *dibias* were the knowledge specialists in the traditional society and their great importance and esteem, let us now turn to the nature of the knowledge generated and maintained by the *dibias*. The cardinal means by which the *dibias* gained (knowledge) is intuitionist. It should be noted that knowledge could be sourced via the

senses, reason and intuition; and that humans frequently combine two or all three sources in both their informal and formal (methodic) pursuit of knowledge. However, the ultimate basis of the validation of a given body of knowledge determines whether it would be described as empiricist, rationalist, or intuitionist. For example, what is generally called the empirical sciences made extensive use of the intuition (in conjecturing for instance) and reason (in mathematical modelling and calculations especially at the level of theory) but it is the evidence provided by the senses via experimentation and so on that ultimately determines what is taken as fact and acceptable theory hence the designation empirical sciences it may, thus, be described as 'intuition-ratio empiricism'.

The *dibia ogwu* when he is not producing his remedies, charms, etc., based on the knowledge that was passed on to him by his master, relied mainly on the guidance of some spirit or the other in order to know the herbs and materials to use and the measures/procedures to be followed in making his remedies, charms, etc. For this purpose, he usually had a patron deity, say, *Agwu* or *Urai* among the Igbo who he believed provided him with the necessary inspiration, insight (via dreams, etc.) or revelation. In addition, the *dibia ogwu* readily employed divination of some type or the other as a diagnostic aid. The *dibia aja* frequently embarked on his task in difficult cases only after divination had brought to light the sort of sacrifice required in a given situation; while the *dibia afa*'s principal task is to provide knowledge via divination.

Divination was the main source of theoretical research-based knowledge in traditional African societies. There were other sources such as revelation from deities/spirits, dreams, etc., as well as some exercise of reason and experimental sources at the level of folk-knowledge as mentioned above. The most actively employed, however, was divination. Many methods of divination were (or perhaps, are) employed by African societies. However, among the Igbo, Edo, Yoruba and Fon, the major system of divination is known as *afa*, *iha*, *ifa*, and *fa*, respectively. This system depends on the manipulation of seeds or shells and other objects with concave and convex sides in order to obtain geomantic figures. The system is basically a binary one in which

one can get either of two numbers or figures: one or two seeds, concave or convex figures, etc. Eight manipulations of seeds, shells, etc., done either separately or simultaneously (depending on whether one is using seeds or a divination chain containing eight shells) provides a complete symbolic unit such as all concave or all convex figures. The figures or numbers are arranged in two columns composed of four numbers or figures. Consequently, there are 256 possible figures consisting 16 mirror image figures (that is, the same figure on the left and right columns) as, for example, all convex or all concave in both column and 24 non mirror image figures as, for example, all convex in the right column and all concave in the left column.

These 256 geomantic figures are linked symbolically to the given poems, stories, legends, myths, theories about the world and reality, and these, in turn, are linked to concrete human situations by way of analogy and other symbolic forms, thus providing predictions, retrodictions and explanations of concrete human experiences.¹⁶

There are important epistemological questions that may come to one's mind at this stage, namely: how do we characterize this sort of knowledge; what sort of methodological rigour is employed, what sort of knowledge is obtained and what degree of certitude does it provide?

From what we have seen above, material (empirical observable objects) are manipulated to generate figures which are symbolically (rationally) connected to an elaborate system of understanding the world and accounting for the nature of things/events and their dynamics; this process, as all knowledge generating system, yields predictions, retrodictions, explanations. Because of the obvious combination of the human cognitive faculties, Onwuejeogwu describes it as 'empirico-metaphysical phenomenology'.¹⁷ This implies a movement from the empirical to the perception of metaphysical entities and also an exploration of the metaphysical world (that is, a phenomenology of it). This does not seem correct. First, there is a good deal of rationality—rational deductions, extrapolations, etc.—involved in coherently connecting the empirical level (the geomantic figures) with the nature and dynamics of the theoretical entities in the system. Secondly, it there can be a phenomenology of metaphysical entities (including spirits), which presupposes that there is a faculty of perception of the external reality

outside the senses—a notion which Kant and European phenomenologists well reject—then such a phenomenology will be concerned with a description of the nature of their perception, that is, of the metaphysical entities they perceive; it will be a phenomenologically based theology. On the contrary, *afa* and other divination systems of its type are concerned with the metaphysical insofar as it leads to explanation and prediction of things and events in the material world, and consequently what is important is not the phenomenological perception and description of metaphysical entities but the belief (conviction) that they exist and operate in human affairs.

What is required to understand this process is intuitionism—the perception of things and states without the use of the senses (which for Kant was sensory intuition) and the intellect (which, for Descartes, was intellectual intuition) by way of extra-sensory faculties, including the belief in the existence of entities that can only be perceived directly by the above means. The full nature and behaviour of the entities perceived via intuition need not be grasped by a more elaborate intuition (which is what metaphysical phenomenology implies). It can be done by conjectures and refutations based on social and physical events, which seems to be actually done by people in the application of anthropomorphic models to gods and spirits. Consequently, it seems that the sort of divination described here as an epistemological activity should be described as empirico-ratio intuitionism or simply, intuitionism because the system depends ultimately on the guarantee provided by the patron gods/spirits. This comes out clearly in the objection raised by a *dibia* interviewed by Onwuejeogwu in respect of the latter's scepticism about the outcome of the manipulation of the *afa* strings and their interpretations:

It has to be noted that the interpretation he [*dibia*] gives to the *afa* word is only one way of looking at social reality. It is possible that if the client had come for other reasons the same set of *afa* words would have been interpreted to reflect the needs and expectations of the clients. That is difficult to prove but it seems so. When this question was put to the *dibia* he argued that the *afa* seeds would have fallen differently to produce different *afa* words and meaning.¹⁸

The *afa* seeds will fall differently because the patron deity of the system and perhaps other supernatural beings will ensure that they fall appropriately vis-à-vis the issue the *dibia* is dealing with, hence, the statement: *afa bu agwu:afa* is the supernatural being force used to explain elements of the unknown.¹⁹

Another important feature of divination, especially the *afa* type is that it apprehends and explores the world of consciousness to some degree, that is the projections, interactions, etc. of the consciousness of animate beings, especially humans. This seems to be the view of prominent African scholars that have studied this system of knowledge in depth. Onwuejeogwu says in this regard that

The logic of *afa* is based on the final result obtained from the various arrangements of all types of combinations obtained from five types of binary relationships. When these relationships are combined and recombined, the content of a communication emerges. Social reality is, thus, constructed and this generates a new type of social action.²⁰

And again,

It is obvious that *afa* deals with different aspects of human life: man as a religious being, as a biological (natural) being, as a social, cultural, political and economic being, and finally as a psychological and historical being. It deals with all aspects of human behaviour, briefly by highlighting and emphasizing the major themes of human life.²¹

Abimbola, in this regard, writes that:

Ifa priests attend to several clients every day. These clients have different kinds of problems ranging from advice on whether or not to go on a journey to matters of life and death involving a sick person on behalf of whom a close relation consults *Ifa*. Some clients and consult *Ifa* at critical moments of their living involving marriage, divorce, change of profession or place of abode.²²

In addition to the above claims, one does not find in the connotative meaning of the *afa* words and the interpretations of the 256 combinations of the *afa* system reference to natural physical phenomena or an attempt

to explain and predict natural physical phenomena such as volcanoes, earthquakes, floods, tornadoes, eclipse, etc. The same is also the case with *Ifa*: non of the *Esé Odu* (poems, verses that accompany each of the 256 combinations which are called *Odu* in Yoruba) recorded by Abimbola or Bosede or Ibie attempt such an explanation or prediction.²³ Other divinatory systems also do not seem to deal with such matters or deal with them with any success. For instance, Nostradamus made 970 predictions. A number of them are about the sort of physical phenomena mentioned above. However, all of such predictions but two are failed predictions, events yet to occur, incomprehensible and inexplicable predictions, etc. Of the two, one seems, as the translator Erika Cheetham points out, to be a rather dishonest retro-diction partly because it seems the event it seems to be talking about occurred several years before the prophecy was published; and the other will be a failed prediction by any standard but demands up to 10 per cent correspondence between prediction and event.²⁴ It might be interesting to note that although the method employed by Nostradamus is different from the geomantic binary system of the *afa* type, his method will not be strange to Africans. (It is something an African could hear is employed by some seer or the other in his/her environment. Something close to what they see frequently in home videos in Nigeria, for instance.) His method seems also traceable to Africa, as Cheetham's comments indicate.²⁵ It should be obvious from the above information that intuitionism is rather ineffective when dealing with inanimate matter and its dynamics and this is because it explains consciousness and the dynamics of consciousness, including the intentional states of conscious beings whether they are aware of such states or not (in other words, it deals with conscious, subliminal conscious, subconscious states and related things/states). Before we turn to some evaluation of this cognitive orientation and methodology, including its implications for contemporary Africans, let us point out that the statement by McGee that *Ifa* is used to 'divine on all manner of events ranging from the occurrence in one's past, present, future life to environmental geological, and cosmic phenomena', is apparently baseless in respect of the last three sorts of phenomena.²⁶

EVALUATION OF KNOWLEDGE IN THE TRADITIONAL AFRICAN SOCIETY

From what we have seen in the sections above, Senghor is not entirely wrong in saying that Negro-African reasoning is intuitive by participation.²⁷ At the theoretical research level—and hence for the entire society—the ultimate basis of validating information is intuitive, requiring belief of some sort or the other, hence participation. But it would be wrong to say that Africans do not employ reason (analytical, discursive reason) or empirical sources in their search for knowledge. Africans extensively make use of these faculties at the folk-knowledge level and in various spheres of specialization. In fact, they seek to reduce the uncertainties of intuition by reason and a pragmatic view of truth. For instance, the African frequently consults more than one *dibia*—three or five, for instance—when determining the incarnate soul in a child—*Igba-agu*); when all the *dibias* consulted (who usually operate independent of each other) come to the same result, the African feels more certain of their diagnosis, predictions, etc. In addition, if things do not turn out as expected, the *dibia(s)* is taken as a charlatan. So, although both the *dibia* and his client do not have knowledge by acquaintance of the things predicted, etc., most of the time, when things turn out the way they are expected to turn out, their belief is vindicated—this is some sort of pragmatic conception of truth in which both the *afa* process, words, theory and the knowledge it spews are vindicated (are true) because they work.

Further, Europeans cannot be properly characterized as Senghor does as a people whose reasoning is 'analytical, discursive by utilization'.²⁸ This is because, even the paradigm form of this type of reasoning, science and western philosophy, make use of the intuition in generating conjectures at all levels. Most cognitive methodologies, as said earlier, make use of all three sources of knowledge; the difference lies in what is chosen as the ultimate source of validation—with philosophy and science the products of intuition (the conjectures)—are subject to critical evaluation and experimentation, reason and the senses in order to determine their truth value.

In the African *afa* system, a rigorous rational and empirical procedure is followed to arrive at information that is intuitively gained and validated.

It should also be pointed out here that western philosophy and science were founded on the epistemic outlook of the Judeo-Christian religion, i.e. the epistemic outlook first decreed by Moses for which reason we may call it the Mosaic epistemic outlook. Moses prohibited all forms of divination, allowing only revelation from God and dealings with God. People within this religious culture had to struggle hard to gain knowledge via reason and the senses—and hence the development of science and the rationalistic turn of western philosophy. Now, it is not that pre-Christian Europe did not have rationalist philosophers. There were such philosophers from Xenophanes onwards who attacked the entrenched intuitionist epistemic outlook. Such philosophers, however, remained isolated and frequently persecuted people, who in no way changed the dominant intuitionist epistemic outlook of Europe. The overthrow of the epistemic outlook of Europe had to wait until Christianity became the dominant religion—and it was only after this that science could emerge out of the demystification of mathematics and empirical observation. However, the Judeo-Christian religion itself depends on revelation—a form of intuition.

Another feature of the African system is its authoritarian character. Kwasi Wiredu pointed this out and he has been attacked severely for it.²⁹ But Wiredu is generally correct in this matter. The intuitionist method prevalent in Africa requires that people rely on the testimony and authority of *dibias* and oracular agents. Most people cannot by themselves operate the system by which knowledge is gained, they do not have the knowledge by acquaintance of the claims and they are not in a position to critique it; the *dibias* and oracular agents themselves have to depend on the authority of the oracle (they also do not have knowledge by acquaintance most of the time). Consequently, in this system, people are encouraged to believe on the testimony/authority of other people by acquaintance.

Given the above observation, one can begin to understand why science and technology are low in Africa: we are still in the throes of moving from an intuitionist epistemic outlook to a rationalistic one. This has serious implications for the development of science and technology for it seems that science cannot readily develop in Africa by merely teaching pupils science subjects in schools without generally

addressing the epistemic outlook within which they are socialized. To develop good science requires a commitment to the rationalistic process not only at the intellectual but also at the conative (volitional) and affective levels—this is important because creativity in science and technology and other cognitive and productive/organizational areas requires relentless focusing of the will on the envisaged goal(s). It is upon this so to say that the spontaneity of the creative art travels.³⁰

The intuitionist bias of the African epistemic outlook affects other areas of life greatly as could be seen in economic, political and cultural activities. Businessmen/women frequently make 'medicine' or *juju* to enhance their sales, for instance, instead of developing a novel marketing strategy; politicians do the same to win election and keep themselves in power, instead of endearing themselves to the people through service, etc. All these have enormous implications for Africa in the global world of today where the African has to compete with people in other continents on grounds of efficiency and productivity. Africans certainly have to speedily jettison the traditional intuitionist epistemic outlook which cannot provide them with the knowledge and power to control nature nor efficiency in adding value to raw materials, products and services, for a rationalistic one that will help them to these; whether such an outlook is borrowed from outside or developed in Africa. This is not to say that the intuitionist epistemic outlook should be thrown away entirely prejudicially. It should be examined and whatever is of value in it should be retained.

NOTES AND REFERENCES

1. K.R. Popper and J.C. Eccles, *The Self and Its Brain* (Berlin: Springer-Verlag, 1977), pp. 171–6.
2. Ibid.
3. Ibid.
4. M.A. Onwuejeogwu, *Afa Symbolism and Phenomenology in NRI Kingdom and Hegemony: An African Philosophy of Social Action* (Benin City: Ethiopie Publishing Corp., 1997), pp. 83–7. Hereafter referred to as *Afa Symbolism and Phenomenology*. Onwuejeogwu discusses this distinction extensively here.
5. B. Ezeliora, *Traditional Medicine in Amesi* (Enugu: Cecta, Nigeria Ltd., 1994), p. 42. See also M.A. Onwuejeogwu, *Ibid.*, p. 12.

6. M.A. Onwuejeogwu, *Ibid.*, p. 13; W. Abimbola *IFA Divination Poetry* (New York: NOK Publishers, Ltd., 1977), p. 12.
7. W. Abimbola, *Ibid.*, p. V.
8. M.A. Onwuejeogwu, *op. cit.*, p. 39.
9. G.T. Basden, *Among the Ibos of Nigeria* (University Publishing Co., 1983), p. 27.
10. M.A. Onwuejeogwu, *op. cit.*, p. 23.
11. M.A. Onwuejeogwu, *Afa Symbolism and Phenomenology*, p. 27.
12. *Ibid.*, p. 64.
13. *Ibid.*, p. 42.
14. A.E. Afigbo, *Ropes of Sand* (Ibadan: University Press Ltd., 1981), p. 9.
15. A. Emmanuel, *Odun Ifa (Ifa Festival)* (Lagos: Wet African Book Publishers Ltd., 2000), pp. 82–96.
16. M.A. Onwuejeogwu, *Afa Symbolism and Phenomenology*, pp. 45–72.
17. *Ibid.*, p. 122.
18. *Ibid.*, p. 51.
19. *Ibid.*, p. 12.
20. *Ibid.*, p. 57.
21. *Ibid.*, p. 62.
22. Abimbola, *op. cit.*, p. 9.
23. See Wande Abimbola, *IFA Divination Poetry*; A. Emmanuel, *Odun Ifa*; C.O. Ibie 'Ifism—The Complete Works of Orunmila' Vol. I (1986) Design Printing Co., Ltd., Hong Kong. Vol. II (1992) Efehi Ltd., Lagos. Vol. III (1992) Abiola Bookshop Press Ltd., Lagos. Vol. IV (1993) Efehi Ltd., Lagos. Vol. V (1993) Efehi Ltd., Lagos.
24. The two prophecies and Cheetham's comments are taken from *The Prophecies of Nostradamus*, translated, edited and interpreted by Erika Cheetham (London: Corgi Edition—Transworld Publishers Ltd., 1975). They are as follows:

Century IX, Quatrain 9 (IX. 9); pages 397–8:

When the lamp burning with eternal fire will be found in the temple of the Vestals. A child found (in the) fire water passing through the sieve, Nîmes to perish in water, the markets will fall in Toulouse.

1557

Nostradamus may have cheated on this verse because in 1557 the most enormous cloudburst occurred over Nîmes (popularly held to be the side of a Temple of Diana, tended by the Vestal Virgins). The water was over six feet deep in some places and many of the beautiful monuments were uncovered. But nothing remarkable occurred in Toulouse around that time.

Century III, Quatrain 70 (III. 70); page 169:

Great Britain, including England will be covered by very deep floods. The new league in Ausonne will make war so that they will ally against them.

Great Britain 1604–7

A very interesting quatrain. England did not become Great Britain until the unification of the English and Scottish thrones under James I. He assumed the title of King of Great Britain on 24th October 1604. In January 1607 there were great floods recorded around Bristol and in Somerset, the country being covered for an area of approximately ten leagues, or thirty miles. The last two lines then refer to the renewal of the Holy League in 1606, Ausonia standing for Italy.

Note Century I, Quatrain 70 (I. 70) page 59:

Rain, famine and war will not cease in Persia; too great a trust will betray the monarch. Those (actions) started in France will end there, a secret sign for one to be sparing.

1979 Exile of Shah Through Ayatollah Khomeini

This is an amazing quatrain by any standards. Politicians could not have conceived of it in 1978, yet alone 1568. The Monarch, the Shah of Persia, now Iran, will lose his grip on his kingdom partly through rain, famine and war. But as Nostradamus states the war was started in France, in Paris, in fact, where the Ayatollah Khomeini remained plotting his downfall. The secret sign for one to be sparing is difficult to interpret but certainly the Ayatollah's regime is extremely Spartan in its concept.

(It will appear, on the surface, that Nostradamus successfully predicted a natural physical event, rain, here however, lack (or to little rain) of rain can be readily deduced from a human condition famine. Did he mean too much rain that destroyed crops and animals leading to famine (in which case, this will be a successful prediction of a natural physical event) or the rather more likely inadequate rain, which is deducible from the human condition, famine? I am yet to determine this conclusively by further investigation.)

25. *Ibid.*

Century I, Quatrain 1 (I. 1); page 20:

Sitting alone at night in secret study; it is placed on the brass tripod. A slight flame comes out of the emptiness and makes successful that which should not be believed in vain.

Divination

Both this and the following quatrain describe Nostradamus' method of divination, they are not predictions. Nostradamus used the methods of the 4th Century neo-Platonist Iamblichus, a reprint of whose book *De Mysteriis Egyptorum* was published at Lyons in 1547 and almost certainly read by Nostradamus. It may well have been the source of his experiments with prophecy, for soon afterwards his Almanacs started to appear.

All the ingredients for magical practices are in this quatrain. It is night. Nostradamus is alone in his study reading the secret forbidden books which inspire his prophecies; the brass tripod is a method used by Iamblichus—on it was placed a bowl of water into which the seer gazed until the water became cloudy and pictures of the future were revealed. Flambe exigüe is the light of inspiration which seizes Nostradamus as he begins to prophesy.
(There is obviously an unmistakable connection to Egypt and Africa here.)

Century I, Quatrain 2 (1. 2); pages 20–21:

The wand in the hand is placed in the middle of the tripod's legs. With water he sprinkles both the hem of his garment and his foot. A voice, fear; he trembles in his robes. Divine splendour; the god sits nearby.

