

COMPARATIVE  
PHILOSOPHY  
WITHOUT  
BORDERS

*editors*

ARINDAM CHAKRABARTI  
RALPH WELBER

B L O O M S B U R Y

- Kojève, A. (2004), *La notion de l'autorité*, Paris: Gallimard.
- Kojève, A. (2014), *The Notion of Authority*, translated by Hager Weslati, London: Verso.
- Levi, J., trans. (1999), *Han-Fei-tse ou le Tao du Prince. La stratégie de la domination absolue*, Paris: Éditions du Seuil.
- Liao, W. K., trans. (1959), *The Complete Works of Han Fei Tzu*, 2 vols, London: Arthur Probsthain.
- Lincoln, B. (1994), *Authority: Construction and Corrosion*, Chicago: The University of Chicago Press.
- McDonald, J. F. (1993), "Russell, Wittgenstein, and the Problem of the Rhinoceros," *The Southern Journal of Philosophy*, 31 (1), pp. 409–24.
- McGuinness, B. (1988), *Wittgenstein: A Life*, Berkeley: The University of California Press.
- Mendel, G. (2002), *Une histoire de l'autorité: Permanences et variations*, Paris: La Découverte.
- Monk, R. (1991), *Ludwig Wittgenstein: The Duty of Genius*, London: Penguin Books.
- Perelman, C. and Olbrechts-Tyteca, L. (1971), *The New Rhetoric: A Treatise on Argumentation*, Notre Dame: University of Notre Dame Press.
- Peter, F. (2010), "Political Legitimacy," *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (ed.), <http://plato.stanford.edu/archives/spr2014/entries/legitimacy/>.
- Pines, Y. (2009), *Envisioning Eternal Empire: Chinese Political Thought of the Warring States Era*, Honolulu: University of Hawaii Press.
- Raatzsch, R. (2007), *Autorität und Autonomie*, Paderborn: Mentis.
- Russell, B. (1951), "Ludwig Wittgenstein," *Mind*, 60, pp. 297–98.
- Simmel, G. (1950), *The Sociology of Georg Simmel*, K. H. Wolff as editor and translator, Glencoe: The Free Press, 1950.
- Simmons, A. J. (2002), "Political Obligation and Authority," in R. L. Simon (ed.), *The Blackwell Guide to Social and Political Philosophy*, Malden: Blackwell Publishers, pp. 17–37.
- Walton, D. (1997), *Appeal to Expert Opinion: Arguments from Authority*, University Park: The Pennsylvania State University Press.
- Walton, D. (1999), *Appeal to Popular Opinion*, University Park: The Pennsylvania State University Press.

## To Justice with Love

Sari Nusseibeh

### Love and justice: Close relatives?

Can it be reasonably argued that Love and Justice are relevantly—even genealogically—related to one another, and that the former must be seen as a necessary ingredient in any account of the latter? It shall be argued below that these two—in a primary sense—are inseparable. At first, it might not strike us that way. Quite the opposite, Justice and Love may seem to belong to two entirely different categories, the one being totally independent of the other. Indeed, they even stand at opposite extremes. One has only to think of such incidents as the aggrieved members of the clan in Philippine's Maguindanao province who are still waiting for the courts to issue convictions five years after the massacre of 58 of their members, standing last November in protest to commemorate the event and raising banners demanding Justice be done to see that it is feelings of vengeance and hatred that are closely associated with the meaning of Justice in peoples' minds, rather than Love. "No Justice, No Peace" is the platitude seen sketched, for example, on banners in Ferguson demanding the conviction of a police officer accused of killing a black youth. Rage, retribution, revenge, threats—but not love—underpin the call for Justice in such cases.

From the opposite end, one might also think of Justice as the right balance in nature, maintaining a cosmic order or harmony giving each part its due—just as in human relations within a polity such as that of Plato's Republic, each of its members is positioned to perform the function he or she is best fitted for. Love, in this picture, could be viewed (and has been so viewed) as what brings that *best* order together, whether as *first* or as *final* cause. Love here is seen as immanent, pervading the infinite causal structure of the world. As is Justice, though to see either, one's perspective must somehow transcend the infinitesimal parts of this structure and reach out to the infinite. Going even one step further, as in some mystical schools of thought such as that of Ibn Arabi (12th/13th century), Love, Justice, and God fuse into one another, as does, indeed, the entire cosmos: the things that are, the order they are in, and what explains their being in that order.

In between these two worldviews, the examples we normally come across seem to invite us to draw different conclusions. In typical situations of disagreement or conflict



claims, where one party or both may feel shortchanged in a transaction between them, it is normal to feel that Justice should be turned to in order to settle the differences. Here, Love and Justice do not—ostensibly, at any rate—seem to have anything to do with one another. When a bloody and violent conflict between two different “rights-claimants”—like that between Israelis and Palestinians—begins to turn ugly and to have wider repercussions, finding *some* kind of solution between them becomes urgent. Not love or sympathy, whether between them or for them, prompts one party or the other to seek an end to the conflict. Rather, it is in spite of the deep feelings of enmity and hatred between them, as well as because of how these are reflected in their dealings with one another, on themselves and on others, that a solution is felt necessary. A solution, in this context, primarily comes to mean “a stable peace,” and Justice becomes less urgent than such a peace.

When such a peace is sought, it is significantly not Love that is turned to for finding a solution, but practical *Reason*. While taking account of the emotions and beliefs involved in such conflicts, would-be mediators or peace-makers would turn to Reason and be guided by it, rather than turning to love. Indeed, any kind of sentiment is thought to be an obstacle for working out a rational solution. To complement this attitude, practiced negotiators would also train to set their eyes not on Justice as such, thinking this to be impracticable, but on *fairness*, or what might be considered a *relative* rather than an *absolute* Justice. Fairness comes to be viewed as the realistically practical alternative to Justice, and Reason as the method to rely on in the endeavor to reach it. In hard cases, where the conflict is judged to be irreducible to a fair deal, *any* solution that brings order back to peoples’ lives can begin to make sense as an end in itself—even a cease-fire. Mediators (say, in the Israeli-Palestinian case) in such situations can be assumed not only to be dispassionately engaged in trying to reason out solutions, let alone to be motivated by love: they might even feel dislike for both parties or antipathy toward them, and may end up coming to the conclusion that *any* short or long-term solution that brings peace would be acceptable. An *end* to the fighting becomes an end in itself, regardless of fairness, let alone Justice. Indeed, order as such, whether instituted or restored, itself becomes a default end in itself.

The thinking process outlined above (faced with conflict or conflicting wants, to resort to Reason in search of a solution) is not alien to us. It is almost second nature. Closer to home, however, the dynamics involved are somewhat different, as is the frame: when two of our children begin to fight over a new toy or a piece of chocolate, our reasoned solution for their conflict is typically guided by our love for them. Furthermore, unless we are so overwhelmed by housework that we just wish them to be quiet in any way, our foremost concern would be to end the fight by teaching the children a lesson about fairness. We would wish to instill (or evoke) in them the sense or sentiment of *sharing* due between brother and sister. Order (Peace) and sharing (justice or fairness) enter hand in hand here. They are not viewed as being separable. In its turn, the principle of sharing, we remind them, is naturally akin to other sentiments and emotions they must have, such as love for one another, kindness, brotherliness—and therefore the readiness to compromise on one’s wants for the sake of the other. While the thinking process involved (from wants to solution via Reason) is the same,

the instinctual motor driving this process is different. Love is behind it, and Justice is its target.

One could conclude from the above account that Love and Justice are not necessarily or always separable from one another—a mediator may not be prompted by Love to find a Just solution for a conflict, but a parent may. But this may be thought to be more reason to consider them as belonging to entirely different categories. Love, it might also be said, is a personal affair. Justice, on the other hand, is the affair of the State, a system of rules defining an order of human conduct. Another manner of describing this difference is to say Love is subjective or private, whereas Justice is public. We may or may not be in love, or ever have experienced it, but we could, nonetheless, consider ourselves to be competent to discourse knowledgeably about Justice. After all, we take the subject of Justice to belong more to the domain of Reason, where discourse about it—like discourse about other “objective matters”—is assumed to be free of sentiment. “Lady Justice,” paradigmatically, is fair only to the extent that it is blind to prejudice—this latter being a feeling, or sentiment, prompting us to favor one human being over another in a judgment concerning a conflict or dispute between them. Love, in contrast, in one of its most elementary forms, consists precisely in singling out or favoring one person over another, or, indeed, over the rest of the world. At the end of the day, Justice by its very definition needs to be institutionalized. Love defies any attempt at its institutionalization.

However, a cursory consideration of these two will immediately yield striking and underlying resemblances: although Love is what one *feels for* (e.g., someone), whereas Justice is what one feels *that* (it is done or undone), yet both, at bottom, are *felt*. By their nature, feelings are *immediate* experiences. Typically, one “finds oneself” feeling love, hunger, sadness—as well as (morally) pricked. Certainly, one does not feel love as one feels Justice; but one feels for *what* is just, or *that* something is unjust—the immediate instinct of this, or from this, being similar to the famous Socratic *daimon* (a self-reprobing instinct). This, in turn, becomes reflected in one’s *gadfly* (an other-oriented act or expression). The latter may be expressed in an act, or a discourse, but it is significantly an instinct that lies behind it, which is immediately felt.

Although the feeling of or instinct for what is Just is different from Justice itself, it is *this* instinct, which prompts the sense of Justice, that surely cohabits the instinctual world with Love. It is in this sense that we can say that my feeling in love is like my feeling that such-and-such is Just or Unjust. Both are felt in one’s guts. Both are immediate sentiments. Both are immediately experienced as psychological states in oneself. But clearly, one does not “feel” Justice as one feels love. From a higher perspective, however, Love and the moral instinct for Justice (that one *does* feel) can be seen to express themselves differently, the first being attached to (or objectified in) a particular person, or persons, while the second is attached to (or objectified in) a *rule* of conduct more specifically between human beings.

One may conclude from this that, in one essential sense, Love and Justice share a common origin, namely, their instinctual roots. True, our discourse about Justice may be carried out in rational terms, but ultimately it comes to reflect what we instinctively feel is right, and the beliefs we construct on the basis of that feeling. It consists in how we feel and believe human and social relations—even those closest to home—*ought* to



be arranged. Thus, we feel justified in weighing in on what Justice is, or in engaging in a rational discourse about it, typically because of the beliefs we have come to hold, in each case prompted by our instinctive feeling for what is right and what is wrong—or, Socratically at least—for what is wrong. In an important sense, therefore, we are justified in reducing Justice (and similar notions, like Fairness) to instinct, or feeling.

