APPLIED ETHICS & SOCIAL RESPONSIBILITY

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Chapter – 1

Environmental Ethics

(I) Introduction

The term ethics is derived from Greek word "ethos" which means character. It refers to one's ability to distinguish the right from the wrong, the values, beliefs and actions, which shape the character of a person and the society. The discipline concerned is also referred to as moral philosophy.

The term is also applied to any system or theory of moral values or principles. How should we live? Shall we aim at knowledge, or at happiness, virtue or the creation of beautiful objects? If we choose happiness, will it be our own or the happiness of all? Is it right to be dishonest in a good cause? Can we justify living in opulence while else where in the world people are starving.

If conscripted to fight in a war we do not support, should we disobey the orders? What are our obligations to other creatures

with whom we share this planet and to the generations of humans who will come after us? Ethics deals with such questions at all levels. Its subject consists of the fundamental issues of practical decision making and its major concerns include the nature of ultimate value and the standards by which human actions can be judged right or wrong.

Environmental ethics can be defined as a system of ethical values, human reasoning and knowledge of nature which endeavors to forge a pattern of right conduct towards environment so that needs of living beings of the present generation are fulfilled without compromising the ability of the future generations to meet their own needs. Environmental ethics concerns itself with the moral relationship between humans and the world around us in contrast to the traditional ethics which deals primarily with relationship among people only. (Milbreth 1981)

(II) The Need of Environmental Ethics

As humanity enters the third millennium, news reports are peppered with reference to our fragile and endangered planet "The

use of such an adjective for our planet is certainly an exaggeration. In its five billion years of existence, our planet has endured bombardments by meteors, abrupt changes in its magnetic fields, dramatic realignment of its land mass and the advance and retreat of massive glaciers, the block of ice that reshaped earth's surface. It is in this turmoil that life appearing nearby three and a half billion years ago has proved resilient. Species have come and gone but life has persisted without interruption. In fact, no matter what we do, it is unlikely that we could disrupt the powerful physical and chemical forces, which drive earth system. (Silver and Defries 1991).

Although we cannot completely suppress earth systems, we do affect it significantly, as we use energy and emit pollution in our quest to provide food, shelter and other products for world's ever growing population, Scientific evidence indicates that because of our activities, the global environment is undergoing profound changes. Man has since long affected his local environment but it is only in 20th century, specifically in the last fifty years, that the consequences of his actions have expanded to a global scale.

Now it is apparent that with regular repetition, even seemingly innocuous actions such as driving a car or cutting down a tree can influence the physical and chemical systems, which govern our planet. Over the geologic past, conditions in the atmosphere, oceans and biosphere have largely followed natural cycles. Today, cumulative effect of human activities is a significant force driving the changes in the global environment. The changes brought by human activity tend to make life more and more difficult everyday. To some species, it is a total catastrophe (Cunningham and Cunningham, 2003)

We have to stem the tide. We have to stop this damaging trend. We have to device the right code of conduct to regulate our behavior towards the environment and natural resources so that the quality of life we live is not compromised and the ability of our future generations to meet their own ends is not affected. As an appeal to human conscience, his ethical convictions about the good and bad, the right or wrong is often an effective way to control unmanageable problems. Environmental ethics assumes a pivotal

role in our efforts to slacken or halt the damages we are causing to environment, wildlife and natural resources.

(III) Guiding Principles of Environmental Ethics

Although there could be disagreements, many of the writers, such as Milbreth (1981), Delors (1996), Schrader – Frechte (1991) on the subject agree that the guiding principles of environmental ethics could be:

1. The distribution of the resources of the world should be egalitarian as far as possible. All men are equal. For all there should be equal opportunities to complete for the comforts and riches of the world.

2. The 'right' of the environment and natural resources should take precedence over the right of individuals as they are linked to the welfare of the entire biosphere.

(IV) Basic Directives of Environmental Ethics

Environmental issues raise many difficult questions. We are living in a transient world. No one has come here to live

forever. We have inherited the riches of the world and the environs, in which we live from our predecessors. Man is simply resident custodian of the living and non – living resources of this planet. His unique mental capabilities erect posture and hands with thumb opposed to fingers, which are free to handle the spear, spade or tools have placed him in a commanding position.

He shall be failing in his duties if he does not hand over the riches of the world in a usable state to his successors or spoils the environment with the wastes he discharges. In doing so his 'rights' may be compromised but that is a small price to pay for carrying out the obligation he has to society, the nature and the residents who shall occupy this planet in future (Blackstone 1974 Milbreth 198 Delors 1996, Schader – Frechte 1991)

From a study of the current perspective of environmental ethics certain directives crystallize out to regulate our conduct towards the human society, the nature and our future generations which are yet to come. These are:

(i) Individual's obligations to the community and the society

If an individual has rights, he has duties also. He should refrain from such actions, which create difficulties or damage life and property of fellow citizens or the community or the country. If his seemingly innocuous actions, repeated several times and by so many people add up to sizeable problems, environmental ethics directs him to place a check on such practices so that a little restrain, on the part of everyone may reduce the overall impact. Many global environmental problems are there simply because so many people at so many places contribute small bits and pieces to it. The affect of individual life style decisions such as using a bike instead of a car, taken by a large number of people may finally accumulate to cause significant reduction in the amount of green house gases we discharge in the atmosphere. Avoiding the use of polythene and plastic bags, or using wastes from kitchen to manure kitchen garden may reduce the burden of solid garbage which municipalities have to dispose of. Using domestic wastewaters to

irrigate our kitchen gardens and saving a bucket of water or two everyday by everyone could save enough fresh water to irrigate many additional hectares of crops. Enough electricity can be saved if everyone uses a fan instead of air conditioner or puts on woolen pullovers instead of heating the entire house, to light hundreds of additional homes. Population growth rate can be significantly reduced if most of the couples decide to have only two children (Blackstone 1974)

(ii) The rights of nature

Does nature has rights? Do other species have rights also? The view that the environment and its resources are exclusively created for man to use or abuse has been replaced by a more realistic concept that man is just a single species among millions of species, which live on this planet. He cannot live alone. The realization that the biosphere on earth forms a life support system changes in which shall endanger his life also compels man to expand his moral concern and ethical values to cover other life

forms as well. If the pleasure and pains of humans have some intrinsic significance, why not those of non – humans?

What if a species becomes extinct? Or a rain forest is cut down? Are these things to be regretted only because of the loss to humans or other sentient creatures? Human conscience provides man to respect the pleasure and pains of non – humans also, simply not because they are useful to us but because they are also a part of biosphere as man is (Davis 1972, Reagan L Singer 1976, Stone 1974).

(iii) Our obligations to the future generations

Our concern for the environment also raises the question of our obligations to future generations. How much do we owe to the future? From a 'social contract' view of ethics, the answer would seem to be nothing. Because we benefit them, but they are unable to reciprocate. Most other ethical theories, however, do give weight to the interests of coming generations. The fact that members of future generations do not get exist is no reason for giving less considerations to their interests than we give to our

own. That it is certain that they will come and shall have interests that will be affected by what we do today, should be a reason enough for us to be more considerate. For example, in the case of the storage of radio active wastes, it seems clear that what we do will indeed affect the interests of generations to come.

The question becomes much more complex, however, when we consider that we can affect the size of future generations by the population policies we adopt. Most environmentalists believe that the world is already dangerously overcrowded believe that the world is already dangerously overcrowded. We are responsible for the existence of future generations. We can manage their size so that the resources of the world are more than enough for their needs and they live a life of affluence and plenty. Or else we can allow the maximum numbers to come into existence so that per capita availability of resources or rough and harsh environment compels them to live a life of want, misery and starvation.

Man is temporary resident custodian of this planet, simply a link in the cycle of events, which has been operating since time immemorial. We do not have the right to spoil the resources,

pollute the environment and disrupt the very cycle of life of which we form a simple insignificant link. It will affect the future generations whether small or large. Just as we have inherited the resources of the world from our predecessors, should not we pass it on to our future generations in a clean and usable state? In 1949, Aldo Leopold put forward the concept of "Land ethics" which affirms the right of all resources, including microbes, plants, animals and earth materials as well to continued existence in a natural state. Humans have the ethical responsibility of preservation and maintenance of the biosphere, the atmosphere, the hydrosphere and the lithosphere (Leopold 1949).

(V) Environmental Issues

Environmental issues are the most pressing notional and international issues of the present century. We have already committed our planet to a major environmental change in the years ahead. Elevated concentrations of greenhouse gases already emitted will persist for many centuries to come no matter what we do. The chlorofluorocarbons in the atmosphere today will continue

to deplete the ozone shield for centuries. Complex tropical forest ecosystems once cleared shall take many decades to regenerate. We cannot halt these changes altogether but we can reduce the pace of these changes. Environmental problems like fog smog and acid rains, thermal and noise pollution have paled out of existence before the global issues, which now threaten man with drastic consequences (Silver & De Fries 1991, Miller 2002) Major environmental issues which humanity faces today are:

(i) Global climatic change: Global warming and stratospheric ozone depletion.

(ii) Diminishing biological capital: disappearing wildlife and forests.

(iii) Diminishing fertile land and freshwater resources: the threat to future food security.

Today, the changes in global environment are driven by even – greater number of people, increasing economic development and its attendant increase in industrial activity and

consumption of energy by humans. Our numbers are increasing today at the rate of about 90 million per year and by the end of current century, it is projected to reach nearly 10 billion. About 90% of these people shall be born in poor countries of today's developing world. While population has shot up, so have the standards of living of many of world's people, the consumption of fossil – fuels and expansion of world economy.

Yes, these changes have caused astonishing improvements in human welfare but unfortunately, many of the processes that produce gains degrade the environment and deplete the ecological capital – the soils, forests, biodiversity and freshwater resources – on which humanity subsists. People are richer in developed countries – with nearly one quarter of global population consuming most of the world's energy. They have at their command about 80% of world's riches, use most of world's natural resources and generate most of the total wastes produced on global scale.

People in developing countries, with three quarters of world's population have less than one quarter of world's riches. They are also contributing to resource depletion and environmental

degradation. They are often compelled to destroy their environment simply to survive. Forests are cut down. Biodiversity, which is a very important biological capital in these countries, is degenerating at a fast rate and their agricultural practices deplete more and more fertile soils every year.

The three major global environmental issues of today arise from our daily activities, the cumulative effects of which have reached a scale and pace sufficient to disrupt the natural systems that took millions of years to evolve (Milbreth 1989, Cunningham & Cunningham 2003). Each of us contributes a little to these global problems!

(1) When we drive a car, when we cut down a tree, put an overdose of chemical fertilizer to raise our crops or use a hand – full of insecticide to kill insects and pests, we are adding our share, howsoever, small, to the global problems.

(2) The thriving ' markets' and the 'black – markets' of wildlife products exist because we decorate our houses with ivory, fur, animal trophies and use other animal products. Our efforts to conserve wildlife and biodiversity is often thwarted by

numerous people who are engaged in collection of firewood and other plant products. Poachers ply on hapless creatures with their traps and arms. In absence of the demand, trade in wildlife products shall come to a grinding halt and a number of species shall be saved from wasteful elimination.

(3) The smoke, fumes and waste gases from our domestic and industrial establishments adversely affect plant and animal life.

(4) When we thoughtlessly cut down a tree it adds to the global problem of deforestation. Fertile land covered with vegetation, crops, grasses, bushes or trees act as sponge to soak up enough water deposited by rains to serve the man as well as plants and animals during drier seasons. The absence of plant – cover causes rain – water to flow down to the sea quickly without having much time to go deeper down the soil strata to recharge the ground water table. When it recedes beyond the reach of plant/roots, greenery disappears and desertification follows.

(5) We use the land cleared of plant cover over large areas to grow crops. To raise productivity we provide chemical fertilizers and use river or groundwater for irrigation. Salts accumulate and

problems of salinity and alkalinity appear in poorly drained soils. If we grow crops a midst land covered with trees and other vegetation more water will be retained in the soil while environment shall remain more humid and congenial and soil drainage shall improve. We shall have to use less water for irrigation. This shall improve appreciably the problems of salinity and alkalinity.

Much can be achieved only by an appeal to individual's conscience. If most of the people realize and believe that by their actions they are adding something to worldwide problems, many shall try to limit such activities. A little restrain on the part of most of the individuals shall help the cause of environment tremendously. Global environment policies, if they are to be successful, require long – term changes in believes and perception of the people at large. To save our physical environment from degradation, we shall have to alter our conceptual environment and in altering our conceptual environment, ethics or moral philosophy plays a major role. This is because ethics helps people to determine the decisions we make.

The way people answer ethical questions effects the way they live their lives. To a great degree, ethics determines, for example, whether to have an abortion, invest in weapon producing company, or become a vegetarian. It is for this reason that the worst form of environmental pollution is the 'pollution of mind' and rarest global resources are well – thought – out ethical principles (Frankena 1979).

It is not force or authority but gentle persuasion and an appeal to one's conscience, which can make people, realize that just as development is detrimental, lack of development also contributes much to the degradation of natural resources and the environment, while a little restrain and a shift to more environment, while a little restrain and a shift to more environment friendly technologies in the need of time. The pattern of development so far followed by the developed countries is no longer acceptable as it has never been environment friendly. We may have to make some painful choices. We shall have to move beyond compartmentalization and out – moded patterns to draw the very best of our intellectual and moral resources from every

field of endeavor. If all men are equal, they deserve at least a reasonable share of the resources of the world, opportunities and a legitimate quality of life.

A resort to one's moral conscience and ethics only shall alter the public opinion at large. In due course of time, the altered public opinion shall translate it to policies, which shall be followed by action in technologically advanced democracies of the world. The rapid rate at which we are degrading the environment, wildlife and natural resources forces a huge re – learning task on the humankind. It has to make a choice thoughtfully and foresightedly. (Dr Karan Singh 2004)

(VI) The Challenge of Environmental Ethics

Environmental ethics is the discipline in philosophy that studies the moral relationship of human beings to, and also the value and moral status of, the environment and its nonhuman contents. This covers (1) the challenge of environmental ethics to the anthropocentrism (i.e. human centeredness) embedded in traditional western ethical thinking (2) the early development of

the discipline in the 1960s and the 1970s (3) the connection of deep ecology, feminist environmental ethics, and social ecology to politics; (4) the attempt to apply traditional ethical theories, including consequentialism, deontology, and virtue ethics, to support contemporary environmental concerns; and (5) the focus of environmental literature on wilderness, and possible future developments of the discipline.

Suppose that putting out natural fires, culling feral animals or destroying some individual members of overpopulated indigenous species is necessary for the protection of the integrity of a certain ecosystem. Will these actions be morally permissible or even required? Is it morally acceptable for farmers in non – industrial countries to practice slash and burn techniques to clear areas for agriculture? Consider a mining company which has performed open pit mining in some previously unspoiled area. Does the company have a moral obligation to restore the landform and surface ecology? And what is the value of a humanly restored environment compared with the originally natural environment? It is often said to be morally wrong for human beings to pollute and

destroy parts of the natural environment and to consume a huge proportion of the planet's natural resources.

If that is wrong, it is simply because a sustainable environment is essential to (present and future) human well – being? Or is such behavior also wrong because the natural environment and/or its various contents have certain values in their own right so that these values ought to be respected and protected in any case? These are among the questions investigated by environmental ethics. Some of them are specific questions faced by individuals in particular circumstances while others are more global questions faced by groups and communities. Yet others are more abstract questions concerning the value and moral standing of the natural environment and its nonhuman components.

In the literature on environmental ethics the distinction between instrumental value and intrinsic value (meaning non – instrumental value) has been of considerable importance. The former is the value of things as means to further some other ends, whereas the latter in the value of things as ends in themselves regardless of whether they are also useful as means to other ends.

For instance, certain fruits have instrumental value for bats who feed on them, since feeding on the fruits is a means to survival for the bats However, it is not widely agreed that fruits have value as ends in themselves. We can likewise think of a person who teaches others having instrumental value for those who want to acquire knowledge.

Yet, in addition to any such value, it is normally said that a person, as a person, has intrinsic value i.e. value in his or her own right independently of its prospects for serving the ends of others. For another example, a certain wild plant may have instrumental value because it provides the ingredients for some medicine or as an aesthetic project for human observers. But if the plant also has some value in itself independently of its prospects for furthering some other ends such as human health, or the pleasure from aesthetic experience, then the planet also has intrinsic value. Because the intrinsically valuable is that which is good as an end in itself, it is commonly agreed that something's possession of intrinsic value generates a prima facie direct moral duty on the part of moral agents to protect it or at least refrain from damaging it.

Many traditional western ethical perspectives, however, are anthropocentric or human – centered in that either they assign intrinsic value to human beings alone (i.e. what we might call anthropocentric in a strong sense) or they assign a significantly greater amount of intrinsic value to human beings alone (i.e. what we might call anthropocentric in a strong sense) or they assign a significantly greater amount of intrinsic value to human beings than to any nonhuman beings such as the protection or promotion of human interests or well – being at the expense of nonhuman things turning out to be nearly always justified (i.e. what we might call anthropocentric in a weak sense).

For example, Aristotle ('Politics', Bk I Ch 8) maintains that "nature has made all things specifically for the sake of man" and that the value of nonhuman things in nature is merely instrumental. Generally, anthropocentric positions find it problematic to articulate what is wrong with the cruel treatment of nonhuman animals, except to the extent that such treatment may lead to bad consequences for human beings. Immanuel Kant ("Duties to Animals and Spirits" in 'Lectures on Ethics'), for instance,

suggests that cruelty towards a dog might encourage a person to develop a character which would be desensitized to cruelty towards humans.

From this standpoint, cruelty towards nonhuman animals would be instrumentally, rather than intrinsically wrong. Likewise, anthropocentrism often recognizes some non – intrinsic wrongness of anthropogenic (i.e. human – caused) environmental devastation. Such destruction might damage the well – being of human beings now and in the future, since our well – being is essentially dependent on a sustainable environment (Passamore 1974, Bookchin 1990, Norton, Hutchins, Stevens, and Mapleeds 1995)

When environmental ethics emerged as a new sub – discipline of philosophy in the early 1970s, it did so by posing a challenge to traditional anthropocentrism. In the first place, it questioned the assumed moral superiority of human beings to members of other species on earth. In the second place, it investigated the possibility of rational arguments for assigning intrinsic value to the natural environment and its nonhuman contents.

It should be noted, however, that some theorists working in the field see no need to develop new, non – anthropocentric theories. Instead, they advocate what may be called enlightened anthropocentrism (or, perhaps more appropriately called, prudential anthropocentrism). Briefly, this is the view that all the moral duties we have towards the environment are derived from our direct duties to its human inhabitants. The practical purpose of environmental ethics, they maintain, is to provide moral grounds for social policies aimed at protecting the earth's environment and remedying environmental degradation.

Enlightened anthropocentrism, they argue, is sufficient for that practical purpose, and perhaps even more effective in delivering pragmatic outcomes, in terms of policy effective in delivering pragmatic outcomes, in terms of policy making, than non – anthropocentric theories given the theoretical burden on the latter to provide sound arguments for its more radical view that the nonhuman environment has intrinsic value. (Norton 1991, de Shalit 1994, Light and Katz 1996).

Furthermore, some prudential anthropocentrists may hold what might be called cynical anthropocentrism, which says that we have a higher – level anthropocentric reason to be non – anthropocentric in our day – to – day thinking. Suppose that a day – to – day non – anthropocentrist tends to act more benignly towards the nonhuman environment on which human well – being depends. This would provide reason for encouraging non – anthropocentric thinking, even to those who find the idea of non – anthropocentric intrinsic value hard to swallow. In order for such a strategy to be effective one may need to hide one's cynical anthropocentrism from others and even from himself.

(VII) The Early Development of Environmental Ethics

Although Nature was focus of much 19th and 20th century philosophy, contemporary environmental ethics only emerged as an academic discipline in the 1970s. The questioning and rethinking of the relationship of human beings with the natural environment over the last 30 years reflected an already widespread

perception in the 1960s that the late 20th century faced a "population time bomb" and a serious environmental crisis. Among the accessible work that drew attention to a sense of crisis was Rachel Carson's "Silent Spring (1963), which consisted of a number of essay earlier published in the New Yorker magazine detailing how pesticides aimed at maximizing crop yields and profits, Carson speculates, are capable of impacting simultaneously on environmental and public health.

On the other hand, historian Lynn White Jr., in a much – cited essay published in 1967 (white 1967) on the historical roots of the environmental crisis, argue that the main strands of Judeo – Christian thinking had encouraged the overexploitation of Nature by maintaining the superiority of humans over all other forms of life on earth and by depicting all of Nature as created for the use of humans. White's thesis is widely discussed in theology, history, and has been subject to some sociological testing as well as being regularly discussed by philosophers (Whitney 1993, Hatfield 2001) Central to the rationale for his thesis were the works of the Church

Fathers and the Bible itself, supporting the anthropocentric perspective that humans are the only things that matter on Earth.

Consequently they may utilize and consume everything else to their advantage without any injustice. For example,, Genesis 1:27 – 8 states: "God created man in his own image, in the image of God created he him: male and female created he them. And God blessed them, and God said unto them: Be fruitful, and multiply and replenish the earth, and subdue it: and have dominion over fish of the sea, and over fowl of the air, and over every living thing that moved upon the earth." Likewise Thomas Aquinas (Summa Contra Gentiles BK 3 Pt 2 Ch 112) argued that non human animals are "ordered to man's use."

According to White, the Judeo Christian idea that humans are created in the image of the transcendent supernatural God, who is radically separate from Nature, also by extension radically, separates humans themselves from Nature. This ideology further opened the way for untrammelled exploitation of Nature. Modern Western science itself White argues, was "cast in the matrix of Christian theology" so that it too inherited the "orthodox Christian

arrogance toward Nature" (White Jr 1967, 1207). Clearly, without technology and science, the environmental extremes to which we are now exposed would probably not be realized. White's thesis however, is that given the modern form of science and technology, Judeo Christianity itself provides the original deep – seated drive to unlimited exploitation of Nature. Nevertheless, White argued that some minority traditions within Christianity (e.g. The views of St. Francis) might provide an antidote to the "arrogance" of a mainstream tradition steeped in anthropocentrism.

Around the same time, the Stanford ecologist, Paul Ehrlich, published 'The Population Bomb' (1968), warning that the growth of human population threatened the viability of planetary life – support systems. The sense of environmental crisis stimulated by those and other popular works was intensified by NASA's production and wide dissemination of a particularly potent image of earth from space taken at Christmas 1968 and featured in the 'Scientific American' in September 1970.

Here, plain to see, was a living, shining planet voyaging through space and shared by all of humanity, a precious vessel

vulnerable to pollution and to the overuse of its limited capacities. In 1972 a team of researchers of MIT led by Dennis Meadows published the 'Limits of Growth' study a work that summed up in many ways the emerging concerns of the previous decade and the sense of vulnerability triggered by the view of the earth from space. In some of the commentary to the study, the researches wrote: We affirm finally that any deliberate attempt to reach a rational and enduring state of equilibrium by planned measure, rather than by chance or catastrophe, must ultimately be founded on a basic change of values and goals at individual, national and world levels.

The call for a "basic change of values" in connection to the environment (a cell that could be interpreted in terms of either instrumental or intrinsic values) reflected a need for the development of environmental ethics as a new sub discipline of philosophy. The new field emerged almost simultaneously in three countries – the United States, Australia and Norway. In the first two of these countries, direction and inspiration largely came from the earlier 20th century American literature of the environment.

For instance, the Scottish emigrant John Muir (founder of the Sierra Club and "father of American conservation") and subsequently the forester Aldo Leopold had advocated an appreciation and conservation of things "natural, wild and free". Their concerns were motivated by a combination of ethical and aesthetic response to Nature as well as rejection of crudely economic approaches to the value of natural objects (a historical survey of the confrontation between Muir's reverentialism and the human – centered conservationism of Gifford Pinchot, one of the major influences on the development of the US Forest Service) is provided in Norton 1991; (also see Cohen 1984 and Nash (ed.) 1990.) Leopold's 'A Sand County Alamac' (1949) in particular, advocated the adoption of a "land ethic".