Divination

Nostradamus continues to explain his method. He touches the middle of the tripod with his wand, and then moistens his robe and his feet with the water placed on it. This is the same method as was used to obtain inspiration by the Apollonian prophetess at the Oracle of Branchus in classical times. Nostradamus is afraid of the power he evokes when it comes to him; he hears it, as well as sees it; it appears to speak to him and he writes down the prophecies. He is unafraid once the gift has possessed him. This dual aspect of his vision is most important when interpreting the centuries.

(Many African scholars, most notably Cheikh Anta Diop, have pointed to Egyptian influence on classical Greek thought and practices.)

26. A.Q. McGee, 'Some Mathematical Observations on IFA' in *Journal of Cultures and Ideas*, Vol. I, No. 1, December 1983, p. 95.
27. L.S. Senghor, 'A Prerequisite: Cultural Independence' in Gideon-Cyrus M. Mutiso and S.W. Rohio (eds.) *Reading in African Political Thought* (London: Heinemann Educational Books Ltd., 1975), p. 592.
28. Ibid.
29. See O. Oladipo, *Philosophy and the African Experience: The Contributions of Kwesi Wiredu* (Ibadan: Hope Publications, 1996), pp. 46–50.
30. J.G. Bennett, *Creative Thinking* (Sherborne, England: Combe Springs Press, 1965), pp. 1–18.

DISCUSSION AND COMMENTS

Copernicus Betrayed

I

I shall try to show in a general way (i) that Kant's Copernican Revolution has been betrayed, among others, by Kant himself, (ii) perverted by logical constructionists, and (iii) that its fundamental aim is yet to be realized. (iv) Finally, I shall try to indicate the lines along which it may be realized.

II

Kant rejects the assumption that our cognition must conform to objects, for he thinks this assumption is responsible for the sterility of all hitherto existing systems of *a priori* metaphysics, and intends to make an experiment with the reverse assumption that objects must conform to our cognition, and not vice versa; he hopes thereby to achieve a major breakthrough. He likens his proposed experiment to what Copernicus did in his explanation of the celestial movements. When the latter realized the assumption that the celestial bodies revolve round the spectator will not pay, he started working with the reverse assumption, i.e. the spectator revolves and the celestial bodies are at rest. If the intuition must conform to the nature of objects, Kant wonders how we could possibly know anything of them *a priori*, and if, *per contra*, the object conforms to the nature of the human faculty of intuition, we could easily conceive the possibility of such *a priori* knowledge. But the conformity of the object to intuition by itself is not sufficient to remove Kant's doubt. To be regarded as cognition, intuition must refer to the object and determine the latter by the former. Now if it is assumed in this connection that the conceptions, which are necessary to make the said determination possible, conform to the objects, then, Kant argues, we will be repeating the 'pre-Copernican' blunder. Under this situation the only assumption that he felt justified to share is: objects (i.e. experience) conform to conceptions. Experience

itself is presumed to be a mode of cognition and the possibility of the objects being given *a priori* presupposes 'laws of understanding which are expressed in conceptions *a priori*'. Kant concludes confidently, 'to these conceptions all the objects of experience must necessarily conform'.

Had Kant been a bit less self-confident and more self-critical, he would have seen that the necessary conformity of the objects to conceptions is pre-established. If the objective experience is defined in the very terms of conformity to intuitions and conceptions, there is nothing surprising in the necessary and universal (i.e. *a priori*) harmony between intuition and conception, on the one hand, and the objects, on the other. Since objects cannot be anything other than what these are allowed to be by the forms of intuition and conceptions, there is no special reason for jubilation over the 'revolutionary discovery' that Nature knows no accident in it. This only shows that the Copernican Revolution was bloodless indeed. And the debt of blood had to be paid by the thinkers of the later generations.

Kant was right in insisting that Reason must interrogate Nature like a judge 'who compels the witnesses to reply to those questions which he himself thinks fit to propose', but wrong in presuming (a) that whenever Nature does not directly answer his questions is of no use in understanding Nature and (b) that most of his questions themselves depend upon, or are influenced by, the answers which Nature returns to Reason. Reason might err both in formulating its questions and in understanding the implications of the answers returned by Nature. Of Galileo, Torricelli and Stahl, Kant says that 'they learned that reason only perceives that which produces after its own design'. But he did not adequately realize the important truth that scientists also learn from what baffles their designs. And he was definitely wrong in believing that reason seeks for and requires only what can be united under one or other necessary law and has nothing to do with 'accidental' observations made according to no preconceived plan. One must remember that Nature can dispose much of what we propose. Nature is not exactly what understanding takes it to be. To talk of making Nature possible (by understanding) is, perhaps, presumptuous.

When I say all this, I do not intend to detract in the least from the underlying greatness of the Copernican Revolution. My only complaint is that the deep humanism which underlay and inspired the Revolution has remained by and large unrealized. And for this, Kant himself is to be held primarily responsible. Of course, others followed him in different ways later on.

What Man is and has, is not entirely due to Nature. And Kant rightly realized that Man must not be understood in terms of Nature. He is also right in holding that what Man can know (Epistemology), should do (Ethics), and hope (Religion) are all determined finally by what he is (Anthropology). To *human* reason Kant gives the pride of place—the central position—'in' the world. In Kant's system, the position of human Reason is *above* the world and not *in* it and is not a part of it. Kant would endorse Pope's thesis that 'the proper study of mankind is man', but he is concerned only with human Reason and not Existence as a whole.

Even those who argue that Kant's main concern was practical (and not pure) Reason may be reminded that even there, he was indifferent to everything irrational, however human that might be. Let us look into the issue a little more closely. Man, according to Kant, is essentially rational. Much depends upon what we mean by *essentially*. For everything irrational may be ignored on the plea that it is not *really* human. The function of the term *really* thus becomes analogous to that of the term *essentially*. (This explains, at least in part, the language-philosopher's concern with the use of words and also the existentialist's impatience over the essentialist's retreat in the face of all genuine problems.) It has to be admitted that Kant was not an essentialist in any ordinary sense, and this is patent in his eagerness to contain metaphysics within the bounds of experience. His main difficulties were elsewhere.

Unlike his other two great predecessors—Descartes and Leibnitz—Kant was not a scientist on his own. It is true that he had first-hand knowledge of science and mathematics, but he was greatly impressed, perhaps overwhelmed, by Newtonian physics. And it did not occur to him at all that one might question and overthrow it one day. So as a philosopher he felt that his main task was to answer the question: How does scientific knowledge become unquestionable? In fact, Kant was

the continuer of Locke's under-labourer concept of philosophy. And his famous question, 'How are synthetic judgements *a priori* possible (in Physics)?' is nothing but a technical re-phrasing of the simple question above. Kant was quite confident that synthetic and judgements *a priori* are possible in Physics. This confidence, one alleges, is uncritical, and one wonders how the critical philosopher could start philosophizing from such an uncritical presupposition and reconcile himself with the rather timid task of justifying (and not criticizing) this presupposition.

Secondly, Kant presumed that like natural experience moral experience is also universal and necessary, i.e. objective, and that its objectivity consists in its conformity to, or accordance with, certain Law(s). The morality of an action, according to Kant, is determined neither by the desires and purposes of the doer nor by its consequences. The alleged irrelevance of the doer's desires and purposes in determining the moral worth of this or that doer's action makes one wonder if Kant's ethical inquiry was concerned with historical human beings of flesh and blood or with an imaginary Rational Man who alone 'can will that his maxim should become a universal law'. It is true that Kant makes allowance for human desires and feelings, but only to the extent that these are consistent with, and do not try to influence, the Moral Law. This demand for consistency with (an anti-historical) Moral Law designed by (non-human) autonomous will of (an imaginary) Rational Man is unfair to the facts of life and seems to be inspired by an impatience over the fallible nature of human beings. It is true that Kant admitted the finiteness of man and the necessity of placing him under a command. The unhistorical character of the Kantian command suggests that the command under which the finite man is to be placed is not of his own making. Kant was candid enough to admit that he hates anthropologism (i.e. relativism) in morals, for it might open the floodgates of scepticism. But this admission does little good to the reputation of Kant who made the bold claim that Hume had roused him from dogmatic slumber and that he was the first (anthropo-centric) Copernican Revolutionary. Anthropo-centricity in philosophy (of science) and denunciation of anthropologism in morals can go together only under the assumption that the Ideal Anthropos did not, does not,

and will not exist historically. Historical existence implies uniqueness of the historical (person) and this is what Kant precisely intends to deny him in the fear that it might feed his hedonic ego and lead him to glorify his personal likes and dislikes as ethical principles.

I would not say that Kant was entirely wrong in his fear; perhaps he was not, but what I disapprove of him is that he was not ready to take the risk—the risk involved in allowing the historical person to decide for himself in his own social milieu what is to be done and how, to fight for his own decisions, and to change them, if necessary, in the light of experience and judgement. As in Kant's system 'the light of experience' (both natural and moral) is necessarily pre-judged, the Rational Man can and does never come across any light unthought-of-before and from which he has to learn anything. It is only in this artificially closed texture of experience that the possibility of every new experience is ruled out *a priori*. And it is in terms of this very *a priori* ruling that the scope of *possible experience* is defined or, one might say, sealed. That this definition or sealing of the border of possible experience is anthropo-centric is hardly comforting to historical persons who do not see in it anything peculiar. Kant's moral work is theoretically immaculate but practically poor, and is of little help to those who do need help. I am not for pragmatic vulgarization of ethics, nor am I for unhistorical and non-human divination of ethics just to keep it above the unclean touch of those who fall short of the model Rational Man. What man should do must depend upon, as Kant himself very rightly says, what he is. What he *should* do depends upon what he *can*, upon what he *is*. In other words, duty depends upon ability and ability upon existence.

Kant's betrayal of the Copernican Revolution is to be understood in terms of his theory of Man. His theory of Man is anti-historical. Kant's Rational Man is not ready to face the consequences of what he is. His Rational Man is Universal Man and not individuated by space and time. Kant expounds his theory of categorical imperative, having such a literally utopian Man in view. Whatever is 'imperative' for real human beings is 'conditioned' by his body, and by the social customs and tradition. His understanding intervenes in between his actions and the conditions of those actions. Man acts according to the logic of his

situation—the logic as he understands it. In his situation, besides his own time, place and ideas, other times, other places, other persons and their ideas also enter *via* his understanding (and *mis*understanding). No man is free enough to create his situation entirely on his own. Every man finds himself placed in a given situation. By his thought and action he can, of course, influence and, to that limited extent, create his situation. To be moral in the Kantian sense, one must be completely autonomous, i.e. a free creator of one's moral law and moral world. When the Rational Man acts entirely on his own, i.e. without being influenced by anything external to his reason, he acts objectively, i.e. on behalf of all rational beings and can will that the principle of his action should become universal law. Thus, the objectivity of the Moral Law is secured by allowing the Rational Man to be its author, and rationality is secured for Man by keeping him unhistorical and unsocial.

I do not deny that to organize our experience we do use *a priori* concepts. In fact, all significant experiences are conceptualized and this process of conceptualization is, I agree with Kant, spontaneous. Human experience is necessarily concept-oriented, but the outcome of this orientation cannot be definitely pre-viewed. In other words, the *a priori* concepts or principles that we employ in synthesizing and setting a limit to possible experience may turn out to be inadequate. We must remain prepared to anticipate unforeseen consequences of our factual knowledge. Synthetic judgements *a priori* are possible but, I would add, not necessarily valid.

This sounds strange to some modern disciples of Plato and Locke. The judgements which are synthetic and *a priori*, they argue, must be necessarily valid; if some supposed synthetic *a priori* judgements turn out to be 'invalid', it is to be presumed either that they were synthetic but not *a priori*, or that they were *a priori* merely in the sense of stipulation or convention but not synthetic. The faith underlying the argument is transparent: it is impossible that a necessary statement will not hold good in all cases (or worlds). This alleged impossibility of infirmation of any necessary statement in any possible world carries little conviction to the self-critical rationalist, for he points out, much to the chagrin of the essentialist, that since the very possibility of the worlds is defined by some fundamental synthetic *a priori* statements

or laws of thought from which all other (less fundamental) necessary statements are derivable, the confirmation of any of the latter, then, in any of those worlds is spurious. In order to determine the truth of the uninterpreted formula in some system, 'It is impossible both p and non-p', its constituent symbols have to be carefully interpreted first. Let us suppose 'p' stands for any 'proposition', and assign ordinary meanings to other expressions of the formula; the formula then expresses the principle of impossibility. But how to identify propositions? Either we have to identify them in some way other than the requirement that anything is a proposition which satisfies the formula, or we have to admit that there is no way of identifying at all. If we adopt the first alternative, we can never be empirically certain that the formula holds good for all propositions. For the evidence in support of the formula, which is somewhat like an empirical conjecture, is bound to be incomplete. If we adopt the second alternative and admit that anything is a proposition which satisfies the formula, the admission then is offered as an implicit definition of what a proposition is. The principle of impossibility becomes a necessary truth in that case only because nothing can be a proposition which does not conform to it. I can well imagine what will be the essentialist's rejoinder to this dilemmatic argument. He will say: necessary truths are intuitive, and are determinable neither empirically nor by implicit definition.

The essentialist's last contention, I agree, is irrefutable, but this irrefutability does not stand to his credit. It is irrefutable because of its systematic ambiguity. Such terms as *possibility* and *necessity* are *systematically* bedevilled by ambiguity. From this oversimplified discussion of synthetic *a priori* necessity, I draw one general lesson: synthetic *a priori* statements may be regarded as strictly necessary only under the assumptions: (i) that what is synthesized is created by the synthesizer; (ii) that the principles of synthesis and those of creation are essentially the same; and (iii) that the creator-synthesizer can commit no mistake. Kant's Rational Man is this creator-synthesizer, the perfect analogy of God on earth. He unifies everything that he can lay his hands upon, and *regulates* what he cannot *constitute*. But the totality of all that he constitutes and regulates, forms (rather seems to form) a unity for no other reason than that he (i.e. self) thinks so. Kant's

creator-regulator self is transformed into Hegel's creator-self—the former's critical Idealism into the latter's Absolute Idealism. But in either case, the self is free—free *from* everything irrational, and the complete rationality of its world as a whole is the inverted reflection of its own nature. In fairness to Kant it has to be admitted that to secure the secular dignity of Man he emphasizes the concept of freedom-*from* (from both what lies beyond him, i.e. God and Nature), while Hegel continues to be mainly concerned with the elaboration of the concept of freedom-*to* (to God). Kant seems to be keenly aware of the theoretical difficulties involved in fitting such transcendental concepts as God and the immortality of the soul into an otherwise critico-empirical framework. So the unity that he cannot achieve by theoretical reason is sought to be achieved by practical reason—by willing and hoping. That the desired unity of the difference between pure and practical reason cannot be so easily achieved was obvious to Kant. He concedes that 'all the ambitious attempts of (pure) reason to penetrate beyond the limits of experience end in disappointment', and yet comforts himself with the idea that 'there is still enough left to satisfy us in a practical point of view'.¹ Kant's intellectual sobriety is replaced by Hegel's robust optimism. Hegel finds much to his delight that there is (objective) reason of every act of human hoping and willing. Even the 'irrational' passions of man are said to be due to the Cunning of Reason. So where Kant stops, Hegel rushes. Kant is convinced that Man being what he is cannot completely resolve the theory-practice dualism, but Hegel asserts with his characteristic confidence: 'While the Theoretical and the Practical Idea each involves an ever unfulfilled endeavour—whether to explain the given exhaustively, or to transform it practically—the Absolute Idea surmounts both by the simple expedient of bringing them together, so that the provocation and compliance which the world yields to our practical endeavours, becomes also the last theoretical truth about it.'² What is to be noted is this: even Hegel is unable to unify theory and practice at the *human* level. Their dualism is surmounted only by the Absolute Idea. It is true that 'in theory' Kant relativized Man to his world, but 'in practice', having emphasized the concept of freedom-*from*, he enabled his (i.e. Man) to be independent of his world (both historical and natural) and thus to approximate the

'Absolute'. Pointing his finger to the concept of freedom-*to*, Hegel asserts with unwavering consistency that Man must pass through the successive stages of historical evolution and must realize some distinct (but essentially the same) spiritual truths in each of these stages only to be ushered, and ultimately to 'vanish', into the realm of the Absolute Spirit. Hegel is unmistakably a glorifier of God and of those who represent Him on the earth. Kant intends to uphold the dignity of Man and his freedom-*from* whatever is non-human or inhuman. Hegel's Man is sure to be redeemed by God, but the redemption of Kant's Man is secured for him by making him (rather making him believe that he is) free from the world wherein he is historically stationed.

NOTES AND REFERENCES

1. Immanuel Kant, *Critique of Pure Reason*, tr. Meiklejohn, Everyman's, p. 469.
2. J.N. Findlay, *Hegel: A Re-Examination*, Collier Paperback, p. 266.

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Kant's Copernican Revolution Revisited

This paper intends to address the question: Has Kant betrayed Copernicus? which has been raised by D.P. Chattopadhyaya in his classic paper 'Copernicus Betrayed'.¹ D.P. Chattopadhyaya has raised many pertinent questions regarding the achievements and failures of Kant's Copernican Revolution which need to be studied for a fresh evaluation of the Kantian transcendental project. The main contention of Chattopadhyaya's critique of Kant is that Kant has failed to take the revolution seriously so that he failed to make philosophy man-centric in the true sense of the term.

My aim in this essay is to point out that Kant has taken the right step towards making man the centre of the scientific and the moral universe, though he was not radical enough in making his rationalism

anthropological. Chattopadhyaya's radical proposals themselves are the result of the Copernican Revolution initiated by Kant. Anthropological Rationalism,² which is the philosophical thesis of Chattopadhyaya, is a continuation of the Kantian project.

I will further argue that the Kantian Copernican Revolution has been continued by many contemporary Western thinkers like Putnam whose Internal Realism is a direct descendant of Kant's transcendental philosophy.

I. COPERNICUS BETRAYED?: THE UNDERLYING ASSUMPTIONS OF KANT'S COPERNICAN REVOLUTION

What Kant calls the Copernican Revolution in philosophy is the new idea which he introduces into epistemology and metaphysics, namely that the world and its objects conform to the human mind, and not the other way round. This contains a radical departure from the pre-Kantian assumption that mind is a mirror of the world and that it makes no contribution to the world of which it is a mirror. Kant rejects this assumption on the ground that the human mind or reason makes a definite contribution to the world by way of organizing human experience of the world through its categories. The pre-Kantian notion that the world is independent of the mind and that it stands in its readymade form³ without any contribution of the mind is repugnant to Kant and the Kantians after him for the simple reason that no such world is ever knowable with certainty and that no *a priori* knowledge is possible of such a world. Kant wrote in the Preface to the Second Edition of the *Critique of Pure Reason* thus:

Hitherto it has been assumed that all our knowledge must conform to objects. But all attempts to extend our knowledge of objects by establishing something in regard to them *a priori*, by means of concepts, have, on this assumption, ended in failure. We must, therefore, make trial whether we may not have more success in the task of metaphysics, if we suppose that objects must conform to our knowledge. This would agree better with what is desired, namely, that it should be possible to have knowledge of objects *a priori*, determining something in regard to them prior to their being given.⁴

Here, Kant's objective is clear. He wants to turn the method of metaphysics around the knower, i.e. the human agent so that the knowing subject is the centre of the universe. The aim is to secure *a priori* knowledge of the world which is facilitated by the new method which makes the objects conform to knowledge and not the other way round. When objects conform to the knowing mind, they conform to the categories and the principles of the mind, but when the mind conforms to the objects, it fails to secure any certain knowledge. This is why metaphysics must tread a new path, namely the path laid down by Kant which consists in establishing *a priori* knowledge of the world. Kant further wrote:

We should then be proceeding precisely on the lines of Copernicus' primary hypothesis. Failing of satisfactory progress in explaining the movements of the heavenly bodies on the supposition that they revolved round the spectator, he tried whether he might not have better success if he made the spectator to revolve and the stars to remain at rest. A similar experiment can be tried in metaphysics, as regards the intuition of objects. If intuition must conform to the constitution of the objects, I do not see how we could know anything of the latter *a priori*; but if the object (as object of the senses), must conform to the constitution of our faculty of intuition, I have no difficulty in conceiving such a possibility.⁵

Kant's project is Copernican in the sense that just as Copernicus ushered in the heliocentric theory of the universe by making the spectator on the earth revolve round the Sun, so does Kant made the objective world revolve round the spectator or the cognitive agent, i.e. man. Kant's thesis is not exactly Copernican because he made man the centre of the universe, while Copernican made the sun the centre of the solar system. Even then, the spirit of Kant's revolution is Copernican as it makes a radical change in the very conception of the world. A man-centric world-view is founded by Kant on the basis of this change in our understanding of the world. The world is no more found in isolation from the human mind; the world is dependent on man for the very conceivability of itself. This is no mere change in method; it is a change in metaphysics. 'This experiment', Kant writes, 'succeeds as

well as could be desired, and promises to metaphysics, in its first part—the part that is occupied with those concepts *a priori* to which the corresponding objects, commensurate with them, can be given in experience—the secure path of a science.⁶ That is to say that Kant achieved something for metaphysics which can be compared with what Copernicus achieved in astronomy.