Importantly, however, this instinct or sense we have does not have to do only with the need for order—for there to be rules of behavior that govern our social interactions, without which everything would go haywire. It is not, surely, the mere existence of order that answers to the sentiments or feelings we have in this regard. It is the existence of a particular kind of order, one that we *feel* is less wrong, or more right, or—if we have Justice in our eyes—as being “truer to form” or better than others. But even if it were just order, or quietude, that we are driven to seek, having reasoned this to be better for us, surely we must feel *a want* to bring this about, again akin instinctually to those other wants we may have, such as our want to fulfill a desire, or our want for our love to be requited. Our want for peace, or for Justice, is of the same kind. Justice or Peace are frozen exemplars, until we want them, just as Love is simply a word, until we feel it.

The claim here is not that the objects of the moral instinct referred to are standard, or uniform, among human beings. The moral instinct, however, surely is. What one person feels is unjust, another can regard neutrally, or can feel to be just. Likewise, how it feels to be in love for one person can be different from how another person feels the same emotion—let alone that different persons can be the objects of that emotion. Underlying those differences, however, is the sameness of the instinct, or feeling. That is why two persons can differ on what to consider beautiful or attractive, but not differ on the feeling each of them experiences that is aroused by someone they consider beautiful or attractive. Likewise, the “objectified” articulation of Justice, whether as theory, or as an actual state of human relationships, can and often does seem different for different people. The moral instinct informing these different articulations is the same, but unlike in the case of Love where the instinct is immediately attached to the person as an object, in this case the instinct’s articulation of its “object” is typically intellectualized. After all, its object is a rule. Granted, the occasion may be related to one particular person, or more than one, but the judgment concerning it concerns a rule of conduct between them, or what is by definition a general judgment. That is why, at the end of the day, my judgment is public in nature, unlike my feelings of love, which are personal.

### Concept and meaning

One does not typically encounter Love in contemporary accounts of Justice. Yet, Justice cannot be explained adequately without Love—and Love itself must be explained adequately to do the job. Before this, however, it is important to ask what the current accounts of Justice (e.g., particularism or statism versus universalism or cosmopolitanism) draw upon as foundations for their analysis. And how self-evident or *a priori* are the principles on which they are based? How can we understand a “fairness”

theory of Justice, or a “law of the Peoples,” or any one of two or more egalitarian accounts (e.g., luck or product-based), and thereby judge impartially between them? What is it that ultimately *justifies* one or another of the different approaches (or one or more moral positions) proposed? Are there self-evident “rational” principles (e.g., utilitarianism), or primary psychological instincts (e.g., egotism) that suffice to uphold one version or another of an account of Justice that we may wish to propound, or to believe in? And would invoking Love somehow undermine such “scientific” or “rational” accounts?

Understandably, the concepts of Justice, Freedom and Equality—along with other concepts thought to be somehow related—have occupied the larger part of the interest of philosophers throughout history. This interest has reflected itself, again understandably, in disagreements among philosophers over the very meanings of those concepts—if we allow ourselves to make this distinction between a concept and its meaning—and over how the concepts are or ought to be related with one another. Yet, since the debates continue, a consensus on what these concepts *mean* (and whether or not their underlying principles are self-justifying) has clearly not been reached yet. One way to simply bypass this conundrum would be to propose a positivist approach, that is, to construct a theory of Justice on the basis of definitions that are to be used as axioms in the theory. Here, while the expressions under review would remain the same, any disagreements over them could be reduced to a matter of definitions.

However, one does not get the impression that contending theories of Justice would be content with a positivist approach. More typically, embedded in the recognition that meanings may be different, there is the underlying assumption that the concept is the same, and that it is *this* concept that is the subject of the disagreement. The debate thus takes the form of an assertion by one party or another that the meaning *they* give to the concept—rather than that given to it by the interlocutor—is the one that truly represents the concept in question, or that represents a realistic account of *it*. Real arguments seem to be about providing the *right* meaning of the concept, or the right answer.

The question, “Could there be Justice in Israel irrespective of how matters stood for Palestinians?” rhetorical or otherwise, answered negatively or positively, is one that assumes that the same concept is the subject of discussion. (Here, *two* societies coexist under what is, in effect, *one* rule. But a similar question could also be asked about two separate societies, for example, the United States and Saudi Arabia, having “normal” transactions between them). While an answer may take the form of proposing that Justice can exist in one country (or society) independently of whether it exists in the other; or that, in any case, it has different meanings for different societies—so whether it (is argued it) may exist or not in one or both is a matter of what Justice means for those societies—the obvious *counter-argument* immediately questions this assumption, bringing the discussion back to whether or not different meanings given to the same concept (or signified by the same expression) are valid alternatives, or whether they are exclusively disjunctive, making out only one of them to be the right meaning.

In other words, a *relativistic* approach to viewing such matters as Justice, Equality, and Freedom (whether in the context of one society or more) falls short of being conclusive, while a *universalist* approach—given the widely different hypotheses



proposed for a conclusive theory—still suffers from not yet having singled out one theory with a claim to a universal consensus. Likewise, we might question the justification for treating as an axiom a particular human right, or what to count as basic among these, not as we might impartially take note of it, but as to whether it is a realistic expression of what “we” might normally consider such a right. Here again, the underlying assumption in our approach is that an axiom is different from the real meaning of the concept in question; or that the entire theory built on this axiom does not correspond with what we might normally expect such a theory to reflect. That said, we might still disagree over the “real” meaning of such a concept, or over what a theory of it should look like. When this happens, the question once again arises: What are the ultimate principles underlying our different approaches? How are they to be justified?

Taking Freedom (Liberty) and Equality as examples, would we be justified in proposing that the first is *primary*, from which the second is to be derived—as a liberalist, or even a liberal egalitarian philosopher might propose? Or should we consider that Equality is primary, from which Freedom should be derived—as a Marxist egalitarian, drawing upon a dynamic theory of economic history, might propose? Or, rather, is it the case that the two are embedded in each other (as will be proposed in this account)? How do we go about settling this question in the first place, that is, determining a method for answering it?

### Fear, politics, fairness

In Politics, meanings and interpretations of Justice directly impact peoples’ lives—what it means within a particular group/population, or across different groups or populations. A particular theory that seems predominant in State practices (say, those in Israel or the United States) is one that is self-focusing: predicated on a select number of primary human passions, primarily fear for oneself (the *I*), but extended so as to apply to a self-identifying group (a *We*), it sets out a perimeter for itself wherein the self-security that the perimeter provides justifies the nature of the “rules” within—of regulation or prioritization between wants, whether of the individual herself or of the different individuals in the group—as well as “without”—determining the State’s relations with the outside world.

Thucydides, whom Hobbes sufficiently admired to take it upon himself to translate the Athenian’s major work, clearly sets out fear, besides self-interest and greed, as the primary driving force for human behavior. In this approach, fear, and more particularly *fear for oneself*, is immanent. A Hobbesian theory of Justice thereafter rests on establishing a state of peace (eradicating the causes of fear and managing the other passions of self-interest and greed) under the total control of a Ruler in whom the basic rights of individuals to defend themselves against others are collectively vested. Fear being the basic concern individuals have and their right to defend themselves against its causes being their basic need, a stable political system (order) ensuring their freedom from this fear automatically becomes the minimally sufficient system of government where Justice prevails. Political systems ensuring this freedom are (in this

view) sufficient unto themselves, and self-vindicating as upholders of Justice within their borders.

Taking this line of thinking one step further, such a theory can be seen to underlie (or give justification to) the much larger picture of power-balances in international relations: Unless and until a world Government prevails in which all the powers of the different States can be vested, ensuring the freedom of fear of each from the other, the minimally preferred option that can be achieved is a power-balance under which each State seeks to fend for itself, but can at the same time ensure Justice (i.e., security) within its borders. In effect, this is the state of the world today: Saudi Arabia can boast of adhering to the value of Justice as much as Switzerland can, and Israel can boast of being a Just society irrespective of the Palestinians. It is not even necessary in this light to argue for cultural relativism to explain why Justice in Saudi Arabia includes rulings that discriminate against women; or why Justice in the United States implies abject poverty for sectors of its population or the absence of a national health service; or why Justice in Israel implies the disembowelment of Palestinians from their native land. Not in any way being derived from those other values or rights philosophers often come up with, such as equality, or those values now enshrined in the Charters of the United Nations, such as the right to education, all a State needs for claiming it upholds justice is a condition of controlled quietude among its populace, conditioned on a reasonable level of freedom from fear for itself—even if this is backed only by an oligarchic or authoritarian rule. (A judicial system of regulations and procedures for adjudicating in cases of conflicting claims among members of the populace can, of course, be flagged as proof of the existence of Justice, but *this* kind of Justice would clearly be different from that where the object of interest and discourse is the *whole* polity, within which adjudication is practiced).

That said, such a system of world order is generally found wanting. Rights- or political activists or philosophers (whether living in the “Western World” or outside of it) generally express their concerns that, whether in the context of political orders within (even) democratic systems of government or outside of them, a Hobbesian Justice is left to seem barren of moral—or even *enough* psychological—content. The Hobbesian psychological basis for constructing a theory of Justice is thought not to tell the entire story. So, discarding a Platonic approach that is thought as outdated and anyway as smacking of too much “metaphysics,” political theorists have focused their efforts on finding ways to complement Hobbesian primary instincts (psychology) as a basis for developing theories of Justice with other equally basic (self-centered) instincts or needs, such as those having to do with the practical imperative for human cooperation (transactions). It is with Aristotle that this focus on what explains social interaction is first encountered, but further psychological insights to explain this felt need are sought, such as, for example, what is said to be the instinct for reciprocity. At the primary level, this instinct may be diagnosed (for the purposes of explaining Justice) first in terms of the “primitive” and ego-driven impulse to retrieve from the other that which has been snatched or taken away from one; or, as a minimum, to “get back at them” for having deprived one of a possession. The encounter with “the other” is thus portrayed—in line with the primary egotistic instinct of “fearing for oneself”—in *negative terms* as a matter of “an eye for an eye,” or of a “restoration of a *status quo ante*.”



This “encounter” paradigm presupposes (in the context of two or more individuals) unprovoked aggression—the ego-driven impulse of one person to snatch for oneself from another what one can, or what one feels the desire for. However, what starts out as a mutually aggressive paradigm is then supposed to introduce the foundations for a reciprocity notion—the determinant of the relationship with “the other.” At this basic level, the notion of “Justice” is portrayed in purely restorative terms. It is a notion that prepares the groundwork for a more evolved *transactional* relationship with the other: if one person takes, the other takes back.

In time, and with experience and acculturation, the reciprocity principle evolves into a “give and receive” relationship, and even, much farther down the road, into a gift-making sentiment, with no returns expected or required. Finally, this initial (but primarily ego-driven drive) comes to be investigated by political theorists for the purposes of laying the foundations for a mature theory of Justice—whether a “liberalist” or an egalitarian one, and whether as confined to the perimeters of a single polity (statist) or as extended across different political contexts (universalist). An edifice of values comes to be constructed on the basis of how the first bricks are situated, accounting for those other notions that are normally associated with Justice (e.g., equality, freedom, basic human rights), which on the one hand are seen to be totally absent in a Hobbesian framework, but which on the other hand are “added bottom-up” in a calculating (or rational) way, rather than by being imported from some metaphysical space, such as that of Plato’s Forms.