That land is a community is the basic concept of ecology, but that land is to be loved and respected is an extension of ethics (vii –ix)

A thing is right when it tends to preserve the integrity, stability and beauty of the biotic community. It is wrong when it tends otherwise (224 – 5)

However, Leopold himself provided no systematic ethical theory or framework to support these ethical ideas concerning the environment. His views therefore presented a challenge and opportunity for moral theorists: could some ethical theory be devised to justify the injunction to preserve the integrity, stability and beauty of the atmosphere?

The land ethic sketched by Leopold attempting to extend our moral concern to cover the natural environment and its nonhuman contents was drawn explicitly by the Australian philosopher Richard Routley (later Sylvan). According to Routley (1973 (cf. Routley and Routley 1980)), the anthropocentrism embedded in what he called the "dominant western view" or "the western superethic" is in effect "human chauvinism". This view, he argued, is just another form of class chauvinism, which is simply based on blind class "loyalty" or prejudice, and unjustifiably discriminates against those outside the privileged class.

Furthermore, in his "last man" (and "last people" arguments, Routley asked us to imagine the hypothetical situation

in which the last person, surviving a world catastrophe acted to ensure the elimination of all other living things and the destruction of all the landscapes after his demise. From the human chauvinistic (or absolutely anthropocentric perspective, the last person would do nothing morally wrong, since his or her destructive act in question would not cause any damage to the interest and well – being of humans, who would by then have disappeared. Nevertheless, Routley points out that there is a moral intuition that the imagined last act would be morally wrong. An explanation for this judgement, he argued, is that those nonhuman objects in the environment whose destruction is ensured by the last person have intrinsic value, a kind of value independent of their usefulness for humans. From his critique, Routley concluded that the main approaches in traditional western moral thinking were unable to allow the recognition that natural things have intrinsic value and that the tradition required overhaul of a significant kind.

Leopold's idea that the "land" as a whole is an object of our moral concern also stimulated writers to argue for certain moral obligations towards ecological whole such as species, communities

and ecosystems, not just their individual constituents. The U.S. based theologian and environmental philosopher Holmes Rolston III, for instance, argued that species protection was a moral duty (Rolston 1975). It would be wrong, he maintained, to eliminate a rare butterfly species simply to increase the monetary value of specimens already held by collectors. Like Routley's "last man" arguments, Rolston's example is a means to draw attention to a kind of action that seems morally dubious and yet is not clearly ruled out or condemned by traditional anthropocentric ethical views.

Species, Rolston went on the argue went on to argue, are intrinsically valuable and are usually more valuable than individual specimens, since the loss of a species is a loss of genetic possibilities and the deliberate destruction of a species would show disrespect for the very biological processes which make possible the emergence of individual living things (also Rolston 1989 Ch 10). Natural processes deserve respect, according to Rolston's quasi – religious perspective, because they constitute a nature (or God) which is itself intrinsically valuable (or sacred).

Meanwhile the work of Christopher Stone (a professor of law at the University of Southern California) had become widely discussed. Stone (1972) proposed that trees and other natural objects should have at least the same standing in law as corporations. This suggestion was inspired by a particular case in which the Sierra Club had mounted a challenge against the permit granted by the US. Forest Service to Walt Disney Enterprises for surveys sprepatory to the development of the Mineral King Valley, which was at the time a relatively remote game refuge, but not designated as a national park or protected wilderness area.

The Disney proposal was to develop a major resort complex serving 14000 visitors daily to be accessed by a purpose-built highway through Sequoia National Park. The Sierra Club, as a body with a general concern for wilderness conservation, challenged the development on the grounds that the valley should be kept in its original state for its own sake. Stone reasoned that if trees, forests and mountains could be given standing in law then they cold be represented in their own right in the courts by groups such as the Sierra Club. Moreover, like any other legal person,

these natural things could become beneficiaries of compensation if it could be shown that they had suffered compensatable injury through human activity.

When the case went to the U.S. Supreme Court, it was determined by a narrow majority that the Sierra Club did not meet the condition for bringing a case to court, for the club was unable and unwilling to prove the likelihood of injury to the interest of the Club or its members. In a dissenting minority judgement, however, justices Douglas, Blackmun and Brennan mentioned Stone's argument: his proposal to give legal standing to natural things, they said, would allow conservation interests, community needs and business interests to be represented, debated and settled in court.

Reacting to Stone's proposal, Joel Feinberg (1974) raised a serious problem. Only items that have interests, Feinberg argued, can be regarded as having legal standing and, likewise, moral standing. For it is interests which are capable of being represented in legal proceedings and moral debates. This same point would also seem to apply to political debates. For Instance, the movement for "animal liberation", which also emerged strongly in the 1970s

can be thought of as a political movement aimed at representing the previously neglected interests of some animals (also Reagan and Singer (eds.) 1976, Clark 1977 and also the entry n the moral status of animals) Granted that some animals have interests that can be represented in this way, would it also make sense to speak of trees, forests, rivers, barracks or termites as having interests of a morally relevant kind? This issue was hotly contested in the years that followed.

Meanwhile, John Passamore (1974) argued, like White, that the Judeo – Christian tradition of thought about Nature despite being predominantly "despotic", contained resources for regarding humans as "stewards" or "perfectors" of God's creation. Skeptical of the prospects for any radically new ethic, Passamore cautioned that traditions of thought could not be abruptly overhauled.

Any change in attitudes to our natural surroundings which stood the chance of widespread acceptance, he argued, would have to resonate and have some continuities with the very tradition which had legitimized our destructive practices. In sum, then, Leopold's land ethic, the historical analyses of White and

Passamore, the pioneering work of Routley, Stone and Rolston and the warnings of scientists, had by the late 1970s focused the attention of philosophers and political theorists firmly on the environment.

The confluence of ethical political and legal debates about the environment, the emergence of philosophies to underpin animal rights activism and the puzzles over whether an environmental ethic would be something new rather than a modification or extension of existing ethical theories were reflected in wider social and political movements. The rise of environmental or "green" parties in Eurpoe in the 1980s was accompanied by almost immediate schisms between groups known as "realists versus fundamentalists" (Dobson 1992).

The "realists" stood for reform environmentalism, working with business and government to soften the impact of pollution and resource depletion especially on fragile ecosystems or endangered species. The "fundis" argued for radical change, the setting of stringent new priorities and even the overthrow of capitalism and liberal individualism; which were taken as the major ideological

causes of anthropogenic environmental devastation. (Not that collectivist or communist countries do better in terms of their environmental record. (Dominick 1998)

Underlying these political disagreements was the destruction between "shallow" and "deep" environmental movements. It was the distinction introduced in early 1970s by another major influence on contemporary environmental ethics, the Norwegian philosopher and climber Arne Naess. Since the work of Naess has been significant in environmental politics, the discussion of his position is given in a separate section below.

(VIII) Deep Ecology

"Deep Ecology" was born in Scandinavia, the result of discussions between Naess and his colleagues Sigmund Kvaloy and Nils Faarlund. All three shared a passion for the great mountains. On a visit to the Himalayas, they became impressed with aspects of "Sherpa culture" particularly when they found that their Sherpa guides regarding certain mountains as sacred and accordingly would not venture onto them. Subsequently, Naess

formulated a position which extended the reverence of mountains to other natural things in general.

The "shallow ecology movement" as Naess (1973) calls it, is the "fight against pollution and resource depletion", the central objective of which is "the health and affluence of people in the developed countries." The "deep ecology movement" in contrast, endorses "biosphere egalitarianism", the view that all living things are alike in having value in their own right, independent of their usefulness to others. The deep ecologist respects this intrinsic value, taking care, for example, when walking on the mountainside not to cause unnecessary damage to the plants.

Inspired by Spinoza's metaphysics, another key feature of Naess's deep ecology in the rejection of atomistic individualism. The idea that human being is such an individual possessing a separate essence, Naess argues, radically separates the human self from the rest of the world. To make such a separation not only leads to selfishness towards other people, but also induces human selfishness towards Nature. As a counter to egoism at both the individual and species level, Naess proposes the adoption of an

alternative relational "total – field image" of the world. According to this relationalism, organisms (human or otherwise) are best understood as "knots" in the biospherical net. The identity of a living thing is essentially constituted by its relation to other things in the world, especially its ecological relations to other living things. If people conceptualize themselves and the world in relational terms, the deep ecologists argue, then people will take better care of Nature and the world in general.

As developed by Naess and others, the position also came to focus on the possibility of the identification of the human ego with nature. The idea is, briefly, that by identifying with nature. I can enlarge the boundaries of the self beyond my skin. My larger – ecological – self (the capital "S" emphasizes that I am something larger than my body and consciousness), deserves respect as well. To respect and to care for my self is also to respect and to care for the natural environment, which is actually part of me and with which I should identify.

"Self realization" in other words, is the reconnection of the shriveled human individual with the wider natural environment.

Naess maintains that the deep satisfaction that we receive from identification with nature and close partnership with other forms of life in nature contributes significantly to our life quality. (One clear historical antecedent to this kind of nature spiritualism is the romanticism of Jean Jacques Ruaseau as expressed in his last work, the "Reveries of the Solitary Walker")

When Naees's view crossed the Atlantic, it was sometimes merged with ideas emerging from Leopold's land ethic. But Naess – wary of the apparent totalitarian political implications of Leopold's position that individual interests and well – being should be subordinated to the holistic good of the earth's biotic community – has always taken care to distance himself from advocating sort of "land ethic". Some critics have argued that Naess's deep ecology is no more than an extended social democratic version of utilitarianism, which counts human interests in the same calculation alongside the interests of all natural things (e.g. trees, wolves, bears, rivers, forests and mountains) in the natural environment, (Witoszak 1997).

However, Naess failed to explain in any detail how to make sense of the idea that oysters or barnacles, termites or bacteria could have interests of any morally relevant sort ot all. Without an account of this Naess's early "biospheric egalitarianism" – that all living things whatsoever had a similar right to live and flourish – was an indeterminate principle in practical terms. It also remains unclear in what sense rivers, mountains and forests can be regarded as possessors of any kind of interests. This is an issue on which Naess has always remained elusive.

Biospheric equalitarianism was modified in the 1980s to the weaker claim that the flourishing of both human and non human life have value in themselves. At the same time Naess declared that his own favoured ecological philosophy – "Ecosophy T", as he called it after his Tvergastein mountain cabin – was only one of several possible foundations for an environmental ethic. Deep ecology ceased to be a specific doctrine, but instead became a "platform", of eight simple points, on which Naess hoped all deep green thinkers could agree. The plat form was conceived as establishing a middle ground, between underlying philosophical

orientations, whether Christian, Buddhist, Daoist, process philosophy, or whatever, and the practical principles for action in specific situations, principles generated from the underlying philosophies. This the deep ecological movement became explicitly pluralist.

While Naess's Ecosophy T sees human self – realization as a solution to the environmental crises resulting from human selfishness and exploitation of nature, some of the followers of the deep ecology platform in the United States and Australia further argue that the expansion of the human self to include nonhuman nature is supported by the Copenhagen interpretation of quantum theory, which is said to have dissolved the boundaries between the observer and the observed. These "relationalist" developments of deep ecology are however, criticized by some feminist theorists. The idea of nature is part of oneself, one might argue, could justify the continued exploitation of nature instead. For one is presumably more entitled to treat oneself in whatever ways one likes than to treat another independent agent in whatever ways one likes. According to some feminist critics, the deep ecological theory of

the "expanded self" is in effect a disguised form of human colonialism, unable to give nature its due as a genuine "other" independent of human interest and purposes (Plumwood 1993, Ch 7.)

Meanwhile some third – world have accused deep ecology of being elitist in its attempts to preserve wilderness experiences for only a select group of economically and socio – politically well – off people. The India writer Ramchandra Guha (1989, 1999) for instance depicts the activities of many western – based conservation groups as a new form of cultural imperialism, aimed at securing converts to conservationism. "Green missionaries" as Guha calls them, represent a movement aimed at further dispossessing the world's poor and indigenous people.

"Putting deep ecology in its place" he writes", is to recognize that the trends it derides as "shallow" ecology might in fact be varieties of environmentalism that are more apposite, more popular in the countries of the South." Although Naess himself repudiates suggestion that deep ecology is committed to any imperialism, Guha's criticism raises important questions about the

application of deep ecological principles in different social, economic and cultural contents. Finally, in other critiques, deep ecology is potrayed as having an inconsistent utopian vision.

(IX) Feminism and the Environment

Broadly speaking a feminist issue is any that contributes in some way to understanding the oppression of women. Feminist theories attempt to analyze women's oppression, its causes and consequences and suggest strategies and directions for women's liberation. By the mid 1970s, feminist writers had raised the issue of whether patriarchal modes of thinking encouraged not only widespread inferiorizing and colonizing of women, but also of people of colour, animals and nature. Sheila Collins (1974), for instance, argued that male dominated culture or patriarchy is supported by four interlocking pillars: sexism, racism, class exploitation and ecological destruction.

Emphasizing the importance of feminism to the environmental movement and various other liberation movements, some writers, such as Ynestra King (1989a and 1989b), argue that

the domination of women by man is historically the original form of domination in human society, from which all other hierarchies – of rank, class and political power – flow. For instance, human exploitation of nature may be seen as manifestation and extension of the oppression of women, in that it is the result of associating nature with the female, which had been already inferiorized and oppressed by the male – dominating culture.

But within the plurality of feminist positions, other writers, such as Val Plumwood (1993), understand the oppression of women as only one of the many parallel forms of oppression sharing and supported by a common ideological structure, in which one party (the colonizer, whether male, white or human) uses a number of conceptual and rhetorical devices to privilege its interests over that of the other party (the colonized: whether female, people of colour, or animals). Facilitated by a common structure, seemingly diverse forms of oppression can mutually reinforce each other (Warren 1987, 1990, 1994 Cheney 1980 and Plumwood 1993).

Not all feminist theorists would call that common underlying oppressive structure "androcentric" or "patriarchal". But it is generally agreed that core features of the structure include "dualism", hierarchical thinking, and the "logic of domination", which are typical of, if not essential to, male – chauvinism. These patterns of thinking and conceptualizing the world, many feminist theorists argue, also nourish and sustain other forms of chauvinism, including human – chauvinism (i.e. anthropocentrism), which is responsible for much human exploitation and destructiveness towards, nature.

The dualistic way of thinking, for instance sees the world in polar opposite terms, such as male/female, masculinity/feminity, reason/emotion, freedom/necessity, active/passive, mind/body, pure/soiled, white/coloured, civilized/primitive, transcendent/immanent, human/animal, cultural/nature.

Furthermore, under dualism all the first items in these contrasting pairs are assimilated with each other, and all the second items are likewise linked with each other. For example, the male is seen to be associated with the rational, active, creative, Cartesian

human mind and civilized, orderly, transcendent culture; whereas the female is regarded as tied to the emotional passive, determined, animal body, and primitive, disorderly, immanent nature. These interlocking dualisms are not just descriptive dichotomies, according to feminists but involve a prescriptive privileging of one side of the opposed items over the other Dualism confers superiority to everything on the male side, but inferiority to everything on the female side. The "logic of domination: then dictates that those on the superior side (e.g. men, rational beings, humans) are morally entitled to dominate and utilize those on the inferior side (e.g. women, beings lacking in rationality, nonhumans) as mere means.

The problem with dualistic and hierarchical modes of thinking, however, is not just that they are epistemically unreliable. It is not just that the dominating party often falsely sees the dominated party as lacking (or possessing) the allegedly superior (or inferior) qualities, or that the dominated party often internalizes false stereo types of itself given by its oppressors, so that stereotypical thinking often overlooks salient and important

differences among individuals. More important, according to feminist analyses the very premise of prescriptive dualism – the valuing of attributes of one polarized side and the devaluing of those of the other, the idea that domination and oppression can be justified by appealing o attributes like masculinity, rationality, being civilized or developed etc – is itself problematic.

Feminism represents a radical challenge for environmental thinking, politics, and traditional social ethical perspectives. It promises to link environmental questions with wider social problems concerning various kinds of discrimination and exploitation and the fundamental investigations of human psychology. However, whether there are conceptual, causal or merely contingent connections among the different forms of oppression and liberation remains a contested issue (on Green 1994). The term "ecofeminism" (first coined by Francoise d'Eaubonne in 1974) or "ecological feminism" was for a time generally applied to any view that combines environmental advocacy with feminist analysis. However, because of the varieties

of and disagreements among, feminist theories, the label may be too wide to be informative and has generally fallen from use.

(X) Disenchantment and the New Animism

An often overlooked source of ecological ideas is the work of the neo – Marxist Frankfurt School of critical theory fouded by Max Horkheimer and Theodore Adorno (Horkhumer and Adorno 1969). While classical Marxists regard nature as a resource to be transformed by human labour utilized for human purposes, Horkheimer and Adorno saw Marx himself as representative of the problem of "human alienation". At the root of this alienation, they argue, is a narrow positivist conception of rationality – which sees rationality as an instrument for pursuing progress, power and technological control and takes observation, measurement and the application of purely quantitative methods to be capable of solving all problems.

Such a positivistic view of science combines determinism with optimism. Natural processes as well as human activities are seen to be predictable and manipulable. Nature (and, likewise,

human nature) is no longer mysterious, uncontrollable, or fearsome. Instead, it is reduced to an object strictly governed by natural laws, which therefore can be studied, known and employed to our benefit. By promising limitless knowledge and power, the positivism of science and technology not only removes our fear of nature, the critical theorists argue, but also destroys our sense of awe and wonder towards it. That is to say, positivism "disenchants" nature – along with everything that can be studied by the sciences, whether natural, social or human.

The progress in knowledge and material well – being may not be a bad thing in itself, where the consumption and control of nature is a necessary part of human life. However, the critical theorists argue that the positivistic enchantment of natural things (and, likewise of human beings – because they too can be studied and manipulated by science) disrupts our relationship with them, encouraging the undesirable attitude that they are nothing more than things to be probed, consumed and dominated. According to the critical theorists, the oppression of "outer nature" (i.e. the natural environment) through science and technology is bought at a

very high price: the project of domination requires the suppression of our own "inner nature" (i.e. human nature) – e.g. human creativity, autonomy and the manifold needs, vulnerabilities and longings at the centre of human life.

To remedy such an alienation, the project of Horkheimer and Adorno is to replace the narrow positivistic and instrumentalist model of rationality with a more humanistic one, in which the values of the aesthetie, moral, sensuous and expressive aspects of human life play a central part. Thus, their aim is not to give up our rational faculties or powers of analysis and logic. Rather, the ambition is to arrive at a dialectical synthesis between Romanticism and Enlightenment, to return to anti – deterministic values of freedom, spontaneity and creativity.

In his later work, Adorno advocates are – enchanting aesthetic attitude of "sensuous immediacy" towards nature. Not only do we stop seeing nature as primarily, or simply, an object of consumption, we are also able to be directly and spontaneously acquainted with nature without interventions from our rational faculties. According to Adorno, works of art, like natural things,

always involve an "excess", something more than their mere materiality and exchange value (Vogel 1996). The re – enchantment of the world through aesthetic experience, he argues, is also at the same time, a re – enchantment of human lives and purposes. Adorno's work remains largely unexplored in mainstream environmental philosophy, although the ides of applying critical theory (embracing techniques of deconstruction, psychoanalysis and radical social criticism) to both environmental issues and the writings of various ethical and political theorists has spawned an emerging fields of "eco critique" or "eco – criticism" (Vogel 1996, Luke 1997, Van Wyk 1997, Dryzek 1997).

Some students of Adorno's works have recently argued that his account of the role of "sensuous immediacy" can be understood as an attempt to defend a "legitimate anthropomorphism" that comes close to a weak from of animism. Others, more radical, have claimed to take inspiration from his notion of "non – identity", which they argue, can be used as the basis for a deconstruction of the notion of nature and perhaps even this elimination from eco – critical writing.

For example, Timothy Morton argues that "putting something called Nature on a pedestal and admiring it from afar does for the environment what patriarchy does for the figure of woman. It is a paradoxical act of sadistic admiration, and that in the name of all that we value in the idea of 'nature' [eco critique] thoroughly examines how nature is set up as transcendental, unified, independent category. Eco critique does not think that is paradoxical to say, in the name of ecology itself: 'down with Nature'

It remains to be seen, however, whether the radical attempt to purge the concept of nature from eco – critical work meets with success. Likewise, it is unclear whether the dialectic project on which Horkheimer and Adorno embarked is coherent, and whether Adorno, in particular, has a consistent understanding of "nature" and "rationality".

On the other hand, the new 'animists' have been much inspired by the serious way in which some indigenous people placate and interact with animals, plants and inanimate things through ritual, ceremony and other practices. According to the new

animists, the replacement of traditional animism (the view that personalized souls are found in animals, plants and other material objects) by a form of disenchanting positivism directly leads to an anthropocentric perspective which is accountable for much human destructiveness towards nature.

In a disenchanted world, there is no meaningful order of things or events outside the human domain, and there is no source of sacredness or dread of the sort felt by those who regard the natural world as peopled by divinities or demons (Stone 2006). When a forest is no longer sacred, there are no spirits to be placated and no mysterious risks associated with clear – felling it. A disenchanted nature is no longer alive. It commands no respect, reverence or love. It is nothing but a giant machine, to be mastered to serve human purposes. The new animists argue for reconceptualizing the boundary between persons and non – persons. For them "living nature" comprises not only humans, animals, and plants, but also mountains, forests, rivers, deserts and even planets.

Whether the notion that a mountain or a tree is to be regarded as a person is taken literally or not, the attempt to engage with the surrounding world as if it consists of other persons might possibly provide the basis for a respectful attitude to nature. If disenchantment is a source of environmental problems and destruction, then the new animism can be regarded as attempting to re – enchant, and help to save, nature. More poetically, David Abram has argued that a phenomenological approach of the kind taken by Merleau – Ponty can reveal to us that we are part of the "common flesh" of the world, that we are in a sense the world thinking itself.

In her recent work, Freya Mathews has tired to articulate a version of animism or panpsychism that captures ways in which the world (not just nature) contains many kinds of consciousness and sentience. For her, there is an underlying unity of mind and matter in that the world is a "self – realizing" system containing a multiplicity of other such systems. According to Mathews, we are meshed in communication, and potential communication, with the "One" (the greater cosmic self) and its many lesser selves.

Materialism (the monistic theory that the world consists purely of matter), she argues, is self – defeating by encouraging a form of "collective solipsism" that treats the world either as unknowable or as a social – construction. Mathews also takes inspiration from her interpretation of the core Daoist idea of wuwei as "letting be" and bringing about change through "effortless action".

The focus in environmental management, development and commerce should be on "synergy" with what is already in place rather than on demolition, replacement and disruption. Instead of bulldozing away old suburbs and derelict factories the synergic panpsychist sees these artifacts as themselves part of the living cosmos, hence part of what is to be respected. Likewise, instead of trying to eliminate feral or exotic plants and animals and restore environments to some imagined pristine state, ways should be found – wherever possible – to promote synergies between the newcomers and the older native populations in ways that maintain ecological flows and promote the further unfolding and developing of ecological processes. Panpsychism, Mathews argues, frees us from the "ideological grid of capitalism" can reduce our desire for

consumer novelties, and can allow us and the world to grow old together with grace and dignity.

In summary, if disenchantment is a source of environmentally destructive or uncaring attitudes, then both the aesthetic and the animist/panpsychist re – enchantment of the world are intended to offer an antidote to such attitudes, and perhaps also inspirations for new forms of managing and designing for sustainability.

(XI) Social Ecology and Bioregionalism

Apart from feminist – environmentalist theories and Naess's deep ecology, Murray Bookchins's "social ecology" has also claimed to be radical, subversive, or counter cultural. Bookchin's version of critical theory takes the "outer" physical world as constituting what he calls "first nature" from which culture or "second nature" has evolved. Environmentalism, on his view, is a social movement, and the problems it confronts are social problems. While Bookchin is prepared, like Horkhumer and Adorno, to regard (first) nature as an aesthetic and sensuous

marvel, he regards our intervention in it as necessary. He suggests that we can choose to put ourselves at the service of natural evolution to help maintain complexity and diversity diminish suffering and reduce pollution.