There are two important assumptions on which the Kantian Copernican Revolution is based. They are the following:

1. Epistemic dependence of the world on the human reason; and
2. Metaphysical supremacy of the knowing self vis-à-vis the world.

The epistemic dependence thesis is the widely acknowledged assumption attributed to Kant for the obvious reason that in the passages quoted above, Kant is singularly concerned with how the world conforms to the human mind. What, however, he is driving at is the metaphysical thesis of the supremacy of the human self over the world. Both these theses are crucial to Kant's transcendental project because both revise the Cartesian framework on which were founded the pre-Kantian epistemology and metaphysics. Kant's Copernican Revolution goes beyond the Cartesian framework because it not only subverts the Cartesian mind-matter dualism but also underlines the metaphysical primacy of the human subject or the 'I'. The ascendancy of man to the key position in Kant's metaphysics is itself a radical paradigm shift in Western metaphysics.

Chattopadhyaya's critique of Kant is a critique of both the theses enumerated above. He not only questions the epistemic dependence thesis because it fails to secure the genuine objectivity of the world, but also questions the metaphysical primacy of the knowing subject and the human reason. According to Chattopadhyaya, Kant fails to realize the fallibility of the human reason and its ineradicable historicity. This constitutes, according to him, the betrayal of the Copernican Revolution. Chattopadhyaya writes:

Kant's betrayal of the Copernican revolution is to be understood in terms of his theory of Man. His theory of Man is anti-historical. Kant's rational man is not ready to face the consequences of what he is. His Rational Man is Universal Man and not individuated by space and time.⁷

In a sense, this criticism is true since Kant is concerned with the human reason in its universal aspect and not in its historical aspect. He was less concerned with the historical man because of his own transcendental project. He was aware that both in scientific knowledge and morality, the historical reason would prove to be unequal to the task before it and so has to be superseded by a-historical and transcendental reason. Hence, the legitimacy of the Kantian theory of the universal man and the universal reason.

II. UNIVERSALITY AND NECESSITY: THE CORNER-STONE OF TRANSCENDENTAL PHILOSOPHY

Kant's transcendental philosophy aims at securing universality and necessity⁸ for our knowledge of the world. This is what makes his epistemology and metaphysics search for the transcendental and a-historical roots of human knowledge with the full conviction that only human reason can supply the *a priori* principles of knowledge unaided by sense-experience. Kant's search for synthetic *a priori* truths in science in general and in physical sciences and mathematics in particular is sufficiently underscored by the need for founding knowledge on the universal and necessary principles.

One of the tasks of transcendental epistemology is not only to demonstrate how the *a priori* principles operate in human knowledge but also to show that they are derived from the human reason itself. Kant's main question: How are synthetic *a priori* judgements possible? only takes care of the first task; namely, to demonstrate how they underlie the human knowledge system.⁹ But the main task is to show why human reason alone is the source of the *a priori* principles. Kant's assumption is that human reason—the pure speculative reason—is sufficiently equipped to provide these principles. His faith in reason is beyond all doubt because he is sure that sense-experience by itself cannot do the same as underlined by Hume in his critique of the principle of causality and induction.¹⁰

Kant demands universality and necessity as the criteria of *a priori* knowledge, for, according to him, *a priori* knowledge must be unlimitedly universal and also necessary so that it can vouch for the essential knowledge of the universe. As Kant says: 'Necessity and

strict universality are thus the criteria of *a priori* knowledge, and are inseparable from one another.¹¹ These two criteria justify why *a priori* principles and not empirical generalizations constitute the foundations of science. Kant defines universality in such a way that no knowledge can be universal unless it is applicable without exception to all cases or in all possible situations (worlds), e.g. truths of mathematics. Mathematics, for him, holds the model of knowledge which is universal in the strict sense, and hence follows its paradigmatic status in the system of *a priori* knowledge. Necessity follows universality since what is universal is also necessary in Kant's sense. A necessary truth holds good in all cases of its application, e.g. mathematical truths. In contrast to the contingent truths, the mathematical truths do not fail in any case, howsoever different the cases of application are.

The *a priori* truths which are universal and necessary are bound to be synthetic in Kant's sense because without being synthetic they cannot add to human knowledge. The touchstone of *a priori* knowledge, according to Kant, is the fact that it is concerning the world. This makes it synthetic. The synthetic *a priori* judgements are precisely of this character in the sense that they extend our knowledge, be it in mathematics or elsewhere. In the synthetic judgement, the predicate adds to the subject new contents and so the judgements have the possibility of being applied to the empirical world. However, what is significant is that syntheticity is not enough, the synthetic truths must be *a priori*, i.e. independent of experience. Kant writes:

In what follows, therefore, we shall understand by *a priori* knowledge, not knowledge independent of this or that experience, but knowledge absolutely independent of all experience. Opposed to it is empirical knowledge, which is knowledge possible only *a posteriori*, i.e. through experience. *A priori* modes of knowledge are entitled pure when there is no admixture of anything empirical.¹²

The problem with Kant is that he is in need of such *a priori* knowledge that can be distinguished from empirical knowledge and is yet applicable to the empirical world. Hence the example like 'Every alteration has its cause' best suits his programme. Such judgements are not only universal but also necessary. They are best suited to carry the programme of

obtaining the absolutely universal and necessary truths regarding the world. Besides, such truths are distinguished from the so-called analytic truths which are trivially true, i.e. true by definition. Kant steers clear of the analytic truths which abound in formal logic. He, therefore, lays the foundations of transcendental logic in which necessity and universality are defined as transcendental categories.

Kant's tilt toward the Newtonian physics as the model science of his time cannot be doubted. The Newtonian physics is the model science for those who accept the classical notion of space, time and causality. Kant could not have been free from this scientific legacy as it was the prevailing scientific world-view of the time. Kant's main objective might not have been to justify¹³ the Newtonian world-view as the sole objective of his philosophy, but rather to take it as an instantiation of his metaphysics of the world. His metaphysical model of the world is founded not on the Newtonian laws of the universe but on those *a priori* principles which are derived from pure reason. The *a priori* principles are not the Newtonian physical laws but those which are presupposed by such laws. Hence, we cannot blame Kant for accepting the Newtonian world-view as an exemplification of his metaphysics. The idea of a deterministic universe which is central to Kant's metaphysics is even admitted by the non-Newtonian scientific world-view, e.g. Einstein's relativistic world-picture. In other worlds, his metaphysics can be accepted even by those who are not strictly Newtonian. Thus, it can be suggested that Kant's metaphysics is neutral to the ongoing science of his time as well as any science of the classical type.¹⁴

Kant's philosophy is called transcendental precisely because it is interested only in the general principles of knowledge of the universe which are contributed *a priori* by the human reason. These general principles are the universal and the necessary presuppositions of all sciences and hence they constitute the absolute bedrock of all knowledge irrespective of any particular model of science. In this sense, Kant's transcendental programme is a metaphysical programme and is autonomous in character. He writes:

I entitle transcendental all knowledge which is occupied not so much with objects as with the mode of our knowledge of objects in so far

as this mode of knowledge is to be possible *a priori*. A system of such concepts might be entitled transcendental philosophy.¹⁵

Kant's metaphysics is the system of the *a priori* concepts and principles and so has to be rooted in the human reason. So there is no denying the fact that Kant is a rationalist and that he rejects empiricism and naturalism. His rationalism, however, is man-centric to a great extent than often realized. He does not abstract completely from the human world as man's reason is the most important cognitive faculty and without it the human being is no different from animals.

III. THE UNIVERSAL MAN AND THE UNIVERSAL REASON

It is noted by Chattopadhyaya¹⁶—and rightly so—that Kant's theory of man is at the root of the Copernican Revolution and that this revolution stands or falls with the theory of man. It is noteworthy that Kant holds the theory of the universal man as abstracted from the historical and the concrete man. Along with the theory of universal man, he holds the theory of universal and autonomous reason. This is a part of his universalistic transcendental programme.

So far as the idea of a universal man is concerned, this is a part of the western rationalistic tradition to develop a theory of man in the universal sense, that is, to talk about the universal nature of man. Kant owes this idea to his predecessors like Plato, Aristotle, Descartes and Leibnitz who believed that philosophy of man is a philosophy of the universal man. Of course, the universal man is not another individual man; all that the universal man stands for is the essential nature of man common to all human beings in the world. In this sense, Kant shares Plato's enthusiasm for talking about the universal nature of man. As a corollary, the theory of universal reason follows. Kant is committed to the availability of a theory of universal reason, both in the speculative and the moral spheres. The universal reason is the reason present or assumed to be present in all rational human beings. Kant's transcendental project demands the availability of a theory of universal reason on the ground that it is only the universal reason which can supply the *a priori* principles in science and morals.

Kant's theory of universal man signals the fact that man cannot be assimilated into the order of Nature because the latter is a deterministic system in which man's free will and rational nature cannot be included. Man stands above Nature on the ground that human nature transcends the nature order by way of bringing in the moral will and the Moral Law.¹⁷ The Moral Law brings in the cut between man and Nature since the former demands a trans-natural order for its own intelligibility. Nature is the system of the natural laws which behave deterministically in the realm of the natural order. Kant has great regard for Nature as it acts according to laws and is not a chaos. In fact, it is comparable to the human rational nature which acts according to the laws of reason and moral will.¹⁸ Kant is bound to raise man out of his naturalness and historicity, because that alone ensures the fact that there is a supernatural rational order which has laws of its own comparable to those of the natural order. This Man-Nature dualism is implicit in the Enlightenment framework within which Kant was thinking. In this framework abstraction from the historical man is inevitable because transcendence of the historical and the individual man is metaphysically necessary.

However, Kant does not find a conflict between the historical and a-historical man. The historical man is rooted in the natural world with all his fallibility and frailties. But that does not deter man from transcending his own nature and entering into the world of transcendental reason. Kant is for transcendence, not for the denunciation of the natural world and the natural man. That makes him seek a harmony between the natural world and the what he calls the world of intelligibility or the noumenal world.¹⁹ Both the phenomenal world and the noumenal world co-exist in the spirit of harmony in Kant's philosophy. The human self belongs to both the worlds. Kant writes:

In its intelligible character (though we can only have a general concept of that character) the same subject must be considered to be free from all influence of sensibility and from all determination through appearances. Inasmuch as it is noumenon, nothing happens in it; there can be no change requiring dynamical determination in time, and therefore no causal dependence upon appearances. Consequently, since natural necessity is to be met with only in the

sensible world, this active being must in its actions be independent of, and free from all such necessity.²⁰

Thus, there is a dual citizenship for the human being in the world of freedom and also in the world of necessity. The human being in the world of necessity is an individual and historical man but the man in the world of freedom is the universal man who pursues the life of morality.

Kant's consideration of the transcendental project both in epistemology and morality demands a universal reason with its capacity to rise above Nature. The cognitive reason called the speculative or pure reason is engaged in the determinations of the *a priori* laws which operate in the realm of Nature. The moral reason called the practical reason discovers the *a priori* laws of morality in the transcendental realm of the Moral Will. Thus, it is argued by Kant that there can be no knowledge of the *a priori* principles if there is no intervention of the universal reason both in its speculative and practical employment. He is metaphysically committed to the reality of the universal reason on the ground that the so-called historical reason rooted as it is in the natural order cannot do this job. The historical reason which is fallible and pinned down to the world of empirical laws cannot account for the *a priori* laws of the scientific and the moral reason. How can the reason bogged down in the details of the empirical world be able to do justice the *a priori* laws? Kant realizes this more than Hume who denied the universal reason altogether. There is no surprise, therefore, in his espousal of the self-transcending reason as the universal reason.

Kant does not de-recognize the historical reason in its ordinary pre-reflective functions of organizing thoughts with its fallible character. But he is interested in the reflective functions of reason in the ascending higher orders of knowledge. According to him, the understanding with its categories and principles organizes our knowledge of the world based on the empirical intuitions or the sense manifold. But this organization of the scientific knowledge of the world is not enough; there is a higher order function of reason which provides Ideas to systematize the scientific knowledge itself. These Ideas are the regulative principles which give unity to human knowledge in general. 'Just as the understanding unifies the manifold in the object by means of

concepts, so reason unifies the manifold of concepts by means of ideas, positing a certain collective unity as the goal of the activities of the understanding, which otherwise are concerned solely with distributive unity.²¹ Reason in its higher functions is bound to be detached from the ongoing activities of the ordinary historical reason. Hence there is the talk of the universal and autonomous reason, but not at the expense of the historical and individual reason. The universal reason complements the historical reason as they exist in an unbreakable harmony.

IV. REASON, HISTORY AND TRUTH

Kant's a-historical conception of the reason has led to a series of consequences, both negative and positive in the history of western philosophy. The negative consequences include the impoverishment of reason itself by excluding its historical and human roots,²² as pointed out by Chattopadhyaya. This has led to the dilution of the human character of reason and its lack of opportunity of playing an active role in the history of mankind. Positively, Kant's theory of man has led to the emergence of the unbiased, impartial and impersonal reason in the history of mankind as a defender of objective truth, as claimed by Hilary Putnam.²³

Reason and history stand apart in Kant's philosophy for the reason that while the former talks of *a priori* truths, the later is concerned with what is contingent, passing and phenomenal. History is the system of events and facts which are the things that happen in time. This realm of historical existence is subject to laws of history which are at best contingent and fallible. The laws of the Nature are as contingent as the laws of history. Hence, there is a demand that reason must transcend Nature and history to arrive at the universal and necessary truths. Kant has followed Leibnitz in searching for the necessary truths in the realm of our knowledge of the world by appealing to the 'Light of Reason'.²⁴ His argument is that the truths of reason which are universal and necessary cannot be discovered in Nature and history for obvious reasons, namely that they are not part of the natural and the historical order. Thus, Kant comes to the conclusion that the critique of reason must discover the necessary truths from within reason itself. This makes

him introduce the universal and autonomous reason as the source of the laws of logic, knowledge and morality. These laws have their origin in the reason itself though they apply to Nature and history.

This method of deriving the eternal and universal laws from the reason itself has been re-emphasized by Husserl²⁵ in his essentialist and transcendental phenomenology. Husserl's attempt is to study the essences in the realm of transcendental consciousness by way of bracketing the natural and the historical order and keeping it out of the realm of philosophical thought. The method of bracketing the natural standpoint is to disconnect the natural order out of serious philosophical reflection so that human reason itself discovers its own essential laws out of its transcendental functions. He follows Kant in recognizing the autonomy of the realm of reason and transcendental consciousness with the sole objective of establishing the Platonic realm of necessary truths.²⁶

Husserl, like Kant, has recognized that the truths of reason are not antagonistic to the truths of history and Nature for the eternal truths themselves are embedded in the subjectivity which is in the world. Reason does not disconnect the transcendental subject from the world. That is why he admits the human life-world²⁷ as the repository of the eternal truths. This makes room for the co-existence and the harmony between the realm of the transcendental consciousness and reason, on the one hand, and the realm of the natural existence, on the other. In J.N. Mohanty's words:

... the very idea of history (as history of ideal meanings) contains a reference to the ideality and so to the a-historical, so does temporality contain reference to the 'standing', unchanging structure of the living present in which the streaming flux is constituted.²⁸

Here, what is pointed out is that the historical and the a-historical come together in the projection of the transcendental into the historical and the historical into the transcendental.

In this context, the idea of truth can be introduced in order to suggest how time and the trans-temporal can be harnessed in the same concept. Truth stands for the standard of valuation of thoughts and judgements in the context of language, scientific as well as non-scientific. It stands

for an ideal value of thought and judgement. One can ask here: Is truth historical or temporal, or is it transcendental? As a value truth is known to have a history as Putnam²⁹ points out, since the value evolves through time and history. The conception of truth is not always the same; it is involved in the valuational consciousness of mankind. But, at the same time, truth transcends time because it makes judgements true or false from a standpoint outside time and history. Truth is the limit of all epistemic valuations such that judgements are true or false in science and elsewhere to maximize their acceptability and justification.³⁰ Daya Krishna, in this context, argues that truth is both temporal and non-temporal. He writes:

Time and transcendence both are intimately related not only to truth, but also to other values which man seeks, and many problems arise because we forget the one or the other when we are thinking about them. Time and everything that is within time and involves time make no sense without transcendence, just as transcendence makes little sense, at least in the human context, unless it is related to time, as the two constitute the human world in their togetherness, providing it that 'wholeness' which it would otherwise lack if thought of in terms of either one of them alone.³¹

Daya Krishna, thus, brings both time and transcendence together in the nexus of the human world under the banner of truth and other values. This solves the problem of truth both as transcendent and immanent in the human language and history. Time is not an enemy³² of truth as Daya Krishna points out, since it provides a foothold to it in the process of history.

V. THE POSSIBILITY OF TRANSCENDENTAL PHILOSOPHY

Kant's transcendental philosophy stands vindicated in view of the ongoing debate as to whether truth can be transcendent at all. It was Kant who had introduced the idea that truth has both a temporal and a trans-temporal face. He had introduced the idea that truth of our knowledge of the world is itself not an empirical matter and that no empirical experience as such can decide whether there is truth at all or not. Truth is an idea of human reason in the sense that reason alone

introduces truth into our discourse. However, the particular truths are matters of empirical experience since through experience truth is disclosed. Truth in the ideal and universal sense is transcendental and not historical.

Kant's major initiative was to make truth wear 'a human face'³³ in view of the fact that he had realized the futility of searching for truth beyond the limits of human knowledge. He came to realize that the so-called metaphysical truths which are generally placed in the domain beyond sense-experience are unable to be recognized as truth by man because they have no relation to the world which is domesticated by us through our categories. The world is the domain where truth can be claimed and recognized and, if necessary, can be revised. This is the historical aspect of truth. Truth also has a transcendental aspect in view of the fact that truth goes beyond any particular situation or historical episode. It is a universal feature of thoughts in general. Kant recognized this possibility in a more forceful way than his predecessors.

For Kant, truth is both immanent and transcendent. It is immanent in the sense that it pervades the whole space of the cognitive enterprise of man. True knowledge is not correspondence with reality *per se*, but with that which is phenomenally given to us. Thus truth is not independent of what we can know. It is the immanent property of all that we know and can know. But at the same time, truth transcends the particular knowledge-system which embodies truth. It is a universal and trans-systemic property of knowledge. Kant's synthetic *a priori* propositions are paradigms of true propositions for the reason that they have necessity and universality in them. Ideal truths, therefore, have to be universal and necessary in contrast to the purely contingent truths given in empirical experience.

Hilary Putnam holds that Kant's concept of truth cannot be called realist in the classical sense because it is not truth as correspondence as such; it is a realist notion with a difference. Truth is internal to the cognitive reason of man. It is the cognitive reason which makes truth manifest in knowledge. Putnam writes:

... a piece of knowledge (i.e. a 'true statement') is a statement that a rational being would accept on sufficient experience of the kind that it is actually possible for beings with our nature to have. 'Truth'

in any other sense is inaccessible to us and inconceivable by us. *Truth is ultimate goodness of fit.*³⁴

In Putnam's sense, as well as in Kant's, truth is internal and is rationally justifiable since only a rational being can hold any statement as true given the ideal conditions of knowledge.