The “leap” from the psychological plane (ego-driven instincts) to the rational plane (an articulation of a “moral” theory of Justice) that would be required in this context is articulated in the form of an implicit consensus between members of the group—a kind of social contract, perhaps best explained through a thought-experiment, such as that of Rawls’s *veil of ignorance*, where we can imagine persons extracted or disengaged from their current social positions coming together with a willingness to cooperate in order to agree on the best new arrangement between them.<sup>1</sup> Eventually, Rawls’s interlocutors are not imagined to be “disembodied minds” simply trying to cut out a best deal for their individual selves: in order to make the arrangement to be worked out hold for future generations (as the best arrangement needs to), he finally (and significantly, as we shall later see) imagines them as “family representatives,” or as individuals also having the best interest of their descendants in mind. The intergenerational projection envisioned here (from an “I” to a “We”) is a rational extension of the “I” space, or of the first-person, moving from the singular to the plural, but remaining anchored in a reflexive mode of calculations. The virtual laboratory in which his interlocutors are engaged in negotiations is one in which each of those present seeks to work out a consensus over that package of goods which he or she believes suits his or her order of priority—a common *wants* (primary goods) list to serve as the ground-floor basis for a joint (re-engaged) life. Through this experiment, Rawls proposes to show how—even when we start off with egotistic individuals seeking to fulfill their wants—the condition of their being disposed to reason with one another for a final settlement between them will produce a common living arrangement that provides sufficient space for all, even accounting for their different “fortunes” (a circumstance to minimize the effects of which he formulates a special rule—see below).

As a best order of human relations given how human nature is perceived, Justice here is no longer defined merely in terms of the containment of internal aggressions (freedom from fear), but as an order providing for that space in human relations that allows for what are generally regarded as “democratic values,” with lines being drawn (by some, if not all, “liberal theorists”) across state borders to delineate what these values imply or oblige at the level of international relations (viz., the obligations and constraints on what are to be acceptable and unacceptable conditions in other countries with which the original country has dealings, and what the nature of those dealings should be like). In sum, what we have in these accounts, therefore, is (a) the discarding of the idealistic and metaphysical “baggage” of ancient theories of Justice, and (b) the attempt at preparing a more realistic, but primarily I-centered or “egotistic,” account, by drawing either on the psychology and rationalism of human beings (liberal-libertarian theories), or on an in-built historical mechanism (Marxist) geared as a *final cause* toward Equality.

## Communitarians

The so-called “communitarians”—who consider the building blocks of a civic order to be groups rather than individual units (sometimes clumsily called “unencumbered selves”)—would downplay the significance of a “rationalist” contractarian approach as that proposed by Rawls, ultimately considering this to be neither historically meaningful nor conceptually relevant. Social groups are formed, and best preserved, being rooted in those “positive” sentiments and feelings known to bind people together in the first place—compassion, respect, tolerance, sympathy, love, and suchlike, to start with; and on the communal civic institutions that are established and in which the community members succeed in remaining bound to one another, such as the family, the church, the local clubs, the unions, and suchlike, in the second place. For the communitarians, even “a family representative” in the virtual laboratory would not do as an interlocutor—first, because the purpose for which the laboratory has been set up (the best arrangement for a group such as the family) is already vouched for in their account, the social unit with which one starts being a group rather than an individual; and second, because in this laboratory the family representative is proposed as somebody negotiating on the basis of Reason rather than Sentiment. It is Reason, in Rawls’s account, that is the mechanism used to prune the ground structure of what are primarily individualist egotistic instincts, in order to create the best living arrangements possible. This account is different from that, say, of Hobbes, which is grounded in fear for oneself; or from that of other contractarian theorists (say, John Locke) who define egotistic wants in terms of specific “goods” (e.g., possessions or property). But the basic ground structure (a primary egotistic human nature) is the same, as is the pragmatic mechanism (Reason) needed for establishing suitable boundaries between individuals.

Communitarians view this egotistic basis for the construction of the best living arrangement as one-sided, and, therefore, as being misguided, since it totally ignores the fact that what binds people together in the first place, and what keeps them together, is the sentiment of affiliation of one kind or another, which is in due course translated



as the values and civic institutions keeping that society intact. However, in spite of its well-advised attention to this other side of human nature—generally thought to be absent in a liberal account—the communitarian account has a basic shortcoming, which is its minimization of the role of the individual, even in the context of the area of sentiment. Being generally portrayed as a *group mode* of affection, its sentimental relationships begin to look more like *rules* governing these relationships (e.g., values), and more like separate community-centered values, than like general human instincts ultimately anchored in the individual herself (see below), and therefore reflecting a standard human account. In other words, here the danger in the account is that of its being too abstracted from the individual's instincts, and therefore from the individual's role in the construction of the "best arrangement." This in turn leads to the further question of how—out of the cauldron of instincts and emotions in individual human beings—the best cooperative arrangement in this account could finally emerge rather than any other. While the blatantly visible other side of human nature is highlighted, neither is the picture clear about how positive instincts and passions could be separated from negative instincts and passions to produce the best arrangement, nor is it clear what role positive instincts are supposed to play in that overall picture with respect to one another. If in Rawls Reason is chosen as the mechanism for determining the best order, it is not clear here how Sentiment is to play an analogous role.

But besides this visible shortcoming, there are many other reasons why a "rationalist" edifice built upon purely egotistic instincts is also found wanting, all boiling down to their being rooted in a conception of human nature that makes it out to be—in defiance of common sense—blatantly selfish: indeed, the selfish elements of human nature may describe much of the political world, but they by no means describe what people feel for each other.

### Love is what binds: Ibn Khaldun

"The best possible arrangement for human relations" seems to define what Justice is, whether for the communitarian or for the liberal. Absent from both accounts (whether altogether or in practical terms) is the role Love plays in the picture. This is a crucial shortcoming, as Love is after all an essential part of human instincts, as is the instinct for Justice. To ignore it altogether would seem too arbitrary, while to subsume its distinctive and individualist role almost as part of a general rule describing human relations would seem too downplayed. While it may be a tall order to try to define or sift out Love's various meanings, it is nonetheless possible to isolate a particular meaning at this stage that seems very relevant to the discussion so far, as well as to the discussion that will follow on how, finally, the notions of Freedom (thought to be exclusively I-centered) and Equality (thought to be relational) could form a reasonable account of Justice. The particular meaning I wish to isolate can be initially formulated in answer to the simple question whether two individuals *find* themselves in love with one another *before* uniting as a couple and beginning to pursue a common interest (say in an arrangement of marriage), or whether they typically approach each other in a calculating way to determine a common interest as a prelude to falling in love

and forming a union between them. Clearly, two real-life answers are possible. Unions can and do happen both ways. But if we were to dig deeper for a genealogical origin in order to determine whether utilitarian unions precede or succeed love bonds, we would surely find love as the instinct that brings them together in the first place, and it is love that determines afterward how strong or weak the bond between them is, while a common interest may determine—however weakly or strongly—a thin meaning of a working relationship between them. (Business relations are surely second-order to real human bonds.)

Can we find a psychological basis for drawing this conclusion? Many venues for doing this are obviously possible,<sup>2</sup> but in this regard I shall draw on a key insight by Ibn Khaldun (1332–1406), provided by his definition of his well-known concept of "*asabiyyah*," to introduce a method. This is sometimes translated as "compassion," or "affection," but this or any other cognate translation needs to be understood precisely in the terms he proposes as an explanation for it. It is that natural instinct of caring about the other, he tells us, common "from the beginning of time" to all human beings, which inclines us to defend *someone else* from danger. So powerful is this instinct that it makes us ready to place ourselves in the face of that danger on behalf or in lieu of that person, thus intercepting it, and preventing it from befalling the other. The "someone else" in this picture is—in the first place—a close blood relative, or a loved one (contrast, here, this impulsive filial instinct with Rawls's calculating "family representative" who is engaged in negotiations). Ibn Khaldun then extends its application to those who are physically farther and more distant relatives, a gradual replacement in one's perception beginning to happen here of those in whose physical surroundings one is, to those further away, for whom one's care instinct becomes a function of one's ability to *imagine* the union that binds them. This, already being an imaginative function, is subject to a gradual waning, until it dies out. When this happens, he tells us, the presumption of a union's existence becomes vacuous, or more theoretical than real, as the initial caring instinct "for the other" one needs to have for there to be a union in the first place would by then have totally disappeared.<sup>3</sup> With some modifications, "Imagined Communities" here would seem to fit Ibn Khaldun's conception of the civic association, and the role of *imagination* could form a basis for its further development (see below).

If—in view of his definition of it—one were to attempt to flesh out the deep meaning of "*asabiyyah*," one would need to interpret the special compassion or affection meant as the *love* a parent has for her child—in a sense, a love for another that exceeds even the love one has for oneself.<sup>4</sup> A problem faces us as we try to figure out how this basic instinct (which many parents presumably feel, paradigmatically, as they first hold their first newborn in their arms) can become translated into a wider context, as Ibn Khaldun wishes for it to do. Or indeed, how it could become translated into a universal feeling, as *sufi* writers portray it. In any case, Ibn Khaldun develops his theory on the rise and fall of States on the basis of this basic instinct—their growth, the power they possess, as well as their weakness and their downfall being in direct proportion to the strength or weakness of this basic instinct—or what one could nowadays perhaps describe as the communal identity.

It is not necessary for the purposes of this discussion to go into his elaborate theory concerning the evolution or lifetime of polities, (or his eventual elaboration



of Justice as “fair” governance, especially in relation to the State’s financial policies) except to point out that, while not discounting whatever other psychological or material requirements may be presented to explain the origination of a polity, these are in his theory posited as being posterior to and based upon this primal instinct of “*asabiyyah*.” For example, the cooperation requirement for survival (e.g., the rational need for the distribution of tasks among the members of a group, fulfilling the self-interest of each of those members in the acquisition of food, or their coalition for the purposes of self-defense) *presupposes* an already existing *glue* holding those members to each other through “*asabiyyah*.” In an *original position*, Ibn Khaldun’s basic “units” are (as they are also for the communitarian) already small groupings, paradigmatically family ones. However, unlike the communitarian, Ibn Khaldun seeks out and identifies one particular instinct found in the individual human being, around which a social group or community begins to coalesce. Without it, one is given to understand, human beings can, of course, interact with one another, but they do this in the absence of “a community.” For this to come into being, even in a pre-civil state (i.e., among population groups living in the wilderness), a *glue* is required, which Ibn Khaldun identifies as “*asabiyyah*,” its primary and deeper meaning being filial love. (Ibn Khaldun does not confine this “eternal and natural” instinct to human beings, and claims that it also exists in many other species).