Bookchin's social ecology recommends that we use our gifts of sociability, communication and intelligence as if we were "nature rendered conscious" instead of turning them against the very source and origin from which such gifts derive. Exploitation of nature should be replaced by a richer form of life devoted to nature's preservation. John, Clark has argued that social ecology is heir to a historical, communitarian tradition of thought that includes not only the anarchist Peter Kropotkin, but also the 19th century socialist geographer, Elisee Reclus, the eccentric Scottish thinker Patrick Geddes and the latter's discipline, Lewis Mumford. Ramchandra Guha has described Mumford as "the pioneer American social ecologist". Mumford adopted a regionalist perspective, arguing that strong regional centres of culture are the basis of "active and securely grounded local life." Like the pessimists in Critical theory, Mumford was worried about the

emergence under industrialized capitalism of a "megamachine", one that would oppress and dominate human creativity and freedom, and one that – despite being a human product – operates in a way that is out of our control.

While Bookchin is more of a technological optimist than Mumford, both writers have inspired a regional turn in environmental thinking. Bioregionalism gives regionalism an environmental twist. This is the view that natural features should provide the defining conditions for places of community, and that secure and satisfying local lives are led by those who know a place, have learned its lore and who adapt their lifestyle to its affordances by developing its potential within ecological limits. Such a life, the bioregionalists argue, will enable people to enjoy the fruits of self – liberation and self – development.

However critics have asked why natural features should be in defining the places in which communities are to be built, and have puzzled over exactly which natural features these should be geological, ecological, climatic, hydrological and so on. If relatively small bioregional communities are to be home to

flourishing human societies, then a question also arises over the nature of the laws and punishments that will prevail in them, and also of their integration into larger regional and global political and economic grouping.

For anarchists and other critics of the predominant social order, a return to self governing and self – sufficient regional communities is often depicted as liberating and refreshing. But for the skeptics, the worry remains that the bioregional vision is politically over – optimistic and is open to the establishment of illiberal, stifling and undemocratic communities. Further, given its emphasis on local self – sufficiency and the virtue of life in small communities, a question arises whether bioregionalism is workable in an overcrowded planet.

Deep ecology, feminism and social ecology have had a considerable impact on the development of political positions in regard to the environment. Feminist analysis have often been welcomed for the psychological insight they bring to several social, moral and political problems. There is however, considerable unease about the implications of critical theory, social

ecology and some varieties of deep ecology and animism. Some recent writers have argued, for example, that critical theory is bound to be ethically anthropocentric, with nature as no more than a "social construction" whose value ultimately depends on human determinations.

Others have argued that the demands of "deep" green theorists and activists cannot be accommodated within contemporary theories of liberal politics and social justice. A further suggestion is that there is need to reassess traditional theories such as virtue ethics, which has its origins in ancient Greek philosophy within the context of a form of stewardship similar to that earlier endorsed by Passamore. If this last claim is correct, then the radical activist need not, after all, look for philosophical support in radical, or counter – cultural, theories of the sort deep ecology, feminism, bioregionalism and social ecology claim to be.

(XII) Traditional Ethical Theories and Contemporary Environment Ethics

Although environmental ethicists often try to distance themselves from the anthropocentrism embedded in traditional ethical views (Passamore 1974, Norton 1991 are exceptions), they also quite often draw their theoretical resources from traditional ethical systems and theories. Consider the following two basic moral questions: (1) What kinds of things are intrinsically valuable, good or bad? (2) What makes an action right or wrong?

Consequentialist ethical theories consider intrinsic "value"/"disvalue" or "goodness"/"badness" to be more fundamental moral notions than "rightness"/"wrongness", and maintain that whether an action is right/wrong is determined by whether its consequences are good/bad. From this perspective, answers to question (2) are informed by answers to question (1). For instance, utilitarianism, a paradigm case of consequentialism, regards pleasure (or, more broadly construed, the satisfaction of interest, desire and/or preference) as the only intrinsic value in the world whereas pain (or the frustration of desire, interest, and/or preference) the only intrinsic disvalues, and maintains that right

actions are those that would produce the greatest balance of pleasure over pain.

As the utilitarian focus is the balance of pleasure and pain as such, the question of to whom a pleasure or pain belongs is irrelevant to the calculation and assessment of the rightness or wrongness of actions. Hence, the 18th century utilitarian Jeremy Bentham (1789), and now Peter Singer (1993), have argued that the interests of all the sentient beings (i.e. beings who are capable of experiencing pleasure or pain) including nonhuman ones – affected by an action should be taken equally into consideration in assessing the action. Furthermore, rather like Routley, Singer argues that the anthropocentric privileging of members of the species Homo sapiens is arbitrary; and that it is a kind "speciesism" as unjustifiable as sexism and racism. Singer regards the animal liberation movement as compartable to the liberation movements of women and people or colour. Unlike the environmental philosophers who attribute intrinsic value to the experience of pleasure or interest satisfaction as such, not to the beings who have the experience. Similarly, for the utilitarian, non

– sentient object in the environment such as plant species, rivers, mountains and landscapes, all of which are the objects of moral concern for environmentalists, are of no intrinsic, but at most instrumental value to the satisfaction of sentient beings.

Furthermore, because right actions, for the utilitarian, are those that maximize the overall balance of interest satisfaction over frustration, practices such as whale – hunting and the killing of an elephant for ivory, which cause suffering to nonhuman animals, might turn out to be right. After all such practices might produce considerable amounts of interest_ satisfaction for human – beings, which on the utilitarian calculation, outweigh the non – human interest – frustration involved. As a result of all the above considerations, it is unclear to what extent a utilitarian ethic can also be an environmental ethic. This point may not so readily apply to a wider consequentialist approach, which attributes intrinsic value not only to pleasure or satisfaction but also to various objects and processes in the natural environment.

Deontological ethical theories, in contrast, maintain that whether an action is right or wrong is for the most part independent

of whether its consequences are good or bad. From the deontologist perspective, there are several distinct moral rules or duties (e.g. "not to kill or otherwise harm the innocent", "not to lie", "to respect the right of others", "to keep promises"), the observance/violation of which is intrinsically right/wrong; i.e. right/wrong in itself regardless of consequences. When asked to justify an alleged moral rule, duty or its corresponding right, deontologists may appeal to the intrinsic value of those beings to whom it applies. For instance, "animal rights" advocate Tom Reagan (1983) argues that those animals with intrinsic value (or what he calls "inherent value") have the moral right to respectful treatment, then generates a general moral duty on our part not to treat them as mere means to other ends. We have, in particular, a prima facie moral duty not to harm them. Reagan maintains that certain practices (such as sport or commercial hunting and experimentation on animals) violate the moral right of intrinsically valuable animals to respectful treatment.

Such practices, he argues, are intrinsically wrong regardless of whether or not some better consequences ever flow from them.

Exactly which animals have intrinsic value and therefore the moral right to respectful treatment? Reagan's answer is: those that meet the criterion of being the "subject – of – a – life". To be such a subject is a sufficient (though not necessary) condition for having intrinsic value, and to be a subject – of – a – life involves among other things, having sense – perceptions, beliefs, desires, motives, memory, a sense of the future and a psychological identity over time.

Some authors have extended concern for individual well – being further, arguing for the intrinsic value of organisms achieving their own good, whether those organisms are capable of consciousness or not. Paul Taylor's version of this view (1981 and 1986), which we might call biocentrism, is a deontological example. He argues that each individual living thing in nature – whether it is an animal, a plant, or a micro – organism – is a "teleological – center – of – life" having a good or well – being of its own which can be enhanced or damaged, and that all individuals who are teleological – centres – of life have equal intrinsic value (or what he calls "inherent worth" which entitles

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them to moral respect. Furthermore, Taylor maintains that the intrinsic value of wild living things generates a prima facie moral duty on our part to preserve and promote their goods as ends in themselves, and that any practices which treat those beings as mere means and thus display a lack of respect for them are intrinsically wrong A more recent and biologically detailed defence of the idea that living things have representations and goals and hence have moral worth is found in Agar 2001. Unlike Taylor's egalitarian and deontological biocentrism, Robin Attfield (1987) argues for a hierarchical view that while all beings having a good of their own have intrinsic value, some of them (e.g. persons) have intrinsic value to a greater extent. Attified also endores a form of consequentialism which takes into consideration, and attempts to balance, the many and possibly conflicting goods of different living things.

However, some critics have intrinsic value to a greater extent. Attfied also endorses a pointed out that the notion of biological good or well – being is only descriptive not prescriptive. For instance, the fact that HIV has a good of its own does not mean

that we ought to assign any positive moral weight to the realization of that good.

It is to be noted that the ethics of animal liberation or animal rights and biocentrism are both individualistic in that their various moral concerns and are directed towards individuals only – not ecological wholes such as species, populations, biotic communities and ecosystems. None of these is sentient, a subject – of – of – life but the preservation of these collective entities is a major concern for many environmentalists. Moreover, the goals of animal liberationists such as the reduction of animal suffering and death, may conflict with the goals of environmentalists. For example, the preservation of the integrity of an ecosystem may require the culling of feral animals or of some indigenous populations that threaten to destroy fragile habitats. So there are disputes about whether the ethics of animal liberation is a proper branch of environmental ethics.

Criticizing the individualistic approach in general for failing to accommodate conservation concerns for ecological wholes, J Baird Callicott (1980) has advocated a version of land –

ethical holism which takes Leopold's statement "A thing is right when it tends to preserve the integrity, stability and beauty of the biotic community. It is wrong when it tends otherwise to be the supreme deontological principle. In this theory, the earth's biotic community per se is the sole locus of intrinsic value, whereas the value of its individual members is merely instrumental and dependent on their contribution to the "integrity, stability, beauty" of the larger community.

A straight forward implication of this version of the land ethic is that an individual member of the biotic community ought to be sacrificed whenever that is needed for the protection of the holistic good of the community. For instance, Callicott maintains that if culling a white – tailed deer is necessary for the protection of the holistic biotic good, then it is a land – ethical requirement to do so. But, to be consistent the same point also applies to human individuals because they are also members of the biotic community. Not surprisingly, the misanthropy implied by Callicott's land – ethical holism has been widely criticized and regarded as reduction of the position.

Tom Reagan, for example, has condemned the holistic land ethic's disregard of the right of the individual as "environmental fascism". Under the pressure from the charge of ecofascism and misanthropy, Callicott has later revised his position an now maintains that the biotic community (indeed, any community to which we belong) as well as individual members (indeed, any individual who shares with us membership in some common community) all have intrinsic value. The controversy surrounding Callicott's original position, however, has inspired efforts in environment ethics to investigate possibilities of attributing intrinsic value to ecological wholes, not just their, individual constituent parts. Following in Callicott's footsteps, and inspired by Naess's relational account of value, Warwick Fox in his most recent work has championed a theory of "responsive cohesion" which apparently gives supreme moral priority to the maintenance of ecosystems and the biophysical world. It remains to be seen if this position will escape the charges of misanthropy and totalitarianism laid against earlier holistic and relational theories of value.

Individual natural entities (whether sentient or not, living or not), Andrew Bernnan (1984) argues, are not designed by anyone to fulfill any purpose and therefore lack "intrinsic function" (i.e. the function of a thing that constitutes part of its essence or identity conditions). This, he proposes, is a reason for thinking that individual natural entities should not be treated as mere instruments, and thus a reason for assigning them intrinsic value.

Furthermore, he argues that the same moral point applies to the case of natural ecosystems, to the extent that they lack intrinsic function. In the light of Brennan's proposal, Eric Katz (1991 and 1997) argues that all natural entities, whether individuals or wholes, have intrinsic value in virtue of their ontological independence from human purpose, activity and interest and maintains the deontological principle that nature as a whole is an "autonomous subject" which deserves moral respect and must not be treated as a mere means to human ends. Carrying the project of attributing intrinsic value to nature to its ultimate form Robert Elliot (1997) argues that naturalness itself is a property in virtue of possessing which all natural things, events, and state of affairs

attain intrinsic value. Furthermore, Elliot argues that even a consequentialist, who in principle allows the possibility of trading off intrinsic value from naturalness for intrinsic value from other sources, could no longer justify such kind of trade – off in reality. This is because the reduction of intrinsic value due to the depletion of naturalness on earth, according to him, has reached such a level that any further reduction of it could not be compensated by any moment of intrinsic value generated in other ways, no matter how great it is.

As the notion of "natural" is understood in terms of the lack of human contrivance and is often opposed to the notion of "artifactual", one much contested issue is about the value of those parts of nature that have been interfered with by human artifice – for instance, previously degraded natural environments, which have been humanly restored. Based on the premise that the properties of being naturally evolved and having a natural continuity with the remote past are "value adding" (i.e. adding intrinsic) value to those things which possess two properties), Elliot argues that even a perfectly restored environment would

necessarily lack those two value – adding properties and therefore be less valuable than the originally undegraded natural environment.

Katz, on the other hand, argues that a restored nature is really just an artifact designed and created for the satisfaction of human ends, and that the value of restored environment is merely instrumental. However some critics have pointed out that advocates of moral dualism between natural and the artifactual run the risk of diminishing the value of human life and culture. Thus they fail to recognize that the natural environments interfered with by humans may still have morally relevant qualities other than pure naturalness.

Two other issues central to this debate are that the key concept "natural" seems ambiguous in many different ways, an that those who argue that human interference reduces the intrinsic value of nature seem to have simply assumed the crucial premise that naturalness is a source of intrinsic value. Some thinkers maintain that the natural, or the "wild" construed as that which "is not humanized" or to some degree "not under human control" is

intrinsically valuable. Yet as, Bernard Williams points out, we may, paradoxically, need to use our technological powers to retain a sense of something not being in our power. The retention of wild areas may thus involve planetary and ecological management to maintain, or even "imprison" such areas (Birch 1990). This raises a question over the extent to which national parks and wilderness areas are free from our control. An important message underlying the dedate perhaps, is that even if ecological restoration is achievable, it might have been better to have left nature intact in the first place.

As an alternative to consequentialism and deontology both of which consider "thin" concepts such as "goodness" and "rightness" as essential to morality, virtue ethics proposes to understand morality – and assess the ethical quality of actions – in terms of "thick" concepts such as "kindness", "honesty", "sincerity" and "justice". As virtue ethics speaks quite a different language from the other two kinds of ethical theory, its theoretical focus is not so much on what kinds of things are good/bad, or what makes an action right/wrong.

Indeed, the richness of the language of virtues, and the emphasis on moral character, is sometimes cited as a reason for exploring a virtues – based approach to the complex and always – changing questions of sustainability and environmental care (Sandler 2007) One question central to virtue ethics is what the moral reasons are for acting one way or the other.

For instance, from the perspective of virtue ethics, kindness and loyalty would be moral reasons for helping a friend in hardship. These are quite different from the deontologist's reason (that the action is damaged by a moral rule) or the consequentialist reason (that the action will lead to a better over – all balance of good over evil in the world). From the perspective of virtue ethics, the motivation and justification of actions are both inseparable from the character traits of the acting agent. Furthermore, unlike deontology or consequentialism the moral focus of which is other people or states of the world, one central issue for virtue ethics is how to live a flourishing human life, this being a central concern of the moral agent himself or herself. "Living virtuously" is Aristotle's recipe for flourishing. Versions of virtue ethics

advocating virtues such as "benevolence", "piety", "filiality", and "courage", have also been held by thinkers in the Chinese Confucian tradition.

The connection between morality and psychology is another core subject of investigation for virtue ethics. It is sometimes suggested that human virtues, which constitute an important aspect of a flourishing human life, must be compatible with human needs and desires and perhaps also sensitive to individual affection and temperaments As its central focus is human flourishing as such, virtue ethics may seem unavoidably anthropocentric and unable to support a genuine moral concern for the nonhuman environment. But just as Aristotle has argued that a flourishing human life requires friendships and one can have genuine friendship only if one genuinely values, loves, respects and cares for one's friends for their own sake, not merely for the benefits that they may bring to oneself. Some have argued that a flourishing human life requires the moral capacities to value, love, respect and care for the nonhuman natural world as an end in itself.

(XIII) Wilderness, the Built Environment, Poverty and Politics

Despite the variety of positions in environmental ethics developed over the last thirty years, they have focused mainly on issues concerned with wilderness and the reasons for its preservation. The importance of wilderness experience to the human psyche has been emphasized by many environmental philosophers. Naess for instance, urges us to ensure we spend time dwelling in situations of intrinsic value, whereas Rolston seeks "re creation" of the human soul by meditating in the wilderness. Likewise, the critical theorists believe that aesthetic appreciation of nature has the power to re – enchant human life.

By contrast, relatively little attention has been paid to the built environment, although this is the one in which most people spend most of their time. In post – war Britain, for example, cheaply constructed new housing developments were often poor replacements for traditional communities. They have been associated with lower amounts of social interaction and increased

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crime compared with the earlier situation. The destruction of highly functional high – density traditional housing, indeed, might be compared with the destruction of highly diverse ecosystems and biotic communities

Likewise, the loss of the world's huge diversity of natural languages has been mourned by many, not just professionals with an interest in linguistics. Urban and linguistic environments are just two of the many "places" inhabited by humans. Some philosophical theories about natural environments and objects have potential to be extended to cover built environments and non – natural objects of several sorts, while Fox (2007) aims to include both built and natural environments in the scope of a single ethical theory. Certainly there are many parallels between natural and artificial domains. For example many of the conceptual problems involved in discussing the restoration of natural objects also appear in the parallel context of restoring human – made objects.

The focus on the value of wilderness and the importance of its preservation has overlooked another important problem namely that lifestyles in which enthusiasms for nature rambles, woodland

meditation or mountaineering can be indulged demanding a standard of living that is far beyond the dreams of the most of the world's population. Moreover, mass access to wild places would likely destroy the very values held in high esteem by the "natural aristocrats", a term used by Hugh Stretton (1976) to characterize the environmentalists "driven chiefly by love of wilderness". Thus a new range of moral and political problems open up, including the environmental cost of tourist access to wilderness areas and ways in which limited access could be arranged to areas of natural beauty and diversity, while maintaining the individual freedoms central to liberal democracies.

Lovers of wilderness sometimes consider the high human populations in some developing countries as a key problem underlying the environmental crisis. Rolston (1996), for instance, claims that (some) humans are a kind of planetary "cancer". He maintains that while "feeding people always seems humans,…… when we face up to what is really going on, by just feeding people, without attention to the larger social results we could be feeding a kind of cancer." This remark is meant to justify the view that

saving nature should, in some circumstances, have a higher priority than feeding people.

But such a view has been criticized for seeming to reveal a degree of misanthropy, directed at those human beings least able to protect and defend themselves. The empirical basis of Rolston's claims has been queried by work showing that poor people are often extremely good environmental managers. Guha's worries about the elitist and "missionary" tendencies of some kinds of deep green environmentalism in certain rich western countries can be quite readily extended to theorists such as Rolston. Can such an apparently elitist sort of wilderness ethics ever be democratized? How can the psychically – reviving power of the wild become available to those living in the slums of Calcutta or Sao Paolo? These questions so far lack, convincing answers.

Furthermore, the economic conditions which support the kind of enjoyment of wilderness by Stretton's "natural aristocrats", and more generally the lifestyles of many people in the affluent countries, seem implicated in the destruction and pollution which has provoked the environmental turn in the first place. For those in

the richer countries, for instance, engaging in outdoor recreations usually involves the motor car. Car dependency, however, is at the heart of many environmental problems. It is a key factor in urban pollution, while at the same time central to the economic and military activities of many nations and corporations, for example securing and exploiting oil reserves. In an increasingly crowded industrialized world, the answers to such problems are pressing. Any adequate study of this intertwined set of problems must involve interdisciplinary collaboration among philosophers and theorists in the social as well as natural sciences.

Connections between environmental destruction, unequal resource consumption, poverty and the global economic order have been discussed by political scientists, development theorists, geographers and economists as well as by philosophers. Links between economics and environmental ethics are particularly well established. Work by Mark Sagoff (1988), for instance, has played a major part in bringing the two fields together. He argues that "as citizens rather than consumers" people are concerned about values, which cannot plausibly be reduced to mere ordered preferences or

quantified in monetary terms. The potentially misleading appeal to economic reason used to justify the expansion of the corporate sector has also come under critical serenity by globalization theorists. These critiques do not aim to eliminate economics from environmental thinking. Rather they resist any reductive, and strongly anthropocentric, tendency to believe that all social and environmental problems are fundamentally or essentially economic.

Other inter disciplinary approaches link environmental ethics with biology, policy studies, public administration, political theory, cultural history, post – colonial theory, literature, geography and human ecology. Many of the more recent assessments of issues concerned with biodiversity, ecosystem health, poverty, environmental justice and sustainability look at both human and environmental issues, eschewing in the process commitment either to a purely anthropocentric or purely ecocentric perspective. The future development of environmental ethics depend on these, and other interdisciplinary synergies, as much as on its anchorage within philosophy.

(XIV) Pathologies of Environmental Crisis: Theories and Empirical Research

Part of environmental philosophy's project since its inception is the diagnosis of the origins of our present – day environmental extremities. The best known of these is probably Lynn White's theory. White argues that Judaeo – Christian monotheism, because of it essentially anthropocentric attitude towards nature, is the ideological source of the environmental crisis. At the heart of his philosophical cum cultural – historical analysis seems to be a simple structure:

W1. Christianity leads to anthropocentrism

W2. Anthropocentrism leads to environmentally damaging behaviors.

W3. So, Christianity is the origin of environmental crisis.

The second premise of White's argument also seems to have a central place in a number of rival diagnoses. In fact, the structure of the major theories in the field is regularly of this sort: (1) X leads to anthropocentrism, (2) anthropocentrism leads to

environmentally damaging behaviors; therefore (3) X is the origin of environmental crisis. Three other well – known cases namely eco feminism (which identifies X with those patterns of thought that are characteristically patriarchal), deep ecology (which takes X to be atomistic individualism) and the new animism (which regard the disenchantment of nature as the X – factor).

The four theories all seem to have one view in common hat anthropocentrism is at the heart of the problem of environmental destructiveness. If anthropocentrism is the problem, then perhaps non – anthropocentrism is the solution. At this point, it may be helpful to separate two theses of non – anthropocentrism, ones that are not normally distinguished in the literature:

The evaluative thesis (of non – anthropocentrism) is the claim that natural nonhuman things have intrinsic value, i.e. value in their own right independent of any use they have for others.

The psycho – behavioral thesis (of non – anthropocentrism) is the claim that people who believe in the evaluative thesis of non – anthropocentrism are more likely to behave environmentally (i.e.

behave in beneficial ways, or at least not in harmful ways, towards the environment) than those who do not.

Much of the last three decades of environmental ethics has been spent analyzing, clarifying and examining the evaluative theses of non – anthropocentrism, which has now achieved a nearly canonical status within the discipline. By contrast the psycho – behavioral thesis is seldom discussed, but is part of the tacit background of environmental ethics. When it does get explicit mention this is often in the in the introductions or prefaces of books, or in reference works – for example when it is said that deep ecology's "greatest influence…. may be through the diverse forms of environmental activism that it inspires" If the psycho – behavioral thesis is true, then it is important in two ways:

(1) It provides a rationale for both the diagnosis and solution of environmental problems, and

(2) It gives practical justification to the discipline of environmental ethics itself (conceived as the mission to secure converts to the evaluative thesis of non – anthropocentrism). Conversely, if the psycho – behavioral thesis turns out to be false, then – since the

thesis is the common tacit assumption of all four theories – not only the discipline itself, but also the four major diagnostic theories of the origin of the environmental predicament will be seriously undermined.