The internality of truth to human reason does not deny its transcendental character because it is only within a transcendental philosophy that truth can be assigned to the domain of reason rather than to that of the sense experience. Putnam presupposes a transcendental philosophy of some sort to make a distinction between the externalist and the internalist notions of truth. The externalist notion belongs to the metaphysical realist framework, but the internalist notion belongs to that of the internal realist³⁵ framework. The metaphysical realist picture of the world which Putnam, following Kant, rejects, is described as follows:

On this perspective, the world consists of some fixed totality of mind-independent objects. There is exactly one true and complete description of the 'way the world is'. Truth involves some sort of correspondence relation between words or thought-signs and external things and sets of things. I shall call this perspective the externalist perspective, because its favourite point of view is a God's Eye point of view.³⁶

The metaphysical realist accepts the God's Eye point of view for presenting its world-picture. Putnam, like Kant, has rejected it for the obvious reason that this world-picture eliminates the human element altogether. Ruling out the human observer from the world-scene makes this world-picture incomplete. The internalist picture rules out the God's Eye View of the world. According to it:

There is no God's Eye point of view that we can know or imagine: there are only the various points of view of actual persons reflecting various interests and purposes that their descriptions and theories subserve.³⁷

Thus we have seen how Putnam's internal realism pushes forward Kant's point of view in a new fashion without offending the transcendental perspective.

The transcendental perspective underlines the need of viewing reality from a human standpoint in the Kantian sense. The human subjectivity is a key player in this framework. The transcendental perspective allows for the centrality of the human being in the world-picture. Therefore, Kant can be said to have given this world-picture a 'human face' in Putnam's sense. Putnam is no less an admirer of the Kantian transcendental perspective with the necessary revisions made within it.³⁸ The pragmatic revisions made within it by him are, however, counterbalanced by his adherence to the rationalist criteria of truth tucked into it. Putnam's Kantian adherence to truth and objectivity within the human rational framework cannot be doubted.

VI. RELATIVISM AND REALISM 'WITH A HUMAN FACE'

Kant and the later Kantians like Putnam and Chattopadhyaya agree that relativism in its banal form is not an option open to the anthropological (human) rationalists. Relativism which allows 'anything goes' in semantics and metaphysics cannot hold good because truth and reality can be understood only within a rationally acceptable framework. The rationally acceptable framework has the features of universality and necessity which cannot be accounted for by any relativist. Putnam writes:

Internalism is not a facile relativism that says 'Anything goes'. Denying that it makes sense to ask whether our concepts 'match' something totally uncontaminated by conceptualization is one thing; but to hold that every conceptual system is therefore just as good as every other would be something else.³⁹

Relativism in this crude form is definitely not acceptable to Putnam or to anybody for that matter since it does not allow any rational discussion to take place on any matter. However, relativism has something important to say, namely that there is no absolutely valid description of the world and that multiple descriptions are possible. As Putnam would say, "Objects" do not exist independently of conceptual

schemes.⁴⁰ That is to say, there is already conceptual relativity operating in our ontological and epistemological beliefs. We cannot avoid relativism at some level. At least we cannot avoid questioning the God's Eye View of the world as both Putnam and Chattopadhyaya emphasize.

Unlimited or global relativism is as unwarranted as global absolutism which threatens the very fabric of human knowledge. Chattopadhyaya questions the God's Eye View as undermining the fallible nature of human knowledge by claiming unbridled absolutism of all forms for our knowledge claims. That is why he claims that all absolutist pretensions of the human reason have to be negated to make room for the fallible and fragile nature of the human or anthropological reason.⁴¹ Chattopadhyaya does not reject relativism except the one which assumes the global form, as he endorses the view that human knowledge is relative to culture and society in more than one way. Knowledge is radically human-centric, as he rightly points out.

Relativism and realism go together because though there is relativism in the epistemological sense, there is realism in the ontological sense provided we do not press for absolute realism or what Putnam calls metaphysical realism. Metaphysical realism is definitely not acceptable to the Kantians because it claims that we can know the world in itself in a God-like manner. First of all, such a God's Eye View is not granted to the human beings because we are fallible and limited in our capacity. Secondly, we are limited in space and time and are situated in the world, so we cannot claim autonomy in our knowledge of the world. The Kantians have reasons to be dissatisfied with the philosophical tradition which in order to refute scepticism goes to the extent of claiming infallibility and absolute certainty for human knowledge.

Relativism is compatible with empirical realism in Kant's framework; it is, however, an antidote to the transcendental realism which is the non-Kantian form of realism. Transcendental realism postulates the 'noumenon' or the thing as it is in Kant's language and also claims knowledge of the same in the absolute sense. Kant argues that the noumenon, even if ontologically real, cannot be known by the human cognitive faculty. It is another matter that Kant allows for its practical

knowledge in the realm of morality. The later Kantians have rejected the Kantian noumenon but have kept the notion of phenomenon for the sake of the empirical realism they have retained. Putnam accepts the phenomenon as the object within our conceptual scheme and admits no object in itself beyond it. Thus, he keeps alive realism without going beyond our conceptual scheme. Internal realism of Putnam is the Kantian legacy of empirical realism of the phenomenal world given within our conceptual scheme.

Chattopadhyaya admits the relativity of our knowledge claims to the human self in the way Kant admits such humanization of knowledge with the difference that there is a transcendental subjectivity in the latter's framework. The anthropological rationalism of Chattopadhyaya does not disown the possibility of the transcendental framework because human reason always transcends its own situatedness more often than not. Besides, the human reason does not assimilate itself to Nature as the naturalists demand. Reason has the elements of transcendence as it aspires for universality of its own within the recognized limits. Therefore anthropological rationalism does not degenerate into relativism and scepticism in its crude form.⁴²

VII. TWO VIEWS ON RATIONALISM

Does rationalism always need a transcendental framework? That is, does reason need be transcendental? Putnam and Chattopadhyaya have shown that reason need not be overtly transcendental at the cost of being human. They have shown the way to humanize reason and bring it back from its lofty heights to the actual world. Reason is enworlded by them, that is, planted in the human soil. But the fact remains that reason cannot be naturalized completely in the sense that it cannot be made into a natural entity in the world of natural objects. Kant, therefore, insists on the fact that reason is above Nature and so has to be placed in an autonomous order of its own. Reason and the human subjectivity are bound to be trans-natural, according to Kant. His effort, therefore, has been to bring out the transcendental aspect of reason, though he is aware that reason is basically human with all its frailties. The transcendental turn taken by Kant is not against the human character of the human reason.

Let us discuss the limits of the Kantian turn towards autonomous reason. As Chattopadhyaya points out, the autonomous reason fails because it is cut off from the human plane and so does not take into account the basically human rootedness⁴³ of our thought and experience. This is right so far it goes, but it does not resolve the paradox which reason itself faces in its humanized form. Putnam⁴⁴ has drawn our attention to the paradoxes which reason faces in its endeavour to comprehend itself and the world. Reason has to go beyond its human and natural form in order to comprehend itself. This requires reason to go beyond its natural functions.

What is called transcendental reason is precisely the reason in its reflective functions, that is, in its reflective functions over its own first-order functions. The second-order functions of reason are those that matter to its self-examination and the exploration of its own limits. Kant's critique of reason is precisely the method of interrogating reason by reason itself and thus fixing its own strength and weakness.⁴⁵ Thus there is scope for reason to critically analyze its own structure and limits. This would not be possible if reason is not transcendental in character. If reason would have been a part of Nature, it could not have questioned Nature itself, which the transcendental reason does. Kant writes:

... reason has insight only into that which it produces after a plan of its own, and that it must not allow itself to be kept, as it were, in nature's leading-strings, but must itself show the way with the principles of judgement based on fixed laws, constraining nature to give answer to questions of reason's own determining.⁴⁶

This suggests that reason is above Nature so far as reason's functions are concerning questioning the Nature itself.

Rationalism is of two kinds, namely, the immanent and the transcendent. In immanent rationalism we are asked to see reason from within the human framework, that is, from within the culture and the social habits of the human community. In this sense, reason not only constitutes the bed-rock of culture but also supplies the overall standards of right and good life. Reason is the source of culture itself including science and technology. Chattopadhyaya writes:

Rationality of whatever man does or thinks is to be gathered from his life-world, lived world. This life-world, though free, is neither firm nor fixed. Like our relatively free nature, relative to our body-mind complex and the culturally given world, the rationality which we can discover for ourselves and plausibly communicate to others is most likely to be historical and culture-sensitive.⁴⁷

Transcendent rationality, on the other hand, admits all this and yet goes beyond this in search of trans-cultural standards of truth and other values. These values, though embedded in all cultures, are not relative to these cultures; they rise above all cultures. Reason always tends to be a-historical in order to judge history itself. But this is only a metaphysical tendency which cannot be eliminated altogether, though it can be curbed. Reason tends to posit the absolute ideas in order to bring greater coherence into our knowledge of the world. Reason's global pursuits cannot be called chimerical since they represent the highest cognitive perfection.

VIII. KANT VINDICATED

The changes which have taken place in philosophy in the post-Kantian period have vindicated Kant and his Copernican Revolution since the transcendental turn unique to that revolution is still alive in some form or other. There is still the claim that it is the human reason that shapes the agenda of philosophy and that understanding reason itself is the biggest pursuit of philosophy. Kant's tilt towards the primacy of thought and reason in the affairs of man have increasingly found favour in the writings of the Kantian as well as the non-Kantian philosophers.

The Copernican Revolution has achieved the following which have permanent value in philosophy:

1. Human subjectivity is the key-stone of the metaphysical world-view which encompasses the universe.
2. Human reason or mind is the active principle in the universe which is intimately connected with the 'making' of the universe in the sense of making the latter understandable. Reason alone can grasp the mystery of the universe which has a rational order in itself.

3. The world that we know is no other than how we describe it is our conceptual scheme. The world's ultimate structure is not yet not known, though man is constantly making an attempt to understand it.
4. Man is a free rational agent engaged in the serious business of making life more meaningful by virtue of rational improvement of life in all spheres. Man's reason is not fettered by Nature.
5. The freedom of man lies in the way he can liberate himself more and more from the burden of history by raising himself above history. Though man is basically historical in nature, he has a foot in the transcendental world of freedom.

The developments in recent philosophy championing some or all of the above vindicate Kant's Copernican Revolution. The idealistic tendency in the metaphysical thinking of the twentieth century is a vindication of Kant's man-centric philosophy.

NOTES AND REFERENCES

1. D.P. Chattopadhyaya, 'Copernicus Betrayed' in *Individuals and Worlds: Essays in Anthropological Rationalism* (Oxford University Press, Delhi, 1976), pp. 39-67.
2. D.P. Chattopadhyaya, 'Prospects of Anthropological Rationalism' in *Individuals and Worlds: Essays in Anthropological Rationalism*, pp. 68-83.
3. This is the way Hilary Putnam characterizes the pre-Kantian notion of the world. See his *Reason, Truth and History* (Cambridge University Press, Cambridge, 1981).
4. Kant, *The Critique of Pure Reason*, trans. N.K. Smith (Macmillan, London, 1929), p. 22.
5. *Ibid.*, p. 22.
6. *Ibid.*, p. 23.
7. D.P. Chattopadhyaya, 'Copernicus Betrayed' in *Individuals and Worlds*, p. 43.
8. Cf. Kant, *The Critique of Pure Reason*, Introduction.
9. *Ibid.*
10. See Hume, *A Treatise of Human Nature*, ed. L.A. Selby-Bigge (Clarendon Press, Oxford, 1888; Reprinted 1955).
11. Kant, *op. cit.*, p. 44.
12. *Ibid.*, p. 43.

13. Cf. S. Korner, *Kant* (Penguin Books, 1955).
14. P.F. Strawson, *The Bounds of Sense: An Essay on Kant's Critique of Pure Reason* (Methuen, London, 1966).
15. Kant, op. cit., p. 59.
16. D.P. Chattopadhyaya, 'Copernicus Betrayed' in *Individuals and Worlds*, pp. 39–67.
17. See Kant, *The Groundwork of the Metaphysics of Morals*, trans. H.J. Paton (Hutchinson, London, 1949).
18. Ibid.
19. Kant, op. cit.
20. Ibid., p. 469.
21. Ibid., p. 533.
22. Cf. D.P. Chattopadhyaya, op. cit.
23. See H. Putnam, *Reason, Truth and History* (Cambridge University Press, Cambridge, 1981).
24. See Leibnitz, *Monadology*.
25. Edmund Husserl, *Ideas: General Introduction to Pure Phenomenology*, trans. W.R. Boyce Gibson (Allen and Unwin, London and Macmillan, New York, 1931).
26. Ibid.
27. See Husserl, *The Crisis of European Science and Transcendental Phenomenology*, trans. David Carr (Northwestern University Press, Evanston, 1970).
28. J.N. Mohanty, 'The Critique of Historicism' in *History, Culture and Truth*, eds. Daya Krishna and K.S. Murti (Kalki Prakash, New Delhi, 1999).
29. H. Putnam, *Realism with a Human Face*, ed. James Conant (Harvard University Press, Cambridge, Mass., 1990).
30. Ibid.
31. Daya Krishna, 'Time, Truth and Transcendence' in *History, Culture and Truth* (eds.) Daya Krishna and K.S. Murti, p. 336.
32. Ibid., p. 323.
33. See Kant, op. cit., for the notion of truth as relative to human understanding. See also Putnam, *Realism with a Human Face* for a similar notion.
34. Putnam, *Reason, Truth and History*, p. 64.
35. Ibid.
36. Ibid., p. 49.
37. Ibid., p. 50.
38. See Curtis Brown, 'Internal Realism: Transcendental Idealism?' *Midwest Studies in Philosophy*, XII (Realism and Antirealism) eds. Peter A. French, T.E. Uehling Jr. and Howard K. Wettstein (University of Minnesota Press, Minneapolis, 1988), pp. 147–54.

39. Ibid., p. 54.
40. Ibid., p. 52.
41. Cf. D.P. Chattopadhyaya, *Individuals and Worlds*.
42. Ibid.
43. Ibid.
44. Cf. Putnam, *Realism with a Human Face*.
45. See Kant, op. cit., Second Préface.
46. Ibid., p. 20.
47. D.P. Chattopadhyaya, 'Rationality: Transparent, Cultural and Transcendental' in *Philosophy of Science, Phenomenology and Other Essays* (ICPR, New Delhi, 2003), p. 237.

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Professor B.K. Agarwala's Lethal Hermeneutic Strategy

PITTING KANT AGAINST KANT

I shall show why the hermeneutic strategy adopted by Professor Agarwala (2002–03) does not work, leaving the other issue as to what extent this would attest to his scholarship on Kant to others, much of which occupies more than one hundred twenty pages of the *Journal* and is taken up promptly for replies to peer reviews. In a review, Professor Bhatnagar (2002–03) has put his finger squarely at certain flaws in the hermeneutic strategy but alas, he left it to his 'final word'. As I do not adore this type of scholarship, I shall not split hair with him except on the major piece in which he authenticates his hermeneutic practice. When I took up cudgels in his initial debut on Professor Daya, on the issue of transcendental deduction, his defence was not as straightforward as one wished it to be, but it confirms my original impression that the so-called Kant scholarship shoots but ends with a whimper. The message of *On Flagging Kant* (2003) is that had we studied Kant we would have an enriched diet. The expected riposte is that we have our own richness. Now it is clear that he cannot defend

'any of his position' without bringing in various extraneous grounds for upholding a totally unwarranted reading of Kant. I call it as totally unwarranted because this can serve no useful purpose for any one. The various other considerations lead him to a consequence of voluminous production which can be turned to nought by a good peer review by raising only a few questions. I shall have more questions left to ask later.

Now, it is this practice that has inevitably yielded a *new* conclusion which proves that Kant has 'laid the foundation to man's technological domination of the world' in the style of a modernist (48). Why should Agarwala grant this privilege to Kant? He grants this in order to 'deduce' an antinomy to the effect that 'Kant has destroyed the basis of (social) control of technology' (62). This is a spurious caricature of Kant in which what Kant gives as a 'foundation' with one hand but takes it back with the other. He cannot transgress the limits of a *homo-faber* state. Agarwala's ultimate aim is to demonstrate that the so-called Kantian architectonic has created a *techne* with which it is not poised to have any moral control. His *techne* subscribes to *a priori* (rule-abiding) marking the 'divine' in each of us (elsewhere he calls it as 'very strange and absurd', 21) and his *Agere* is Platonic and cannot recover the Aristotelian-Thomistic mode of action. By what stretch of imagination one may hold that only if the above things happen, his *First Critique* has the relevant justification, and that he would like it be called hermeneutics? He suspects that there must be a hiatus in his *text* between the pure and practical reason, though it may be granted that he has used it in the inclusive sense. His practical reason will turn out to be a tissue of lies if he is not able to provide one such. He cannot do so because his philosophizing stops with the *First Critique*. If he stops, he cannot go beyond; if he goes beyond, he cannot get out of it. Kant is trapped in a philosophical vacuum. This is what he means by taking in the larger context (Pure, Practical, Judgement level) only to pronounce a final verdict on Kant's alleged shortcoming. This is probably the gist with which I am not centrally concerned because this will raise questions about the relation between pure and practical reason upon which he will harangue again.

When I charged him with doing *Sutra-Bhasya*-style of hermeneutics (SBH), he attacked me (he called it as 'fantasizing' while acknowledging

my 'erudite comments' on line one: his hermeneutic circle does not work in my case because it thus prevents him from entering into a dialogue with Kant and others) saying that Indian scholarship is worth the salt (if so, I too have that much Indian salt in me irrespective of whether my write-up pertains to east or west). I am afraid if he claims that *only* Indian scholarship about India is. This is what is revealed in his text: he wants to bring down the whole of his architectonic in one go. This is nothing but a paroxysm of labour with a quixotic adventurism. My fear about SBH hermeneutics is that though it generates a hierarchy creating hermeneutic ripples, and ends up with either a regress or relativism, it wants to preserve the sanctity of the original text. But Agarwala also does exactly the same but he is also a different cup of tea *a propos* Kant. If you read between the lines, it is no hermeneutics but a *lethal attack* on the basic credentials of Kant as a philosopher using a brand of hermeneutics (the likeness of which is nowhere evident) as a launch-pad.

On Agarwala's showing, since there is no obvious control of technology, Kant's critical philosophy is 'unsystematic' (54–55). So, Kant is mistaken about the (very) object of philosophical activity and hence when he is philosophizing he is indulging in 'involuntary activity' (70) which is 'particular ignorance' in Aristotle's sense which sustains 'piety and pardon'. Strange that Agarwala can bring in Greek authorities to prove ignorance of others. How could thinking hard on issues by involuntary if can be triggered off by what he calls 'advance 'determinateness' (71) or by the 'idea of divine understanding' (73) will be disputed by all sane students on Kant. Kant's basic canard is to accept a fixed and abiding self (he italicizes; whenever he italicizes my remarks, it means that he sends a hermeneutic missile to put me to rest) or calling it as substance. These readings could be sustainable only by writers on Kant today whose intention is not on the substantial part of the architectonic. If any body thinks that such queries are not cheap, then he must read Kant more. From this, in the final run, he moves on further so as to connect the platonic action (moral action) with production. This is not hermeneutics, but only a gloss.

Agarwala is making himself incapable of making the *text* coherent because of the above pre-conceived ideas. In fact, an apparent rancour

is artificially created between reason (pure) and *techne* (practical) with an obvious intention to make it a target which cannot be overcome and *a fortiori* Kant has damaged or 'destroyed' the nice foundation which he doodles with one hand. Even the discussion of the idea of *Agere* is quite inconsequential, and hence useless for any student of Kant. Further on, his reading of Greek's life of reason holds that it has something in common as *theoria* but not an end of making *techne* and hence what is moral for Greeks is only theory in the inclusive sense, but no moral for Kant. Since it cannot accommodate any principle of morality and it is thrown to the winds, it follows, therefore, that Kant destroyed the basis of control of technology (62). Had he given a control then that would have been enough to restore the balance of the *text*. This is actually the crux but concealed under his parody of interpretation. Elsewhere he glosses it as 'brief hermeneutic study'.