Besides Love, and as a testing ground for it, what is particularly striking about Ibn Khaldun’s primal “compassion” instinct is its rootedness, or expression, in fear—not that, *à la* Hobbes, which one person feels for oneself, thus explaining one’s need for a social contract—but the fear one has for someone else. In Hobbes, fear for oneself is the reason for establishing a bond. In Ibn Khaldun, it is because the bond (love) already exists that fear for the other is felt or experienced. Fear of a danger or a threat is a testing ground because, in experiencing this fear of a threat, one’s instincts could go in one way (to saving oneself) or in another (to saving someone else). The impulse to save another (paradigmatically, as Ibn Khaldun wishes us to envision, the “other” being one’s child or a loved one) is perhaps an expression of the purest form of love: wishing for the other even that which comes at the expense of one’s own suffering. It is this love that one has for another that lies at the heart of what one can regard as the inception of a community. (As an aside, we can imagine that, in a pre-communal state, the mother is forced against her will to submit to a male aggressor’s sexual assault, but also that only the love that will bind her to her newborn will explain the true genesis of community. It is *this* primal instinct that stands as the foundation glue for any kind of bond between persons.)

It is important to keep in mind here that Ibn Khaldun is not just recasting observations about human nature and family sentiments such as those Aristotle himself had highlighted in his treatment of the origination of a political association. Aristotle had recognized the role of such instincts, but had at the same time focused on individual self-interest as a foundation stone for those associations, evolving out of family groupings. For Ibn Khaldun, on the other hand, the basic glue binding a polity is this instinct, and it is significantly a glue in which “the other”—even though it is a specific other at its basis, a blood relative, the object of one’s affection, or a loved one—counts at least as much as oneself, if not more.

In some current accounts on Justice where primal psychological roots are pried in search of how the family-related concept of equality—appropriately defined—could be “fitted into” the whole picture, it is suggested that one should look—beyond the first-order egotistic impulse—at what constitutes the foundation of the relation with the other. A subtle but important distinction is made here, making out this search to be a rational one for a derived or “*second-order*” question that could be of the form: How do I, in my pursuit of satisfying my egotistic wants, relate to the other (who happens to be around)? Further down the road, the answer to this question comes to determine how I come to see what equality with the other *must* (realistically) mean. But the very first steps down this “discovery” road—eventually to be described as a process of articulating a relational principle of reciprocity with the other—begins at the ground level of my instinctive pursuit of satisfying my egotistic needs through recognizing the value of the other for the satisfaction of these needs. This other-need may also evolve to become supported by the reflexive need one person has that the other should recognize one as a functional need for the satisfaction of *their* need. Still, the entire process remains self-centered. The principle of reciprocity that evolves from it (and, eventually, the standard for equality on which this is based) is a “second-level” criterion, coming into play only once the more fundamental or “ground level” criterion of self-identity—the individual’s primary instinct for satisfying selfish wants (and, eventually, the primary roots for a standard of Liberty are grounded)—has been established. Being primarily driven by the satisfying of selfish wants, the individual discovers the need for both cooperation and recognition. Beginning with the notion “to take for oneself,” moving onward to the notion “to retrieve or snatch back what is taken from one,” it eventually evolves to the notion of “give and take.” At the acculturated level of Reason (a rational standard for what the appropriate balance of “give and take” exchanges among members of a given society should look like), it becomes the basis for what can be considered a “realistic” account of equality, and a justified distribution of goods in society.

A theory of Justice taking its cue from this approach, in other words, proposes an order that accounts for what it claims to be the right distribution of goods among members of a chosen society (equality here becoming defined in terms admitting of the justifiability of distribution differences), and it may, indeed, propose how structural relations with other, less-endowed societies may be established. In like fashion, “International Justice” here may be so articulated as to rationally tolerate an international order in which—in practical terms—three-quarters of the world population live in poverty (or suffer from the deprivation of basic rights). It is not being claimed here that such a Theory would find such an order *desirable* (nor, indeed, would such a Theory find the absence of a decent level of living for its own members desirable): only that its interpretation of equality is made to fit its preferred interpretation of Justice, making blatant exclusions from a decent and dignified level of living of sectors of the population, or of the world, transitionally tolerable. However, as recently noted, a capitalist order (organically upholding such “liberal” theories of Justice) seems inherently geared toward exacerbating the gulf dividing the rich and the poor, even among its own populations.<sup>5</sup> In view of this, and of the liberalist’s need for a justified level of toleration of difference, there is a clear need for one upholding such a Theory of Justice to revisit the principles on which it is based, and the corresponding



level of toleration allowed for the gulf dividing the rich and the poor (and the “wants-endowed” from the “wants-deprived”), whether within or across societies and cultures.

### Love or the restorative impulse?

Taken as a primary building block, Ibn Khaldun's principle of compassion, affection, or love preempts the construction of a theory of Justice in the fashion outlined above. If we leave aside for our present purposes the more complex issue of how this “glue” evolves sufficiently to sustain a political order (and how Ibn Khaldun himself construes Justice), we can try to construct a Theory of Justice on the basis of this principle, which, while not necessarily espousing blind egalitarianism, would still avoid the above-mentioned pitfalls of a “liberalist/capitalist” account. The point to start from is to acknowledge the instinct of defending against danger, but to tie this down to a primal affection for the other, of sufficient force as to wish to stand in the way of that danger, thereby “offering” to take the blow oneself. However one wishes to understand it (even, in a roundabout way, as an egotistic impulse to do with species—and therefore as self-survival— or as an expression of self-love in a projected form), it is primarily a “love instinct” based on which, directly or indirectly, altruistic behavior can be explained. This latter, being defined precisely in terms of affection, and reaching selfless concern for others, stands to be as important in explaining human (and some animal) behavior as what are normally highlighted as selfish instincts. While it does not receive the acknowledgment due to it for the role it plays in explaining behavior from many writers in this tradition, this altruistic instinct has recently been highlighted in some bio-ethical literature,<sup>6</sup> as well as in a recent and widely acclaimed work on history of science.<sup>7</sup> The challenge such studies, accounts, or proposals make us face is that of needing to return to the drawing board in order to re-think how to put the building-blocks of a Theory of Justice together, this time giving as much weight “at the ground-level” of “an original position” to altruistic as to selfish impulses—indeed, even more weight, going by “*asabiyyah*,” to altruistic than to selfish instincts.

As already stated, while such a project would question some of the basic principles of both the liberal and communitarian approaches, it would nonetheless be of benefit and could build upon other basic elements in those approaches, in a sense seeking a more coherent overall picture. A particular principle to be questioned in an individualist approach is that of the primitive role of reciprocity—a concept that is itself rooted, as already noted, in the instincts of taking for oneself and the re-taking of what was snatched from one. These primitive instincts are articulated in terms of certain behaviors (such as “snatching back”) and accompanying passions (such as revenge or vengeance, or the “restoring” something from the other deemed to be as worthy as what the other has taken from one)—all of which remain pertinent in more evolved human behavior—vengeance and suchlike passions clearly explaining much of this (unfortunate) human behavior. But it would seem to common sense to be stretching this line of thinking too far to propose that our (or a realistic) understanding of what Justice is resides precisely in (and remains pertinent to) this “lopsided” genealogical account for reciprocity. As Chakrabarti has amply shown, it does not even stand the

test for being logically coherent.<sup>8</sup> Indeed, Chakrabarti's critique, which is also extended so as to reveal the negative implications of such a theory on world conflicts, illuminates for us once again that other side of human nature, namely, that deeply ingrained (Gandhian) culture of self-control allowing for accommodation—the kind that, even if *not* rooted in love for one's enemy (the other, guilty of usurping a good), is nonetheless a sufficient and commonsensical basis for toleration, and, therefore, for a state of peace (that aspired-for goal of human coexistence).

Chakrabarti's argument specifically aims to discredit the vengeance component (taking back) in the reciprocity argument for Justice. His dismissal of love as a factor, therefore—that I am not required to love my enemy in order for me to be able to formulate a state of peace between us—should not be read into more than for how it is introduced in that argument, namely, as not being the natural substitute for the sense of anger that can and ought to be contained instead of being given vent to through an act of vengeance. (As he shows, the very logic of restoring a *status quo ante* is incoherent.). However, while “loving” one's enemy raises the bar too high for there ever to be peace, recognizing that enemy as a fellow human being (allowing for toleration, or an admission of that enemy's own wants-space) is surely a prerequisite for making that peace with them.

Invoking “*asabiyyah*” again, this inclination for toleration, recognition, and a state of peace with the other must clearly reside in, or naturally complement, other primary instincts at the basic level, defined for our purposes as compassion, or the instinct for, and the act of, love. It is primarily the love with which one holds someone dear that instinctively makes one (physically) intercept a looming harm to the other, thereby endangering one's own life. It is not clear that such an instinct would be covered by the principle of reciprocity, as it has been explicated so far. (Would a mother impulsively covering her child from the blows of a soldier with her own body do so as a natural recognition of that child's own readiness to do the same for her in her old age?). To the contrary, it would seem more reasonable to suppose that the act is carried out impulsively, the sacrifice of oneself not even being given the time to be considered rationally, or in any other way. Or, if we insist on there being a deeply ingrained sense of reciprocity, it might well just be what is imprinted in one's psychology as what the natural or right thing to do for each other is among members of the group. But in this latter case, the generalization of this principle would make it out to be a primarily positive instinct rather than—as is often portrayed—a neutral principle to do with reacting, whether positively (in transactions) or negatively (in reaction to a slight of honor or a dispossession of a good). Indeed, if it were insisted that the “eye for an eye” is the root of the reciprocity instinct, there would be every reason to propose that this “compassion” instinct must then be rooted elsewhere in human psychology, with far more compelling “impulsion” power over human behavior than the revenge instinct—the former being directly impulsive and the latter often being more willful.

Introducing the compassion instinct into this kind of discourse is, of course, not new—as has already been intimated, communitarians base their approach on this kind of psycho-genealogical foundation. Altruism is not altogether absent in this kind of debate, but a liberalist approach seems to relegate it to a second-order level, as already noted. A communitarian approach, on the other hand, seems in effect to employ it in



such a way that the individual's primary role in the formation of community becomes blurred. However, assuming that one's primary instincts are both self-centered and other-centered (thereby giving less weight to "*asabiyyah*" than Ibn Khaldun gives it, while not erasing it altogether from the initial logbook of human passions), it may then be possible to construct a theory of Justice (an account of the best arrangement for human relations) that stands on two feet simultaneously, rather than on one pillar only, later to be complemented with other factors that can accommodate with due constraints those other concepts normally related to Justice, foremost among them being equality. However, to do so would require drawing upon some of the observations made at the beginning of this chapter on the matter of definitions. Here I would seek support simply from the claim that the definitions I will be giving Justice, Equality, and Freedom in what follows approximate fairly well to a commonsensical view of these concepts. At the very least, they do not stray very far from other definitions, noting nonetheless that their articulation in what follows is more reasonable.