Central to the psycho – behavioral thesis is a problematic assumption: that if people believe they have a moral duty to respect or believe that natural things are intrinsically valuable, then they really will act in more environmental – friendly ways. This empirical question cannot be answered by purely a priori philosophical reasoning. In fact, the other core premises in the four major philosophical theories on the origin of environmental crisis are also empirical claims about social and cultural reality. To be credible, they must be able to stand up to empirical testing. For example, are people who think in dualistic and hierarchical ways (as described by feminist) in fact more likely to have anthropocentric attitudes and more likely to act harmfully towards the environment? Are people who believe in animism (as panpsychists argue) in fact less likely to have anthropocentric attitudes and also less likely to harm the environment?

What about people who adopt some relational or holistic view of the world, as advocated by deep ecologists? How do they act toward nature compared to those who adopt a more individualistic and atomistic worldview? These questions about the relations among various belief system and behaviors look no different in kind from the sorts of questions that social scientists regularly ask.

Of the major philosophical theories on the origin of environmental crisis, Lynn White's is the only one to have been empirically tested by social scientists. The net result of these studies so far has been "inconclusive", especially when education, sex, age and social class are also factored in. Moreover, like their philosophical counterparts, environmental sociologists often take the psycho – behavioral thesis of non – anthropocentrism for granted.

Some of the best known and most widely used survey instruments in the field are also problematic. Riley Dunlap and collaborators developed many years ago the "New Environmental Paradigm "(NEP) scale to measure pro – environmental attitudes

(Dunlap and van Liere 1978). That scale, and its later revisions, is problematic precisely because it explicitly uses indicators of beliefs in anthropocentrism to measure the presence of un – environmental attitudes, thus assuming in advance that anthropocentric beliefs are harmful to the environment. But whether that is so should be settled by empirical investigation rather than by an act of a priori stipulation in survey design.

Despite the fact that there is striking common underlying structure between white's theory and the other major theories discussed above, no sociological studies so far have been done on the other theories, nor on the common underlying psycho – behavioral thesis of an non – anthropocentrism and its effects. This presents an opportunity for interdisciplinary collaborations among philosophers and social scientists. Many tools and methods well established in the social sciences can justifiably be adapted for use in research on environmental philosophy, giving the subject an empirical or even experimental turn.

Such work may stimulate new ideas about the origins of our environmental pathologies and for testing the extent to which

belief systems and worldviews actually drive attitudes and behaviors. As long as empirical facts are relevant to philosophical and ethical thought, adoption of social science methods will be a means of keeping our theorizing in touch with the motivations and behaviors of the people we are trying to describe and influence.

Similar points about the role of empirical investigations can also be made about theorizing over a range of other problems, including drought, the preservation of biodiversity, and climate change. While it has become commonplace to refer to the present era as "the age of terror", there is increasing agreement across the entire globe that the world is facing chronic and unprecedented environmental problems, many of them of human origin. Indeed, the United States military, responding to an albeit speculative report on abrupt climate change prepared for the Pentagon by the Global Business Network, have declared that the problems of adjustment to climate change constitute a far more severe threat to national and international security than does terrorism itself. Drought, changing weather patterns, the expected burden of caring for environmental refugees, of consumerism, and the health of

decline the effects associated with various forms of pollution are continuing and major problems for human beings themselves, and raise crucial issues abut environmental justice.

At the same time, the continuing destruction of natural environments and the widespread loss of both plant and animal species poses increasing problems for other forms of life on the planet. In facing these problems, there will likely be great opportunities for co – operation and synergy between philosophers and both natural and social scientists.

Like many other important and interesting questions, no single discipline could claim sole ownership of those just raised about the origins of modern environmental crisis and the quandaries we now face, the relation between environmental problems and social injustice, and the vexed question of how human beings should relate to the natural environment in their pursuit of happiness and well – being. The move away from armchair speculation to link up with a wider community of inquiry may be inevitable not only in environmental ethics but in all areas of practical philosophy.

(XV) Environmental Ethics in Ancient Indian Perspective

Environmental ethics had always been an inherent part of Indian religious precepts and philosophy. Man nature relationship is at the centre of Vedic Vision and those sacred scriptures specifically talk about man's responsibility to preserve his environment. Worship of nature – Sun, Moon, Earth, Air and Water was not merely primitive man's response to the fear of the unknown but arose from the deep reverence shown to the forces of nature which sustained and preserved human life on earth. The Upanishads provide a vision of cosmic piety and harmony with the natural environment.

The highest plenary existence mandates a balance of earth, water, vegetation and human life. The 21st century is going through rapidly advancing technology and fast growing economic system and increasing threat from its own activities. The ozone depletion, acid rain, toxic wastes, global warming, deforestation and loss of biodiversities are just few highlights of the development model

sweeping across the globe. Now, we propose to see that how far Indian philosophy is being incorporated in the provisions of various environmental laws and role of law, in materializing this Vedic vision.

Philosophy in India is not a mere speculation, but it is completely spiritual, say monks. A true philosophy must be simple and at the same time capable of explaining the vital problems which science can never explain. "Indian philosopher does not believe in theories, which cannot be carried into practice in everyday life. What he believes he lives up to and, therefore Indian philosophy had been during these thousands of years of existence, truly practical. Its chief concern has not been to conceive a philosophical scheme like a toy machine to play with, but to make of it a chariot in which man could ride. "(Dr. Radhakrishnan) In the Vedas, we find deliberate attempt to enunciate the ultimate truth through sacred incantations. Further it was articulated as rituals for repeated reminding of the need to sustain and foster ecological balance.

The process of transmutation and cyclic degeneration and generation of life is an accepted postulate in the Vedic world view. Standing on the rock of spiritual oneness of the universe, Vedanta explains the basis of ethics, "If we injure, hate or cheat animals, we injure, hate and cheat ourselves. When we begin to love others, as to our own self we are truly ethical." The Bhumisukta of Atharva Veda considers "Bhumi" i.e. the earth, as the personified mother goddess. It is she who nourishes us all like a loving mother nurtures her son.

In fact the earth in Bhumisukta does not merely represent the land, but all that is part of the environment. She symbolizes the three principal components of environment, land water and air. "At the liquid level 'Bhumi' is the sustainer of oceans, rivers and waters." (Atharva Veda – 12/1/1 supra note 7.) She is described as born out of ocean and surrounded by space. And the Air – 'Matari – svaan' blows on the earth and the light of the flame follows the wind. Bhumi is called "Agnivasa", "She represents the energy of fire element in the universe. She bears the universal fire which is present in the herbs, waters, stones, men and horses." (Atharva

Veda 12/1/19 Supra note 7) This guides to the point that the mother earth is the source of life and man has to preserve it for his own existence.

The Upanishads explained the performance of all components of nature and their inter – relations. Water is the strength of the planet and a source of energy for every living organism. One of the description of water is jeevan', means life. Chandogya. Upanishad states that water is the sap of the earth, the wind vayudevta, the forest – vandevta are all sources of natural energy and to be preserved and worshipped. In the exposition of the evolutionary process of human life by Upanishads, the earth is the disembodied spirit of nature: water is the essence of earth; vegetation is the essence of water; human life is the essence of vegetation; meditation is the essence of human life; recitation is the essence of meditation; harmony is the essence of sanitation and the existence of human beings in totality.

The Vedic lifestyle was environmentally ethical Igniting sacred fire was religiously recognized mode of worship. It intended to keep the environment healthy. The Yajurveda stipulates that the

creator ordained the sun and fire to penetrate deep into the substances to segregate their aqueous and soporific contents. The substance then became pure and clean and bestowed happiness on men. Besides, this, when firewood and butter are offered to the fire, the flames and smoke remove bad odour from the atmosphere. In Samaveda the sacrificial fire is compared to a stallion that can stave off the insects.

In ancient India, places of worship were mostly located in jungles. People did not see much difference between nature and God. There might have been a method to make people aware that nature is also a divine establishment and should not be interfered unnecessarily. Protection of nature and preservation of natural resources were very much religious and an accepted made of worshipping god.

The Aurvedic system of medicine (Aurveda is considered as the fifth Veda) is principally based on utility and medicinal value of plants and herbs. Ancient Rishis have revealed that "God sleeps in minerals, wakes in animals and thinks in man." (J. Iyer, Inaugural address, at NEERI on Appropirate Waste management,

25 – 5 – 1995, supra note 3) Indian philosophy of 'Vasudhaiva Kutumbakam, explains the same concept of fraternity with the environment. Hindu Mythology that recognized omnipresence of God believed that everything in the world bears an element of God believed that everything in the world bears an element of God in it and be treated accordingly. Atharva Veda prayers, "whatever, I dig from thee 0' Earth, may that have quick growth again, 0' purifier, may we not injure the vital heart." (Atharva Veda 12/1/35 supra note 7)

(XVI) Indian Philosophy and Jurisprudence

In Vedic period, it was Law that created the state (Radha Krishna Choudhary, Law in Ancient India, H.S. Bhatia, Vedic and Aryan India, elegant Printers, 2001) The Purohitas were considered as Law makers and their judicial authority was highly valued (Raj Dharmasapana Parva 77 Manu 39 Vedic people believed that "order dwells amongst men, in truth, in noblest places. (Rig Veda IV, 40 Daltas Translation) This was the foundation of law.

It is not denied by the historians that the Vedic society was democratic. Law expressed the truth underlying conduct and was a standard, correlating with justice. The Sanskrit term 'Dharma' is used as a synonym for law at many places in the Vedas. Ethologists believe that when man adopts peaceful means of interchange, he makes laws. The puranic conception is that law arose out of human necessity and as urge for a peaceful life. In Puranas, law is interpreted as the means to secure 'Abhyudaya', i.e. the welfare of the people.

Dharma represents rights, privileges and obligations of individuals. The object of law was to promote the welfare of man both individually and collectively.

Koutilya's concept of law was empirical. He applied the standards of Dharma to the individuals, society and state. Ancient Indian conception of cosmic perfection was highly developed in his time. He manifested that if both the ruler and the ruled is responsible to law, nothing worse was to follow.

Law covered all fields of human activity. The word 'rta' in the Vedic hymns signifies cosmic order. In Vedic period there was

only one word used 'rta' for both men and nature. Knowledge of 'Dharma' prevented the members of the society from doing wrong against fellow beings and against the nature. Duty of the state was only to make the members conscious of their 'dharma'.

The principle guiding this outlook was that the highest good is to be identified with the total harmony of the cosmic or natural order characterized in the earliest religious texts as Rta, which we could render for now as the natural law. This is the creative purpose or telos that circumscribes all sentient behavior and every moment from the stillness of the deep sea – water to the invisible vibration of the sub – atomic particle. The social and moral order is thus conceived as the correlate of the natural order.

The vast universe was not strewn about in random chaos, but had an inner order, a unity with an inexorable law and purpose. This law (Rta) governs the working of both the macrocosm and microcosm. (Dandekar 1979:15) This is the ordered course of things, the truth of being or reality (sat) and hence the 'Law'. Rta determines the place, entitlement, function and end of everything. But Rta is too subtle for the undiscerning eyes and its originary

promulgation occurs mythically with the dismemberment of the Cosmic Person (Purusha) performed by the gods.

> From that cosmic sacrifice.
>
> Drop of oil were collected
>
> Beasts of the wings were born
>
> And animal wild and tame
>
> From that horses were given birth
>
> And cattles with two rows of teeth
>
> Cows were born from that
>
> And from that were born goats and sheep
>
> His eyes gave birth to the sun;
>
> Indra and Agni came from his mouth;
>
> And Vayu (the wind) from his breath was born
>
> From the navel midair rose;
>
> The sky arose from his head;
>
> From feet, the earth, from care, the directions
>
> Thus they formed the worlds.
>
> (Rig Veda Purusa Sukta'X 90.8.10.13, 14, de

Nicholas, 1976: 225 – 226)

Although the hymn has as its central character the simulacrum of a personal being, its rhetorical intent is not entirely anthropocentric for it gives prominence to objects and forces of nature and outlines, the basis of Rta, which the Vedas seek to understood and realize in human culture.

Whence this creation has creation – perhaps it formed itself or perhaps it did not – the one who looks on it, in the highest heaven, only he knows – or perhaps he does not know." (Nasadiya Sukta, Rig Veda X 129 1, 6, 7 0' Flaherty 1983:25)

There is quest, for this law, the Truth of things, as the above paragraph shows. The knowledge of Law's functioning, and the means of practical action consistent with what is ordained in or by the Law is at once spiritual and intellectual, the two orientations being hardly differentiated in the Vedas. The idea of Rta and its enigmas is expressed succinctly and, as so often mythically, in several of the moving verses of the Vedas. The verses speak of the mythological deeds of a galaxy of gods – Indra, Varuna, Mitra, Adityas and so on – who are responsible for holding together the universe by various devices, struggles against opposing dark

forces, by churning the waters of the ocean for the stolen secrets, providing rain and grains for the nourishment to the deserving and punishing with the same fetters the transgressors of the Law. Thus, for example, Varuna (from root vr 'to find', 'envelope') could exercise his unstinted authority over the whole realm as its supreme ruler (samrat), an arbiter an exemplar of moral conduct or righteousness by virtue of being endowed with asu. As R.N. Dandekar (1979: 16, 158) points out: "The concept of asu is perhaps the most central in Vedic religious ideology.

Indeed, it is seen to have vitally influenced the whole religio – philosophical thought of ancient India. It was believed that an all – pervading magical potence – substance penetrated through the universe and thereby invested it, so to say, with existence and life. This magical potence served as the essential basis of the various aspects of creation such as gods, men, animals, trees etc. There was, accordingly, an essential qualitative unity throughout the universe… the larger the quantity of asu one possessed, the greater was the magical power he could wield. Varuna could effectively enforce the cosmic law Rta because he

was believed to have possessed the greatest quantity of asu –

because he was asura."

[Varuna]

He sits among his people

consistent to law.

Most wide, he presides and governs all things.

From there, surveying,

he beholds earth's marvels,

both that which has been and that which shall be

Supreme Lord

ruling the spheres,

hear, 0 wise God,

as you pass on your way.

Free us from fetters of every sort, Loosen our bonds that we may

live!

(Rig Veda 1.25, 10, 11, 20, 21; cf1.105.15; Panikkar 1977; 149 –

150)

Following the differentiation of the cosmos, numerous god,

often in a spirit of competition, would claim the little of the

supreme enforcer of the Law. This indeed coincides with shifts in the substantial environmental conditions of the Aryans on their further migration towards the seven big rivers (Suptasindhu). Thus, India, a human hero who evolves to become the chief of gods, is extolled for his command over the arid forces of nature, especially the thunderstorm and thereby refreshing the earth with rain.

The other gods who variously regulate different aspects of the biotic community are perceived as working in unison with the mind of Indra. He claims to have released the Sun from its concealing darkness and set the solar – disk on its proper course in the sky, making it shine bright so as to give energy to all gradations of sentience and nature – animals, trees, waters, rocks, moon etc; and in turn the Sun – god, Savita, looks over to see that all other gods live, according to Rta – the harmonious inter – play of all the elements as forces of nature.

Let us worship Indra

the True (satya) and not untrue or disorder (anrta) (Rig Veda VHI. 62.42)

Later on in Atharva Veda (VII.24.1) Truth (satya) is identified with Dharma, as the Law that governs all beings. In the moral sense, Truth stands for integrity, living by truth and not falsehood. Rta as an aspect of natural law in here given a deeper ethical nuance. This requires active and positive abidingness with things as they are even as each thing strives towards the realization of its own intrinsic good in the larger scheme of things. For everything in the universe in a deep sense is thought to have its own worth and predation and is therefore morally significant. It is in accord with this moral understanding that each thing or, broadly species, consciously or unconsciously, individually or collectively, would strive to realize the deeper truth in their own uninimical way.

Thus, when in accord once with the Law the rains break, the 'foundations' that bubbling, stream forward' are said to be 'young virgins skilled in Law' (Rig Veda IV.19.7), and the microamoeba (primary cells) fight off opposing cells in order to bring forth life. Thus a distinction is assumed between good interests and untoward interests, and the moral standing of the

respective species or 'island' is determined in accordance with what particular interest or set of interests the species best serves.

The Sun, again, is auspiciously extolled in its own right as a majestic presence in the heavens. Surya, or the Great Eye of Varuna, who along with the family of sky – gods (Dawn, Alvins, Vishnu) brings light and joy to the earth and they cry out," here comes the sun, magnificent!"

The cosmic eye, the auspicious Surya,

Mounts upward for the good of all

The God, the eye of Varuna and Mitra

Has rolled up darkness like a hide.

(Rig Veda VH.63.1; de Nicolas, 1976: 213)

Related to the energy of the Sun, and much more present on earth, is Agni, the god of fire and heat. Indeed Agni is the first god, born of the waters, as Rig Veda begins with a hymn to Agni, the carrier of sacrifice as well as first – born off spring of Order and guardian of truth. In the tenth mandala of the Rig Veda, Agni is given high praise for his role for energizing the subtle life forms by

forming the necessary bridge between Father – sky (dyauh pituh) and mother – Earth (prthv matuh)

The Holy Pair (Heaven and Earth) of great power, moved by Rta have copulated, giving birth to a child. You (Agni) are the navel of all that moves and stands still. Of your movement the sages have spun a thread.

Rta's overflow and ritual foods

Nurse forever the healthy child

Wearing, him as mantle, Heaven and Earth

Grow strong – by pleasant food and drink

When Sat (Being) and Asat (Non – Being) were in Aditi's bosom

In Daksa's origin, in the vault of heaven

Agni was for us Rta's first – born

A bull and a cow at the origin of life

(Rig Veda X 5, 3, 4, 7,; XI, 37, 47; de Nicholas 1976 : 222)

In ecological terms, the Vedic hymns interweave a number of insights, from a primitive conception of a unique all – being (or non – being) of which everything is a part, to the more complex

idea of everything or in every part that is constitutive of the unique whole. In other words, the Vedas speak of the uncanny unity of creation, and more significantly, the mysterious, interconnectedness or co – dependence of everything to everything else. Each thing, element and each species of bio – organism which we can be characterized as having the mark of beinghood has an interest and purpose to fulfill in the larger scheme of things. It is this that makes each thing 'sacred' and therefore worthy of moral consideration, by human beings and gods alike.

Either way, the universe, whether as a whole or in each of its part or both, accords respect, perhaps even some anxiety or angst, and deep regard for its being hood, its mysterious origins, its inner workings, its regulative order, and its future state or telos with which indeed the existence, well – being and future of the human and other species alike are inexorably connected. The act of sacrifice is an act also of "sacred – making" and a reminder that the universe begins with and is sustained by this wondrous act, and by which also it comes to an end at the closure of the cycle of time.

"Everything is sacred by virtue of its nature because energy pervades everything, thus the lofty tree is worshipped as well as the humble grass on which we sit and the one that helps ignite the fire: all and each one play their role in their cosmic symphony". (Vannucci 1993:113)

The ancient people recognized that they could rather control the whole of nature nor interfere unduly in its order and processes to seize control of all its varied functions: that if anything, they needed the cooperation of the benign and harsh elements alike, be these the ravaging sails of the wind, the bursting of the waters, the quake of the earth, the fire of the forests, the wild beasts and pests on the fringes of dwellings, the darkness of the night, the stubborn seasons, and so on. Only after understanding the system and much sacrifice, i.e. appeasing of the forces of nature and the spirits in command beyond, could they hope to benefit from the bounty and goods provided by nature, or design wheels and other instruments for extracting natural products, dictated by needs rather than want and greed. Rituals helped prepare plants, herbs and other healing products to restore health

and rectify breakdown of the Law. Strict equilibrium had to be maintained in the internal environment as it was the Law in respect of the external environment too. The ecological framework in a broad stroke was formulated in terms of the proportionate combination of matter (substance, atomic entities) and energy (variously imaged as the spirit, breath, speech, vibration, anema, pneuma).

Competition over the resources of nature can deplete the energy levels and create an imbalance in the polar relations. A human being has no prelapsarian claim of dominionship over nature. A classical (Benethamite) model of utilitarianism which measures pleasure (or gain, benefit, the good) in terms of human interests alone, could not have been thought of in this context even as a theoretical or formal possibility. The interest of the deep whole or species in the broadest possible sense cannot be overlooked or unreasonably compromised.

However, some competition within nature represented in terms of struggle and tension between and among inviduated forces signifying matter and energy is not ruled out: indeed, this

could be a healthy crisis point and provide incentive for growth and flourishing of the natural world and towards overcoming malignant matter, 'evil spirits or bad omens that hinder progression. But competition with nature can lead to disastrous consequences as well. The later Vedas, especially the Ayurveda section, demonstrate profound knowledge of biodiversity. The inter – relationship between living species and the environment, the need to maintain natural dynamism the right ways of handling plants and trees, native flora and fauna, otherwise the price one pays for transgressing the ecological principles. The attitude was invariably one of mutual respect, reciprocity and caring for other (non – human) subjects of the land. Appropriate belief – states along with commensurate rituals were developed that reinforced and continued the symbiotic relationship. The symbolic ritual act of 'appeasing' the 'soul' of the tree before removing it to clear space or land for human habitat or use, is indicative of the respect afforded to the natural world. Recycling was a highly valued practice in traditional India, recognizing wastage of their fallen branches, twigs, seeds and flowers (they may regenerate into

another plant or be self – composted) Again, as Vanucci forcefully points out in concluding her own passionate study of the ecological moorings in the Vedas:

"The ancient risis (seers) put to good use the knowledge of nature gained through empiricism and experimentation as well as that borrowed from other cultures. By and what god, shall we sacrifice?

(Rig Veda X 121: de Nicholar, 226: cf X 816)

Of this universe it is in truth the waters that were made first. Hence when the waters flow, then everything here whatsoever exists is produced.

(Satpatha Brahmana VH 4.1.6)

Respect, then, was shown and praises set aside for the terrain of what we may call "raw" nature, such as the forest. Here is a hymn reflecting this sentiment directed to the forest, admitted by a lone wanderer, fearful of the power of the rickety sylvan and palmy wood around:

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Spirit of the forest, spirit of the forest, who seers to melt away, how is that you do not ask about a village. Doesn't a kind of fear grab you?

Whosoever stays in the forest at evening imagines: Someone is calling his cows: someone else is cutting wood; someone is crying out. The spirit of the forest does not kill – not if no one else approaches

She eats sweet fruit and lies down wherever she pleases

Mother of wild beast, united by a plough, but full of food, sweet – smelling of perfume and balm – to her, the spirit of the forest, offer my praise.

(Rig Veda X 146 1, 4, 5, 6; O'Flaherty 1983: 242)

However, there are reservations about the traditional account **First**, a general point, It should be pointed out that despite the rhetorical strokes that sweep across the entire universe or cosmos, much of the ecological concerns and activities were confined to more or less perceptible reaches of the surrounding or local ambience. At the farthest edges of the dwelling villages and agricultural terrains by dense tracts of forest and jungles which were almost

impenetrable (except by indigenous tribes, thugs or an attacking army), beyond which one had little recourse to be concerned about how the 'alien' groups organized their lives, tilled their land, or disposed of the departed and so on. The chief imperative was to get one's own house, as it were, into some semblance of order and harmony; the universal appeal or applicability may follow later, gods willing.

Second, one too – often overlooks the negative effects of sacrifice, as this entails killing of animals, usually the best of a breed, and sometimes this becomes a wide – spread practice as superstition sets into a culture.

Third, it neglects the expropriations and amassing of power via Brahmanical or other upper caste privileges which in the past have led to the deprivation of the basic necessities of life and share in the goods of nature on the part of lesser groups classes and sectors of the population, women included.

Fourth, in the master – slave ideology that ensure, the exploitation of human labor extends to the exploitation of animal labor and competition for natural produce, which as history has

attested, results in wholesale colonization of vast tracts of natural landscapes.

Fifth, in their eagerness to cultivate to increase production and accumulate goods, rulers and landlords fall short of careful planning and do not take adequate steps against despoilment and damages to natural surroundings. In other words they have no environmental program as such Sixth, the zeal for expansionism instigates rivalry and even warfare between neighboring kingdoms, provinces and states, causing much harm to the buffer forest zones and to each other a settlements.