THE HERMENEUTIC FAÇADE

On the whole, there is a three-pronged veiled criticism as seen in the way he straddles between a lethal critique and interpretation (1) as shown by his popping up unwarranted questions (2) for which his hermeneutics is a façade (3). His declared policy of what he calls the 'hermeneutic circle' lies along the following lines:

1. Default text: Note a 'discrepancy' in the text irrespective of its coherence or not.
2. Surgical Mode: Make an 'incision' (surgical) to make an entry into text.
3. Rectification: Read it better than the author.
4. Better the Unification, Better the text: Make it 'reveal its intention' and make it coherent.

The thrust (1) to (4) makes is obviously unsound: we can show the discrepancy is not really a discrepancy. No idea of incision let alone surgical. We can accept (3) but not in the way he gives. The 'intentional and revealed meaning' of the text in (4) is as much a myth as the authorless *apauruseya* is, because he never succeeds to make anything coherent by this. Such word-of-god doctrines smacks of plain lies having no parallel anywhere. As far as I know texts cannot have any

intentional stance. What follows, therefore, is that the whole enterprise has a questionable intent.

Professor Bhatnagar has indeed given him a chance to tell us what a default text is, in which context he defends his position by citing the 'threefold synthesis' of Kant (185), and here he supports his argument from the quote on imagination which can never be set right for the simple reason we know little about what Kant calls 'imagination' (on par with God, immortality, freedom, transcendental unity of apperception) except as a synthesizing faculty. We can reject him on that count. If so, how to make an incision in the text? What Kant says on this is rife with obscurity. Is there a way to distinguish imagination as Kant has made it and imagination as such (we have no idea even today), or as what Agarwala makes? Probably yes. He avows: An effect of transformation of ancient *techne* into modern technology through the faculty of imagination (67). The idea of transformation holds the entire key for him; elsewhere he chuckles: 'the transformation of *phronesis* into modern morality is inversion-perversion' (2004). The hermeneutic goes a step further in morals. Agarwala worries whether Kant would have produced a metaphysics of *art* as science on the model of metaphysics of *nature* as science. So, to this extent, Kant is a defaulter. Wherever he makes a defence of views such as the above, he stands on no strong grounds. Professor Bhatnagar noticed the lethality but was overcome by his apparent defence (see Section 2). Plainly, he does not agree on the last two lines of the above formulation. Against this, Agarwala tries to secure his Gadamerian line of support under the guise to deal with the larger intentions.

Let us begin with first example of default text in Agarwala's initial distinction between 'what is described by a philosopher/what a philosopher describes' and the 'philosopher's description of it' that is supposed to generate a discrepancy (181 reply to Professor Bhatnagar). Later, he identifies this as the discrepancy between 'form' and 'content' of the text. What exactly he means by the difference is not so much clear, but surely the latter distinction does not even roughly correspond to the above. Notice the ambiguity of the above is supported by a long quotation from Kant as the first proof of his hermeneutic shake-up. All scholars of Kant must be invited to see what this has to do with the

actual distinction Kant makes in that very quotation as between the 'science as described by its founders' and the 'science as described by Kant's *vernunft*'. Kant's domain lies in the latter and not in the former. Bhatnagar is inclined to agree, but Agarwala does not. Such an ambiguity can be glossed but for what follows from this is sophistry. What more clarity does one require here, as claimed by Agarwala, to read him better than the author? So, the strategy can work if they are termed as the discrepancy between the distinction between the 'founder's description' (correspondingly, the historical knowledge) and 'Kant's own description' (correspondingly rational knowledge) which is not what he does but he uses instead of the two phrases I have given, something like the above which are *literally non-distinct*. Kant's message is that we know science from the historical base, but that cannot give us rational knowledge about the very enterprise from the point of view of *vernunft*. So the description we aim is different.

The ambiguity emerges as a blunder in the full passage in what he tells about the distinction between historical and rational, after the quotes, and after flatly denying that Kant's project is 'the systematization or the organic nature of the body of knowledge', he then swears that the thinker with merely historical knowledge may (*also*) have received a systematized knowledge with all proofs and explanations' (bracket and text added for emphasis).

And after *conflating* in this manner which has its source in Kant, on his reading, in the quote, where he italicizes, he then goes on to talk about the 'sources from which this can also be *criticism*, nay, even the *rejection* of what has been learnt' which is modified to read so as to offer the justification for the streak of hermeneutic task thus:

'... but whether the thinker (sic) is in a position to make a distinction between the body of received description and what it is a description of, so that starting from the thing described, one is in a position to *defend* or *criticize* the description received' (183). Thus *rejection* in the previous (Kant's) quotation is unloaded to make room for conflation.

The point is that he cannot criticize the latter unless the conflation is submerged. But Agarwala lays his emphasis on the criticism, not in

Kant's sense which is 'limits of science'. For Kant, a thinker who has systematic knowledge is still to be distinguished from one who has merely historical knowledge. What justification is there for Agarwala to conflate in the first part, while there is a clearly-marked distinction, before producing the last interrogative clause: can he defend or criticize the description (so) received (?) (183). Why should he counterpose that which is already conflated? Now he wants to tell us that the first must be criticized. He is right but for the wrong reasons. He quotes out of context from Kant (passage which makes remarks about Wolff) to the effect that he has complete historical knowledge but he cannot produce out of reason (*vernunft*) which stands for the evidence of the aforesaid distinction that cannot be conflated. In no way this stands in support of Agarwala's brand of hermeneutics. This is what that serves as a sop to him to attack what Kant has tried to reject with his own project in his *First Critique*. So the contours of his questioning such as 'What exactly Kant is up to in this?' require the above *lethal* strategy.

Swiftly Agarwala passes to the more crucial second distinction from another quote that distinguishes the 'negative' from the 'positive' from the quotation. There he conflates the idea of the impossibility of the practical reason and the possibility of it sensing no conflict. Agarwala comments: '... he is limiting the domain of the speculative reason in the *First Critique* so as to remove the obstacle in the way of morality' (48). How can Kant be supposed to 'limit' so as to remove the obstacle? If he wants to remove the 'obstacle', he should call it positive and the limit itself is to be called as the negative that acts as a constraint. He at once comments saying that knowledge thus should make room for faith quoting Kant. Knowledge is negative, and faith is positive. Can Kant agree or is it consistent? Is *CPR* a treatise on faith rather than knowledge? In what sense does he read him better? He still thinks he can because he can read the relation between the *First* and *Second Critique* as depicting no conflict. He conflates them throughout which is yet another major lacuna in his reading of Kant. He misreads. The best strategy for him is to look at the controversy between the priority between these critiques and plot his position. I have offered to give suggestion in my own way as to how to make sense of the proof structure in the light of some leading interpretations but he pooh-

poohed that idea. Honestly I feel that he should read the basics once again before advertising such hermeneutics. Hermeneutics or not, Kant is Kant, whether one accepts or rejects him.

The impetus for the paper is derived from the following question: Why should Kant, after all, be expected to lay the foundations of technological domination over the world when his project is limited to the foundations of science which embodies the scientific domination of nature? It could be extended to technology only when the proper warrant is attested to; that is, one argues that if this is applied to the extension of science (application to) technology, then such and such would be the result (Heideggerian). That might be the unintentional consequence of his work. Agarwala has been misled by the term 'nature', which stands for the study of nature that is science, but he broadens its scope so as to cover science-technology nexus. What exactly is the hermeneutic gain in this? The very theme thus has a questionable intent and nobody can think that his strategy works.

Agarwala wonders whether the ultimate end of his quest is one or it has other subordinate ends doubting whether the ultimate connotes one, two (subjective/objective universal/particular) or three (freedom, immortality and god), ends mixing up the all the three *Critiques* where he comes to talk about the corresponding distinction between nature and morals. So he avers that the talk of ultimate end is wrong (54). We can give him the benefit of doubt in this. But not when he raises bogeys as found in these queries: 'What is philosophical knowledge?' 'What is philosophy called?' only to claim that they remain unanswered. (54). He is overtly lethal because if this is literally true then Kant is no philosopher. Poor Kant, he has made the quest as his quest for science and answered it in his *Critique*. The question about its adequacy is however left open. Probably his expectation is that he should answer the question about the whole of Nature. In his sense this means the environment ('titular lord of nature') and the scientific study of nature and not merely the world, but includes *techne*. He wants to broaden it so as to make it a convenient target. This is where he wants to term Kant's quest as 'unsystematic' (55) after pointing out that the real hermeneutic move is to call attention to the three ideals of Reason instead of one. The single ultimate end of man is identified as a

Noumenon. Why should he take for a hermeneutic task when this is acknowledgeably an obscurity. We have no knowledge of noumena. He sceptically poses the question on p. 71: 'what exactly is the significance of denial of knowledge in this sphere?'

Agarwala cannot pursue this but Kant can be shown to straddle between one and three. Ask the question whether he can make any transit. No, commit him to flames. This is then his bulwark to be taken up later as a kind of parity between subjectivity and objectivity in a sort of camouflage argument that demands a link. On p. 56, there is a missing premise: Kant had a (past) history on which he should have appealed. Since he has not, he opens a new hermeneutic avenue *in lieu of* being just wrong by *Modus Tollens*. He asks: Is Kant suffering from the camouflage of previous ages? He proceeds to tell us how this proves to be too costly for Kant especially on the distinction between skill (*techne*) and morals.

THE PLOT OF AGERE

Starting with Socrates, Plato, and Aristotle, Agarwala moves on to Aquinas and then returns once again to Kant. There is an obvious distinction between morality and *techne* (model of ethics for Sophists). Kant may be an ally, he slyly suggests. Leave Plato for the moment. For Aristotle, the distinction is between *phronesis* and 'making': they are mutually exclusive. This is the same as the distinction between life of reason (not identical with *techne*) in common that is an end in itself and 'making' which has an end other than itself, because that leads to art. For Aquinas, the distinction is between *Agere* (doing) that is not recognized by Kant and *Facere* (art) that is recognised by him. The former is action abiding in the agent. Kant missed the bus because that is what is needed for his task. Kant does not know how to select his tools. He should have taken *Agere*, but then he cannot assign it to reason. So he faces a *dilemma*. What kind of thing 'reason' is when he wants to take it to moral practical but finally put freewill under technically-practical or *Theoria*. His answer is that skill is to be confined to pure reason that cannot be extended but stretched to morality. He asks why should skill be not part of practical to secure the necessary foundations? (59). Kant would have looked better in this garb. But the

way he made Theory to be at the service of *techne* (59) going against the Greeks for whom theory is not *techne*. Thus, Kant's foundations become flawed. For Greeks, life of reason is *theoria* (highest point of *Nous*) and not an end of itself but making *techne* needs an end other than itself but it is a moral. Kant destroyed the foundations. The lethality is not extirpated but exercised again in Plato. Kant has to recover the Greeks to make his foundation to execute the job for which it is meant. His avowed Platonian recovery seals the above strategy.

The flaw is noticed in the way he makes metaphysics as science (For Kant metaphysics is to be founded on science) 'to effect the transformation of *techne* into modern technology', in which he fails. If he wants to be coherent, Agarwala intercepts to ask, why not Kant choose to lay down the foundations of metaphysics of art as a science instead of metaphysics of nature as science. Here is the nub. He puts a gloss by saying that Kant has 'analytically transformed' it into technical reason. On his view, such a move may be termed as euphemism. So, the question may be posed in a stronger form: unless the above shift is granted, for Agarwala, the following argument stares us at our face:

Kant has a Critique of Pure Reason

Therefore, he does not have a critique of technical reason.

So this is how Kant's whole project is slumped, because the conclusion will not follow from premises. *Pari passu*, for other critiques as well. Kant is finished.

Agarwala rounds it off by saying with reference to the larger hermeneutic task that Kant is suffering from the camouflage of the previous ages.

THE CAMOUFLAGE ARGUMENT

There is a central argument which I shall call as a Camouflage Argument which starts to look at the central nerve of the hermeneutic strategy as lying in certain parity between subject and the object. My observation is that if we grant the viability of this then we can grant the viability of any other argument Agarwala uses this in the whole corpus. My conclusion is that the camouflage argument does not work at all. It cannot work for what can be called the parity principle. The parity is

between subject and the object. Had it ever been the way of making the text to churn out the real intentional content of Kant, then by all standards Kant would have been understood as stopping with uniting the rationalists and empiricists. The point is that he integrated them into whole. His project can never be identified with either one of them. I shall unfold Agarwala's argument:

1. Subject is camouflaged in transcendentalism;
2. The object is camouflaged in noumena;
3. Both are noumena, or else there should be a link between phenomena and noumena (35); and
4. Hence both are unknowable like nature and freedom.

Why does Kant need the preparatory constitution of subject/object dichotomy in *CPR* just to prepare man for the technology of production (31)?

CONCLUSION

One need not be a Gadamer or a Heidegger to hermeneuticize a project so as to abuse the basics Kant has taught us. One should not bring the Devil's advocate to give what is originally due to him.

NOTES AND REFERENCES

- B.K. Agarwala, 'Laying Foundations for Modern Technology' in *JICPR*, 2003, pp. 47-82.
- B.K. Agarwala, 'Constitution of Subjectivity of Self and Objectivity of Nature: A Brief Hermeneutical Study of Kant's *CPR*' in *JICPR*, 2003, pp. 1-42.
- B.K. Agarwala, 'A Reply to RSB's Essay' in *JICPR*, 2003, pp. 179-200.
- R.S. Bhatnagar, 'On BKA Response to DK's Essay on Kant Categories' in *JICPR*, 2002, pp. 137-47.
- R.S. Bhatnagar, 'Reaction to Comments Made by BKA on My Essay' in *JICPR*, 2003, pp. 176-179.
- A. Kanthamani, 'On Flagging Kant' in *JICPR*, 2003, pp. 193-200.

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Agenda for Research

The fact that there are different *samhitās* of the Yajurveda, the Sāmaveda and the Atharvaveda has not been seen as questioning the fundamental 'unity' of the Veda itself. There can be no 'unity' if the foundational *Samhitā texts* themselves are different and, if so, one has to find the differences between these different texts of the three Vedas which we have at present with us.

The question whether these differences are important or of little significance can only be determined *after* a close examination of the text itself.

The similarities and differences that may emerge from the examination of these texts would reveal the commonality, or the central core from which the *Samhitās* may be said to have developed in different directions.

The idea of the 'original' or the 'Ur-texts' of these three Vedas has been there, but any reconstruction of this can only be possible if similarities and differences are articulated as clearly as possible.

The problem perhaps is far more complex as the Yajurveda with its centrality for the performance of Vedic sacrifices is itself divided into two major branches, the *śukla* and the *Kṛṣṇa*, each having different, independent *Samhitās* of its own.

The understanding of the Vedic Corpus, therefore, demands that such a preliminary exercise be undertaken in respect of the texts that are available at present.

Once this preliminary exercise is done, the way would be open for more significant and deeper questions in respect of the Vedic Corpus, including not only the *Samhitās*, the *Brāhmaṇas*, the *Āraṇyakas* and the *Upaniṣads*, but also the *Śrauta*, the *Grahya* and the *Dharma Sūtras*, the *Nirukta*, the *Śikṣā*, the *Chandas*, the *Prātiśākhya*, texts dealing with the understanding of each of the different Vedas themselves.

The issue of war has seldom been a centre of attention in philosophical thought anywhere in the world, even though *The Gita* in the Indian tradition starts with it and the problem it poses. The work of Levinas focusses attention on this issue and suggests that no thinking about 'values' can be honest if it does not take it into account. Warfare questions almost all the values that man strives to seek in order to make his life worth living. He opens his discussion with the startling statement 'Everyone will readily agree that it is of the highest importance to know whether we are not duped by morality'.

Moral values are questioned in life by everybody and those who try to be moral are considered fools by others who prosper by wilful denial of all values in their life.

War brings this issue to a head and forces one to make a radical distinction between the 'we' and 'they' in which the 'other' is not seen as a human being and, thus, has no 'rights' which derive from that very fact. In the *Mahābhārata* Yudhiṣṭhira, the son of Dharma explicitly says that there are situations where to do *dharma* becomes *adharma* and where *adharma* becomes one's *dharma*. Levinas asks 'Does not lucidity, the mind's openness upon the true, consist in catching sight of the permanent possibility of war?' The state of war suspends morality; it divests the eternal institutions and obligations of their eternity and rescinds *ad-interim* the unconditional imperatives. In advance, its shadow falls over the actions of men. War is not only one of the ordeals the greatest of which morality lives; it renders 'morality derisory' at the beginning of his work entitled 'Totality and Infinity', Tr. by Alphonso Lingis, published by Duquesne University Press, Pittsburgh, Pennsylvania, 2002.

The work needs serious attention as it brings out the question of politics and ethics in the centre of attention, particularly in the current context of systematically planned and organized terrorism in different parts of the world by 'convinced idealists' on the one hand and others

who, at least, *prima facie*, do not seem to believe in any values whatsoever as they do not distinguish between guilty and innocent in the orgy of violence and the two combined in the war perpetuated by America in the contemporary world in defiance of the collective will of the UN and the world.

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Notes and Queries

There is no effect without a cause and an effect, in the *Sāṃkhya*'s theory of *Satkārya*, preexists in its cause in an unmanifested form. An effect is nothing but the manifestation of that which preexists in the cause in an unmanifested form.

Keeping in view the creation and the dissolution of the world by *prakṛti*, *Sāṃkhya* has given the theory of *Satkārya*. But we find two level effects in *Sāṃkhya*: at one level, disturbance of the harmonious state of the *prakṛti* and another level, creation of evolutes from the *prakṛti*. Now, the question is—what is the cause of disturbance of the *prakṛti*'s equilibrium without which there is no possibility of creation?

Sāṃkhya accepts the presence of *puruṣa* as the cause of disturbance of the harmony of *Gunās* that is *prakṛti*. Disturbing harmony of *prakṛti* is not a capacity of *akartā-puruṣa* and a cause, in *Sāṃkhya*, is a cause only when it produces some effect. How can the disturbance of harmony of *prakṛti* as an effect be interpreted? Is it not an effect?

Presence of *puruṣa* is eternal and the issue of what is disturbed in eternal *prakṛti* arises only after the creation of *mahat*.

Keeping all the similes given in the books of *Sāṃkhya* and challenged later on by *Bādarāyaṇa* in his aphorism aside, it can be said that the presence of *puruṣa* like the presence of the sun that activates life in the world, disturbs the harmony of *prakṛti* but this will, perhaps, not be acceptable to *Sāṃkhya* for the reason that independence of *prakṛti* is endangered in that case.

If *Sāṃkhya* has to explain the relation between the presence of *puruṣa* and disturbance of the harmony of *prakṛti*, it is bound either to give up its theory of causation or to make contradictory statements or to accept two different theories of causation—one for explaining the effects of the *prakṛti* and another for interpreting the effect of disturbance of the harmony of *prakṛti*.

It may be said that the theory of causation is specific to the explanation of the creation of those created and all that is there in the world are products of which the *prakṛti* is the ultimate cause. But such a view

does not lessen the genuineness of the situation in which the *prakṛti* cannot create if its harmonious state is not disturbed. Is there no cause of the disturbance? Can disturbance of harmony as an effect be interpreted from the *Sāṃkhyan* theory of *Satkārya*?

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REVIEW ARTICLE

State-of-the-Art in Cognitive Science: *Analytic Philosophy of Neuroscience: Can Neurobiology Throw Light on Cit or Pure Subjectivity?*

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'The starting point for acknowledging human nature is a sheer awe and humility in the face of the staggering complexity of its source, the brain. Organized by the three billion bases of our genome and shaped by hundreds of millions of years of evolution, the brain is a network of unimaginable intricacy; a hundred billion of neurons linked by a hundred trillion connections, woven into a convoluted three-dimensional architecture.'