### Freedom and equality on a par

The two primary—and, importantly, complementary— notions needed for constructing the proposed Theory of Justice are, not surprisingly, freedom and equality. These have been classically considered to lie on opposite sides of the same pole. Freedom is defined in terms of my own wants-space, while Equality is defined in terms of the balance between my own wants-space and that of others. Justice is typically portrayed in terms of striking the "right" balance between them. "Libertarianism" (highlighting freedom) and "luck egalitarianism" (highlighting equality) are traditionally viewed as representing extreme opposites.

"Striking the right balance" is clearly where the challenge lies. Generally speaking, one could start from two opposite points. One's departure point could be freedom—the wants-space of the individual, or the realization of self-serving wants. This is considered to be a *primary* instinct, covering a vast array of self-centered or egotistic wants, including, of course, first and foremost, the want for freedom from danger, or the want for life. As for the wants-space of others, its determination is then thought to be rationally workable as a second-order discourse, or a discourse that is derived from the discourse about Freedom. Typically, the thinking here is that one first explains adequately the freedom space for each individual, to be followed by an attempt to see how these different spaces *can be reconciled* with one another. However, this account is contested by proposing that the departure point should, instead, be the moral platitude that we are born equal. It is Equality here that is considered primary. Using this as our beacon, we can then work out a structure as a second-order discourse to determine the *appropriate limits* of the wants-spaces for each of us. If the first account invokes instinct as a primary departure point, the second invokes a universal moral value.

What is clear from the two accounts is that each of them, by proposing its preferred item as primary, in effect compromises the meaning of the other. Equality ceases being that if Freedom is given the first run (it gives way to the concept of reconciliation), while Freedom ceases being that if Equality is given the first run (it gives way to the

concept of what is deemed appropriate). Justice on either account is reduced to being a system favoring one account over another, supported by a re-working of the definitions of the two "mutually exclusive concepts." However, we can free ourselves from this self-imposed conundrum if we take Freedom simply to mean the wants-space of one individual, and Equality to mean nothing more simple than that each individual has it, or that each is equal in having a wants-space of one's own. In other words, we need not consider Freedom as a function of wants, and Equality a function *between* wants: rather, as already said, it would make more sense to consider them both as functions of wants. Since Freedom is defined as a function of my own wants-space, Equality can simply be defined as the application of this function to each individual. This way, freedom and equality can be considered as being two sides of the same coin.

Viewing Freedom and Equality in this light retains for each of them its primary meaning. But we would still be left with the question of how then to incorporate Justice into the picture without compromising these meanings. It is suggested here that the fundamental flaw in the above account of Justice is to assume there to be a generic gulf between my wants and those of others. But we have already seen that even Justice is reducible to our wants. Its propelling impulse is an instinct that is just as natural as all of our other instincts. My list of wants, therefore, already allows for the want for justice for myself as well as for others. More generally and significantly, it is too thin a concept of wants to assume that what everyone wants as an initial position is only something for themselves, rather than what they may also want for others. Ibn Khaldun's "*asabiyyah*" makes it eminently feasible to claim that among the things I want at the most primary level are those (good) things I also want for others. We therefore have at our disposal in the list of my wants both my want that Justice be done and my want for the good of others. However, the latter—my want for those (good) things for the ones I love and care about—clearly comes first. At its most primitive level, Ibn Khaldun's compassion is rooted in the primal instinct of a parent to protect her child at her own expense. This is akin to her own instinct to protect herself, if alone, against a looming danger. At a more complex level, as we have already seen, it is also an extension of that same sentiment toward others, moderated by the imagination, as he tells us. Whether it could be built upon to extend further as to become a universal rule (whether between groups or among individuals) is something yet to be argued for (see below). For now, however, we could just accept as a general rule that included in my list of wants are those (good) things I want for others.

At the risk of some hair-splitting here, it should be added that by "the other"—that is, *all*—at this stage, we only mean "*any* (one) of the others" (even if "the others" only mean "some") rather than *each* of them. This rendering would first maintain the association of the felt affection by any one person for a specified individual or individuals as the initial meaning requires, rather than leaving it open as the one felt for each individual (regardless of the filial or similar relation that might hold between them), and it precludes the meaning from implying that what one wants for oneself is *ab initio* what one also wants for each person regardless of the relation (the mother would not want for her child exactly what she wants for herself). Although it is very likely that one's wants for oneself would far exceed one's wants for others, we would still be left with a space of overlapping wants: the (good) things I want for the other



(still defined as lying within my own wants-space, or as expressing my freedom), and those very things wanted by the other (included in their wants-space, and being a function of their freedom). One item that would stand out in this context is my want for the other to be able to so develop themselves that they could acquire the (good) things I want for them. The list of the good things I want for them surely must include many other items that they want for themselves. A consensual space of wants can therefore be delineated. It stands to reason to view this consensual space of wants as being foundational for the delineation of a community's borders, and to understand our want that Justice be done as arising when one or more of the wants in this space are trampled on or abused. Justice therefore must surely consist—at least in part—in the satisfaction of those consensual wants. Equality, initially having been defined as what each person wants, here becomes “reified” by that consensual space of the good things that everyone wants.

Therefore, viewing freedom and equality as being on a par and already standing on the same platform helps us see a way to construct a model of Justice. We no longer need to build up a model for it so structured as to assume a “worthier” or more elementary status for freedom than for equality and, by so doing, to put constraints on how equality is to be defined. Also, in extrapolating a consensual space in the manner outlined we come to see freedoms in a positive light, and not only as self-serving spaces, the one needing to be offset by the other.

There is a strong tradition in political thought that gives more prominence to the concept of trade as a stabilizing force in and between communities than to sentiments like love or compassion. Common trading interests between parties are thought to be what bring about and guarantee (to the extent possible) peace between them. At its roots, this account also finds support in the emphasis, at the primary level, on the concept of reciprocity—that elemental psychological force or instinct that is thought to be what stands behind the formation of civic relations. Unlike a sentiment, like love or compassion, which is typically object-particularized, the principle of reciprocity is proposed as a general rule with universal applicability. Reciprocity, we recall, is defined as a mutuality function of how *any* two individuals may view, and interact with, one another. Ignoring for a moment its lexical ordering as what proceeds from and comes after an initial, but still unconsidered, basic ego impulse, it is the psychological mechanism through which—it is suggested—different egos become inclined to interact with one another. So, although the underlying presupposition of a social context may be the same for compassion and reciprocity, the difference between them as proposed is that whereas the reciprocity principle leaves the context abstract or undefined (it could be an exchange inclination between two total strangers), the compassion principle ties down that context historically, or confines it in *the first instance* to specified social units (family, friends, village, city, nation). For this reason, the compassion principle has been rightly viewed (in a negative light) as one that underwrites tribal, ethnic, or national chauvinisms. In this sense, it may be claimed that one cannot hope, on its basis as it stands, to be able to construct a *universalist* account of Justice. Indeed, arguably, it seems flagrantly to be a basis for group-specific (or culture-relative) accounts of values.

However, there is no evidence that suggests that a reciprocity instinct or inclination comes first. Indeed, it is more plausible to suggest that compassion comes first, reciprocity proceeding once a bond is established. A mother's selfless love for her child

surely precedes any consideration she might have in her old age, when she feels in need of care, to be deserving of reciprocity from her offspring. Indeed, Ibn Khaldun's principle of compassion would seem—for the very criticism itself—to be a down-to-earth or realistic account of a community's genesis: it is a fact that closely knitted groups begin to form precisely on account of particularized (rather than abstract) sentiments. In contrast, reciprocity seems more likely to fit into the picture as a second-order or evolved disposition: it is within the context of an already existing communal structure (or between them) that individuals begin to engage transactionally with one another.

Secondly, however, the very claim to “universality” by the reciprocity principle is more theoretical than realistic. While it is proposed as a general rule (that for any two individuals, the one will incline toward a reciprocal relation with the other), it is not meant as what, in fact, inclines one individual to entering such a relation with another. In other words, the claim of the transactional instinct's so-called “abstractedness” from social context is, in reality, far-fetched: whatever universality it claims to have is surely based upon the specific context where its abstraction as a principle or rule is first made, and where, significantly, it is not made as an application of that rule.

Even so, it may be claimed, while its roots are object-particularized, it is, in fact—unlike compassion—generalizable as a rule, and better fitted therefore for a general theory on Justice. But as already indicated, doing away with reciprocity's lexical ordering in no way undermines our ability to rationally build up a project for Justice. Compassion (in its various deep meanings) could do just as well for building up such a project. But the difference in ordering has far-reaching implications: whether to look upon egotism or altruism as occupying a more basic natural place. Ibn Khaldun's “*asabiyyah*” being a primal psycho-anthropological account, one could easily see how, at an acculturated level, it could become generalized and develop into a universal value: though originating in a select environment for members in that group, it can and does by extension get carried over to other members of the human race (the compassion for the suffering of other groups—say, for a foreign population being devastated by a tsunami or a volcanic eruption or a nuclear disaster being felt *as if* it were like a devastation of a sector of one's own population—see below). In other words, it would not be logically incoherent to propose an articulation of “*asabiyyah*” (and love, more generally) as a principle of compassion ultimately applicable to the human race—or, therefore, to view egotism as well as altruism as each other's nemeses, with equal claims on human sentiments and behavior.<sup>9</sup> These two, then, could be proposed as the psychological foundations for the *two kinds of wants*—self-centered and other-centered, the former denoting egotistic wants and the latter, altruistic instincts.

At a first approximation, then, we can define freedom as that space needed for the fulfillment of one's wants, and equality as the mirror-reflection of this, or as the wants-space for *any* member of the same set. Equality being a function of a “wants-space” in this model, there is no need to seek an additional criterion—such as production or skill—to account for or to justify different distributions of social wealth: different “wants-spaces” already determine different amounts and kinds of “social goods” that different individuals seek to possess. A consensual space already determines a shared wants-space by all for all. But a “wants-space,” by itself, does not justify the full possession of all the goods people want. It is a descriptive space and not a prescriptive one. While it is partly rooted in shared wants (the good things I want for myself, as well



as those I want for others), it is also rooted in the egotistic instinct. At the primitive psychological level from where it originates, it will certainly cover—besides the want for life—greed, power, and general self-aggrandizement. But at an acculturated level, we can imagine how it could be turned into a range of wants having to do with self-betterment (or, to use Martha Nussbaum's terms, self-flourishing), or the self-realization of potential skills and talents, as well as with the conditions providing for economic security and well-being (Aristotle). But since this definition of the wants-space—for it to make sense—applies indiscriminately to any individual at all, thereby ensuring Equality, expressed tangibly in a consensual wants-space, then for two given different wants-spaces to fit well with one another, a default standard of harmony must be sought, and must, in fact, theoretically exist.