(XVII) The world as eco – maya or pseudo – environmentalism

By about 500BC the Vedas gave way to the Upanishads or the philosophical treatises which elevated metaphysical knowledge over and above the sacrificial mentalite – and instrumental ritualism of the earlier Vedas. The Socratic dictum, 'Knowledge is virtue' rang through here as well However, the Upanishads also evolved a worldview in which a supreme principle, Brahman,

characterized as the self of all beings, is given he the highest or transcendental prominence (paramarthika).

In fact, Brahman as the indivisible, undifferentiated, ultimate reality of which no greater can be conceived or reached by 'word', becomes the presupposition or precondition for all other thinking, intellectual, moral and social. This metaphysical view came to be called Vedanta and its most extreme expression resulted in the denial of the reality of the manifest world, and all things and relations within them. This was especially marked in the monistic – monastic Advaita system of thought promulgated by the tenth century, Hindu philosopher, Adi Sankara But what does this mean in ecological terms? Eliot Deutsch advanced this intriguing answer "Vedanta would maintain that this means the recognition that fundamentally all life is one, which is essence everything is reality…..that Brahman, the oneness of reality, is the most fundamental group of all existence." (Deutsch, 1970: 4).

Being free, the self of the individual can behave as if unattached and without destructive intentions. So Deutsch concludes that "paradoxically, when nature is seen to be valueless

in the most radical way, it can be made valuable with us in creative play." (Deutsch 1989: 264; Jacobsen 1996: 225)

However other writers derive different massage from the doctrine of ontic illusionism, creative or otherwise. Lance Nelson wonders that if the world is considered not to be real than what is the motivation for maintaining or respecting it and so he concludes: "In Advaitic liberation experience, the world is not reverenced but rather tolerated until is passes completely away (Nelson 1991: 285 Jacobsen 1996: 222) Moreover, if Arthur Danto (1972: 9) is right in his observation that here all we have is an ethically bankrupt, quietistic and mystically grounded morality, then even the high virtues of self – restraint, overcoming passions and emotions, self – sacrifice (for the sake of the Self), etc provided very little inspiration for a sustained environmental thesis.

Still the basic Vedic insight of the organic unity of all things is emphasized in terms of the one – ness of Being. Is this not sufficient for a holistic outlook? Here again it has been pointed out, by Baird Callicot, that there are different ways in which one can

speak – of "oneness" (Callicot 1989: 110). He thus contrasts the classical Indian view with, for instance the late (19th century German idealist tendencies and contemporary ecology. The basic characteristic of the Indian classical thinking of the unity of things is that it is substantive and essential and the experience of it is homogenous and oceanic. While in the latter discourses, the oneness of nature is systemic and internally relational, that is borrowing here a phrasing from Freya Mathews, all things are constituted by their relation with other things' (Mathews, 1988: 354).

In other words, in this monistic account, the undifferentiated Being ultimately does not tolerate difference and therefore the multiplicity of living organisms, considered these to be ephemeral or ultimately identical with the one reality that stands out alone without qualia. The metaphysical doctrine of the complexity of internal relations and the relation of the self to nature without erring towards facile reductionism in either directions in a sine qua non of much of contemporary ecology and strongly so.

However, it should be apparent that Advaita Vedanta metaphysics of indivisibility of being is not exactly representative of the Vedic worldview (its polytheism and interdependence of intuitive parts and plurality of life forms would rule that out); nor is it necessarily a logical entailment of the more panen theistic Upanishadic outlook. The academic popularization of Advanita Vadanta, despite its glaring blindness to the subject – position of the "other" (Billimoria) 1996), has hindered more than it has helped arrive at a fair appraisal of classical Indian environmental concerns. We shall therefore briefly comment on the classical Dharma traditions, before turning to the related Buddhist and Jaina responses.

(XVIII) Broadly Classical

Following the pattern of pre – classical religiosity, Hinduism developed a strong moral ethos (dharmasamsantah) which to a large extended superseded the earlier (Vedic) view from the heavens (or the gods) by a view as if, "from nowhere", that is, from no one particular subjective position (whether divine or

human). Here the moral concept of moral dharma emerges as a much more abstract, authoritative and autonomous notion, but with the same normative strength that the ontological and cosmological conceptions had earlier served. The universe is seen as a most meaningful and principled moral order: human beings have a responsibility, indeed a duty, to help sustain this world thus rendered morally significant or 'deep' (the Sanskrit root 'dhr' means to sustain, uphold, support).

The difference with similar sentiments built around the idea of Rta as an 'eternal order' or alternatively as fixed principles is that here the moral content is deepened, in that it is much more concrete and better defined. It is the normative, at times legislative or systematic, issuing in elaborate prescriptions, precepts and rules, ordinances and statutes, which are written down in the great many texts, including personal ethical or moral manuals as well as social and political treatises, such as the Dharmasastras, Arthasastras and Mahabharata. Dharma comes to designate a variety of moral terms – norm, virtue, righteous, duty, responsibility, entitlement, justice,

truth (in conduct) – and these continues to be much of debate and hermetic anguish over its exact nuance and application.

But its universal appeal is perhaps in its calling to preserve the organic unity of beinghood, to render justice where justice is due, and to minimize the burden of Karma, which reflects a universalization of the basic tenet 'as one sows so one reaps' (Billimoria 1995) The rule of karma does not discriminate between humans and non – human life – forms (amoebic, individual or whole ecosystems) for everything has value and is an end in itself. In ethical terms it demands a deontological disposition is one's conduct. But its own internal calculative system heeds to consequences, good and bad, and to any excesses of utilitarian or even prudential exploitation command on the part of one species over another or the other (of Midgley 1995; 97). And duty, it follows, is here cast neither within he theoretical frame of contractual obligation nor as a necessary response to corresponding rights. Duty is performed, as it were, for dharma's sake, The sense of responsibility is suigeneris a (moral) relative absolute. Linking

ethics to the parameters of certain religious cosmologies would entail that there are some duties which are mandatory.

One of the central duties and therefore values to be developed in the dharma tradition (in the shadow of the proto – yogic descendants and Jainsim and Buddhism) was that of general non – injury. The most refined expression of this value is represented in the great epic of the Mahabharata (circa BCE to 200CE). Much moral development proceeds through organizing and placing constraints on the otherwise presupposed liberties of human life. Of chief concern is the impact that one's action, pursuits and conduct might have on the other. In this regard, non – injury or non – violence is prescribed unequivocally.

The Bhagavad-Gita which is a book within the great epic, provides a quasi – philosophical grounding for the values extolled in the Mahabharata and is more decisive in its ethical pronouncements. It is for this reason that the Gita has had a profound impact on modern Hindu – Indian thought and is drawn upon obliquely in Western ethical and ecological deliberations as well. (Gandhi, 1962: Naess 1989: 194; Jacobean 1996: 231 – 233)

Two most commented upon verses in this contact are the following:

The one whose self is disciplined by yoga

See the self abiting in every being

And sees every being in the self

He sees the same in all beings

When one sees pleasures and pain of others

To be equal to one's own. O Arjuna,

He is considered the highest yogin

(The Bhagavad-Gita 6.29, 32, de Nicolar 1976 a: 110)

Several commentators, including Sankara, have observed that the feeling of pain in universalized so as to derive a principle of empathy and non – injury. Sankara characteristically commented that one who sees that what is painful and pleasant to himself is painful and pleasant to all creatures will cause no living beings pain, and that he who is non – injurious is the foremost of yogins. (Sankara 1976: 198 – 9; Billimoria and Hutchings, 1988: 366) Self – realization in the Gita takes due recognizance of the moral principle of lokasamgraha, the well – being of all people.

The world of living things is brought together in a process governed by moral cause effect relationships and it makes it imperative for each being within it to respect the autonomy, the interests and destiny of the other, and ultimately to find a way out of the cyclic implications of this process.

(XIX) Sramana traditions

This broad moral characterization is true not only of Hinduism, but of the parallel – or by some accounts alternate – traditions of Jainism and Buddhism that also developed extensive moral theories and cultures. This we shall now explore for their ecological ramifications. Buddhist and Jaina religious philosophies (along with yoga – ascetism from the time of the Indus civilization) said to belong to the sramanie lineage or the proto – yoga renouncer tradition, The sramanic, very generally, had its origins in lonesome ascetics pursuits by socially – withdrawing (or drop – out) yogis, that is, adepts of certain esoteric practices who became disenchanted with the prevailing ritualistic or materialist

human environment, giving way gradually to a monastic and more formally speculative system of ordering life.

The systems evolving out of this traditional lineage were looked upon as being somewhat eccentric, non – mainstream and heterodox by the powerful Hindu – Brahmanical orthodoxy. Nevertheless, Jainsim and Buddhism both grew to gain considerable strength and following within India. While the popularity of Buddhism shifted further North to Tibet and eastward to Southeast Asia and the Far East (China, Japan, Korea), its influence on Hinduism was quite extensive. Indeed, in large measure the challenge of Buddhism was responsible for the gradual erosion of the Brahmanical orthodox stronghold giving way to a more broad – based, though still caste – ordered, popular Hinduism in the post classical phase.

Jainsim owes it name to the term 'Jina, 'meaning one who conquers attachment and overcomes pain. The prominent Jina who helped in giving a more formal shape to the order and systematized the teachings of an older group of Jina's was Mahavira (circa 500 BCE), possibly a contemporary of the Buddha. The basic

philosophic belief of the Jainas is that every entity in the world possesses jiva or a sentient principle, and there are countless jivas, whose distinguishing feature is consciousness along with vital energy and a pleasurable disposition.

The suggestion is that is nothing in the universe is without some degree of sentience at varying levels of conscious and apparently unconscious existence; from its moral developed from, in adult human beings to invisible embryonic modes at 'lower' animal and plant levels. (Here sentience is not determined merely by pain pleasure responses, as some psychical activity may continue to occur ethically subconsciously or at unconscious levels as also under naturally disposed comatose and anaesthetized conditions). The sentient principle jiva subsists in a contingent relation to the quantity of karma it has accumulated through its activity, volitional and non – volitional. If karma can be prevented and exhausted, the bondage of cyclic process of existence can be arrested, and the sentient being would achieve full self-realization.

Since this requires much discipline (of self – control and renunciation) and the process is long and arduous (extending over

several embodiments and re – deaths), each sentient being has to act in accordance within its relative level of bondage and limited freedom. The Jinas remain the sagely exemplars, while 'lesser' sentient beings, at least in terms of practical ethics, are considered immune from moral frailty, though they are not devoid of moral value in their own right by this theory. The cardinal disciplinary codes highlighted in Jaina practical ethics are: ahimsa or non – injury, satya or truthfulness, asteya or non stealing, brahmacharya or sexual restraint, aparigraha or nonpossession.

Recent scholars have gallantly extolled the virtues of non – injury or nonviolence, ahimsa, in part because the Jaina ethic of noninjury is as much part of a regime of internal discipline as it is of external conduct or behavior towards others. They also tend to endorse the operative cosmology of the Jainas as "perhaps [being] the most sympathetic to an ecological worldview" even traditions is aimed towards transcendence of the self from the constricting human conditions of desire and attachment (Chapple, 1993: 9 – 18) The second point to note is that Jaina ethic of non – injury and a compassionate regard for others (insects, micro amoebic entities,

animals, human beings, gods and spirits) finds its support on prudential grounds, for doing harm to other beings will result in more negative karma for oneself!

Thus the ultimate justification for all ethical practices is that they should raise the moral stature of the practitioner; if derivatively, perhaps unavoidably given the interconnectedness of all jivas, it raises the moral profile of the community (in the broadest biotic sense), then this is all the more reason for persisting with it. Some writers, however would argue that such virtues as ahimsa have intrinsic value and that their justification lies in their being derived, not from objective facts (such as all life has sanctity), but from some experience which is self – evident. What is 'right' is in harmony with this experience.

Ahimsa, in their view, is an experience related to the occurrence of pain and suffering among living beings. It is universalized for others from one's own experience of pain. Ahimsa stands as the 'good' to which other values tend. (Songani, 1984:243; Billimoria, 1991: 53). Hence it follows that if there is to be a clearer articulation of Jaina environmental ethics it too would strive to be

autonomous and normative, admitting the possibility of objective value, of which ahimsa would seem to be the most significant and distinctive feature.

The picture is more or less consistent in the case of Buddhism as well, although Buddhist ethics proceeds on a broad – based naturalistic stance, as Buddhists would concur that certain types of facts are relevant as support for moral considerations. (de Silva, 1991: 63; 1990 : 18) One such general fact with which the Buddha began his teachings is that there is suffering, for such is the human condition and the surrounding state of affairs confirms this truth, not least the contingency of existence (birth and death) and the impermanence of all things, good and bad, big and small, here as elsewhere.

The appropriate moral response is to minimize suffering and pain as best as one can and to overcome suffering or unsatisfaction. Both should be done by understanding the causes of such existential and other ailments and by alleviating the suffering of all forms of life. Its ethic covers human behavior in relation to all living beings and it underpins certain basic virtues, particularly,

love, kindness, sympathy, empathy, equanimity and joy in other's happiness. It is said that human beings are capable of infinite amount of compassion, generosity and gratitude, and that all creatures, great and small, should be the subject of our moral sensibility (Dalai Lama 1996).

The Buddhist code of ethics is similar to the Jaina ethics, with much emphasis placed on self – control, abstinence, patience, contentment, purity, truthfulness and right attitudes. The treatment of animals and plants in accordance with these principles finds ample references in Buddhist texts, from the earliest monastic codes to the development of Ch'an or Zen Buddhism in China, Korea and Japan. Nature as a whole is not looked upon as antithetical to human needs; rather everything in nature is capable of making a contribution towards overcoming suffering and the final spiritual end which human beings strive toward. The Buddha's teachings include tales of acts of generosity on the part of the animals towards human beings, and the reciprocal compassion which humans are advised to direct towards other life forms. Buddhist societies evolved with this moral self –

consciousness, and the great emperor Asoka, after his conversion to Buddhism, institutionalized care and welfare towards animals, as the following edict tells us:

Here no animal is to be killed for sacrifice….

Formerly in the Beloved of the God's kitchen, several hundred thousand animals were killed daily for food; but now at this time of writing only three are killed – two peacocks and a deer, though the deer not regularly, even these three animals will not be killed in future.

……………the Beloved of the Gods has provided medicines for man and beast…..

Medicinal plant…… Roots and fruits have also been sent where they did not grow and have been planted along the roads for use of man and beast.

(Sources of Indian traditions, 1988: 144 – 5)

The verses demonstrate that rights and protection of certain liberties of animals have been recognized in Buddhism. Many Buddhist monasteries across East Asia as well banned the cooking of animal flesh as this involves the killing of animals, with or

without direct intentionality of consumption. Buddhist environmentalists are active in modern – day Sri Lanka in their efforts to preserve the lush beauty of the island state from despoilment through extensive technological development and the ravages of an ethnic war that has escalated there is recent decades. They too can be said to be continuing a practical environmental ethic fostered centuries ago after Buddhism was brought to Sri Lanka.

Likewise, the arrival of Buddhism in Tibet in the 7th century engendered a nation – wide program for the preservation of the heavenly – natural oasis that remained a mysterious land for much of the outside world. The ruling Lamas proscribed injuring and killing of animals, big and small. T he moral practice of showing respect for all nature became away of life for the Tibetans. Even though Tibetan Buddhist metaphysics continued the proclaiming thus the 'emptiness' of all things, its moral framework paradoxically gained strength from this standpoint, on three counts, as follows:

(i) Moral properties such as those of the good, compassion and loving kindness or respect, by no means absolute, have solid presence (contingently supervenient or 'emptiness', of course), in as much as human interaction and communication or ethical life generally presuppose these properties.

(ii) A pluralistic ontology that has fair regard for members within it without privileging any particular species easily gets translated into a non – anthropocentric respect for biodiversity.

(iii) The religious – sotereological 'end' requires certain self – motivated ethical practices and norms, including restraint or desires, meditation on the limits of the ego – self, altruism based on the moral properties of reverence and deep (but not condescending) compassion for all living and non – sentient beings. In other words, the normative constructs for monks, nuns, lay people, farmers and nomads too, underscored concern for the environment.

The Buddhist ethic of living in harmony with the earth accordingly pervaded all aspects of the Tibetan culture. Perched on the 'roof – top' of the world on an   altitude shared with the

Himalayas, Tibet's environment was recognized as being crucial to the stability of ecological environs and crop cycles in much of the neighbouring Asia. For instance, the ten or so major rivers that wind through Asia feed off the river valleys and smooth glacial ice-scapes of Tibet; the monsoons sweeping through South and Southeast Asia rely on Tibet's abundant natural vegetation and dense forests. Its wildlife and natural animal sanctuaries maintained a natural equilibrium and contributed in different ways to the enrichment of the environment, providing manure for controlled husbandry and organic re – vegetation, as well as fuel (from yak dung), and so on. (Oxley 1996; 1,2.)

However, after the Chinese occupation of Tibet around 1950, the situation has dramatically altered: massive deforestation, land erosion, pollution of rivers, depletion of resources, excessive killing of animals and general degradation of the environment appear to have become the norm. The information is sketchy, video – recordings or testimonies smuggled out of Tibet are not always reliable. But official Chinese obfuscation adds to the suspicion.

Observers lament that the sanguine spirit of Buddhism to being crushed in Tibet and claim that the environmental damages will continue until as such time as the patrons of Buddhism namely Tibetans with their refugee spiritual – temporal head, the Dalai Lama, are returned full cultural control and self – determination of the country. This shows the faith that some people have in at least one field of traditional wisdom, in regard to the environment.

(XX) Concluding remarks

Traditional Hindu, Jaina and Buddhist environmental values and concerns have continued to influence the discourse and aligned practices of environmentalism in much of South Asia. One of the most successful and well – noted applications of the Indian ethic of non – injury emerged with the non – violent struggle led by Mahatma Gandhi in the first half of this century. Gandhi was adamant about the need for such an ethic in our treatment of animals as in our behavior towards each other and towards other human beings. (Gandhi, 1959: 34 – 35) He followed a strict regime

of vegetarianism (bordering on vegan practice, except that he accepted goats milk).

Unlike Jainas however whose practice of ahimsa could be best described as a form of passive self – restraint, Gandhi turned ahimsa into a dynamic force, informed by truth (satya), that proactively engages in the promotion of nonviolence and achieves its various social political goals through activities grounded in nonviolence, which becomes the outward symbol of the inner truth force (satyagraha).

A spectacular environmental movement, called the chipko (from an Indian vernacular term meaning 'cling on to, which describes an unrelenting embracing of the trees to prevent environmental destruction through human intervention) was directly influenced by Gandhian environmental awareness programs and led by Gandhian sarvodaya (welfare – for – all) works on the principle of nonviolent resistance (Neber, 1988: 24). Nevertheless, Gandhians by no means believed in complete biospheric egalitarianism and permitted small – scale or modest

introduction of soft' technology supplemented heavily with hand –
crafting and cottage industries localized to village economy.

Another case which drew worldwide attention where
similar non-violent resistance tactics have been used to raise
awareness of environmental concerns is the Narmada Dam project
in South Gujarat. Environmentalists have constantly argued that
damming the river would cause immense damage to surrounding
landscape which would also lead to the dislocation of masses of
tribal people who have lived in the vicinity with good regard for
their environment for countless many generations. The intensive
protests provoked the World Bank to withdraw temporarily its
share of promised funding. In the 1950s and 1960s when India
undertook massive damming projects in collaboration with Russian
and Western industrial conglomerates, modeled on TVA, it is
claimed that on a conservative count these caused dislocations of
thousands of people from their long – standing habitat. Over the
fifty years since such projects began some 50 millions have been
affected, resulting in both eventual dispersal and disappearance of
distinctive tribal groups as well as the local knowledge (public

scholarship of sorts) about ways to preserve the environment and retain the wildlife aquatic culture and green belts around the riverbeds and vicinity.

The grass – roots movements were not as successful as they might be today, since modernity's persuasive grip on the public was much stronger than it is today. Ironically, even the elite (in locations as far away as Columbia, New York) tend to heed to Gandhi's very prophet mutterings on the ravages of technology on the environment. And this message and mission is carried on most unassumingly without any textual flourish by Sunderlal Bahuguna, the founder and figure of the Chipko movement, more riskly by Medha Patekar; and more texually by Vandana Shiva and Ramachandra Guha.

There are numerous other grass roots groups and movements that invoke traditional wisdom and practical ethics in their expression of resistance to and concerns for radical transformations of the local environment. There is great apprehension that these interventions serve the technocratic interests of upper classes, the middle managerial classes or the

national, or as it is increasingly the case, multi – national corporates and mega – media tycoons who have no understanding of or sympathies for local conditions, customs, habits, attitudes and the underpinning of cosmologies or philosophies.

Rural development and alternative technology programs have been helping villagers and farmers to construct, for instance, free – standing smokeless ovens, mudbrick dwellings and to utilize non – toxic organic fertilizers in well – irrigated farmlets for their produce. Schools and colleges are established with the help of non – government groups (NGOs) to explore and promote safe ecological practices. Tribal groups have been encouraged to preserve the wild bushland, to curtail excessive use of wood for fire – cooking and to develop new kinds of technology for dealing with local conditions while resisting the technologies and wares brought in by eager profit – driven urban and corporate enterprises.

However, despite the great wealth of wisdom and inspiration afforded by traditional and cosmological blueprint that underscores strong ecological values, a number of writers and critics in India have mild to strong reservations about the relevance

of such traditional approaches. This cleavage surfaced in the aftermath of the Bhopal incident in 1984.

The Union Carbide chemical plant which had been ill – maintained for some years, unleashed thousands of tons of poisonous fumes and chemicals in the atmosphere which killed and irreversibly handicapped many thousands of people. As with Chernobyl, the enormity of the Bhopal catastrophe could not have been imagined by traditional wise men, and so one questions whether tradition including perhaps Gandhian minimalist industrial program, could have ever alerted and therefore prepared society for such an environmental holocaust.

The naturalistic fallacy, notwithstanding, if the facts were not there facing them in their eyes, what motivations or triggers would the ancients have had for pondering on correlate values that would be necessary to contain or deal with the facts? The world has changed and the challenges of industrialization, modernity, globalization and a rapidly expanding liberal economy, present us with very different set of circumstances and contexts that require quite different sorts of responses on the environmental front. Are

there any resources left within the traditional framework to combat the modern consumer model which has all but disrupted the traditional agricultural practices and all kinds of unities? asks one of the best – known Indian women activists and environmentalists (Shiva 1998).

But Shiva for one does not underestimate the contribution traditional or pre –modern sensibilities can make towards fostering a 'post modern' response in terms of an integrated, holistic view of both humans and their environment. (Shiva 1988) Shiva more recently supported a nation – wide campaign against 'plant variety' rights claimed by Western multinationals under intellectual property and international patenting accords, to which countries like India, several South American states and Australia, have been persuaded to become signatories. This latter move is seen by environmentalists as acting against biodiversity and the right of each people to control and maintain their local ecosystems within the means and wisdom afforded by traditional or customary practices and modern – day urban pressures.

Still, there are critics, such as Ram Chandra Guha and Chapple, who suggest that a too – one – sided focus on traditional patterns of ecological thinking and attitude detracts from the need of the hour, which is an active and practical initiative for addressing local specific particular instances of environmental abuse; of degradation, and violation of agreed – upon international memoranda for the protection of living and non – living species.

Thus, Chapple has argued that although "the integrated reality of village economy, as espoused in the case of the Brahmanical traditions, certainly sustained agrarian India for millennia and although tribal people today continue to eke out a sustenance existence, neither model bears direct relevance for the burgeoning urban life that hundreds of millions of people in India have embraced in the past few decades." (Chapple 1996).

He concludes on a sad note, "Unfortunately, both models suffer a plantitudenous hollowness and, I am afraid, will fail to capture the imagination of precisely the sorts of people who stand to commit the greatest infractions against the ecological order, the people throughout South Asia who feverishly are buying cars,

building condominiums and filling their flats with prepared foods and plastics." Perhaps Chapple is echoing the oft – made charge environmental ethics lacks a sustained political ideology and program (Sylvan and Bennett 1994). But his own alternative to the 'shallow' ecology from the hoary past verges on re – kindling Gandhian suspicions of the virtues of technological – consumerist largesse and deepening the Jaina ethic of non – violence to 'animals, earth and self in a reinterpreted practical ecological ethics so as to accommodate current (and future) environmental concerns.