(Stephen Pinker in *The Blank Slate*, p. 197)

THE CHALLENGE TO *CIT*

The greatest challenge to the Indian conception of *Cit* comes from the recent developments in cognitive science, especially in neuroscience, which squarely addresses itself to the question of the neurobiological basis of subjectivity. If what neurobiology says is true, then the claim to pure subjectivity can never be sustained. Recent evidences on brain research raise the question how an integrated self-centric image is generated from the various functions of the brain and, thus, an answer to the 'problem of binding' is now on the table. According to Damasio and Damasio, a comprehensive neurobiological explanation is now possible in the form of 'cognitive neural-self'.¹ The cognitive neural-

self is an image that arises out of the polymodal activity of the collection of neurons that is continually renewed (neither Atman-Self or Anatman-Stream-of-consciousness) but a kind of third-party disposition (called 'third-party ensemble') that occurs first at the non-verbal narrative level before reaching a narrative level ('second-order narrative'). Brain states lie on the continuum to the body states that is to be called 'mind-brain continuum'.² For all these body-states, especially emotions, provide the necessary scaffolding. We have somato-sensory markers (*soma* means body and bodily emotions), that are modelled on the pattern of the sensori-motor coordination (mind *plus* motor activity of the body), provide the necessary anchorage for our subjectivity. There is, therefore, a somato-sensory marker hypothesis for the explanation of the neurobiological basis of mind. What is called the problem of binding ('how an integrated subjectivity emerges?') has thus come to occupy the forefront of research among brain scientists today.

I shall first trace the *five* important stages through which research on cognitive science has passed before focussing on the most important contributions made by two brain researchers namely Hanna Damasio and Antonio Damasio on the basis of their study on emotions that have obvious bearings on our traditions and show how they throw light on the conception of the non-homuncular self. A non-homuncular self rejects what is called homuncular self which posits the small man (homunculus) in each us having access to our own subjectivity. A non-homuncular self is just a species of subjectivity which is not isolated from objectivity. Any attempt to isolate it will involve an 'isolationist' fallacy according to Andy Clark.³ The neuroscientific understanding of subjectivity is without its connecting loops with the objective world. Such a view might reject the higher order theories (HOT) of consciousness which hold that

If I have a thought (α), I have access to that thought $T(\alpha)$.

Another interesting theory called the delta theory is poised to explain why a transcendental self occupies a lower vortex of an inverted delta (Δ) and the other vortices are filled with the *relata* given respectively as 'conscious mental state or event (ϕ)' with a semantic content and 'I (ϕ) that p ' (depicting a generalized form of propositional attitude

sentence given as 'I believe that p) with content and positing it is illusory. This is reminiscent of what Kant has said about the transcendental self (x) is known through thoughts, and so $x =$ the thoughts. That is, the transcendental subject (x) is known through thoughts that are its predicates. I have thoughts = x has thoughts. In the proposition 'I am F ', 'I' is representation-independent because when I assert 'I am F ', the self-ascription of the predicate F is not that one of the conscious states has the content 'I am F '. If it were so, then it would be representation-dependent, in which case it has the content and it can be taken as face value. Thus, the illusion of transcendence is the illusion of representation-independence. This is not something that is to be dismissed but it is something that is to be *explained* as to how it is 'transcendentally arrived at' on basis of representational dependence. There is a genuinely distinctive representationally independent use of the first person concept. It does not follow that such representationally independent uses of 'I' refer to a distinct kind of thing, something not referred to in representationally dependent uses of the first person (283). So, it transpires that whatever is considered to be representationally independent is also representationally dependent. This is what I mean by saying that as 'transcendentally arrived at'.⁴ The failure of many Indian writers to understand the transcendental unity of apperception may be traced to the failure to understand the above phenomenon.⁵

It is not that a transcendental self is therefore illusory, but it mistakes the epistemological phenomenon for a metaphysical phenomenon. What is actually needed here is to integrate them together so as to meet the above challenge. One of the main sources of such an illusion is the ownership of experience and another is representation. It occurs only as a form of representation. If representations are taken to be neural events, then the above form is also neural. There cannot be any subjectivity as such. The notion of pure subjectivity and its consequences will turn out to be a miasma. The best way to integrate these thoughts and their truth-values is by integrating the two traits called the representation-independence and representation-dependence as suggested by the delta account of consciousness proposed by Christopher Peacocke.⁶ Peacocke takes mind as an *a priori* category of sense

(reductionist in a sense) but at the same time it cannot be reduced to the representation-dependent reference (non-reductionist). That is, it is *a priori* that I think my thoughts. *A fortiori*

I = my thoughts

is *a priori* true, but its contingent character is not denied at the same time. It is never known *a posteriori*. If it were so, the integration challenge must be given up. This does not call for reductionist attitude but it is still contingent in truth values because of the transition of truth values to propositions of similar forms. This is probably why we can say that it is transcendently arrived at.

It is only for this purpose that Peacocke develops what he calls the Integration Challenge that it had its origin in Benacerraf's Challenge in the domain of mathematics which holds that the best proof that we have mathematical truths is to integrate them with our overall account of knowledge. HOT theorists, however, continue to claim they can meet the challenges of dynamic cognitive science which hold that mind is an embodied enactive cognitive machines and this is in turn a species of a robotic (mobile robotic) machine.⁷ The major shortcoming of the dynamic theorists is that they cannot integrate a credible metaphysics of the mind (I have a mind) with an acceptable epistemology of self-knowledge (I have justified true beliefs about it). It appears that Integration Challenge is the most important thing to occur within the analytical variety of cognitive science in the last many years. This is because it is poised for an integration of rationalism and empiricism which is already overdue. Such is the tenor of argument of integration theorists.

Elsewhere, I have drawn a parallel between the Indian conceptions of *Cit* which hold that Consciousness is Existence (*Cit* is *Sat*) and the recent work of Ted Honderich which claims to explain Consciousness as Existence from the point of view of differential phenomenology (which differentiates Consciousness into reflective, regulative, and affective modes) in my previous paper to the Congress (2004).⁸ The differential theorists are austere and hence it is doubtful whether they can sponsor a solution that will meet the challenge from integrationist theorists in each of the three differentiated domains. I have reviewed

all the above theories in an effort to meet another challenge against the question of (neural or synaptic) plasticity as part of the attempt to develop an entirely different analytic cognitive model while concentrating on the 'counter-revolution' within cognitive science (Rick Grush) with their stress on dynamic models in my lengthy paper on '*Does Neurobiology of Mind Matter?*' (60 pages) assigned to me by Professor Pradip Kumar Sengupta (Editor) for the Project.⁹ There I have tried to read the significance of Professor Vilayanur Ramachandran's extensive researches on the *Emerging Mind* (BBC Reith Lectures 2003) for the above model.¹⁰ The rich significance of his researches into Anosognosia literally means knowledge (gnosis) of disease (nosos or partial 'knowledge' of the body) may throw light on the positive aspects of dance forms (Tamils call it *Salanam* which is just equivalent to Damasio's 'perturbations of the body') and also martial arts (e.g. Kerala's Kalaripayattu which depicts the way mind engages the world through various body transformations). If emotion is the bodily state and body is the anchor of emotions, and emotions is a movement out of the body or what is called the minded body then there arises a certain complementarity between Damasio's work and that of Ramachandran's work that requires further exploration. Damasio concedes that such anosognosia patients are deprived of the possibility of sensing the current body state. In the present review, I shall restrict myself to the question as to how we keep ourselves open to new developments on the problem of subjectivity with an understanding of the state-of-the-art in cognitive science.

THE TERMINOLOGICAL BIND

[A] *The First Turning Point*

Cognitive science represents a research cluster of philosophy, psychology, neuroscience and computation, linguistics. It starts with two basic assumptions. First, what is called mind, self, consciousness and subjectivity can never be explained by a single discipline. Cognitive Neuroscience of a computational variety (Cognitive Science) can throw light on philosophical theories of mind. Our brains are massively parallel and massively plastic rather than serial or linear machines. Secondly,

it is the last frontier of attack for science from a multi-faceted angle. It brought in its wake the current understanding of philosophy of science which allows the construction of plurality of theories. Reductionism is not classical and homogeneous (sentential) but inter-theoretic and heterogeneous (structural) and so it needs a rapport with the understanding of the dynamic growth of theories. It can operate within the paradigm shift *a la* Kuhn or proliferation of theories *a la* Feyerabend. We can bypass the so-called *D-N* (Deductive-Nomological) Model of explanation and prefer to adhere to a sort of explanatory understanding (Churchland). Cognitive science meets philosophy of science cutting at the boundaries. The classical theories of mind can get light from Neurophilosophy.¹¹ This endeavour was rather 'hopeless', though a mitigated account is still likely to emerge later along more or less similar lines. Thus the whole endeavour leaves the question whether P.D.P. (Parallel Data Processing) can explain neuronal as well as conceptual plasticity hanging in the balance. Steven Pinker confronts the idea of maximal plasticity with the following dilemma. The dilemma of Connectoplasm according to him is this. Either connectionism should accept a theory of human nature as fundamental or else they cannot subscribe to infinite transformation. The first horn is understood not to have been acceptable by connectionist research and the second horn is likely to take us in the rightist way bordering on the fascist idea of malleability of human beings. What underlies Pinker's challenge to this 'radical science movement' is that a proper explanation of plasticity requires a theory of human nature or an understanding of the genetic endowment.¹² So it will have genetic as well as neural conduits. It may be located at the genetic as well as the cultural (mimetic) interface. As we shall see, the second and third stages address themselves to this phenomenon of plasticity and yield symbiotic answers to this very issue.

[B] *The Second Turning Point*

Philosophy of cognitive science was understood to sponsor many foundational questions. One major challenge stemmed from the way the massively parallel machine was christened as dynamic cognitive modelling. The challenge comes from taking mind-brain as infected

with time. The brain is still a massively parallel architecture but infected with real time, thus inaugurating a 'counter-revolution'.¹³ The feed backward or the recurrent model was appropriately modified having multiple feed-forward and multiple feed-backward pathways. A dynamic model is defined not as one way representation (x represents y) but explains ' x is continually affecting and being affected by y ' (Andy Clark uses a Parity Principle which states that mind is explainable in the same way as the body to support the counter revolution: 'part of the world is part of the cognitive process').¹⁴ Two fundamental questions arise: one, the brain is engaging the world in an embodied state. Being is in the world. The embodied cognition warranted enactive cognitive science or the same has been extended to cover a wide area of what has come to be known as 'cognitive robotics' (Clark).¹⁵ Philosophy of cognitive science needs a 'cognitive technology' that tells us how we use the world as scaffolding for achieving certain ends. Secondly, mind is also manipulating the resources of public language. The model proposed here is brain-body-world-language all put together form an ensemble. It avoids the 'isolationist' fallacy which isolates the mind for a unique project. Andy Clark makes a *reductio* of this project by way of developing the second law of impossibility in cognitive science: we cannot isolate mind for a scientific project.¹⁶ The first law was due to Fodor who claimed that cognitive science cannot explain consciousness as such.¹⁷ In the light of recent criticisms, it is not altogether clear whether dynamic models will continue to hold the key.

However, one thing is clear and has survival value. On Clark's understanding, the sensori-motor coordination is achieved at the expense of 'kludge-ing' (changing) of rules at the error surface of the micro-level of organization. To the extent that changing of the rules need pattern completion of a cognitive task. The infinite degree of freedom is seen in combination with certain constraints. So, it transpires that mind is a combinatorial model at the linguistic level. The inference to the best explanation can counter the problem of 'mating' the computational time and dynamic nature of time (around 200 milliseconds). It rather disregards the each person's matured synaptic configuration as radically different from any one else's.

[C] *The Third Turning Point*

The third level development is Cellular Neuroscience which comes with the growing confidence of closing the mind-body explanatory gap with mind-body continuum from the point of view of 'higher' order computation. What is called higher order is the way lower order computations are taken to the meta-level or higher level for completing a given cognitive task. The lower/higher order computation does not occur at unique or separate levels. Rather they occur in a unified or combinatorial mode. So much so that the higher order computation is designed to collapse computation into one about representation. It is not in the sense in which *a* represents *b*, but *a* can generate an imagery of (a metarepresentation of) *b*. Rick Grush formulates the revisionary view of representation as follows:

'environment (*y*)-as interpreted (*z*)-with that is represented (*x*)'

is revisionary in the sense that it is the way '*x* represents *y*' is interpreted with liaison with the body/world.¹⁸ Dreams, in contrast to waking states, are paradigms in the sense that they create virtual reality without a sensory input. We can single out two particular domains for a more succinct analysis. They pertain, respectively, to the cognitive basis of dreams and illusions. While dreams correspond to absent qualia, illusion corresponds to inverted spectrum. Just as dreams create images, we generate images of subjectivity. This is due to the neuronal activation spaces found in the recurrent pathways from the neuronal populations 'higher up' in the brain's information-processing hierarchy. This is captured by higher-order computation and thus we pass from the classic computational imagery of the mind to another level. Spontaneously activating our imagination, it helps to arrive at a unified picture of mind. Accordingly, CNS is considered an 'open system' as opposed to a 'closed system' with a pair of input called 'neuronal firing' and 'neuronal silence' which occur in a recurrent system of network, as opposed to non-recurrent or feed forward system.¹⁹ So, reduction is still inter-theoretic, but must take into account how the reduced network is to be modified by neuronal silence. Neuronal silence is just like Buddha's silence because we are in the dark about downward processing. It can recreate. It is the counterpart phenomenon indicating not

necessarily the lack of participation but carries a certain conceptual load. What is called higher visual processing, for example, sends backward projections back to the Lateral Geniculate Nucleus (LGN) of the thalamus and ultimately to the retina. If plasticity with constraints, in the combinatorial mode of collection of neurons, is explainable, then we have opened new ways of understanding the mind.

Neuronal Mind is to be construed as a combinatorial machine at the sub-linguistic or proto-linguistic level. Neuronal silence is not a mere possibility but a necessary adjunct to neuronal activity. So it is not without due justification that this results in the positing of what is called that the Neuronal *A priori*, not in the Kantian sense, but it provides a right *explanans* for the above neuronal plasticity.²⁰ Accordingly, it is necessary that the collection of neurons is maximally plastic. Our brains are astonishingly plastic with infinite modes of freedom, but not totally without inner constraints. This is what that suggests a combinatorial paradigm and it is duly supported by delta accounts. If the neuronal activity and neuronal silence plays a combinatorial role, then there must be corresponding analytical analogue to this that might provide the proper entry point at the schematic level. This is the most appropriate response to the problem of binding. It responds by saying that a spontaneous image of subjectivity is the direct consequence of brain considered as a combinatorial machine.²¹ Accordingly, Pinker's dilemma can be resolved by taking the horn that human organism is infinitely malleable and changing it into one in which the infinite degree of freedom is under constraints. We are reminded of the Kripkean analogue of *x plus y* and *x quus y* where rule is partially followed and partially violated within certain (modal) constraints. The possibility to violate the given rule just like the possibility of revising an opinion may be taken as an *a priori* trait in the sense of Popper and modal in the sense in which it is recently used by Christopher Peacocke.²² Peacocke's analysis-driven delta theory of consciousness may be considered as the fifth stage of development (to be called as the analytical philosophy of cognitive science) to be discussed below.

[D] *The Fourth Turning Point*

More recently, it has been held that 'philosophy meets neuroscience' with its agenda on fundamental problems within neuroscience. The

shift is from philosophy of science to philosophy of neuroscience. The most appropriate way of doing philosophy of science is to address ourselves not only to methodological problems of science but also to open us avenues for fundamental questions in neuroscience. Philosophy of neuroscience is the most sophisticated way of doing philosophy of science taking full advantage of the so-called *D-N* Model of explanation.²³ The reduction explains the boundary conditions. The boundary conditions are between the sentential and imagistic models. It revises the idea of representation into one which describes meta-representation as involving several stages. We have a metasef rather than a homuncular (homuncular means the small man inside each of us) self.

Such a view is poised to explain what subjectivity is not. It is not substantive (*Ātman*). It is not the Jamesian stream of consciousness (*Anātman*). It is not a property or a phenomenal qualia or what-it-is-to-be state. It is not a higher-order theory of consciousness (*Sakshi*). It does not hold that if the thought occurs, I am aware of this thought. It is not epiphenomenal or underlying principle sanctioned by Pantheism. It is not quantum activity in the microtubules. It is not pure subjectivity (*Cit*) realized in delta sleep (turiya state). We are not such Olympian dreamers with an oracle.²⁴ It is not the centre of narrative activity (Dennett) but it is rather a proto-centre of narrative activity. It takes us further towards a hierarchy of centres of narrative activity. I am using this after Andy Clark's formulation of hierarchy of convergence zones taking the cue from Damasio.²⁵ It is not a purely genetic predisposition of human nature. It is also not a denial of blank slate. It is not to be identified with transcendental self. Peacocke provides the explanatory reason to the question why Kantian account of transcendental self is an illusion.²⁶ Another feature of this stage is that it may combine the subjectivity and objectivity into a relational self. It addresses afresh to problems in epistemology, metaphysics as well as ethics. Cognitive science is new philosophy according to Vilayanur Ramachandran (Reith Lectures 2003).²⁷

[E] *The Fifth Turning Point*

Present-day neuroscience is guided more by analysis than by synthesis. An analytical philosophy of cognitive science has emerged with the

works of David Papineau, Ted Honderich and Christopher Peacocke. Michael Devitt must be credited for an earlier attempt to the fusion of analytical and cognitive sciences but for the failure to grasp the role of innatism. Peacocke meets the challenge-theorists head-on with a proposal to reveal the nuances of modality, self-knowledge, past, ethics in a new version of what he calls as the analytically-oriented delta-theory of consciousness which can reconcile externalism/internalism, realism/anti-realism inner/outer, innatism/blank slate etc. by exploiting the new resources in philosophy of language, philosophy of mind and philosophy of science.²⁸ The base of philosophy of mind or neuroscience is further widened towards a more multifaceted form of inquiry even including social (critical) theories. Such a multifaceted theory may not have as good a start as what is embodied in Peacocke's approach. Peacocke's formulation of the Integration Challenge is the most important idea to date, since it is poised to integrate rationalism (with their emphasis on metaphysical nature of mind) and empiricism (with their emphasis on the knowledge of psychological states) of the bygone era.²⁹ He is an integration theorist who argues for integration of a credible metaphysics of the mind which claims that there is an inner trait that could be grasped by in terms of descriptive metaphysics with an acceptable epistemology which can reach the level of gaining justified true statements about subjective states with a counterpart theory of revisionary metaphysics. Peacocke claims that the revisionary elements do not come off in such a metaphysics as we require them in our account of science which lays emphasis on revision in the light of new experience. We need to posit this as an *a priori* trait of the inner theory of concepts that provides the necessary link between philosophy of mind and philosophy of language.

THE TRANSITION FROM NEUROPHILOSOPHY TO NEUROSCIENCE

According to Bechtel (2001), philosophy of neuroscience opens up *four* facets of inquiry. They are to be classified as follows.³⁰ The first is the methodological bind. The second is the way it casts fresh light on reduction, not the ersatz reduction but the reduction that takes us in the direction of integrated explanation. The third is the integrated explanation of hitherto unexplainable phenomena including subjectivity.

And the fourth is the new way of understanding modularity in terms of revisionary notions of representation (defined as a state of the nervous system) and computation. Put together, we get the fact about subjectivity. Each one calls for some explanation.

As far as the methodological bind is concerned, neurological explanation can take the form of the celebrated *D-N* Model of explanation if only to explain the neurological basis of what is called subjectivity. The *explanandum-explanans* pair can be taken as the standard but with a different light on what is called inter-theoretic reduction. It need not be homogeneous type but a heterogeneous type which explores the border conditions of one discipline with another. The 'another' here means the higher level theory which should explain the lower level theory. The paradigm here is common sense psychology or what is called Folk Psychology (FP) and Scientific Psychology (SP). The model itself is presented in the following format:

1. Laws of Lower Level Science (FP)
2. Bridge Laws (x) ($Mx \leftrightarrow Bx$)
3. Boundary Conditions (replacing Initial Conditions)
4. \therefore Laws of Higher-Level Science (SP)

Thus, if we know how to map the boundary conditions, we can claim that the laws of folk psychology have *explanans* in biology. In a sense, eliminativism and naturalism get an altered outlook. Eliminativists eliminate but their success depends on the understanding of boundary conditions. Two important questions, namely: 'What border conditions?' and 'How to know about them?' arise immediately in this context. We can answer by saying that the border conditions are the border between language and that which is other than language (imagistic) and the way we know about the integrity conditions is through the discovery of analogues.³¹ So, though the scientific account leaves the linguistic it could be integrated without harmful consequences. This forges a new relationship between commonsense psychology and scientific psychology. And naturalism tells how to legitimise philosophy within philosophy of science.