We could propose as a first approximation of such a standard of harmony, or Justice, that it be based, as a common platform, on the consensual space of wants. This can be stated as an *overlapping principle*: that there be a coincidence, across the board, of the want for those (good) things I want for others with those (good) things that they want for themselves. As already indicated, while “self-centered” wants must by virtue of the difference between individuals be quite different from one another—say, beyond certain common wants, like human security—“other-centered” wants of these individuals must overlap. One basic item here is my want for the other to be able to so develop themselves that they could get the (good) things I want for them to have, and which they themselves want. Taken together, these different common wants constitute a consensus. Being “extracted” from individual wants, such a consensus creates an obligation: that, being a member of the community, I come to be obliged to act in accordance with its consensus. However, given that, beyond those wants, different individuals must have more wants (good or otherwise), another principle would clearly need to be introduced as a complementary component to the guaranteeing of Justice. This additional component could be worked out from Rawls's *difference principle*, taking into account the different route just explained to reach it.

### How the difference principle might work

The *overlapping principle* guarantees that I seek to help others to develop themselves. This calls for an active rather than a reactive role, obliging me as a member of a community to extend help to others. The *difference principle* must guarantee that I do nothing that might prevent their ability to so develop themselves, or that might harm them. A tentative rephrasing of a difference principle could be the following: any accumulation of goods in the wants-space of one that will prevent, directly or indirectly, the ability of the other to fulfill their ability to so develop that they could acquire the (good) things they want for themselves would constitute a violation of their freedom—this being the underlying pillar for the best order of human arrangement between them.

A clear example of such violation can be witnessed in the context of politics, say the current Israeli-Palestinian conflict: Israel's exploitation of a joint (Israeli-Palestinian) water aquifer in such a way as to prevent its use by Palestinians to develop their own

economy and living styles; or its exploitation of the returns on religious tourism to the country's (joint) holy sites in such a way as to prevent the Palestinian tourism industry to develop itself; or its colonization (settlements) project on land conquered in the 1967 war in such a way as to preclude the Palestinian ability to exploit these territories for their own growth are all examples of infractions of the difference principle. All these are cases of the direct causing of harm to the other.

The above case could be likened to one in economic terms where two individuals, A and B, happen to find themselves sharing a joint bank account between them, but where each can draw out money from it singly. It is not (yet) determined which one of the two has rightful claim to more of what is in that account. In pursuit of her self-centered wants, A finds it necessary to draw out more from that account than B—without, *at first*, this making any difference to B's pursuit of her self-centered wants. At one point, however, any further withdrawals by A begin objectively to diminish from B's ability to realize her wants, whether in immediate or future terms. (We can imagine that A, though flourishing as a result of the withdrawals, does not feed back into that account any returns that may accrue from her activities). Clearly, in this case, A's activity begins to cause direct harm to B.

A and B need not be thought of as having a joint bank account in the same bank, but can now be viewed as being joint participants in the same national banking system. Once again, the difference principle should ensure that direct harm is not caused to B by A's activity. In what is presumed to be a consensual order of human arrangements in which A and B are members—which, by the way, is not the case in the above-stated political example—adjustment mechanisms such as an appropriate taxation system could be introduced to ensure that B's potential for self-flourishing is not caused harm.

However, as already stated,<sup>10</sup> one of the problems faced by free capitalist markets (like the United States) is the inevitably increasing gap between those few whose satisfiable wants-spaces continue to expand and those many whose wants-spaces, in relative terms, continue to shrink. Here, we cannot speak of *direct* harm being caused, but we could speak about *indirect* harm (Rawls's difference principle, while proposing to prevent this from happening, does not in view of Piketty's analysis guarantee this). How would it be possible to prevent this indirect harm? To address this, an adjustment taxation system geared toward equalizing incomes would constitute a violation of individual freedoms—or of what also goes under the name of the principle of “just-returns” (A's production of more units of output than B as a result of A's diligence or skills), while one adjusted simply toward establishing a welfare system might not by itself be sufficient.

Here, a different intervention can be contemplated, whose roots may go back to Aristotle, and which concerns the hoarding of unusable money. The “life of well-being” for Aristotle was one for which, beyond its basic living needs, there was no use for further money, unless such money was useful for further or tangible future needs. Aristotle warned against the hoarding of money through trade, or the accumulation of cash in excess of real goods. But the (justifiable) accumulation of wealth makes investment for the production of further goods possible, in theory thereby raising the bar for what may count as a life of well-being all round—still in line with Aristotle's stated target. Yet the latent danger remains when the financial-market begins to feed



off itself, thereby creating an ever-increasing gulf between cash (paper and, thereafter, virtual money) and goods, and an ever-increasing risk of the sudden collapses of such gulfs (bubbles), as what was witnessed in the recent financial crises in the United States and Europe. When a party's financial returns begin to exceed their capacity to develop, or to invest toward increasing their capacity for self-development, thereby in effect becoming cycled into a financial depository whose function becomes that of simply hoarding more profits, inflating them indefinitely, and causing a major risk to the financial structure, then such an accumulation of wealth stands to harm (even though indirectly) the wants-space of others. In so delimiting their (want-space) freedom, such an accumulation would constitute an infraction of the overlapping principle around which a consensual wants-space constitutes a basis for the best order of human arrangements. Therefore, besides taxation as a means to prevent direct harm, an intervention should be made to prevent the indirect harm resulting from hoarding—one that can be done through recycling excess wealth back into the system (or into other systems, that is, into less-endowed economies, in implementation of a universal understanding of the consensual principle).

Justice, then, could be defined in terms of the enactment of the two principles (the overlapping ensuring positive help, and the difference ensuring prevention of harm), schematically ordered, with the one being the basis for the other.

Having drawn on economic and also political issues to explain the principles on which a definition of Justice is proposed, it is important to briefly address the question of when there are conflicts between two political systems, as in the Palestine-Israel example: in such a case, there is no consensual order to begin with. Classically, two approaches have been proposed to address such cases, trade and political agreement: trade (normalization) yields peace and order to what might have seemed like politically insolvable problems, and it is only by prior political agreement that trade can play a positive role. While examples from history could be brought forth to support either approach, it could be inferred from the line of argument so far (about reciprocity and compassion) that, in the view of this writer, without the two parties in conflict having effected a transformation in themselves (even via trade) such that each can look upon the other in terms of the overlapping principle, no lasting peace (as the best order of human arrangements) can be obtained between them.

### Reversing Rawls

I have so far in the discussion "reduced" Ibn Khaldun's "*asabiyyah*" as a compassion instinct to the same level as that of egotism. But it can, arguably, be a more primary instinct. Thus, assuming such a (dual) model to be coherent, is it likely to be viewed as such or to win consensus (as a model) by rational individuals, *thinking from an original position*? This question is meant to address the cogent argument constructed by Rawls, in which reasonable but ego-centered interlocutors attempt to define the best arrangement between them. Rawls's choice of taking the individual (instead of a nebulous collective—as the communitarian might wish) as a "building-block" in his thought-experiment makes eminent sense: it is the individual after all who is the natural *primary substance*—to use a classical expression. However, what Rawls

then assumes is that the individual's primary instinct is of a purely egotistic kind, defining a self-centered wants-space. Since, however, the individual is endowed with a reasoning capacity, it becomes necessary to negotiate the limits of this space with others. Simply put, he needs to reason with others in order to get what he wants for himself. The process guarantees a distribution of basic common goods, the possession of which by one is commensurate with their possession by each of the others. Built upon this, as a second phase or step, is the attempt to justify fair wealth differentials between them (the controversial part of Rawls's theory). But let us assume that what we begin with, instead, is an interlocutor whose nature is dual, that is, for whom self-love and other-love are equally potent impulses determining thought and behavior. In this case, Reason will not for him be divorced from Sentiment, as he is already disposed to take others (even potential loved ones), one way or another, into account, even before "negotiations" begin (Ibn Khaldun's fear presupposes bond, rather than causing it).

We assume a sudden intervention by God who tells us He wishes to transform the distribution of wealth and resources throughout the world, giving each of us a chance to participate in a polling process where we can state our chosen wishing lists (wants). He tells us that there will be an unlimited number of rounds in each of which we can choose only one item on our wishing lists. The item that gets the largest number of votes in any one round will be dispensed to all those who chose it—if it can be so distributed. All the existing resources and wealth, for example, *as one item*, cannot be so distributed among all. On the other hand, "being dispensed to all who chose it" clearly does not imply equal dispensation of that item (that item, e.g., the world's gold, can be distributed differentially among all who chose it). The votes will be cast in secret ballots, each individual mentally transmitting to God her preferred choice. Negotiations between individuals are permissible, but not required.

God's "intervention" immediately places each of us in a situation where, though able to reason singly for ourselves about what we really value, we need just as importantly to work out what all the others value. In addition, we need to work out, if we can, what order of priority these items have in people's minds (so that we can guess correctly which item to vote for in each round). Bearing in mind that only the item that gets the largest number of votes in any one round will be dispensed, a rational voter would need to set her priorities right: for a woman, choosing that Z, the man of her dreams, should become her spouse would have no chance of winning even after a billion rounds. Choosing "the man of my dreams" may become a viable winner, but only after a few million rounds (the more the commonly valued items are done away with, the more the chances that particularized items may finally be reached and dealt with). Some choices, such as "that I be wealthy" may certainly seem compelling and can be calculated to have a reasonable chance of success—if only in relative terms. However, one has to be sure of its order of priority among people's wants—whether it would be selected in the first round, or in some later round. Other *wants* may be subjected to a similar kind of reasoning (the want for life is already assured by God, who based his offer on the continued existence of living individuals). Indeed, going through Rawls's list of (ego-centered) "primary goods," our interlocutor would feel that although all of these are important and have a reasonable chance of success in one round or another, what everyone will first go for is what one thinks everyone else will first go for. Indeed,



this reasoning will have to apply in most of the first rounds. In other words, though seeking to identify an item of highest priority for herself, our interlocutor will find she is compelled to identify—for the purpose of choosing an item that will win—one that she thinks is of the highest priority to everyone else.

We have assumed here that our interlocutor is primarily egotistic. However, given the unique opportunity God has given her, she might well think first of her loved ones rather than of herself. Her turn, she thinks, will surely come—given the open-ended rounds before her. Simply voting for the item “that *my* loved ones fare well in the new world” would not guarantee for *them* the wellness she wishes—even after some billions of rounds. Generalizing this to the item that “all loved ones should fare well” seems possible, but she cannot be sure that the majority of voters will go for it: can she be sure that they all, really, are as altruistic as she is? Besides, even if they were, they might easily come up with different formulations of wishing well for their loved ones.

Faced with all these calculations, our interlocutor will conclude that there is only one condition to be satisfied for a *first* item to be chosen above all else, however the voting proceeds afterward: that the item be so general—indeed, of the form of a rule rather than a specific “good”—that it will guarantee that neither her loved ones (nor she) would lose out on it, or on anything that might happen in the following rounds. She will figure out that even individuals who are primarily egotistically driven but who are thinking rationally would go for it: they are compelled to think of what the others want in order to identify an item to vote for first. They, too, then, will be driven by the same reasoning to identify a rule rather than a particular good, one that will guarantee that they will not be left out of anything others want for themselves. The condition, then, in both cases is the same. It can only be satisfied by the following choice: that I be on a par with everyone else, whatever is being parsed out.