The suggestion is that there are indeed resources within the traditional systems – Yoga, Jaina, Buddhist, Hindu, Sikh, Islamic, Christian, Gandhian, all of which have helped give shape to a modern, secular India – to increase awareness of environmental concerns and to instigate the extension of ecological values and moral practices of the plethora of environmental problems facing Indians, as they do most human beings in other parts of the world. This is a laudable suggestion and one with which a number of

environmental thinkers are likely to agree, (or disagree) if they engage in discussion with.

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Chapter – 2
The Refugee – Problem

(I) Introduction

Although refugees have been a constant and accepted part of human migration for centuries, the development of the na tion – state and fixed borders in the 19th century caused countries to shun refugees and turn them into international pariahs. In the past, groups of people facing religious or racial persecution would often move to a more tolerant region. Today, political persecution is a major cause of out – migration of refugees and the international goal is to repatriate refugees as soon as the condition in their home country becomes stable.

According to the United Nations, a refugee is a person who flees his home country due to a "well – founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion"

(1) Refugee Population

There are estimated 11 – 12 million refugees in the world today. This is a dramatic increase since the mid – 1970s when there were less than 3 million refugees worldwide. However, it is a decrease since 1992 when the refugee population was nearly 18 million, high due to the Balkan conflicts.

The end of the Cold War and the end of regimes that kept social order led to the dissolution of countries and changes in politics that led to unbridled persecution and a huge increase in the member of refugees.

(2) Refugee Destinations

When a person or family decides to leaves their home country and seek asylum else where they generally travel to the closest safe area possible. Thus, while the world's largest source countries for refugees include Afghanistan, Iraq and Sierra Leone, some of the countries hosting the most refugees include countries like Pakistan, Syria, Jordan, Iran, and Guinea. Approximately 70% of the world refugee population is in Africa and the Middle East.

During 1994, Rwandan refugees flooded into Burundi, the Democratic Republic of the Congo and Tanzania to escape the genocide and terror in their country. In 1979, when the Soviet Union invaded Afghanistan, Afghanis fled to Iran and Pakistan. Today, refugees from Iraq migrate to Syria or Jordan.

(3) Internally Displaced Persons (IDPs)

In addition to refugees, there is a category of displaced people known as "Internally Displaced Persons" who are not officially refugees because they have not left their own country but are refugee like in as much as they have been displaced by persecution or armed conflict within their own country. The leading countries on Internally Displaced Persons include Sudan, Angela, Myanmar, Turkey and Iraq. Refugee organizations estimate that there are between 12 – 24 million IDPs worldwide. Some consider the hundreds of thousands of evacuees from Hurricane Katrina in 2005 as the highest Internally Disabled Persons.

(4) History of Major Refugee Movements

Major geopolitical transitions have caused some of the largest refugee migrations in the twentieth century. The Russian Revolution of 1917 caused approximately 1.5 million Russians who opposed communism to flee. One million Armenians fled Turkey between 1915 – 1923 to escape persecution and genocide. Following the establishment of the People's Republic of China in 1949, two million Chinese fled to Taiwan and Hong Kong. The world's largest population transfer in history occurred in 1947 when 18 million Hindus from Pakistan and Muslims from India were moved between the newly created countries of Pakistan and India. Approximately 3.7 million East Germans fled to West Germany between 1945 and 1961, when the Berlin Wall was constructed.

When refugees flee from a less developed country to a developed country, the refugees can legally remain in the developed country until the situation in their home country has become stable and no longer threatening. However, refugees who have migrated to a developed country since their economic situation is often much better. Unfortunately, these refugees often

have to remain illegally in the host country or return to their home country.

(5) The United Nations and Refugees

In 1951, the United Nations Conference of Plenipotentiaries on the status of Refugees and stateless person was held in Geneva. This conference led to the treaty called the "Convention Relating to the Status of Refugees of 28 July 1951." The international treaty establishes the definition of a refugee and their rights. A key element of the legal status of refugees is the principle of "non – refoulement" – a prohibition of the forcible return of people to a country where they have reason to fear persecution. This protects refugees from being deported to a dangerous home country. The United Nations High Commissioner on Refugees (UNHCR), is the United Nations agency established to monitor the world refugee situation.

The refugee problem is a serious one; there are so many people around the world who need so much help and there is just not enough resources to help them all. The UNHCR tries to

encourage host governments to provide assistance but most of the host countries are struggling themselves. The refugee problem is one that developed countries ought to take a greater part in to reduce human suffering worldwide.

(II) The Palestinian Refugees

(1) Overview

The Palestine refugee problem was created in the course of the 1948 **Israeli War of Independence.** The war, and the flight of the refugees, known in Arabic as the Nakba (disaster), were central formative events that determined the national character of Israel and of the Palestinians, and helped to define the conflict in its present terms.

When the UN voted **to partition Palestine into Jewish and Arab states in 1947,** Palestine Arabs opposed the plan, and immediately initiated riots, a blockade of Jewish Jerusalem, and ambushes of buses and other transport throughout the British Mandate territories. The British looked on for the most part and did nothing as long as the mandate continued. Arab irregulars stationed

themselves in various towns and initiated attacks on nearby Jewish towns and blockade of transport. The **Haganah** underground of the Jewish Agency organized defense and later went over to the offensive. Dissident terrorist groups, the Irgun and LEHI, organized, organized both attacks and terror bombings in Jaffa, Haifa and Jerusalem. When the mandate expired the Jews declared a state in accordance with the partition resolution, and the armies of Egypt, Syria, Jordan and Iraq invaded Palestine.

The war that ensued was won by Israel, creating a large number of Arab refugees. Estimates vary from about 520,000 (Israeli sources) to 726,000 (UN sources) to over 800,000 (Arab sources) refugees, Palestinian Arabs who fled or were forced out of their homes during the fighting. This number has grown to include over 4.6 million displaced persons, about 3.7 million of whom are currently registered as refugees with UNRWA (United Nations Relief and Works Agency for Palestine Refugees). Of these, somewhat over a million live in camps run by the UNRWA. Generally, refugees living in the camps living in conditions of abject poverty and overcrowding. The refugees of the 1948 Israeli

war of independence and the lesser number of refugees of the 1967 war constitute a real monumental humanitarian and political problem and no resolution of the conflict can ignore them. The issue has also been deliberately exploited by Arab and Palestinian politicians in their war with Israel. The refugee problem has been at the heart of peace negotiations ever since 1949.

Refugee camps are located in **Gaza, the West Bank, Jordan,** Lebanon and Syria and house somewhat over a million refugees.

In addition to those who fled Israeli territory, about 100,000 Arabs in Israel were displaced from their own villages. Many left willingly and were assured that the eviction was a temporary security measure. In particular, the residents of Ikrit and Birim have been trying to return to their villages along the Lebanese border since 1948, but have not been allowed to do so despite repeated rulings of the Israeli Supreme Court.

In addition to refugees of 1948, several hundred thousand refugees fled in 1967 war, and were not allowed to return. As part

of the peace negotiations, a special committee was set up to deal with the issue, but the committee has made no progress.

Israel views the 1948 refugees as hostile persons sympathetic with a belligerent aggressor and passed a law forbidding their return, and assigning all their land holdings to a custodian of absentee property. Jordan did the same regarding Jewish land conquered in 1948. Palestinians insist on the right of the refugees to return to their homes in Israel.

Palestinian Arabs and Israeli Jews tell two very different stories about the events of 1948. The Israeli version is that the Palestinians attacked the Jews and then fled voluntarily because they believed Arab armies would soon liberate Palestine. The Palestinian version is that they were innocently minding their own business, when suddenly the Zionists attacked them and evicted them by force, as part of a preconceive plan of ethnic cleansing.

Palestinians point out that Zionists carried out a number of massacres and terrorist carried out a number of massacres and terrorist operations, notably in **Deir Yasin,** where Irgun and Lehi forces killed about 110 villages, and the Haganah had formulated

Plan D, which, the Palestinian partisans claim, was a plan for expulsion of the Arabs from Palestine However, while Plan D called for expulsion of Arabs from hostile villages and towns in strategic locations, it did not deal with non – belligerents or with villages or towns that were not in strategic locations. They also point out that Deir Yassin massacre was carried out dissident Irgun and Lehi groups and condemned by the Jewish agency. However, none of the participants were ever punished, and the Haganah and IOF later carried out evictions and massacres on their own.

(2) Right to Return

The central practical issue regarding the refuges is the right of return claimed by the Palestinians. **UN General Assembly Resolution 194** stated "the refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest predictable date." The resolution was passed in December 1948. It is not limited to Arab refugees only. Most of its provisions, regarding refugees, access to holy places, internationalization of Jerusalem and permanent peace through the

UN mediator were never implemented. Palestinians have insisted on return of the refuges to Israel, Resolution of 194 and claimed that their rights are based on international law. However, resolutions of the General Assembly are not binding in international law. Resolution 194 further stated that those refugees who do not wish to return are entitled to compensation for properties lost under international law and equity.

Right of Return for refugees is guaranteed in international law under certain conditions, but these statutes were approved in 1966, many years after the flight of the 1948 refugees. Moreover, the right to self – determination is also guaranteed in international law, and is recognized as jus cogens, which would override other considerations. Return of refugees to Israel would negate the Jewish right to self – determination. If a Palestinian state were created that would allow expression of Palestinian right, it would seem that symmetrical justice could not abrogate the same rights for Jews. If the Jewish state absorbed Jewish refugees from Arab countries, the Palestinian state could absorb Palestinian refugees.

Israelis point out that in consequence of the conflict and the creation of Israel, about 900,000 Jews fled Arab and Muslim countries and many their property. Thousands of Jewish refugees were created in Palestine as well, as every single Jew living in areas conquered by the Arab armies either fled or was expelled by force, except for those who were massacred in Gush Etzion. Moreover, there is probably no precedent in international law for forcing a country to repatriate hostile belligerents, and there doesn't seem to be any applicable provision in any UN or Hague statute. After World War II, Germans living in Czech Student's and, who had been active in agitating for Nazi takeover, were expelled and lost their property. Likewise, Poland annexed parts of East Prussia at the instigation of the USSR, and settled Poles there, in violation of allied agreements. No compensation was ever offered and no right of return was ever implemented. In 1947, India and Pakistan formed two states, and exchanged populations on a mass scale. No right of return was ever claimed. Turkey absorbed ethnic Turks from Bulgaria, and Finland absorbed

Finland Finns displaced by the Russians when Finland ceded territory to them.

Palestinian partisans point out that most of the Jews who left Arab countries did so willingly, and that in any case, it is not their responsibility, but that of the Arab states.

The Arab states do not want the refugees. With the exception of Jordan, they are unwilling to give them citizenship. The territory that might be allocated to the Palestinian state, about two thousand, two hundred square miles, is probably too small to house all of them adequately. Israel and the Palestinian areas both have extremely high population densities – over 300 persons per square kilometer in Israel and over 500 per square kilometer in the occupied territories, including over a million refugees.

The refugees have a sincere tie to their land and homes. Many have kept the keys of their houses, houses that no longer exist. Many certainly were evicted unjustly, or left in innocence to protect their families from war and from subjection to unknown alien rule. Most refugees who are still alive were quite young in 1948. Many others are descendants who never saw Palestine. Over

80% of the refugees polled in Lebanon, as well as those polled recently by IPCRI and other organizations in the West Banks and Gaza, insisted that they would want to return to Israel, even though the place where they lived no longer exists, and their fields may be home to a housing project or an office building.

Returning the refugees to Israel would put an end to Jewish self – determination, as noted by Palestinian as well as Israeli sources. The large number of refugees, together with the much higher birth rate of the Arab population as opposed to Jews, would soon create an Arab majority. In a seminar held at Al-Najah University under the auspices University under the auspices of the Palestine National Authority, Sakher Habash noted: "……our principles in "Fateh" has always been to liberate all our Palestinian national land and to set up a democratic state on it. This clearly demonstrates that there has been no room for the 242, 194 and 181 resolutions in our literature. However, we to our surprise, have to begin rethinking them.

In our literature, all resolutions which deny the Palestinians their right in their homeland are false and completely rejected. This

is a principle each of us abides by until we realize our return. I personally hold that we have to stick to the principle, and at the same time we must attempt to arrive at periodic solutions as a step toward attaining the principle viz. Tactic flexibility versus principle adamancy. This, I believe, is the closest approach to the refugee issue.

Fateh stance which should be adhered in the final solution negotiations calls for abiding by the international resolutions. To us, the refugees issue is the winning card which means the end of the Israeli state.

No only the Fatah, but Arab leaders and media have unabashedly admitted that the refugee issue and right of return are being used as a means to destroy Israel. Egyptian President Gamal Abdul Nasser told an interviewer on September 1, 1961: "If the refugees return to Israel, Israel will cease to exist."

With the exception of Jordan, no country has allowed permanent resettlement of Palestinian refugees. Israel tried to do so in Gaza, but was forbidden to interfere with the camps by the UN. In April 2002, Israel destroyed much of the Jenin refugee camp in

the West Bank as part of retaliatory operation against suicide bombings. UN and other international efforts focus on rebuilding the camp. No organization has suggested resettling the refugees, though many have noted the impossible conditions within the camp.

The Palestine refugee population has been growing at the rate of over 100,000 per year. In Gaza, there were some 500,000 refugees in 1993, and there are well over a million today. In 1997, UNRWA listed about 3.3 million refugees. By 2002, there were over 3.9 million. Thus, even if Israel were to accept repatriation of refugees at the rate of 100,000 per year indefinitely, the number of refugee would continue to increase. The economic impact of this rate of absorption would be staggering. Israel would cease to be a Jewish state. Thus the "right of return" would eliminate the Jewish right to self determination.

The Palestinians **proposed during negotiations at the end of 2000,** that Israel admit to right of return and asked for gradual rather than immediate implementation. Some Palestinians propose to give up the literal implementation of Right of Return at the

Camp. David talks if only Israel would admit the right, but later apparently reneged on this proposal. In any case, admission of the right would inevitably open Israel to claims for further implementation of that right in the future. Some Palestinian leaders, notably Sari Nusseibeh, have called for a renunciation of Right of Return in order to make possible a settlement of the conflict, but this call has not met with much support among the Palestinian community. Palestinian political organizations such as the Fatah, Hamas, PFLP and PLO all the full right of return, as do groups such as Al – Awda, Busshra and Passia. Al – Awda was among the groups calling for dismissal of Sari Nusseibeh by the PNA for his stance on refugees.

(3) Who Are the Refugees?

The number of Arabs in Palestine, and particularly in Jewish areas, was increased by the attraction of economic growth promoted by Zionist investment and later by employment opportunities afforded by the British due to WW II. Until 1938, the British did not regulate immigration from Jordan at all, and did not

record it. Anyone who had been in Palestine for at least two years prior to the war, was considered a refugee. According to UNRWA:

"Under UNRWA's operational definition, Palestine refugees are persons whose normal place of residence was Palestine between June 1946 and May 1948, who lost both their homes and means of livelihood as a result of the 1948 Arab – Israeli conflict UNRWA's services are available to all those who meet this definition, who are registered with the Agency, and who need assistance UNRWA's definition of a refugee also covers the descendants of persons who became refugee in 1948. The number of registered Palestine refugees has subsequently grown from 914,000 in 1950 to more than 3.8 million in 2001, and continues to rise due to natural population growth."

A different UN source gives a different estimate of the initial numbers. According to www.un.org/unrwa/pr/pdf/figrues.pdf there were 870,000 refugees in 1953, and the number reached 912,000 in 1955.

The number reported by UNRWA is possibly an overestimate. In all, there were 1.35 million Arabs in Palestine in

1948, of whom about 135,000 remained in the territory allotted to or conquered by Israel, and considerable numbers remained in their homes in the West Bank, Jerusalem and Gaza Strip. According to Israel and Zionist sources, the actual number of refugees was about 520,000, but most observes accept higher figures the UN figure of 726,000 is based on estimates and calculations that are difficult to verify – since about 150,000 Arabs remained in Israeli Palestine, it implies that perhaps 900,000 Arales in all were in the territories allotted to Israel, an extraordinary high estimate. Additionally, the UN figures would give an impossible population growth rate of 26% in two years, assuming that there we 914,000 in 1950.

In 1990, there were 2.4 million refugees registered with UNRWA. By 1995, there were 3.2 million, and by 2000 there were over 3.1 million. The increase between 1990 and 1995 would require an annual birth rate of 6% without counting deaths or people who left the camps and renounced refugee status. The birth rate of Palestinian refugees is about 3.2% overall, the increase between 1990 and 2000 would have required a birthrate of over 4.5% to be explained by natural causes.

Norman Finkelstein (Image and Reality of the Israel: The Israel – Palestine Conflict, Verso Books, 1995), who is not a friend of the Zionists, analyzed population in Jewish areas due to migration of Arabs from Arabs areas such as the West Bank and Negev into the Galilee and central areas where Jewish Industrial development and the port of Haifa offered employment opportunities and better living conditions.

Under UNRWA regulations, the refugees, their spouse of whatever nationality, and their descendants can claim refugee status. Thus, for example a Palestinian refugee can be the son of a Palestinian who originally came from the West Bank, but who had moved to Haifa in 1945, and rented an apartment there. A refugee can have a Mexican mother or an Egyptian father. No systematic statistics are available concerning the number of refugees actually descended from Palestinians, the contribution of immigration and intermarriage to the Palestinian refugee problem and similar issues. In the absence of such statistics, some claim, with Joan Peters (From Time Immemorial, Harper and Row, 1984), that the refugees are mostly immigrants from other countries to Palestine.

This is undoubtedly not true. Aryeh Avnery (claim of Dispossession: Jewish Land Settlement and the Arabs, 1878 – 1948, Transaction 1984), could find evidence of about 57,000 immigrants between 1922 and 1931, and 40 – 60,000 immigrants in the 1931 – 1947 period.

Prior to that, Arab population in Palestine was swelled by Egyptians and others in the 19th century, as well as by returning Palestinians. The number do not constitute a majority of the Arab population of Palestine, and objectively Arabs who settled in Palestine, certainly those who settled in the nineteenth century, had rights equal to those of Jews who settled in Palestine. However, it is likely that Palestinian Arab population was increased significantly by immigration, and it is certain that many refugees are children of Palestinians and foreigners. Additionally, a large number of Palestinians have obtained citizenship in their country of residence, including all Jordanian Palestinians. Right of Return generally does not apply to refugees who have obtained another nationality.

(4) Why Did the Refugees Leave?

As early as December 1947, Arabs had begun abandoning their homes and leaving Palestine. The exodus began earliest in Arab neighborhoods of West Jerusalem such as Rumeima (now Romema). By the time the British left Palestine, about a quarter of a million Arabs had become refugees. Another half million, approximately, fled or were forced to leave during the war. The reasons for leaving varied. In Beersheba and Safed, The Arabs left before Jewish troops had entered. In Lod and Ramlah, The Arab population was expelled by force, as were Arabs who remained in Isdood (Ashdod) and other towns. Subsequently Israel enacted a law that forbade the return of refugees. During the war, Jews fled from areas conquered by Arabs without exception, or were escorted out in the old city of Jerusalem. No Jews at all were allowed to return to the West Bank areas conquered by Jordan in 1948, and all their property was turned over to a Custodian of Absentee property, as the Israeli did for property of Arabs who had fled.

Israeli partisans often assert that the Arab Palestinian refugees left because Arab radio broadcasts and Arab leaders told them to leave and make way for invading Arab armies, promising them a quick and easy return. Palestinian partisans claim this is not so, and that the Palestinians were forcibly expelled. In fact, there is evidence of expulsion, of fear of expulsion, but also of encouragement by Arab leaders to leave. Perhaps the most patent factor was that is many towns the leaders of the Arab communities had already left, as pointed out by Benny Morris and others.

(5) Transfer Ideology

There is certainly abundant evidence that Zionists contemplated transfer of the Arab population of Palestine prior to the War of Independence, but there is no evidence that transfer became public policy and most advocates had in mind voluntary transfer with compensation. Transfer of the Arabs of Palestine was contemplated in private almost from the outset of the Zionist enterprise, but it was to be a voluntary transfer, and the ideas were generally not made public. Theodore Herzl wrote in his diary:

"When we occupy the land, we shall bring immediate benefits to the state that receive us. We must expropriate gently the private property on the estate assigned to us. We shall try to spirit the penniless population across the border by procuring employment for it in the transit countries, while denying it any employment in our own country." (12 June, 1895. Raphael Patailed., the complete Diaries of Theodor Herzle, Vol 1, Harry Zohn. Trans., New York: Herzle Press and T. Yose loff, 1960 pp 88 – 89.)

It is significant that Herzl did not name the state, because his ideas were not necessarily directed at Palestinian Arabs. At the time, he was still formulating his ideas of Zionism, and was not particularly focused on Palestine as a homeland for the Jews.

The idea of transfer became closer to reality in connection with the partition plan of the Peel Commission. The idea was proposed by the British, and stirred a moral debate in the Zionist executive. Some Zionist leaders favored it.

Elizer Kaplan, who was Head of the Jewish Agency Finance and Administrative Department, said: "I shall not enter now into the details of the question of the 'transfer' of the Arabs.

But it is not fair to compare this proposal to the expulsion of Jews from Germany or any other county. The question here is one of organized transfer of a number of Arabs from a territory which will be the Hebrew state, to another place in the Arab state, that is, to the environment of their own people." (Statement made at the Convention of Ihud Po'alei Zion in August 1937. 'Al Darchei Mediniyutenu, op. at pp 82 – 83)

Berl Katznelson, an influential leader of the Mapai party favored transfer incuding "compulsory" transfer. However, the "compulsion" was to come about as the result of agreement, and not through war of violent action. He wrote:

"The matter of population transfer has provoked a debate among us: Is it permitted or forbidden? My conscience is absolutely clear in the respect. A remote neighbour is better than a close enemy. They (the Palestinians) will not lose from it. In the final analysis, this is a political and settlement reform for the benefit of both the parties. I have long been of the opinion that this is the best of all solution… I have always believed and still believe that they were destined to be transferred to Syria or Iraq." (At the

World convention of Ihud po'alei Tzion, August 1937. Al Darchei Mediniyutenu: Mo'atzah' Olamit Shel Ihud Po'alei Tzion (e.s.) – Din Vehesbon N,aheh, 21 July – 7 August (1938), (Full Report of the World Convention of Ihud Po'alei Tzion, C.S.) (Tel Aviv: central office of Hitahdut Po'alei Zion Press 1938).

"What is s compulsory transfer? Compulsory transfer does not mean individual transfer. It means that once we resolved to transfer there should be a political body able to force this or that Arab who would not want to move out. Regarding the transfer of Arab individuals we are always doing this. But the question will be the transfer of much greater quatity of Arabs through an agreement with the Arab states: this is called a compulsory transfer… We have here a war about principles, and in the same way that we must wage a war for maximum territory, there must also be here a war (for the transfer 'principle')….We must insist on the principle that it must be large agreed transfer." (Protocol of the Jewish Agency Executive meeting of 12 June 1938 Vol. 28, no 53, Central Zionist Archives, Jerusalem).

It must be emphasized that the Peel commission had contemplated giving a tiny part of Palestine to the Jews and that "transfer" in that instance meant transfer of only small number of Arabs out of this mini state, as well as movement of a small number of Jews into this area. The mass expulsion or transfer of Arabs out of a large part of Palestine was not discussed in any known Zionist meetings before 1948 and was not part of Zionist official policy. Nonetheless, some officials certainly favored it.