The interface between philosophy and philosophy of science is restored to a new level without blurring the boundaries of philosophy and philosophy of science. What all we need is a shift of attention

from philosophy of science to philosophy of neuroscience. Rather philosophy of neuroscience suggests interesting ways of looking at the fundamental questions of epistemology, metaphysics and even so, ethics and logic.

Churchland coins a new terms for all these endeavours in his Unified Theory. He calls them as New Epistemology (neural basis of experience) and Metaethics (neural basis of ethics).³² Andy Clark calls it as 'new situational ethics' in his sense.³³ Or else, it may be called as neuro-aesthetics, in Zeki or Ramachandran's sense, or new metaphysics (there are subjective facts, in the sense it is used by Deutch and endorsed by Pete Mandik's Compatibilist account).³⁴ They are not old wine new bottles. But they are strongly supported by neurobiological explorations.³⁵ The Unified Neuro-computational Perspective throws new light on the classical branches. Accordingly the eliminativists exclude the sentential basis of folk psychology by fiat. The neural basis of language may not be the linguistics of syntax, semantics and pragmatics but it requires the flexing of their boundaries. This may be identical with a structural view of semantics which occupies state space. It is the view of model-theoretic reduction which requires Kantian subspaces as it were.³⁶

This new view of Epistemology binds the inner and outer space including the culturally created objects called memes or 'mind-tools' (Andy Clark). We are poised to become Cyborg (Cyber *plus* Organic) creatures with the command over the objective or authentic expert knowledge systems.³⁷ Clark's account takes us further than the account which marshalls all the evidence for a cognitive basis of science in a modified form that has been accumulated in recent years.³⁸ The modified form stipulates that we have an innate tendency to do science but it gets matured over a period of development. This falls in line with Chomsky's account of I-Language that gets matured towards a full-blooded science-forming faculty. No one seriously believes today that our understanding of mind should come from a single direction, leave alone the Indian phenomenological traditions.³⁹ Likewise, metaethics bets on the revision of ethics as warranted by the changing of the prototypes. Both are understood to explain the neuronal as well as conceptual plasticity. Philosophy cannot go without them.

Bechtel concedes as much as saying that we need a revisionary idea of representation on the one hand and define inter-theoretic reduction by systematically relating functionalism with identity theory. On this understanding, the special philosophical issues (the problem of binding) are the issues of neuroscience.⁴⁰ That is exactly where philosophy meets neuroscience. The higher order theories pertain to language while the lower order theories explain how the brain part performs one of these functions. That is the higher level may account for language processing in terms of interactive performance of several functions while brain performs one of these functions. Thus the reduction is providing the leverage for integration of perspective and experimental skills. The idea of representation and computation accordingly needs to be revised. Even the modules *a la* Fodor (Modularity Approach) must be understood to modulate the above processes.

If the above stand is agreeable, then representation becomes a state of the nervous system and they are ego-centric and self-centred. Thus, the bridge is built between subjectivity and objectivity by multiple representations. Experiences are representations but there are second-order representations (meta-representations). This comes closer to higher level theories of consciousness but still they have different characteristics. Bechtel concludes saying that the indexicality response sponsored by the 'left out hypotheses' (Nagelian What-it-is-to-be phenomenal states) are not particularly powerful but a far superior physicalist account is still available.⁴¹ Reduction must assume an inter-theoretic mode in which the CNS is reducible to systems and thenceforward to network of neurons which is further definable in terms of synapse (electrical circuits) and molecules (chemical changes).

DAMASIO'S NEURAL BASIS FOR DIFFERENTIAL PHENOMENOLOGY

In a more or less similar move, Damasio's researches into the origin of emotions is particularly helpful in providing the necessary recipe for understanding the neural basis of subjectivity from a differential point of view. The differential view suggests that reason is seen in all its three Kantian subspaces of pure, practical and judgemental types (Ted Honderich uses the term; see my paper on 'Meme: Sat, Cit sans Ananda' 2004).⁴² Damasio probably defines a convergence zone for first

(disembodied) and the third (embodied) facets. Damasio hypothesises that our somato sensory markers that are the seats of secondary emotions are unusually plastic because they utilize primary emotions which are inner, preorganized and Jamesian in character. Damasio's theory of emotions can be schematized by dividing emotions into primary and secondary, causing a cognitive state through the body image (sometimes without the body). Emotions let us mind the body and it is the virtual moving out of the body to the cognitive state. So, emotions build on emotions and thus there is a certain flexibility of emotions, just as higher order computations build on lower order computations to allow plasticity. Such flexibility is said to be based on the past history of the interactions with the environment. A schematic picture starting from background emotions to the cognitive state is given below (Fig. 1).

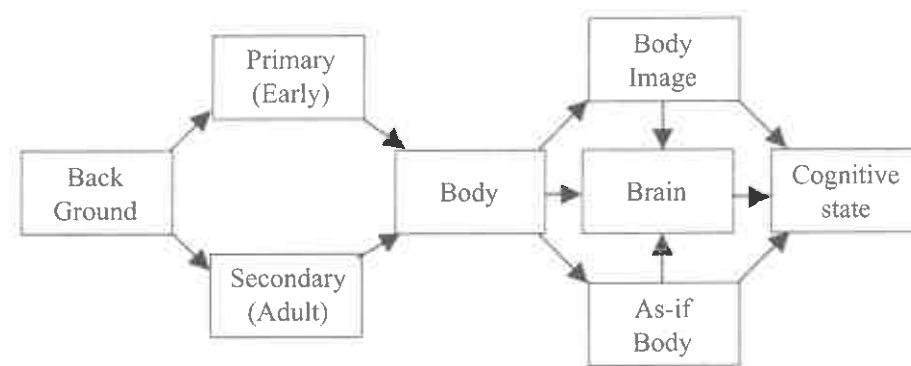


Fig. 1.

The engaging of the world through the somato-motor conduit (called as S_1 and S_2) has body as the 'grounded reference' that is seen as the body-minded brain. Damasio posits multiple set of representations to achieve the convergence between objectivity (knowledge of the body) with subjectivity (knowledge of the mind). What he calls convergence zones can be used to define self in the neurobiological terms. That is, the convergence is to be brought about by the neural representations of the body and the neural representations of the object in the mind (called perturbations of the mind: that is, the bodily response to object X, the world).

In brief, Damasio posits *three* sets of representations. The first set is about the image of the way the external objects perturb the body (descriptions of the perturbations of the mind, especially memory). 'I am moved by an object of sight.' This pertains to biochemical and muscular movements of the body. The second set is the descriptions of the image of the perturbations in the body. 'I have this image ("ego-centric representation") of my body'. This is the primordial representation of the body (body-image) that includes representations of: [biochemical regulations in structures of the brain stem and hypothalamus + viscera (boundary of the organism) + musculoskeletal frame] that are distributed over several regions of the brain. The third set is an image of metasef that is not identifiable with the either one of the first two but it is reciprocally connected with both. The first two stages converge on the third stage. Subjectivity arises with the interpolated image at the third stage and thus has a neural basis. This is called the 'third-party neuronal ensemble' of the first two states. Damasio's definition of convergence zone (CZ) is stated as follows:

CZ = *df.* the neural substrate for building dispositional representations all over the brain

They are located in cortical and sub-cortical regions of the brain. Damasio's critique of Descartes' Error denies that there is a homuncular self or a Cartesian theatre in the sense in which Dennett has used the term in his critique. No pure self or central knower. It is non-homuncular (HOT theorists probably posit homuncular selves). It strikes a congenial deal with Nyaya distinction between indeterminate (sub-linguistic) and determinate (linguistic) perceptions. The single-brain regime view of consciousness is wrong and a multiple draft model gets strong support except for the language such a concept includes in it. Dennett's Joycean machine (what is called the stream of consciousness) is located at the 'tension' between linear and non-linear posits of self without the neural basis, but with language. Accordingly, the self is described as the centre of narrative gravity.

The merit of Damasio's view is that it differs from the Crick and Koch's neurobiological account of consciousness focuses primarily in visual awareness.⁴³ They appear to distinguish between the access self

(for which neuronal correlates are found and the phenomenal self that was left out and thus was open to objections. The objection was that he has admitted the phenomenological self without looking for its neural correlates. Probably Crick and Koch doubt whether this could be explained by neurobiology. This is also different from that of Churchland which locates in the grand recurrent loop that connects them with the interlaminar nucleus. Churchland claims that he has put forward this as 'logical possibility of the neuro-computational account of consciousness'.⁴⁴ He agrees that it is neither purely subjective nor purely objective. Probably Damasio goes further in making body the anchor of neural self. Damasio can meet other charges for the simple reason that he has succeeded to explain the neural basis of subjectivity not as an emergent property but as the complex image that arises out of several regions of the brain. Damasio structures them as moving from non-linguistic or neural to the linguistic level. More particularly, Damasio maintains that cognitive neural self is the cognitive neural instantiation of a concept. Damasio is in agreement with the account the brain scientist Llinas and Pare give by positing the Neuronal *a priori* to explain the problem of binding.

CONCLUSION

There is no justification for us to ignore the potential impact that the development of cognitive science will have on our own traditions, taking cover under mysticism and what not. We are under obligation to respond to the explosive literature on the subject none of which found entry in any discussion in this country. I have made an attempt to capture the state-of-the-art in cognitive science. The lesson I have drawn here that each one the different theories like HOT, dynamic, delta, differential theories claim to do better, all of them address to the problem of plasticity warranting a combinatorial approach whose contours are not as clear as yet. The neural self is the image which continuously get modified and hence it is neither identifiable with *Ātman*, *Cit*, or even, *Anātman* but a construction from many lines of information in the brain. The disembodied mystical bliss (*Ananda*) is explainable, if at all it is, with the help of somato-sensory markers

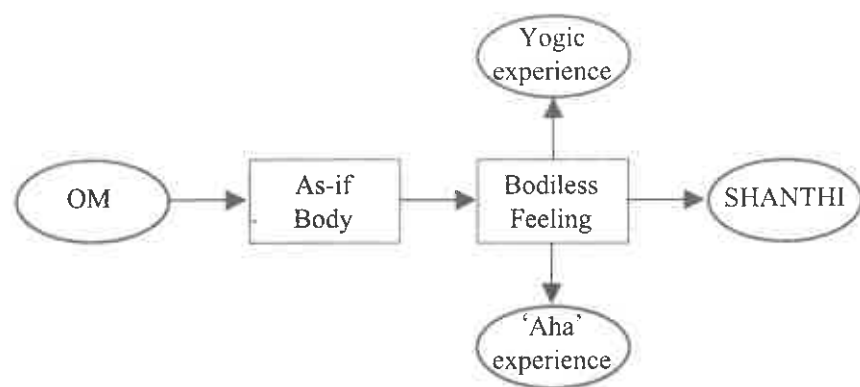


Fig. 2.

(Damasio and Damasio) as embodied mystical states but within the subjectivity after by-passing the bodily loops ('as-if loops'; see Fig. 2).

While mysticism is not supported by science, yogic states are embodied states. Otherwise, they remain simply as murmurs in the cathedral (Dennett).⁴⁵ Thus, the neural basis is as much a significant advance as the meeting of the so-called Integration Challenge (I have a mind and I know it) as analysed by Christopher Peacocke in his book on *Being Known* (1999), to which we are obliged to return some day or other. Together, they throw the greatest challenge to those who hold that we have *Cit* and we have Anubhava about it. The challenge is whether we can integrate them into a strand of phenomenology in the light of above dismissals.

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NOTES AND REFERENCES

1. A.R. Damasio, *Descartes' Error* (Penguin Books). See also A.R. Damasio and H. Damasio 'Making Images and Creating Subjectivity' in *The Mind-Brain Continuum* eds. Llinas and Patricia Churchland (1996/1998) (Bradford: MIT, 1994), pp. 19–28.
2. The problem of neuronal plasticity and the problem of binding are in central focus in Llinas and P. Churchland (see fn 1 above). See also Bechtel et al., *Philosophy and the Neuroscience: A Reader* (Blackwell, 2001). The earlier accounts of plasticity are weakly explanatory so to say.
3. The Isolationist Fallacy is voiced by Andy Clark. See his article on the *Embodiment and the Philosophy of Mind in Philosophy* 43, pp. 35–52. See also his stout defence of embedded systems in his 1997 *Being There: Putting Brain, Body and World Together Again* (Cambridge, 1998).
4. The most important challenge to cognitive studies is to come from the Integration Challenge (IC) is due to Christopher Peacocke *Being Known* (Oxford, 1999).
5. The so-called hermeneutic reading of B.K. Agarwala (2002–2004) traces the bankruptcy of Kant's critical philosophy to this transcendental unity of apperception. His articles were extensively printed in *JICPR*.
6. One interesting way of understanding Christopher Peacocke's delta theory is to see how it integrates representation-independence with representation-dependence (see fn 4 above).
7. Rosenthal continues to defend HOT theory in the recent Special Issue on Self-Consciousness in *Monist*. To what extent Rosenthal does justice to dynamic theories is not clear.
8. Ted Honderich differentiates phenomenology in the way critical theorists do, but it fails to integrate; his article on *Perceptual, Regulative, and Affective Consciousness as Existence* appears in a Special Issue of *Philosophy on Mind and Persons (Royal Institute of Philosophy 53)* edited by O' Hear pp. 1–24; my comments appear in a paper *Meme: Sat, Cit sans Ananda* presented in the Indian Philosophical Congress (2004). The pure subjectivity is a meme or a cultural products.
9. Rick Grush calls it as counter-revolution. The so-called counter-revolution which sponsors a plethora of dynamic theories is not without its criticisms. The main reason is that dynamic theories do not pass muster the Integration Challenge. It is not mandatory they pass every new challenge. For an evaluation and Andy Clark's defence, see his *Memento's Revenge: Objections and Replies to the Extended Mind* in *Papers on the Extended Mind* (ed.) R. Menary (*in Press*). For a taxonomy see the project is executed on the advice of Professor D.P. Chattopadhyaya and Pradip Kumar Sengupta and titled as 'Does Neurobiology of Mind Matter?' (80 pages)

- which critically assesses a taxonomy of dynamic theories in cognitive science and wants to do justice to the broad based unified theories by evolving yet another way of looking at a cognitive modelling.
10. Vilayanur Ramachandran *The Emerging Mind* (Reith Lectures BBC) Oxford, 2003.
 11. From Patricia Churchland's term *Neurophilosophy* to capture the unified science of the mind-brain, we have passed on to the *Neurocomputational Perspective* (1989) and again to Cellular Neuroscience called Endogenesis that is purported to explain how sensory experience generate the me-in-the-world representation (Introduction, p. x), 1996.
 12. Stephen Pinker, *The Blank Slate* suspects traces the ill-effects of extreme plasticity to the radical science movement taking the political consequences beyond a limit, 2002.
 13. Rick Grush portrayal of dynamic theories as sponsoring a counter-revolution must be taken with a grain of salt. See his overview in *Cognitive Science in Companion to Philosophy of Science*.
 14. The Parity Principle brings the mind-world axis on parity with each other and it is due to Andy Clark. See the classic article on the *Extended Mind* (in collaboration with David J. Chalmers) in *Analysis* (58: 1), pp. 7–19, 1998.
 15. Andy Clark calls cognitive robots as natural born cyborg creatures; see his *Natural-Born Cyborgs: Minds, Technologies and the Future of Human Intelligence* (Oxford, 2003).
 16. Andy Clark suggests that a project on res cogitans may be wound up for reduction, meaning that the project on res cogitans is bound boomerang.
 17. Fodor's Bipartite Model (modularity thesis) posits no consciousness, but it comes back with a vengeance.
 18. The formulation is due to Rick Grush.
 19. There is no reason why Llinas and Pare cannot be taken as making use of a combinatorial model.
 20. The issue of plasticity is addressed in terms of a Kantian-looking notion of Neuronal A priori, the significance of which is not yet clear. See Llinas and Pare.
 21. The statement occurs in Pinker: see p. 299.
 22. There is way of seeing Popper in conjunction with Peacocke is visualized as a better that the proposal to read how cognitive science begins where philosophy of science ends as embodied in Churchland.
 23. Professor Sibajiban Bhattacharyya pooh-poohed the idea of D.N. Model in his contribution where he sceptically poses the question: *Can Science explain everything?* (91ff.) in *Science, Science Culture and Philosophy from an Indian Perspective* in *JICPR*, pp. 83–102, 2003.

24. See my forthcoming article 'Are we all Olympian Turiya-nites?' (to appear) in the *Indian Philosophical Quarterly*. I have tried to identify dreams and illusions as two key fronts for understanding cognitive science. For the characterization of 'Olympian' that is oracle-like dreams, see Owen Flanagan's *Dreaming Souls: Sleep, Dreams and the Evolution of the Conscious Mind* (Oxford, 2000).
25. The hierarchy of centres of narrative activity is mimicking the hierarchy of converge zones used by Andy Clark.
26. Peacocke traces the sources of illusion gaining in explanatory power; see especially section 6.2 on Kant in his book; see esp. pp. 282–9.
27. Ramachandran *The Emerging Mind* (BBC Reith Lectures, Profile Books, 2003).
28. One of the most refreshing features of Peacocke's approach is that it goes further to formulate the challenge from anti-realism.
29. The unification of rationalism and empiricism is already overdue.
30. Bechtel's *Philosophy meets Neuroscience* in *Philosophy and the Neuroscience*.
31. No wonder, the distinction between folk psychology and scientific psychology must be seen in a new light.
32. P. Churchland, *Outer Space and Inner Space: The New Epistemology. Proceedings and Addresses of the American Philosophical Association* (76:2) pp. 25, 2002.
33. Andy Clark, *Word and Action: Reconciling Rules and Know-how in Moral Cognition* in *Moral Epistemology Naturalized* in *Canadian Journal of Philosophy* (September 26) (eds.) R. Campbell and B. Hunter, pp. 267–90. Clark has some unresolvable differences with Churchland in making a broad based approach. The broad based approach cannot be wished away. See fn 32 above, 2000.
34. Pete Mandik's Introduction to *Philosophy and Neuroscience: A Reader* (eds.) William Bechtel et al. (Blackwell, 2001).
35. Bechtel et al. *Philosophy and Neuroscience: A Reader*, 2001.
36. It appears that very distinction between syntax and semantics is in for a fresh review.
37. The idea cyborg creatures is due to Andy Clark See his *Towards a Cognitive Robotics* (Cognitive Science Report?) in *Adaptive Behaviour*.
38. Peters Carruthers, Stephen Stich and Michael Siegel *The Cognitive Basis of Science* (Cambridge, 2002).
39. Bina Gupta's recent book on *Cit* (Oxford, 2003).
40. For Bechtel, the idea of representation must become revisionary.
41. Patricia Churchland continues to defend physicalist account of mind. See his *Towards a Neurobiology of Mind* in Llinas and Patricia Churchland (eds.) *The Mind-Brain Continuum*.

42. My *Meme: Sat, Cit sans Ananda* is an attempt to study the parallel between Indian and the most recent paradigm altering the import of the former stand.
43. Francis Crick, *The Astonishing Hypothesis: The Scientific Search for the Soul* (Simon and Schuster), 1994.
44. The logical possibility of a theory of consciousness is advocated in *The Engine of Reason, The Seat of the Soul* which contains the best presentation of recent thrust on cognitive science (MIT: Bradford, 1994).
45. Dennett's Review Vanela et al., *The Embodied Mind* (Cambridge) in *New Scientist*, pp. 48–9, 1991.