Equality was earlier defined as a function of wants, rather than one between them. “Other-centered” wants were situated alongside “self-centered” wants, allowing us to delineate a consensual space of goods “reifying” the indispensable foundations for Justice. Here, again, it is “other-centered” dispositions and/or calculations that assume priority over—even for the sake of realizing—egotistical or “self-centered” wants. The rationalization of the choices in the manner expressed in the experiment reflects the psychological forces at work in human nature, namely, egotism and altruism. It may be objected that “the want for equality”—which is what equality in this light boils down to—is the opposite of altruism, it being essentially *purposive*, or an egotistic instinct. Likewise, the sentiments of love, compassion, mercifulness, comradeship, kindness, generosity, beneficence, friendship, and countless others belonging to the “same family” are often argued to be self-serving. In practical terms, this is a zero-sum distinction—the acts and behaviors reflecting those sentiments and feelings belonging to two classes that are objectively distinguishable. Indeed, it makes more sense to assume that the same person is instinctively impelled in one direction at any one point or in the other, than to assume that there are two mutually exclusive *kinds* of instincts. However, even were we to insist that they are of a kind, we could still view them as a *single account*: we can imagine the one instinct being “superpositioned” over the other, acting in parallel, or in alternation, much in the same way that, in quantum physics, we are told, qubits (i.e., quantum rather than the binary digital bits of 0 and 1) are found

sometimes to be one and sometimes the other (setting scientists off on a trail to find how this phenomenon can be exploited for a better control of nature).

The above experiment, in effect, turns the Rawlsian structure for fairness upside down: the so-called “primary goods” are pushed back, while the subject of differential distribution is pushed upfront. We are required to think of what works for us living together before we begin to determine what works out for each of us living apart. A theory of fairness would then have to be based on starting out with a primal altruistic impulse that becomes self-regulated through a rationalization procedure in much the same way—but in the opposite direction—it was argued that the egotistic impulse is rationalized through self-regulation. I must accept what constitutes an acceptable living condition for others before I end up determining what constitutes an acceptable living condition for myself. Being a general principle, I would not see this as one that is applicable only to my own community, group, or state. To assume “each state to its own” is to assume that my structure for fairness is an expanded version of the *I* so as to cover a preferred *We*. In this converse perspective, on the other hand, only if I found it unacceptable for a child anywhere to die of starvation would it make sense for me to find it (morally) unacceptable for my own child to die of starvation. Only if I found the occupation of one people’s land by another unacceptable would it make sense for me to claim that I find the Israeli occupation of Palestine (morally) unacceptable—that is, to constitute an injustice. Otherwise, my claims would have nothing to do with fairness, let alone Justice. They would simply be ego-centered claims, justifying the killing of an Israeli by a Palestinian, but not that of a Palestinian by an Israeli. A theory of Justice, to be one, has to be predicated on our common roots as human beings rather than on belonging to one tribe or another.

## Love beyond borders

A major debate in the current literature is that which concerns particularism and universalism: whether a theory of Justice can only be limited by virtue of objective conditions to specific political structures—however, many of these we can imagine—or whether it can be reasonably formulated as to apply indiscriminately to humankind. In the above account, the argument was made in favor of universalism—that the theory has to be “pegged” to our understanding of ourselves as members of a human community. But both the Rawlsian and Khaldunian accounts are “particularist”—each defining specific perimeters for its envisaged political communities. In Rawls, the perimeters are those liberal democratic values held by modern western societies. Once established, they are commensurate with the “reasonable” articulation of the best order of human arrangements. In Ibn Khaldun, these have to do with what we might call “political economy” factors—what holds the political community together for a particular phase, after which it begins to disintegrate. One of the major factors determining its disintegration is the financial burden exacted from its members as taxation becomes excessive, its benefits beginning to serve the opulent lifestyles of the ruling class (rather than the welfare of the community), as well as to serve the increasingly militarized bases for that class’s political authority. The “glue” holding the



community together at the foundations—care and affection between its members—and which becomes institutionalized in a political authority, ceases to be properly represented by that authority, heralding its downfall. So, whether the beacon is that of Ibn Khaldun's prognosis of the cyclical life of authority, or that of its value-centered perimeter as prescribed by Rawls, the end-view we have is that of the "best order of human arrangements" being confined to borders of one kind or another.

Nothing in the two accounts prevents us from imagining a state of affairs in the world where such "best orders" can coexist contiguously with one another—even for a limited amount of time (to account for Ibn Khaldun's cyclical view). Theoretically, in other words, both accounts could be proposed as being universally applicable, in a discrete rather than continuous fashion. What remains a major distinguishing mark between the two accounts is that while Rawls's account—being pegged to values—seems to be culture-specific, Ibn Khaldun's account, though pegged to a cyclical view of history, seems a more basic human instinct that by nature permeates all such borders. It seems, therefore, to be a more likely candidate as a universal principle. If social mores and moral values may be different across societies, a basic emotion like love (in many of its manifestations) is constant. Wherever we may look (at whatever society or even animal group), it is this instinct that is the glue that underlies cohesion in groups. In *this* sense, it is, in effect, a universal principle. But the question is also raised—typically as a challenge for the role proposed for it—whether it is or can be conceived as a universal principle in another sense, or as a *single substance*, much like water or air, permeating humankind, or even the universe. Surely, it is argued, love is paradigmatically "object-particularized." On this basis, we cannot consider it an underlying principle for what holds everything together (A culture-based theory would not presume to have that reach in the first place).

These two ostensibly inconsistent *meanings* of love—love for mankind and love of another—are articulated and an approach for reconciling them for the practical purpose of social reform, or human development, has been proposed in a recent paper addressing contemporary feminist care-ethics and Indian philosophy.<sup>11</sup> Care-ethics is paradigmatically an ethics predicated on the particularized love mothers have for their children. An "Indian" ethic—presented in this case through the nineteenth-century anticolonial Hindu monk Vivekananda—is one that invokes *identity* and *difference*—a unity of existents underlying a manifold exterior. While not undermining the value each of these two ethics contributes to human reform, seeing them as exclusive of one another detracts from seeing the overall extensive power love has as an agent for that reform, an argument that is sensibly made.

However, the question still hangs whether any sense could be made of the "single substance" thesis—whether it is the same "substance" wherever it is found, and in whatever form. While seemingly entangled in Vivekananda's, as referred to above (and, as we shall presently see, *sufi*), concept of Monism, it is surely defensible independently of those traditions. As a basic instinct, it is as "single" as water is. The two sentences "Water gives life" and "Love provides order" are generically alike. Even self-love, as argued by H. Frankfurt, can be considered the purest form of love—purer, that is, in meaning what it does, than other-love. Also, love, like water or air, can be quantified: purer, less pure, more of, less of, particularized here, there, and so on—allowing one

to imagine the different grades or degrees it is manifested in, whether in us for others, or among them (love, care, empathy, affection, sympathy, compassion, solidarity, kindness, concern, love of a person, love for humanity, etc.). While Ibn Khaldun defined an imagined line as a limit for its extension (those whom, though unrelated by blood to us, we can still identify with as members of our group), we can surely stretch this imagined line in our present day and age so as to cover humankind. Given, especially, the cognitive immediacy of world events today, we can and do *sympathize* with individuals and groups with whom we are never likely to form a single polity (and even with imaginary figures in plays, novels, movies, or operas).

The corollary (but arguably independent) and more controversial thesis in this context is that of the unicity of existents—the basic thesis here being that this *sui generis* love of which we all partake in different degrees (a love by all for, or of, all) is integrally bound up with the underlying fact that "the all" is in reality One, God being (in *sufi* versions) this One. Admittedly, this is a challenging thesis, and one that is difficult to articulate or to defend. A famous Muslim *sufi* called al-Hallaj (ninth–tenth century) was incarcerated for eleven years in Baghdad to make him renounce his declaration that he was one with God, and when he kept refusing to do so, the authorities took him to the scaffold to be hanged and beheaded, with his limbs cut and burned. If he wished to make a pilgrimage to God, he took to declaring, he did not have to go to Mecca, but could do it by looking deep into his own heart.

Love, as in selfless adoration of God, and in the burning desire to realize oneness with Him, is a theme that pervades *sufi* literature and poetry. But oneness with Him is also oneness with the other, so that self-love and other-love end up conflating into one, as the *sufi* master Ibn Arabi took to proclaiming.<sup>12</sup> For him love was immanent. *Sufi* "altruistic" practice (devoted to helping others in need) is understood as helping "oneself" (in the wider human sense). Our earlier distinction between Self and Other collapses: we need no longer define a space for ourselves before we can think of what space we are prepared to allow for others. So selfless and "otherful" do we become that suffering and death no longer matter. According to legend, al-Hallaj welcomed his own beheading with a smile on his face, declaring to his friends that the real *he* was elsewhere and everywhere.

As stated, love and oneness typically go together in the *sufi* tradition. Just as love is a single substance like air, so is that substance of Self, which underlies different physical forms. This Self is diffused but also layered, allowing us to experience different degrees of self-consciousness, and deluding us—in early stages—into believing in our uniqueness and underlying difference from others. Cognizing oneself *as* that Self is the labor of real love. The labor is that of devoting oneself to helping others and caring for them.

While one may not be fully persuaded by the full reach of the ideas just sketched, the two underlying themes of love and equal human worth are hard to ignore, providing us, as they do, with a far more plausible hypothesis than others for understanding what Justice really means: that human beings have the same worth, undifferentiated by contingencies, and that it is love that moves human beings to coalesce together, and on which, therefore, Reason has to build. Understanding this allows us (as we slowly begin to identify ourselves with the ever-widening human circles) to transcend contingent



borders, and to identify with human beings with whom we do not share contingent identities. The rational imperative to do so is all too glaring, especially as we witness the bloody clashes of contingent identities in our long history, and as people incline to do injustices to one another simply on account of their belief that they have more worth just for being themselves. (This, however, should not dishearten us if we recall Gandhi's observation that—considered historically—people do far more good to each other than they do harm).