On June 22, 1941 Joseph Weitz, a former director of settlement in this Jewish Agency, wrote in his diary. "Amongst ourselves it must be clear that there is no room for both peoples in this country. No 'development' will bring us closer to our aim to be an independent people in this small country. After the Arabs are transferred, the country will be wide open for us; with the Arabs staying in the country will remain narrow and restricted…There is no room for compromise on this point….land purchasing will not bring above the state. The only way is to transfer the Arabs from here to neighboring countries, all of them except perhaps Bethlehem, Nazareth, and Old Jerusalem. Not a single village or a

single tribe must be left. And the transfer must be done through their absorption in Iraq and Syria and even in Trans Jordan. For that goal, money will be found - even a lot of money. And only then will the country be able to absorb millions of Jews… There is no other solution." – (Weitz Diary, entry dated 20 December 1940 pp 1090 – 91 central Zionist Archives, Jerusalem)

Weitz was later active in encouraging the Zionist leadership to take advantage of the flight of the Palestinians, as documented by Benny Morris, in the Birth of the Palestinian Refugee problem, 1947 – 1949.

In 1948, he wrote:

"I made a summary of a list of the Arab villages, which in my opinion must be cleared out in order to complete Jewish regions. I also made a summary of the places that have land disputes and must be settled by military means." – (Weitz Diary, entry dated 18 April 1948 p 2358, CZA)

Later, he wrote "from now on, I shall call it the Transfer Committee. It seems that (Moshe) Shertok (Sahrett, the Foreign Minister) took measures approving the appointment of this

committee the day before yesterday (on 28 May) in talks with his secretaries. In the evening I discussed the question with Kaplan (the Finance Minister) and he also thinks that the transfer fact should be consolidated and those departing should not be allowed to return." (In late May 1948 Weitz Ezra Danin and Eliyahu Sasson drew up general outlines for the proposed transfer committee. Weitz Dairy, entry dated 28 May 1948; PQ403 CZA)

David Ben Gurion, Leader of the Jewish community in Palestine and later Prime Minister gave this advice, "we (the Haganah) adopt the system of aggressive defence; during the assault we must respond with a decisive blow: the destruction of the (Arab) place or the expulsion of the residents along with the seizure of the place." (Ben – Gurion's advice on 19 December 1947 cited in Seniha Flapan, The Birth of Israel: Myths and Reality, p 90.

When the exodus started, even moderate leaders were not averse to taking advantage of it Moshe sharret (Shertok), explained to Chaim Weizmann, "With regard to the refugees, we are determined to lie adamant while the war lasts. Once the return tide

starts, it will be impossible to stem it, and it will prove our undoing. As for the future, we are equally determined… to explore all possibilities of getting rid, one and for all, of the huge Arab minority, which originally threaten us What can be achieved in this period of storm and stress will be quite unattainable once conditions get stabilized. A group of people from among our senior officers [i.e., the Transfer Committee] has already started working on the study working on the study of resettlement possibilities in other lands" (to Chaim Weizmann, president of provisional council of the state of Israel, 18 August 1948. cited in Benny Morris, The British of the Palestinian Refugee Problem, 1947 – 49, pp.149 – 50)

(6) Encouragement by Arab leaders and Rumors

A study by childers, which examined British monitoring of Arab broadcasts during that period, did not find any evidence that Arab leaders called on Palestine to leave their homes. However, considerable evidence and testimony exists that at different times, Arab leaders encouraged refugees to flee. This issue has been

inflated beyond its actual importance. It has no real significance in international law, except to counter or support the Palestinian claims of expulsion by force.

During a fact – finding mission to Gaza in June 1949, Sir John Troutheck, head of the British Middle East office in Cairo and no friend to Israel or the Jews, found that while the refugees "express no bitterness against the Jews (or for that matter against the Americans or ourselves) they speaks with the utmost bitterness of the Egyptians and other Arab states. "We know who our enemies are "they will say, and they are referring to their Arab brothers who, they declare, persuaded them unnecessarily to leave their home.

The Economist, reported on October 2, 1948: "Of the 62,000 Arabs who formerly lived in Haifa not more than 5,000 or 6,000 remained. Various factors influenced their decision to seek safety in flight. There is but little doubt that the most potent of their factors were the announcements made over the air by the Higher Arab Executive, urging the Arabs to quit. It was clearly

intimated that those Arabswho remained in Haifa and accepted Jewish protection would be regarded as renegades."

Jimes Magazine (May 3, 1948) reported: "The mass evacuation, prompted paortly by fear, partly by orders of Arab leaders, left the Arab quarter of Haifa a ghost city…By withdrawing Arab workers their leaders hoped to paralyze Haifa."

Edward Atiyah, the secretary of the Arab League Office in London, wrote in his book, **The Arabs:** This wholesale exodus was due partly to the belief of the Arabs, encouraged by the boastings of an unrealistic Arab press and the irresponsible utterances of some of the Arab leaders that it could be only a matter of weeks before the Jews were defeated by the armies of the Arab States and the Palestinian Arabs enabled to reenter and retake possession of their country."

According to Near East Arabic Radio, April 3, 1948: "It must not be forgotten that the Arab Higher Committee encouraged the refugees to flee from their homes in Jaffa, Haifa and Jerusalem, and that certain leaders…. make political capital out of their miserable situation."

Nimr el Hawari, the Commander of the Palestine Arab Youth Organization, in his book Sir Am Nakbah (The Secret Behind the Disaster, published in Nazareth in 1955), quoted the Iraqui Prime Minister Nuri said as saying. "We will smash the country with our guns and obliterate every place the Jews seek shelter in. The Arabs should conduct wives and children to safe areas until the fighting has died down." Habib Issa wrote in the New York Lebanese daily newspaper Al Hoda on June 8, 1951, "The Secretary General of the Arab League Azzam Pasha, assured the Arab people that the occupation of Palestine and of Tel Aviv would be as simple as a military promenade. He pointed out that they were already on the frontiers and that all the million the Jews had spent on land and economic development would be easy booty, for it would be a simple matter to throw Jews into the Mediterranean. Brotherly advice was given to the Arabs of Palestine to leave their land, homes and property to stay temporarily in neighboring fraternal states, lest the guns of the invading Arab armies mow them down."

Reports of massacres and actual fighting caused fear among the population. In Tiberias, Haifa and Jaffa, the Arab irregulars initiated combat with the Jews, who retaliated. The Palestinian civilian population, often abandoned by their leaders, were unwilling to stay under Jewish administration and left. In Haifa, Jewish leaders including the mayor and head of the labor council pleaded with Arabs to stay In Jaffa, the British pleaded with them to remain, but the exodus continued.

The atmosphere in Palestinian towns can be appreciated from the following quote.

(7) The Palestinian Refugees – A Personal Insight by Saida Nusseibeh

Why do Palestinians see themselves as refugees after fifty years? The Palestinian have been denied the right to call themselves Palestinians. Golda Meir once said that she was the Palestinian, there was no such thing as a Palestinians.

So the collective memory of the Palestinians is the trauma of being denied to call themselves by the name of the land where

generations of their fathers came from and being denied by the world that they existed, their attachment to a certain part is being specific as mentioning the name of the town, helps them to affirm that they do come from that part – to prove it, they mention that city. Their need is belonging. And their need is that the world admit to their existence. Of course, they feel that now the world admits they are Palestinians, the next step would be the world admits that they have a right to return.

You can find the parallel in the Jewish history. The Jewish nation was denied the right to the called Jewish – being afraid – some even changed their names to be accepted – so they might have the smallest thing – the right to work to feed their families – when they were denied the use of their language. Now there is a revival in religion, in language, and so on. The world has now admitted its guilt, that they stood by and watched while the Jewish Nation was being massacred in the Pogroms and in the Holocaust. However, for a very long time, the world pretended the Jewish Nation did not exist.

Knowing fully will that they cannot go back to Haifa, Jaffa and so on, the refugees still insist they want to go back to a place that has been already occupied by families for the last fifty years, i.e. generations of Israelis who are living there. My experience at work – working with refugees in the Lebanon, suggests the reason for this. I do not know about the refugees in Syria, Jordan or even the ones that are back home and live in camps.

The refugees in Lebanon are the forgotten people. They live in ghettos, with sewage surrounding them, with electrical wires practically on the ground. Children play very close to them and mothers get electrocuted because of the many wires connecting too many things. There are no paved roads. In some areas they are not allowed out of the ghettos. They cannot go to the Lebanese school/universities. They cannot work in many professions although they have studied them. They can work in the camps only. Among the profession they are not allowed to practice outside the camps are doctors or nurses. They are paid by the Palestinian Red Crescent Society which is also poor. They pay a

doctor only $200 a month, so the doctor or nurse has to find other jobs to be able to live.

I cannot blame the Lebanese government. They had experienced a civil war that has lasted 18 years. They do not want the Palestinians and they want the land the Palestinian refugees are on. There are around 2 million refugees in the Lebanon some from 1948 and some from 1967. The problem also is that Lebanon has a religious quota – so many Sunni Muslim – so many Shia Muslim so many Maronites, Protestants and each of the other groups. The quota must be kept as each sect is the same as the other – Now the Palestinians who are in the camps are Sunni Muslims – and the quota for Sunni is full.

Of the people that I speak with in my work as medical aid, as one of our offices is in Lebanon, the young generation who were born in Lebanon, feel they are Lebanese. They feel this is home, although that feeling is said when the old generation is not around – the young generations who are doctors and so on are born in the camps in Lebanon – Speaking of Haifa or Akko is a dream that their parents spoke about. It is a picture on the wall of a dream.

What is left of the older generations who are still alive, they sit out on the porch hold the key to the home they left behind. They hold to a dream.

So, the young generation who never saw Palestine, and mostly do not want to go to that country, would like to be given a Lebanese nationality, and be given the rights to live as human beings, as citizens of Lebanon. The doctors that I met that live in the Diaspora that came from the refugees camps – want to go back and live in Lebanon if they can be allowed to go to work and live in the country where they were born. As for visiting the Palestine, they are not in a hurry. Not, one said yes I want to go and even visit.

There is so much hurt that the land of Palestine has forgotten them, that the people in the land never worry about them, discuss their problem and so on. The attachment is more to the land that they were born in. Their dream is of a Palestine that was their father's home, that they heard about, any may be one day they will go and visit the land that he spoke about, all the years they were growing up. All this is not admitted openly in front of

strangers, because if they do so, they would be branded as traitors, so they speak about going back – although they say it without conviction. (Said a Nussibeh is a member of a prominent Palestinian family. She lives in Amman. Formerly, she lived in London, where she was active in refugee aid work and in dialogue. She has helped to found dialogue groups including Mid East Web for coexistence and has served on the board of directors of Medical Aid for Palestinians (MAP).

(8) Another refugee's expression

Every thing you wanted to know about the right to return but were too afraid to ask. By Uriya Shavit and Jalal Bana:

How many Palestinian refugees are there, what is their political and economic status and on what do they base themselves when they demand the "right of return"?

In 1949, the Palestinian population totaled 1, 38,000 people, of whom 730,000 were refugees. Fifty – two years later, a second and third generation has been added to the first generation

of refugees. Natural growth at a rate that is one of the fastest in the world has multiplied their number by fourfold at least. According to the data of United Nations Relief and Works Agency (UNRWA), which devotes its activity to the Palestinian refugees, their number today stands at 3.7 million.

The general opinion is that the agency's records tends to be exaggerated, for the simple reason that anyone registered as a refugee is entitled to financial support from the agency. The result is that some refugees never die; only the photographs in their ID cards change UNRWA defines a "Palestinian refugee" as a person who resided in Palestine for at least two years. Prior to May 1948 (when the State of Israel was established), lost his home and his means of livelihood as a result of the war of 1948 – 49, and now lives in the Gaza Strip, the West Bank, Jordan, Syria or Lebanon. The definition is an expansive one and takes in all the refugee' offspring.

The general term "Palestinian refugee" refers to population groups whose social and political situation is extremely uneven. Thus 22 percent of the refugees live in the Gaza Strip according to

the UN agency, 818,000 of the 1.1 million Palestinians who reside in the Gaza Strip are refugees. Most of them are members or descendants of families that in 1948 fled from the region extending from Jaffa southward. Nearly half of these refugees, 440,000 of them, live in eight tremendously over crowded refugee camps. The Shati camp, for example, is home to 74,000 refugees who are squeezed into an area of less than one square kilometer.

The population explosion in the Gaza strip shows no signs of abating. The annual birthrate there is no less than five percent, the mortality rate 0.5 percent, the average number of births per woman is 7.5, and half the population is below the age of 15. By the year 2020, the population of the Gaza Strip will be 2.5 million and the population density will be 7,000 people per square kilometer – the highest in the world. Taking into account the unstable economic infrastructure, even massive development in the years ahead will not alleviate the distress of the Gaza Strip.

In the West Bank, the refugee population is 580,000 out of a total population of 1.8 million Palestinians, according to the UN relief agency. One quarter of the refugees live in 19 camps. The

refugee families in the camps maintain an attachment to their towns and villages of origin.

Israeli researcher Yitzhak Ravid, who this year published a study on the refugee within the framework of the Begin – Sadat Center for Strategic Research at Bar – Ilan University, says that the Palestinian Authority has some reservations about improving the situation in the refugee camps, and is making an effort to emphasize that such activity cannot be construed as undermining the temporary status of the refugees or as weakening their entitlement to the "right of return" Rehabilitation activity that might be construed as acceptance of the refugees' permanent residence activist groups in the camps.

(9) 'No obstacles' in Jordhan

There are 1.7 million Palestinian refugees in Jordan, according to the UN agency, of whom 200,000 are considered "displaced persons" – Palestinians who left the West Bank in 1967. About 280,000 of the refugees live in 13 camps. The majority of

the refugees in Jordan hold Jordanian citizenship and have integrated themselves into country's economic and social life.

"A Palestinian refugee with initiative who lives in Jordan and wants to get a head faces virtually no obstacles, "says Dr. Amnon Kartia from the department of geography at Tel Aviv University, who has conducted demographic research on Jordan. "In general, their economic situation is no worse than that of the Bedouin (who form the basis of the country's indigenous population)"

There are 376,000 Palestinian refugees registered with UNRWA in Lebanon constituting 10 percent of the country's population. According to Yitzhak Ravid, the actual number of refugees in Lebanon is between 250,000 and 300,000. Most of them are from families that fled to Lebanon from Haifa and Galilee in 1948. Of all the refugees in the Arab states, their plight is more severe. Because of the Lebanese government's fear of upsetting the ethnic – religious balance in the country, only a quarter of the refugees have received citizenship. The majority of the refugees in Lebanon live in 12 camps. They are not accepted to government

positions and are also barred from a wide range of professions, including those that require academic training.

The average monthly income of 80 percent of the refugee families in Lebanon is below $400. They are not entitled to government – sponsored education and health services or to social insurance. Their freedom of movement is restricted; if they want to leave the country, they need a special permit, which is issued for a limited period. Since the signing of the Oslo agreement between Israel and the Palestine Liberation Organization in 1993, Beirut has stepped up its pressure on the refugees in the country.

The refugee population in Syria stands at 378,000, according to the UN relief agency, though Ravid estimates their number at no more than 300,000. They are from families that fled form the north of Israel in 1948, mainly from Haifa and Safed, though some are form Jafa as well. About 110,000 of the refugees in Syria reside in 12 camps.

(III) The Refugee Problem in India

As the human inundation continues, pouring from one poor country into another, India's concern sharply rises. Those who doubt Indian sincerity in wanting a solution to the tragedy in East Pakistan seem to forget the refugees are costing the government US $3 million a day just to provide minimal food, shelter and medical care.

Foreign relief organizations have called this perhaps the biggest single relief operation ever tackled, and the seven million could become 10 by the year's end. For India, humanitarian considerations aside, it is a major catastrophe. The refugees have created an emergency which has taken priority over everything else. The magnitude of the task is overwhelming, the demands on the Indian exchequer and human resources, unprecedented. For India to meet them is unreasonable, for these are not Indians but nationals of a foreign country. It is not India's responsibility, but there is no escape. The restoration of "normal conditions" in East Pakistan is a remote dream, whatever Yahya Khan claims or Islamabad official have persuaded themselves. The victims of

West Pakistan's repression of the eastern wing are India's burden – perhaps for years.

Bongaon subdivision in the political by explosive state of West Bengal illustrates the effect of the great influx. Refugees started pouring into this area on March 27 – the day the Pakistani army began "to restore normality" in what was supposed to be originally a 72 – hour operation – and the flow has continued ever since. The first camp in Bongaon opened in March 30. The subdivision covers 320 square miles and along two sides shares a border with East – Pakistan. The 1961 census put the population at 350,000. Now there are 29 camps housing exactly the same number of people. In addition, more than 100,000 refugees are living with friends or relatives, and there is a "floating" population of more than 50,000. New arrivals in the region are of 35,000 a day.

The official specification in the camps allows 20 square feet a head, but 15 people are occupying the space intended for 10.Many camps are just long lines of barracks – bamboo structures with roofs of thatch or tarpaulin, common dormitories with many

families living without any privacy. But even these camps are full. Here, as in most of West Bengal, it is difficult to find non – agricultural land for camp sites. The normal population density is very high: 1,500 per square mile. Today, it is 5 – 6000 per square mile. There is no more space.

There is low – lying land, mostly jute and paddy fields paddy fields, without drainage conduits. Where there is no standing water, there is marsh. Under such conditions efforts at sanitation are almost futile. In some places separate latrines have been built, in others trenches dug. But in the monsoon, the water and human congestion create a gigantic hygiene problem. Danger of polluted water and resultant diseases is constant.

Compared to West Bengal, the Tripura and Assam camps are luxurious. The influx has been lower and the current flow of arrivals is put at 4 – 5000, the first few weeks were as chaotic as in West Bengal, but the newly constructed camps are well designed, built on healthy ground, with plenty of space between buildings. Assam camps even provide for a separate kitchen for each family in the allotted space.

But there are other serious problems Tripura, Assam and Meghalaya are eastern border states, not readily accessible from the rest of the country. Transporting building materials, food supplies, even the refugees, themselves, is a major difficulty Roads are narrow, only a few have hard surfaces and none are built for regular heavy truck traffic. Camps are far from the towns because land near them is unavailable, and towns are connected only by precarious communications with railheads and airfields.

In Tripura 200 tons of food has to be brought in daily even under normal conditions. The state's population of 1.55 million has been almost doubled by the refugee influx of 1.12 million. Food requirements are now 660 tons a day. Local officials describe their situation as a "truck to mouth existence" – food stocks are nil and monsoon conditions generate frequent landslides, which can cut the roads at any time. The railhead is 125 miles from Agartala, even further from other refugee camp points. There is a chronic of shortage of trucks which the state is trying desperately to meet, and an airlift, also dependent on the weather can only bring in about 60

tons daily. No body seems to know what will happen if the supply line is cut.

To reduce the daily requirements to 300 tons, the refugee ration has already been cut by 50% Further, cuts are impossible for nutritional reasons. In Bengal each refugee receives 800 grams a day of food stuffs, cereals, vegetables and pulses, with a small cash payment for extras. This costs the government one rupee a day. Rations elsewhere are approximately the same. This is a minimal amount, but the government cannot afford even this, and already there is resentment because millions of Indians live on less.

The refugees need much else beside – clothes, utensils, supplementary food, soap, and kerosene but the Indian government cannot even attempt any relief of this kind. Private and foreign agencies are trying to fill the gap but they still have a long way to go. However, milk – the most important supplementary food for children, the sick and prenatal and postnatal cases – is being provided by them and distributed in 50% of the West Bengal camps and in many others.

Distribution is not always efficient and the chief victims are children. But it is not easy matter to organize distribution, registration, and rations on such a vast scale, when the administrative apparatus is already strained beyond capacity, and when the number of people to be served increases every hour. Despite bottlenecks, lack of experienced relief personnel and other drawbacks, India has done a magnificent job under extraordinary circumstances.

Foreign assistance, shockingly little in the beginning, is now a steady flow, but although the materials provided – for shelter, medical care, extra food – are all vitally important, they only complement the massive national effort. India is paying for Yahya Khan's terror.

Medical care, preventive and curative, requires full medical teams. One doctor per 6,000 persons has been provided, according to officials. Bangladesh doctors are included in this figure. Again this is the barest minimum. Cholera is under control thanks to a massive inoculation campaign and high breed injections along with large supplies of saline pollution. Whenever there is a heavy influx

of refugees, the member of cases goes up; 90% of the new arrivals bring the diseases with them. Still the fear of huge epidemics is gone. But other threats – tuberculosis, pneumonia, intestinal diseases, all aggravated by malnutrition and weakness – are just around the corner. In the more settled camps, conditions of health have improved. Asked if he was worried abut the death rate in the Tripura camps, a local official smiled. "I should say I am more worried about the birth rate."

But Indians are asking when the influx will end. Reports of imminent famine conditions in East Bengal are well founded. Those who were doing relief work in last year's cyclone – torn areas say near famine conditions were forecast there even before the present crisis. With the winter harvest untended and the new crop unsown, a famine of cruel intensity is likely. Well over 500,000 persons are already said to be on the move in search of food. Their inevitable destination seems to be India. Conservative estimates in India of 10 million refugees within a few months are giving place to the terrifying picture of a possible 15 million.

Care of the present numbers of "evacuees" – as the Indian government insists on calling them officially – is achieved at the cost of Indian development. Even normal programmes in fields such as education, health, family planning are suffering. If the number of refugees remains fairly static, which is highly unlikely, the total expenditure on them for this financial year will be at least 20% of the entire Indian budget. The refugees have already been here five months, and so far only a tiny handful have gone back. India is already drawing on its food stocks, especially rice, to meet their needs. The economy has been seriously disrupted and the five year plan will inevitably be affected.

In places where refugees are concentrated, local administration has time for nothing else. These are all backward districts. Many are in a state of intense political tension partly due to the violent activities of the Maoist Naxalites. Schools and colleges filled with refugees, have not opened in these areas, a dangerous situation when the young are the main targets for Naxalite persuasion. All development work has stopped. Planning for urban improvements in Calcutta, a priority project, has been

postponed. "Our plans for a mini – green revolution have all been shelved", says a Tripura administrator ruefully.

The federal government is bending over backwards to preserve what many Indians feel is an illusion: that the refugees are temporary evacuees, who will certainly return to their country. For this reason no schools are being opened in the camps. Only "education centers" keep the children occupied. Certain human problems cannot be postponed. Orphans, who must be cared for, are being looked after in "temporary" orphanages, widowed women and women who are alone in "temporary" homes.

"Our refugee provision in every respect is for six months, "explains Tripura's relief secretary. "Our local population is friendly because we have assured them the refugees are only here for six months. This is tribal country. Local people go in for shifting cultivation and are very jealous of their land rights. If they think these people are here permanently, we may have serious trouble." Locals are already complaining because prices have gone up since the refugees have been forced to buy in the open market after he ration cut. In Assam it is the same story, and where the

refugees are not installed in camps prices have risen by 30%. In West Bengal people are resentful because schools have not reopened. There is friction when the refugees help themselves to fruit from trees, or break off kindling. In areas near Calcutta, some refugees have started undercutting the local wage rates thus taking jobs from residents. As the influx increases more of this will happen and small irritations may culminate in serious trouble. There are also fears that the continuing influx may push refugees in camps near Calcutta into the congested, tension gripped metropolis – in which case, say observers: "Calcutta will explode".

India's security problems have been aggravated by the influx. In Assam, fears lest the large number of Moslem refugees upset the population balance, always an ultra – sensitive point in this important border state, have already erupted into a riot in the state capital of Shillong. Recent reports alleged saboteurs caught in Tripura a lend credence to rumors that Pakistan agents may be infiltrating the area in the guise of refugees, as a potential fifth column in case of an Indo – Pakistani conflicts.

In Agartala, the sound of Pakistani mortars falling into Indian Territory can be heard almost everyday. Indian civilians as well as soldiers are being killed or wounded all along the increasingly sensitive border. If the refugees keep coming and if there is no way for them to return, war – even with the calming influence of the Indo – Soviet security treaty – may become India's only way to solve its dilemma.