Book Reviews

JOHN GRIMES: *The Vivekacūdāmaṇi of Śankarācārya Bhagavatpāda: An Introduction and Translation*, Motilal Banarsidass, Delhi, 2004, pp. 292, Rs. 325 (and Ashgate Publishing House, Aldershot, England, 2004)

The first question I have asked myself when asked to review this newly released book was why another translation. Grimes himself, in his preface, acknowledges nine other translations of the *vivekacūdāmaṇi*, besides his. The justification offered by him for such an undertaking is twofold. First, he says, 'I have attempted to be aware of internal textual problems (a single term can have more than one meaning, depending upon its context) while balancing technical precision with philosophical clarity.' Well, I'm sure that all the nine translators preceding him have tried their best to do the same. Yet, Grimes has every right to believe that they have failed or at least have not been successful enough. Is this his sub-claim? Second, he explains, 'the final word of Advaita, both implicitly and explicitly, is that every individual is the Absolute. Thus, to be faithful to this insight I have used inclusive language in my translation and made it reader-friendly for both sexes ... I have reflected on what I believe the text meant then and what it means now. I am not an advocate of Sanskrit for Sanskrit's sake. Going beyond mere professional interest, my desire was to present a text which speaks to those who read it today'. Grimes does not hide his clear intention of doing what every translator actually does, that is to transform the original text. He is honest enough to reveal the agenda behind his 'translation as transformation', which is a feminist or at list equalitarian agenda. We all know that ancient Indian texts are male-centred. Therefore Grimes' decision to rectify the injustice has both an educational value (especially in the Indian context, where so many women are still subordinated to men) and the potentiality of bringing the original text closer to the modern reader, female and male alike. Yet as a translator, I personally would not have taken such a decision. See for example the second verse of the text. After saluting his *guru* Govinda in the first verse, Śankara (which by the way I do not believe

is the same as the author of the *Brahmasūtra-bhāṣya*, but let's touch on the authorship of the text later) starts to specify the qualifications required from the *śiṣya* wishing to embark on the path to liberation. In the second verse of the text (*Vivekacūdāmaṇi* 2) he says:

jantūnām nara-janma durlabham atah pumstvām tato vipratā
tasmād vaidika-dharma-mārga-paratā vidvattvam asmāt param |
ātmānātma-vivekcanam svanubhavo brahmātmanā samsthitih
muktir no śata-koti-janma sukṛtaiḥ puṇyair vinā labhyate ||

Translates John Grimes:

'For all things subject to birth, birth in a human body is rare. Even rarer to obtain is strength of body and mind. Rarer still is purity. More difficult than these is a desire to live a spiritual life. Rarest of all is to have an understanding of the scriptures. As for discrimination between the Self and the not-self, direct self-realization, continuous union with the Absolute, final and complete liberation are not to be obtained without meritorious deeds done in a hundred billion well-lived lives.'

Every Sanskrit reader will admit that Grimes has taken two crucial decisions in translating the words *pumstvām* as 'strength of body and mind' and *vipratā* as 'purity'. The latter decision shows that he attempts to be inclusive not only with regard to woman but also caste-wise. Even his translation of *vaidika-dharma-mārga* as 'spiritual life' is quite loose or very transformative. Out of the nine translations mentioned by Grimes, apart from his own translation, I have managed to collect five:

Vivekacūdāmaṇi of Śrī Śankarācārya, translated by Swāmī Mādhavānanda, Advaita Ashrama, Calcutta, 2000 (first edition 1921).

Vivekacūdāmaṇi or Crest-jewel of Wisdom of Śankarācārya, translated by Mohini M. Chatterji, The Theosophical Publishing House, Adyar, Madras, 1983 (first edition 1932).

Śankara's Crest-jewel of Discrimination: Viveka-Chudāmaṇi, translated by Swami Prabhavananda and Christopher Isherwood, Vedanta Press, Hollywood, California, 1978 (first edition 1974).

Śrī Śankara's Vivekacūdāmaṇi with the commentary of Śrī Chandrasekhara Bhārati of Śringeri, translated by P. Sankaranarayanan, Bharatiya Vidya Bhavan, Mumbai, 1999 (first edition 1973).

Vivekacūdāmaṇi of Śrī Śankarācārya, translated by Svāmī Turīyānanda, Sri Ramakrishna Math, Mylapore, Madras, 1991 (first edition when? the editor's preface is dated 1987).

Let's see how the other translators deal with *Vivekacūdāmaṇi* 2:

Swāmī Mādhavānanda's translation is the following:

'For all beings a human birth is difficult to obtain, more so is a male body; rarer than that is *Brāhmanhood*; rarer still is the attachment to the path of Vedic religion; higher than this is erudition in the scriptures; discrimination between the Self and not-Self, Realization, and continuing in a state of identity with *Brahman*—these come next to order. (This kind of) *mukti* (liberation) is not to be attained except through the well-earned merits of a hundred crore of births.' The Swāmī's translation is straightforward. For him, *pumstvām* is manhood and *vipratā* is *Brāhmanhood* (the quality of being a *brahmin*). Just like Grimes, he is aware of the fact that the author of the text has been exclusive both gender and caste-wise. But he has no intention of sketching a more pleasant (or more 'readable', as Grimes puts it) Advaitic picture to the modern ear. The term *dharma* which is simply untranslatable, having no exact parallel in the Western context (and hence in any Western language) is translated by Swāmī Mādhavānanda as 'religion' (thanks god that he spares us the capital R).

Mohini M. Chatterji translates the same verse as follows:

'Among sentient creatures birth as a man is difficult of attainment, among human beings manhood, among men to be a *Brāhmana*, among *Brāhmanas* desire to follow the oath of Vedic *Dharma*, and among those, learning. But the spiritual knowledge which discriminates between spirit and non-spirit, the practical realization of the merging of oneself in *Brahmātman* and final emancipation from the bonds of matter are unattainable except by the good karma

of hundreds of crores of incarnations.’ Like the Swāmī before her, it is manhood and *Brāhmanhood*; *dharma* is simply *Dharma* (which the unavoidable capital D); *ātmānātma*, translated by Grimes and Mādhavānanda as self and not-self, suddenly becomes ‘spirit and non-spirit’, thus bringing into the picture a Christian flavour.

Swami Pabhavananda and Christopher Isherwood translate the same verse as follows:

‘It is hard for any living creature to achieve birth in a human form. Strength of body and will are even harder to obtain; purity is harder still; harder even than these is the desire to live a spiritual life; and an understanding of the scriptures is hardest of all. As for discrimination between the *Ātman* and the non-*Ātman*, direct perception of the *Ātman* itself, continuous union with *Brahman*, and final liberation—these cannot be obtained except through the merits of a hundred billion well-lived incarnations.’ It seems that the Swami and Isherwood belong to the same *gharana* as Grimes, or perhaps it is him who belongs to their school. Here too, the translation (unlike the original text) allows women and non-*brāhmans* on the path leading to for *mokṣa*; ‘*brāhmanhood*’ turns into ‘purity’, and the terms *ātman* and *brāhman* are left untouched.

P. Sankaranarayanan, who has translated the text with the contemporary commentary of Śrī Candraśekhara Bhāratī, the former Jagadguru of the *Śringeri Pīṭha*, translates the very same verse as follows:

‘To those who take birth, birth as human being is difficult to get; more difficult than that is birth as a male; and more than that is birth as *Brāhmana*. Because it is so, steadfastness in pursuing the path of *dharma* prescribed in the Vedas (must be got by present effort). After that (after securing the requisite learning), discrimination between the self and the non-self (must be made) and also perfect experience. Liberation which is permanent being as *Brāhman* cannot be obtained without meritorious deeds done in hundreds of crores of births.’ Again a straightforward translation with regard to manhood, *brāhmanhood*, *dharma*, self and not-self. The Jagadguru’s commentary gives emphasis to the religious dimensions of the text,

somehow at the cost of discarding its philosophical implications. According to him, ‘an *āstika* alone is qualified to embark on the study of *Vedānta Śāstra*. An *āstika* is one who believes in the existence of the *ātman* apart from the body’. For Śankara, if I may offer my own understanding, the *mokṣa-mārga* is not really about faith but rather knowledge. *Brahmavidyā* can only be the outcome of the right *pramāṇa*, and as such it is a *pramā*. Just like knowing (rather than believing) that I’m holding a pen in my hand, one is capable of *brahma-* (or *ātma-*) *vidyā*, knowledge. The *vivekacūdāmaṇi-kāra* (unlike Śankara, as we shall further see) emphasizes the role of *anubhava*, experience, on the path to freedom. For him, it is openness for a different, *advaitic*, type of experience, which is required. And what about faith? Well, if it *śraddhā* we are talking about, then in the context of Śankara’s teaching it is more of deliberation and persistence along the path than faith such as the faith in the existence of god for example. The Jagadguru further explains that according to the text (as we have already seen), women are not qualified for the path. ‘The idea is that they can never know and realize the *ātman*’, because they do not have the *adhikāra* for studying the *mokṣa-śāstra*. He further voices the standard, banal explanation for excluding women from the path: ‘The reason may also be that *Veda-adhyayana* and *Vedāntavicāra* are whole time occupations for which women are unfit by reason of their involvement in domestic duties, as such pursuit will be interrupted by their child-bearing and child-rearing activities’. Reading these words, I have to admit that my sympathy to Grimes’ ‘translation as transformation’ increases. Finally, I have checked Svāmī Turīyānanda’s translation. This last translation is based on class-notes of a student of this Advaita-ambassador. It is more or less a protocol of talks given by him on the *Vivekacūdāmaṇi* at the Shanti Ashrama in America. Whenever he has omitted a verse, the translation of that very verse is brought to the readers from Swami Prabhavananda and Christopher Isherwood’s translation. The second verse of the text, unsuitable (according to the Svāmī as well as Grimes) for an American ear, has therefore been omitted. Instead, the reader is given Prabhavananda and Isherwood’s inclusive translation.

A prominent feature of the *Vivekacūdāmaṇi*, as previously implied, is the author's emphasis on *anubhava* as the *pramāṇa* of *brahmavidyā*. Check out for example verses 63–64:

ajñāna-sarpa-daṣṭasya brahma-jñānauṣadham vinā |
kimu vedaiś ca śāstraiś ca kimu mantrah kim auṣadhaih ||
na gacchati vinā pānam vyādhir Auṣadha-śabdatah |
vinā'parokṣa anubhavam brahma-śabdair na mucyate ||

Translates Grimes:

'For one who has been bitten by the serpent of ignorance, the only remedy is knowledge of the Absolute. To such a one, of what avail are the Vedas and scriptures, sacred syllables and medicines? A disease is not cured by the mere repetition of the word "medicine". One must imbibe it. Similarly, without direct realization, liberation does not arise merely by uttering the word "Brahman".'

The key-terms here are *brahmajñāna* and *aparokṣānubhava*. The translation of the first term is not an easy task. Grimes have translated 'knowledge of the Absolute'; Swāmī Mādhavānanda went for 'knowledge of *Brahman*'; Mohini M. Chatterji has translated 'supreme knowledge'; Swami Prabhavananda and Christopher Isherwood chose 'realization of *Brahman*'; P. Sankaranarayanan stayed on the safe side with '*brahmajñāna*'; and Svāmī Turīyānanda again omitted these verses. His translation/commentary starts from verse 73. I could have said here something like: All these translation-suggestions together indicate the meaning of the original Sanskrit term. Instead, I prefer to adopt an altogether different translation of *brahmajñāna*, suggested by R. Balasubramanian in his *Advaita Vedānta* (Volume II Part 2 of *History of Science, Philosophy and Culture in Indian Civilization*, edited by D.P. Chattopadhyaya). Balasubramanian rightly acknowledges the fact that translations such as 'knowledge of *Brahman*' objectify the *brahman*, which in reality (at least in the Advaitic context) is neither an object nor even the subject, but rather *something* which transcends both. Therefore, he decides to analyze the *samāsa* '*brahmajñāna*' not as a *tat prūṣa* type of compound but rather as a *karmadhārya* type, which can be translated as 'the knowledge which is *brahman*'. Hence,

objectification is successfully avoided. The term *aparokṣānubhava* in *Vivekacūdāmaṇi* 64 is translated by Grimes, Swāmī Mādhavānanda and P. Sankaranarayanan as 'direct realization'; by Mohini M. Chatterji as 'direct perception'; and by Swami Prabhavananda and Christopher Isherwood as 'actual experience'. Śāṅkara's own cautious approach toward *anubhava* and the tension between *śruti* and *anubhava* in his teaching is a very challenging issue. Wilhem Halbass dedicates an extensive discussion to the place of experience in Śāṅkara's thought in the 21st chapter of his monumental *India and Europe: An Essay in Philosophical Understanding*, titled 'the concept of Experience in the Encounter Between India and the West'. This issue definitely deserves to be revisited and rethought.

As interesting as verses 63–64 of the *Vivekacūdāmaṇi* is verse 62 which precedes them. Here the author maintains that

śabda-jālam mahāraṇyam citta-bhramaṇa-kāraṇam |
ataḥ prayatnāt jñātavyam tattvajñāt tattvam ātmanah ||

Translates Grimes:

'The flowing together of many words is like a great forest which causes the mind to wander confused. Therefore, those who know this Truth should earnestly endeavour to know the true nature of the Self.'

Here the author of the text maintains that just like the possibility of getting lost in a thick forest, one can also get lost in language itself, which is full of words instead of trees. In other words, he claims that language is not the way if one wishes to reach his true nature, the *ātman*. In claiming so, I believe that the *Vivekacūdāmaṇi-kāra* is closer to Patañjali, the *Yogasūtra-kāra* than to Śāṅkara of the *Brahmasūtra-bhāṣya*. Patañjali puts great emphasis on the term *vikalpa* ('cognition devoid of real object, cognition which follows mere words'¹). For him *vikalpa* refers not merely to linguistic 'borderline cases' such as 'a son of a barren woman' (an example used by Vācaspati Miśra, trying to disambiguate the meaning of *vikalpa* in his commentary), but to language as a whole. 'The mutual superimposition of sound, object and idea (of a word) creates confusion', he writes.² For him, language

cannot lead to *kaivalya*; silence (in the broadest sense word, i.e. *citta-vṛtti-nirodhah*) is both the way and the destination. Śankara on the other hand, that is the author of the *Brahmasūtra-bhāṣya*, is a great believer in the power of words. For him, I would dare to say (without further elaboration in the present context), the *mahāvākya* 'tat tvam asi', which is the essence of the *śruti*, the *pramāṇa* of *brahmavidyā*, is actually an 'Advaitic mantra'.

My review will not be complete without mentioning Grimes' efficient introductory essay. He touches the authorship question and tries to convince the reader that one cannot be sure (as most scholars are) that the *Vivekacūdāmaṇi* is not an authentic work of Śankara. His elaborated discussion of the *asli/nakli* question reminds me of a film which I have seen the other day. In *Paheli* (2005, directed by Amol Palekar), a greedy groom leaves his wife at their very wedding night for long five years on account of his business. A charming *bhoot* (ghost) who has fallen in love with the beautiful bride takes the guise of the absent husband and takes his place as the loving spouse of the girl. When she gets pregnant, her husband, surprised by the news, hurries home. Upon his arrival, his father and the rest of the villagers are confronted with two identical sons. Who is the husband and who is the ghost? That is the riddle (*paheli*). Is the real husband the man who has left at the wedding night and whom the girl literally doesn't know, or the one who has truly loved and cared for her? In popular Hindi films, there is only one person who can easily solve penetrating existential *pahelis*. It is none other than the god of gods, the head of the pantheon, Amitabh Bachchan. And indeed he appeared on the screen for a few minutes, playing an eccentric shepherd, and in an instant discriminates the husband from the ghost, hence separating the poor girl from her true lover and the father of her child. In philosophy, things are more complicated. Who can determine precisely which of the hundreds of works ascribed to Śankara, has been really written by this historical figure of which life we know nothing, except what traditional stories, composed hundreds of years after him, tell? To close I would like to suggest that the content of the *Vivekacūdāmaṇi*, perhaps the most popular of the *prakaraṇas* attributed to the *Brahmasūtra-bhāṣya-kāra*, is far more interesting than the old debate about its authorship. And

Grimes' lucid translation (with helpful references to relevant *Upaniṣadic* verses) is an occasion for revisiting the Crown Jewel of Discrimination.

NOTES AND REFERENCES

1. *Yogasūtra* 1.9: śabda-jñānānupātī vastu-śūnyo vikalpah
2. *Yogasūtra* 3.17: śabdārtha-pratyayānām itaretarādhyāsāt sankaras.

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Books Received

1. Raghunandan: *The Wisdom of Vasistha*, Motilal Banarsidass, New Delhi, 2004, pp. 524, Rs. 795.
2. John Grimes: *The Vivekacūdāmaṇi of Śaṅkarācaryā Bhagavatpāda*, Motilal Banarsidass, New Delhi, 2004, pp. 292, Rs. 325.
3. D.P. Chattopadhyaya: *Interdisciplinary Studies in Science, Society, Value and Civilizational Dialogue*, IAS Shimla, 2004, pp. 375, Rs. 450.
4. K.N. Neelakantan: *Essentials of Buddhism and Jainism: The Avaidika Darśana Sangraha of Gaṅgādharma Vajapreyayāji*, Published by Author, 2003, pp. 84, Rs. 80.
5. Pabitrakumar Roy: *Kant's Concept of the Sublime: A Pathway to the Numinous*, Decent Books, New Delhi, 2005, pp. 109, Rs. 200.
6. T.N. Ganapathy: *Babaji's Kriya Yoga and Publications*, Canada, 2003, Vol. I, pp. 302, Rs. 250.
7. Ibid., 2004, Vol. II, pp. 522, Rs. 575.
8. S.N. Kandaswamy: *The Yoga of Siddha Avvai, Babaji's Kriya Yoga and Publications*, Canada, 2004, pp. 263, Rs. 350.

Diacritical Marks

Vowels

आ ā

इ ī

ऊ ū

ए, ऐ ē } (long)

ओ, औ ō } (N.B. long ē and ō are for the particular syllables in Dravidic languages.)

ऋ ṛ and not ri; (long ॠ, which rarely figures, may be rendered as r̄)

Nasals

Anusvāra

(.) ṁ and not m

अनुसृक्तिक

ङ ṅ

ञ ṇ

ण ṅ (or ṇa as the case may be)

Hard aspirate

Visarga

(:) ḥ

Consonants

Palatals

च ca and not cha

छ cha and not chha

Linguals

ट ṭa

ठ ṭha

ड ḍa

ढ ḍha and not ḷha

Sibilants

श śa

ष ṣa

स sa

Unclassified

ळ ḷa

क्ष kṣa and not ksha

ज्ञ jña and not djña

ल् ḷ and not lṛi

General Examples

kṣamā and not kshamā, jñāna and not djñāna, Kṛṣṇa and not Kṛishṇa, sucāru chatra and not suchāru chhatra etc. etc., gaḍha and not gaḷha or garha, (except in Hindi)

Dravidic (conjuncts and specific)

characters

ॠ ṛ

ॡ ṝ

ॢ ṝ̄

ॣ ṝ̄̄

Examples

Ilañ-Gautaman, Cōḷa (and not Choḷa),

Munnuruvamaṅalam, Māraṅ etc.

Miscellaneous

Where the second vowel in juxtaposition is clearly pronounced:

e.g. jāṅai and not jānai

Seṅa and not Seṅa

Also, for English words showing similar or parallel situations:

e.g. Preëminence and not preeminence or pre-eminence

coöperation and not cooperation or co-operation

For the Simhālese, excepting where the words are in Sanskrit, the conventions of rendering Simhālese in Roman are to be followed:

e.g. dāgaba and not dagaba

veve or véve and not vev

Quotations from old Indian sources involving long passages, complete verses etc., should be rendered in Nāgarī script.

(The western writers, however, may render these in Roman script if they wish; these will be re-rendered in Nāgarī if necessary, by the editors.) Sanskrit quotations rendered in Roman are to be transliterated with *sandhi-viccheda* (disjoining), following the conventions of the *Epi-graphia Indica*, but the signs for

laghu-guru of the syllables in a meter (when the citation is in verse) are not to be used.

Place Names

These are to be diacriticised, excepting the anglicised modern:

Examples: Mathurā, Kauśāmbī, Valabhī, Kāñcī, Uraiyūr, Tiḷevallī etc., but Allahabad (not Allāhābād), Calcutta (not Calcaṭṭā), Madras (and not Madrāsa).

Annotations

There will not be footnotes; but annotations (or notes and references), serially arranged, will appear *en masse* at the end of the text in each article.

References to published works

Those pertaining to articles, books etc., appearing in the main body of the text, or annotations, or otherwise:

Title of Book, Author's name (beginning with his initials) title, edition (if any) used, the name of the series (if it appears within it); next the place of publication along with year of publication, but without a comma in between; finally the page (or pages) from where the citation is taken or to which a reference is made.