### Aiming for a final cause

In his *Republic*, Plato at one point defended his Forms (importantly, Justice) by arguing that even if the ideal state cannot be achieved, its cognition can still inform us of what it is we should be seeking to bring about. In the beginning of this chapter, a distinction was made between a concept and the different meanings in which that concept is understood. Justice, it was proposed, is such a concept. The different attempts at articulating an acceptable meaning for it could be understood as seeking to disambiguate it, or to clear it of other closely related family concepts, which are also in need of disambiguation. The tendency seems misguided to brush that attempt off as a futile exercise in a world of different cultures, where Justice, Freedom, or Equality can be understood differently in each, and where, therefore, it is more “politically correct” or “liberally becoming” to view the discrimination against women or minorities, or authoritarian policies and even corruption of officials in foreign Governments as matters that are “cultural” and should therefore be recognized and dealt with as such. It is similarly misguided, in the opinion of this writer, to think it morally tolerable if economic development in one country is objectively being detrimental to the potential development of another—as when mineral resources in one country are excavated via special deals with its rulers to help develop another country, at the obvious cost of enablement of the source country. It is especially disquieting when one learns that a large sector of the population in the country in question lives under the poverty line: the principle of “cultural/moral” relativism here “begs out.” Whether it is culture-specific or religious beliefs, or the state of political development in any one country that supports infractions of Justice in any respect, human beings are a single species, their individual instincts for wants and compassion being the same, and they are as alike in their other physical constitutions. Keeping them in harmony for a healthy human condition should not seem to us to be different from maintaining good health in other respects. And if, in human history, *voodoo* magic was used instead of antibiotics to treat a bacterial infection, this should not call for more than the recognition that medical treatment has evolved over time, for the better. Likewise, whether in “Eastern” or “Western” cultures or political systems, the elements of a healthy “moral” human condition seem to be gradually evolving across cultures, although advances in this field may not at times be as dramatic as those in science. While we have not reached a universal application of that harmony principle yet, this need not discourage us from being guided by its beacon toward a better world.

### Notes

- 1 John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971/1999). Rawls is rightly credited with having brought new life to a classic contractarian argument in current political theory debates, making his contribution in this field (from this work and others that followed on how to account for Justice in the context of other countries with different cultures and values) indispensable in those debates.
- 2 While altruism literature and that on the “prosociality instinct” in different cultures is abundant, it is worth noting the contemporary anthropological studies undertaken by Hinde. See Robert A. Hinde, *Individuals, Relationships and Culture* (Cambridge: Cambridge University Press, 1987). In this work, and others that followed, on communal and individual identity formations, the interaction between the individual and associative selves is highlighted. See, also, references to this kind of literature in an earlier paper of mine “Personal and National Identity: A Tale of Two Wills,” in *Philosophical Perspectives on the Israeli-Palestinian Conflict*, ed. Tomas Kapitan (Armonk, NY and London: Sharpe, 1997). The reader will find, in the context of the discussion of the interplay between an egotistic and an associative identity, a complementary treatment of the subject in this chapter.
- 3 See Ibn Khaldun's *Muqaddimah* Bk.1, Ch. 2. Sec.8. F. Rosenthal's English translation can be accessed on the web [asadullahali.files.wordpress.com/2012/10/ibn\\_khaldun-al\\_muqaddimah.pdf](http://asadullahali.files.wordpress.com/2012/10/ibn_khaldun-al_muqaddimah.pdf).
- 4 One of the conditions Harry Frankfurt lists for pure love of the other, see Harry Frankfurt, *The Reasons of Love* (Princeton and Oxford: Princeton University Press, 2004), is the absence of self-interest and having the interest of the loved one as one's object.
- 5 Thomas Piketty, *Capital in the Twenty-First Century* (Cambridge, MA: Belknap Press, 2014).
- 6 See, for example, the report in the June 20, 2011 issue of *The Chronicle of Higher Education* on the debate over Patricia Churchland's claim reducing moral behavior to biological terms, citing specific neurochemicals as what determine instinctual bonds such as those between a mother and her child. In her book, *Braintrust: What Neuroscience Tells Us About Morality* (Princeton: Princeton University Press, 2011), she tries to show how these neurochemicals act as the platform for general altruistic behavior. In this respect, it is worth noting the growing appreciation in the related literature of the effect of the neurochemical *oxytocin*.
- 7 Oren Harman, *The Price Of Altruism: George Price and the Search for the Origins of Kindness* (London: The Bodley Head, 2010).
- 8 Arindam Chakrabarti, “A Critique of Pure Revenge,” in *Passion, Death and Spirituality: The Philosophy of Robert C. Solomon*, ed. Kathleen Higgins and David Sherman (Dordrecht: Springer, 2012), pp. 37–53; see also Robert C. Solomon, “Chakrabarti's ‘A Critique of Pure Revenge’: A Response,” in *Passion, Death and Spirituality, The Philosophy of Robert C. Solomon*, ed. K. Higgins and D. Sherman (Dordrecht: Springer), pp. 55–65.
- 9 I am grateful here to Ralph Weber who pointed out to me that the Confucian Mencius had declared that whoever would not feel the urge to rescue a baby from falling into a well was not human/e. Here the claim would be that the primal instinct of other-love and other-care, while initially applied to one's own child, “naturally” comes to apply to others. The question of the profusion of this sentiment—whether it has a universal



human reach or only a graded one—has apparently also been the subject of debate between Confucians and Mohists in that tradition.

- 10 Piketty, *Capital in the Twenty-First Century*.
- 11 Vrinda Dalmiya, "The Metaphysics of Ethical Love: Comparing Practical Vedanta and Feminist Ethics," *Sophia* 48 (2009), pp. 221–35.
- 12 In one of his poems in *Diwan*, he declares how, as dawn broke following a night of love-making with his bride, he awoke to find no one there but himself—as though it was himself he had been making love to. This theme—the ephemeral life of selves as they appear and disappear in different objects—reflects an underlying unity between them, revealed through love.

## References

- Chakrabarti, A. (2012), "A Critique of Pure Revenge," in Kathleen Higgins and David Sherman (eds), *Passion, Death and Spirituality: The Philosophy of Robert C. Solomon*, Dordrecht: Springer, pp. 37–53.
- Churchland, P. (2011), *Braintrust: What Neuroscience Tells Us About Morality*, Princeton: Princeton University Press.
- Dalmiya, V. (2009), "The Metaphysics of Ethical Love: Comparing Practical Vedanta and Feminist Ethics," *Sophia*, 48, pp. 221–35.
- Frankfurt, H. (2004), *The Reasons of Love*, Princeton and Oxford: Princeton University Press.
- Harman, O. (2010), *The Price Of Altruism: George Price and the Search for the Origins of Kindness*, London: The Bodley Head.
- Hinde, R. A. (1987), *Individuals, Relationships and Culture*, Cambridge: Cambridge University Press.
- Ibn Khaldun, *Muqaddimah*, [www.asadullahali.files.wordpress.com/2012/10/ibn\\_khaldun-al\\_muqaddimah.pdf](http://www.asadullahali.files.wordpress.com/2012/10/ibn_khaldun-al_muqaddimah.pdf) (accessed April 2, 2015).
- Nusseibeh, S. (1997), "Personal and National Identity: A Tale of Two Wills," in Tomas Kapitan (ed.), *Philosophical Perspectives on the Israeli-Palestinian Conflict*, Armonk, NY and London: Sharpe.
- Piketty, T. (2014), *Capital in the Twenty-First Century*, Cambridge, MA: Belknap Press.
- Rawls, J. (1971/1999), *A Theory of Justice*, Cambridge, MA: Harvard University Press.
- Solomon, R. C. (2012), "Chakrabarti's 'A Critique of Pure Revenge': A Response," in K. Higgins and D. Sherman (eds), *Passion, Death and Spirituality, The Philosophy of Robert C. Solomon*, Dordrecht: Springer, pp. 55–65.

## Justice and Social Change

Sor-hoon Tan

### Introduction: On comparisons

Compared to the vast literature on justice from Western philosophical perspectives, or comparative studies on virtue ethics or democracy, for example, there are as yet relatively few works on the topic of justice in comparative philosophy or Chinese philosophy. Among recent attempts is Ruiping Fan's use of the Rawlsian framework to "bring to light the intellectual legacy of Confucian views of justice in modern Western terms."<sup>1</sup> Based on the Confucian disagreements with elements in Rawls's theory, Fan argues that Rawls's political liberal conception of justice is inappropriate, even bound to fail, in East Asian societies "in which Confucianism is accepted as a major doctrine of social justice." Fan's faith in the endurance of Confucian moral teachings in the life of ordinary people in East Asia notwithstanding, there is no consensus even among East Asians themselves regarding how much of Confucian traditions have survived in their various societies, whether they should be preserved or revived, and in which forms. Not only is the "acceptance" of Confucianism less than unanimous, perhaps even insignificant in some cases, from a philosophical perspective, but treating Confucianism as a "doctrine of social justice" may also be too hasty and procrustean.

Yang Xiao takes seriously the worry that even to speak of "the concept of justice in Confucian ethics" is to do Confucianism an injustice by imposing an alien category that would distort its teachings. To do justice to the topic, Xiao begins with the question of what it is like to have a concept of justice, and argues that Confucianism has a concept of justice since the term "yi" (義) in early Confucian texts sometimes behaves like "just" in the sense of "treat like cases alike and treat different cases differently."<sup>2</sup> This meaning of justice, already present in Aristotle's understanding of "dikaiousúnē," focuses on its formal or procedural dimension rather than its substantive meaning in social justice or distributive justice, although formal principles are relevant to the latter. For example, Aristotle's distributive principle of "proportional" equity implies treating like cases alike and different cases differently (1131a29–b16).<sup>3</sup> A comparison with Aristotle is tempting given the already existing comparisons between Ancient Greek and Ancient Chinese civilizations and interpretations of Confucian ethics as a form of virtue ethics. One could probably find evidence that, in its most general use



# COMPARATIVE PHILOSOPHY WITHOUT BORDERS

**Arindam Chakrabarti**  
is Professor of Philosophy  
at the University of  
Hawaii at Manoa, USA.

**Ralph Weber** is Assistant  
Professor for European  
Global Studies at  
the University of Basel,  
Switzerland.

**"Arindam Chakrabarti and Ralph Weber,  
in their inspirational Introduction and  
Afterword, present a defining manifesto  
for a borderless new philosophy. These  
documents powerfully describe the hope,  
vitality, and promise of comparative  
philosophy as a prelude to philosophy's post-  
comparative future. Every philosopher has a  
duty to study them."**

Jonardon Ganeri,  
Professor of Philosophy,  
New York University, USA

**"Draws together scholars working in  
a variety of traditions, and offers a  
clear expression of what comparative  
philosophy can contribute to contemporary  
philosophical discourse. The individual  
essays show us what can be achieved  
when cultural, historical and disciplinary  
boundaries while respected, are not treated  
as straightjackets. The editors have made a  
signal contribution by their effort!"**

Hui-chieh Loy,  
Associate Professor of Philosophy,  
National University of Singapore

**"Despite the title, the project undertaken  
here is not about comparative philosophy, at  
any rate not in the sense in which that label  
is usually understood. Rather, it is about  
philosophy without any borders, and it not  
only describes such ways but also  
demonstrates them in a fascinating way."**

Franz Martin Wimmer,  
Professor Emeritus of Philosophy,  
University of Vienna, Austria

PHILOSOPHY

Cover design by Mikhail Iliatov

ISBN 978-1-4725-7624-8



9 781472 576248

[www.bloomsbury.com](http://www.bloomsbury.com)

Also available  
from Bloomsbury