The refugees India has rightly insisted, will only go back when there is a genuine political solution in Pakistan. Perhaps eventually Yahya will be persuaded by the great powers that, however distasteful he may find it, he must make his peace with the eastern wing. And this can only mean negotiations with the Awami League – before the communists take the political lead in building up guerilla resistance. But so far Islamabad shows no signs of modifying its political stance, or its military tactics – despite reports of potential trouble in West Pakistan.

Mean while the Mukta Fauj in keeping the Pakistan army on the alert, cutting important communication lines, capturing arms, exploding bombs in Dacca and killing soldiers and

collaborators. The military forces sent in have not been able to establish control over the country. Guerillas penetrate the heart of Dacca and several times over the past weeks saboteurs have plunged the city into darkness. It is even said you can drive across the border from India to Dacca, spend the night in the Intercontinental hotel and leave very early in the morning – although recently even the hotel has not been immune from attack. The reason: the army reportedly retires to barracks at nightfall, and only emerges at dawn.

Eyewitnesses report the Mukti Fauj is increasingly better organized and claim more and more young men are joining it. An intensive recruitment drive is on in the camps to enlist all men and boys from the age of 14 up. Indian Defense Minister Jagjivan Ram said recently that Yahya Khan's bellicosity towards India was a thermometer indicating the success of the Mukti Fauj. But guerilla war fare never brings rapid solutions, and the "freedom fighters" are pitted against formidable opponents.

Dedicated young faces sing the Bangladesh national anthem in the soft Tripura, twilight in a little refugee camp run by

a Christian mission. If Yahya refuses to negotiate with the Awami league, and convicts Mujib, these youngsters will grow up – probably at India's expense – to fight for their freedom. But it is hard to see how India can bear the burden and it is impossible to predict what it will mean for its future. The sacrifice of Prime Minister Indira Gandhi's "Garibi Hatao" (remove poverty) programme on which she gained her great parliamentary majority is crucial enough. In addition, there is the political dilemma. The numbers of the deprived and restless in India are growing and, by diverting so much of its already so inadequate means to succoring the victims of another country's repression, India risks revolt among its own, nationals. West Bengal is possibly the worst place in the world to be called on to support a humanitarian burden which would weigh heavily on even the United States.

(2) Causes of Refugee Problems

Thee are, at present, several ways to describe refugee causes, they include three models which, if integrated, summarize the causes of refugee – producing problems. Suhrke's model of

conflict situations pinpoints the following types of conflict that may produce refugees. She notes that protracted warfare, international wars and certain kinds of ethnic tension tend to produce major outflows, whereas conflicts such as elite rivalry, coups d'etat and governmental suppression of critics lead to a trickle of a few, highly politicized individuals. (Suhrke 1983). Beyer proposes the following categories of people of potential humanitarian concern. Convention refugees, victims of civil strife, conscientious objectors, self – exiles, victims of natural disasters, migrants and perhaps persons belonging to governments in exile or liberation movements (Beyer 1987, 12 -15)

Finally, Rizvi model, elaborated elsewhere in this chapter, of primary factors (an enumerated in the 1951 convention), secondary factors (as identified in the 1969 OAU Convention) and auxiliary factors (such as economic, ecological and demographic change) needs consideration. These causes have elicited a variety of responses from the international community to approaching the present refugee problem. In this regard, several United Nations initiatives are particularly noteworthy. The Economic and Social

Council of the United Nations recommended to the General Assembly for the first time in 1967 the creation of an office of the United Nations High Commissioner for Human Rights, an initiative that remained unsuccessful despite several years of debate (United Nations 1967). In 1981, the U.N. commission on Human Rights appointed the former United Nations High Commissioner for Refuges Saddrudin Aga Khan, as special Repporteur to prepare a study on Human Rights and Mass. Exoduses which was submitted the same year. This study has become a widely used reference on the subject. Among several important recommendations, the following are most relevant here:-

(i)   "humanitarian observers" to secure a United Nations presence in any given violent situation.

(ii)   an "early warning system" to gather impartial information on underlying problems (such as ethnic, economic, political and social issues) in any given region for the United Nations Secretary General, who would then act in an effort to contain the situation; and

(iii)   a special representative for humanitarian questions to monitor situations that could give rise to new refugee situations and to depoliticize humanitarian crises through meditation (Saddruddin Aga Khan 1981:- i – ii)

This report was followed in 1981 by the General Assembly resolution (United Nations 1981), initiated by West Germany, to appoint a group of governmental experts on international co – operation to avert new flows of refugees (Opitz 1985). This initiative resulted in final report on 13 May 1986 by the Group of Governmental Experts United Nations 1986a, 18) This report did not make any specific recommendations but reminded member states of their obligations to respect international principles, such as those contained in the United Nations. Charter and other instruments, as well as to refrain from pursuing policies that would lead to new flows of refugees. The Group also recommended that the Secretary – General make full use of his competencies, give attention to questions of averting refugee problems, and improve

co – ordination within the Secretariat for analyzing information for early assessments of situations that could cause refugee flows.

In addition the group of 18 high – level inter governmental experts, following a review of the Secretariat's operations, made another set of recommendations (UN 1986, 9; supplement 13 b). The two groups of recommendations led the Secretary – General to establish the Office for the Research and the Collection of Information (ORCI). Its functions are to strengthen the institutional basis of preventive diplomacy and to break down barriers to peace – making with information and analyses. (UN1987). Three of these functions relate directly to refugee causes (Jonah 1988, 7):

(i)   monitoring factors related to possible refugee flows and comparable emergencies,

(ii)   providing early warning of developing situations requiring the Secretary – General's attention; and

(iii)   carrying out ad hoc research for the immediate need of the Secretary – General.

Private initiatives include the Refugee Policy Group in Washington, which has been working with associated individuals

and institutions on the subject since the early 1980s. With financial support from various sources, important groundwork, for its current work on an early warning model has been done.

However, it is clear that more needs to be done and a number of possible initiatives can be identified. First, in terms of research, it would be important to establish a systematic study of the causes of refugee flows, distinguishing between root and proximate causes, and to consider both remedial and preventive action. Indeed, it would also be useful to prepare a map of vulnerable areas in the world where refugee situations might arise. Certainly, it would be useful to obtain detailed information form the first refugees in a potentially massive refugee influx concerning their reasons for flight, conditions in their own home country, and the estimated number of people liable to move if nothing is done to alleviate or contain the underlying causes.

Second, in terms of intervention, United Nations or other international observers could be sent on short – term field assignments in an effort to depoliticize and pacify incipient situations that might cause refugees, such as in Bangladesh shortly

after independence in 1971 – 72. This might involve "political management through direct contact with concerned governments or via the encouragement of good neighborly relations to alleviate or contain the severity of the refugee crises. Certainly, past international action in easing the flight of displaced people or refugees has been successful in some cases. In the Nigerian War, for example, the creation of zones of safety within the country resulted in practically no external displacement taking place. Similarly after the coup de'etat in Chile, the establishment of safe havens under United Nations auspices permitted refugees from other countries and, a short time later, nationals fearing persecution to find a safe place to stay before leaving the country with safe-conducts provided by the military junta that had seized power.

Other creative approaches would include as Coles has suggested, the restoration of freedom of movement of people to their country of origin (in conjunction with a co-ordinated effort to help improve conditions in the country of their origin for their return they so wish). An important additional step is similar to the commendation of the Independent Commission for International

Humanitarian Issues in its final report. This would be to create a central office for humanitarian issues within the Executive Office of Secretary – General of the United Nations.

On the basis of the formation collected by ORCI, this office could conceptualize a course action in a given incipient situation to alleviate the underlying use or reduce the severity if flight is the only alternative. Such an office could become the link between institutions that assist victims of humanitarian crises and governments that have the power to address the causes of thee crises. The office would not only translate first – hand information into practical action but also monitor the implementation of United Nations humanitarian programs and take a lead in formulating and coordinating policies to alleviate or contain incipient refugee situations. This approach might allow for a more efficient co – ordination of tasks within the United Nations family and force the UNHCR always to respond to every border – crossing, especially if one or a combination of ecological drought/famine, demographic or economic factors had caused it.

(IV) Refugee Protection in India

South Asian refugees who have fled to India face serious problems in their daily lives. From forcible repatriation to starvation, refugees find themselves on the edge, clawing for mere survival. India has provided shelter to these refugees for centuries for both geopolitical and socio – economic reasons. Political upheaval occurring in unstable countries bordering India often created political upheavals, forcing citizens to seek refuge elsewhere. Additionally, ethnic and religious persecution forced minorities to join similar people in India's multi – ethnic and multilingual society. Better opportunities to start afresh and improved living conditions also contributed to India's appeal.

However, little, if any, information is available to the international community or to the Indian people about the plight of these refugees once they reach India.

(1) Applicable Laws

The refugee problem was acknowledged as having international dimensions and requiring global cooperation as far

back as 1921 – 22 in the aftermath of the First World War, the break up of the Austro Hungarian empire and the Russian revolution. However, real movement to protect refugees began only with the 1948 Universal Declaration of Human Rights which proclaimed basic rights for all human beings irrespective of their nationality or citizenship. This declaration was an important first step since refugees face unique hardships and are particularly vulnerable in foreign countries. It is therefore incumbent upon the international community to protect their rights both in countries of origin and asylum.

A myriad of specialized and regional human rights instruments have sprung from the foundation of the International Bill of Human Rights. The non – derogable rights enshrined in the Covenants such as Article of the International Covenant on Civil and Political rights (ICCPR) are also applicable to the refugees. The principle of non – refoulement was applied where there was fear of torture or violation of right to life of the refugees. Nonetheless, the foremost authority on refugee law is the 1951 Convention relating to the status of Refugees, known simply as the

Refugee convention, which codified a very precise definition of the refugee" (1) found in the 1951 Refugee Convention. According to Article 1 of this convention, a refugee is someone who, "owing to a well – founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality."

More contemporary instruments have advanced beyond this limited and legalistic definition by acknowledging civil disturbance and human rights abuses as valid claims for refugee status.

None of the South Asian countries are party to the 1951 Convention relating to the Status of Refugees which currently is ratified by 134 nations. This may reflect the unwillingness of South Asian governments to submit to international scrutiny. Though India is not a party to the Refugee Convention, the general principle prohibiting forced repatriation called non – refoulement has risen to the level of customary law, such that they bind even non – signatories.

Since the matter (entry and regulation of aliens) falls under the Union List (3), the Central Government is empowered to deal with refugees. Traditionally, the Union cabinet has made reactive decisions with each particular refugee influx, often taking action only when the particular refugee influx went beyond the control of the Border Security Force, and the matter became political. India thus lacks a cohesive national policy for handling refugee inflows. The lack of a national Indian policy limits the ability of the State governments and Border Security Force to deal with refugees instantly, resulting in mass rejections at the frontier while policy directions are awaited or non – recognition of refugees sneaking into Indian territory.

The juridical basis of the international obligations to protect refugees, namely, non-refoulement including non – rejection at the frontier, non – return, non – expulsion or non – extradition and the minimum standard of treatment are traced in international convention and customary law. The only treaty regime having near universal effect pertaining to refugees is the 1951 Refugee Convention and its 1967 Protocol on the Status of Refugees which

is the magna carta of refugee law. Since India has not yet ratified or acceded to this regime its legal obligation to protect refugees is traced mainly in customary international law. An examination of this aspect raises the basic question of relation and effect of international law with the Indian municipal law.

The Constitution of India contains just a few provisions on the status of international law in India. Leading among them is Article 51(c), which states that

"The State (India) shall endeavor to foster respect for international law and treaty obligations in the dealings of organized people with one another."

Leaving a little confusion, this provision differentiates between international law and treaty obligations. It is, however, interpreted and understood that "international law" represents international customary law and "treaty obligations" represent international conventional law. Otherwise the Article is lucid and directs India to foster respect for its international obligations arising under international law for its economic and social progress. Article 51 (c) is placed under the Directive Principle of

State Policy in Part IV of the Indian Constitution, which means it is not an enforceable provision. Since the principle laid down in Article 51 is not enforceable and India has merely to endeavor to foster respect for international law, this Article would mean prima facie that international law is not incorporated into the Indian municipal law which is binding and enforceable. However, when Article 51 (c) is read in the light of other Articles and judicial opinion and foreign policy statements, it suggests otherwise.

Before India became independent, the Indian courts under British rule administered the English common law. They accepted the basic principles governing the relationship between international law and municipal law under the common law doctrine. Under the English common law doctrine, rules of international law in general were not accepted as pat of municipal law. If, however there was no conflict between these rules and the rules of municipal law, international law was accepted in municipal law without any incorporation. Indeed, the doctrine of common law is specific about certain international law treaties affecting private rights of individuals To implement such treaties,

the doctrine requires modification of statutory law and the adoption of the enabling legislation in the form of an Act of Parliament.

These English common law principles are still applicable to India even after its independence, by virtue of Article 372 of the Constitution, which says that:

"All the laws in force in the territory of India immediately before the commencement of this Constitution shall continue in force there in until altered or repealed or amended by a competent legislature or other competent authority."

This common law practice has been followed by the Indian executive, legislature and judiciary even after the independence of India. For instance, until the specific legislations were adopted India observed the international customary rules regarding immunity from domestic jurisdiction and law of the sea particularly with regard to the high seas, maritime belt and innocent passage.

Confirming the common principle relating to the specific incorporation of certain treaties Article 253 provides that:

"Parliament has power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body."

This Article implies that whenever there is a necessity to incorporate international obligations undertaken at international level or under international instruments into municipal law, the Parliament is empowered to do so. This is also acknowledged by the Indian judiciary as early as 1951. While delivering the judgment in the Birma v. The state of Rajasthan, the Rajasthan High Court, quoting the English common law principle, observed that certain treaties such as those affecting private rights must be legislated by Parliament to become enforceable.

The judicial opinion is that rules of international law and municipal law should be construed harmoniously, and only when there is an inevitable conflict between these conflicts between these two laws the municipal law should prevail over international law.

Against this backdrop when one examines the binding force of international refugee law on India and its relations with Indian municipal law, one can conclude that as long as international refugee law is in conflict in any way with Indian legislations or, in the absence of such legislations, with Indian attitude and policy on refugees is not clear.

India never had a clear policy as to whom to grant refugee status. When the question of adoption of a Convention and establishment of an agency for the international protection of refugees came for discussion in the Third Committee of the UN General Assembly, in 1949, the Indian delegation expressed its views on these issues. Mr. Mujeeb, a member of the delegation, told the Third Committee that instead of establishing a new organization for the protection of refugees, the International Organization for Refugees should be maintained and then the third Committee should address itself to the drafting of the convention on the legal protection of refugees. Again in the same Committee another member of the Indian delegation, Mrs. Kripalani said that the Indian government did not want to shierk from any of its

international responsibilities, and its wished to take part in any humanitarian work undertaken by the UN.

She further said that in spite of the difficulties, India would have voted for the establishment of a High Commissioner's Office if it had been convinced that there was a great need to set up an elaborate international organization whose sole responsibility would be to give refugees legal protection. It was believed that at a time when its own refugees were dying of starvation, India felt obliged to vote against all the resolutions submitted, and hoped that its stand would not be misinterpreted. After the convention was adopted India did not ratify or accede, and the reasons for not doing so are never disclosed except that it was stated in the Parliament by the former External Affairs Minister, Mr. B.R. Bhagat that since the Government had come up with certain basic difficulties, the implication, if India ratifies these conventions, were under study. In other words India initial stand on the treaty regime of the refugee law was declared to be a subject of review.

On the question of admission and non – refoulement, however, the Indian attitude is rather bleak. Even though India

accepted the principle of non refoulement as including non – rejection at the frontier under the "Bangkok Principles 1966", it did not observe that principle in its practice Ignoring the fact that refugees leave their homes suddenly due to threats to their life and liberty, and by the nature of their flight they are unable to get the necessary travel documents from their home states, India deals with the question of admission of refugees and their stay until they are officially accorded refugee status, under legislations which deal with foreigners who voluntarily leave their homes in normal circumstances.

The chief legislation for the regulation of foreigners is the Foreigners Act, 1946 which deals with the matters of "entry of foreigners in India their presence there in and their departure there from." Paragraph 3(1) of the Foreigners Order 1948, lays down the power to grant or refuse permission to a foreigner to enter India, in the following terms:

"No foreigner shall enter India-

a) otherwise than at such port or other place of entry on the borders of India as a Registration Officer having

Jurisdiction at that port or place may appoint in this behalf; either for foreigners generally or any specified class or description of foreigners, or

b) without leave of the civil authorities having jurisdiction at such port or place."

This provision lays down a general obligation that no foreigner should enter India without the authorization of the authority having jurisdiction over such entry points. It is mainly intended to deal with illegal entrants and infiltrations. In case of persons who do not fulfill certain condition of entry, the sub – para 2 of the para 3 of the order authorities the civil authority to refuse the leave to enter India. The main condition is that unless exempted, every foreigner should be in possession of a valid passport or visa to enter India.

As observed earlier if refugees contravene any of these provisions they are liable to prosecution and thereby to the deportation proceedings. The practice shows that when the courts were approached by many Afghans, Iranians and Burmese against whom this Government of India initiated deportation proceedings

under section 8 and 14 of the Foreigners Act, 1946 for their illegal entry into India, courts, responded positively by accepting their plea that if they were returned they would face threats to their life and liberty and India had a long tradition of extending protection to many refugees. In the fitness of things, the courts have initially stayed the deportation proceedings.

As for the minimum standard of treatment of refugees, India has undertaken an obligation by ratifying the International covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights to accord on equal treatment to all non – citizens with its citizens wherever possible. India is presently a member of the Executive Committee of the UNHCR and it entails the responsibility to abide by international standards on the treatment of refugees.

As early as 1953, the then Prime Minister of India, Mr. Jawaharlal Nehru informed. Parliament that India would abide by international standards governing asylum by adopting similar, non – binding domestic policies. Since then, the Indian Government has consistently affirmed the rights of the state to grant asylum on

humanitarian grounds. Based on this policy, India has granted asylum and refugee status to Tibetans and Tamils from Sri Lanka. The 1971 refugees from Bangladesh were officially called "evacuees", but were treated as refugees requiring temporary asylum. No other community or group has been officially recognized as 'refugees'. India claims to observe the principles of non – refoulement and thus never to return or expels any refugee whose life and liberty were under threat in his/her country of origin or residence.

Refuting this claim, Indian human rights groups do point to specific cases of refoulement, where clear evidence and refugee testimony prove that forcible repatriation has taken place. A closer examination of India's refugee policy reveals a number of intricate problems.

(2) Refugee Categories

The plight of refugees in India generally depends upon the extent of protection they receive from either the Indian Government or the United Nations High Commissioner for

Refugees (UNHCR). Below is brief definition of the three primary categories followed by a description of the living conditions faced by each refugee category:

I. Refugees who receive full protection according to standards set by the Government of India

II. Refugees whose presence in Indian territory is acknowledged only by UNHCR and are protected under the principle of non – refoulement.

III. Refuges who have entered India and have assimilated into their communities. Their presence is not acknowledged by either the Indian Government or UNHCR.

(3) Category I Refugees: the Tamils

Tamil refugees have fled to India in several ways. When the conflict in Sri Lanka between the Sinhalese majority community and the Tamil minority took a violent turn in 1983, the Tamils fled to India on their tiny boats from the northern peninsula of Sri Lanka. During the first wave 134,053 Tamil refugees are reported to have come to India between 1983 – 87. Following the

1987 Accord with Sri Lanka and the Indian Government, which sought to create a power sharing agreement between the two warring communities, the Indian Government repatriated 25,885 Tamil refugees from 1987 – 89. India had to stop the repatriation progress in 1989 when its shores were flooded again with another refugee wave fleeing Sri Lankan violence.

During this second phase of Tamil flight in search of a safe haven (1989 – 91), 122,037 Tamil refugees reportedly reached but 113,298 of them are held in 298 camps along the coastal Indian states of Tamilnadu and Orissa. Once again, the Indian Government repatriated a large number of Tamil refugees with the co – operation of UNHCR. About 31,000 refugees have been returned to Sri Lanka between 1992 – 1995. As a result of these repatriations, roughly half of the original 110,000 refugees remain in Tamilnadu, India. There have been no new returns to Sri Lanka from Tamilnadu since the breakdown of peace talks and resumption of hostilities between the Liberation Tigers of Tamil Eelam (LTTE) in 1996.

Though the refugees were originally welcomed to Tamilnadu, the assassination of Mr. Rajiv Gandhi in May 1991 by a suspended member and suicide bomber of the Liberation Tigers of Tamil Eelam turned public sentiment and government authorities against the Tamil refugees. Soon after Rajiv Gandhi's death, India began a program of "voluntary" repatriation, under which more than 23,000 refugees were repatriated without international supervision. It is now apparent that most of these refugees were coerced n various overt and covert ways to leave the refugee camps in Tamilnadu.

Today, those remaining Tamils, suffer from poor living conditions in India. Camp conditions vary from district to district, depending on the sympathies of local officials. The carry closest to Madras are, for the most part, well – maintained, while in Pooluvapatti camp near Coimbator, 47,000 refugees use eight latrins Accumulated waste cramped quarters lack of electricity and poor sanitation all contribute to the miserable state of the camps.

Additionally, the health of the refugees has deteriorated significantly since NGOs were banned from entering the camps.

Previously NGOs had been allowed to provide primary health care and supplement meagre monthly stipends and food rations such as rice, sugar and kerosene provided by the Government of Tamilnadu. Now, without supplements from NGO's most refugees must spend what little money that they have on expensive open market food because payment of the stipend rarely coincides with the arrival of subsidized rations. Also, camp officials are known to use the stipends and rations as bargaining chips, telling the refugees that they will only receive their stipends if they agree to leave the country.

Additionally, the Indian Government restricts the movement of the Tamils in Tamilnadu Members of the police and notorious "Q" branch of the state intelligence agency are stationed at the gates of many of the camps, including the camp in Coimbatore, Tamilnadu and carefully monitor their activities. One government official claimed that the police protect the refugees, but the Tamils themselves believe that the guards are more concerned with controlling their movement. Camp authorities employ indirect measures to restrain the Tamils. Refugees in the

Poolvapatti, Tamilnadu camp were told by the Village Administrative Official that they could leave the camp to visit other areas if they wanted to, but that their daily allowances would be cut if they did. Obtaining permission to leave the camp often depends on the vagaries of the camp authorities. Moreover travel restrictions make visits to the offices of the UNHCR or the Sri Lankan Deputy High Commissioner in Madras virtually impossible for refugees confined to outlying camps.

In addition to the regular camps, the State Government has converted jails into so – called special camps to hold Tamils with suspected terrorist links. Since 1990, hundreds of refugees have been detained in these facilities. The SAHRDC and the National Human Rights Commission of India have compiled numerous reports of non – militant refugees, particularly young Tamil males, being arrested and detained under the Foreigners Act. Many of these individuals have been languishing in detention facilities for more than three years and still do not know why they were arrested. When pressed the government justifies these Special

Camps as necessary measures to deal with alleged, liberation. Tigers of Tamil Edam terrorists.

On the Sri Lanka repatriation, UNHCR states that, "Between 1992 and 1 January 1996, 54,059 persons returned from Indian and benefited from UNHCR's Special Program in Sri Lanka. Of this number, 7464 persons were staying in the government centers as of 30 April 1996, while the remained had returned to their home areas. A total of 10,013 persons returned in the first quarter of 1995. The UNHCR statistics on the voluntary repatriation of refugees from India are not supported by evidence. The UNHCR has allegedly connived with the Government of India in hastily repatriating the Sri Lankan Tamil refugees. Many of these refugees who could not reach their native places but live in the refugee camps back in Sri Lanka are fleeing back to India. By October 1996, 2000 persons reached the Indian State of Tamil nadu to seek refuge again.

As a part of its protection mandate, UNHCR is expected to share the information on the conflict situation in the country of origin but failed to do so for the last five years to the Tamil

refugees. Rather, it was informing the refugees that "certain liberated zones" were available for the refugees to return to. Refugees shifted to the Pesalai camps in Sri Lanka from India in 1994 could not go to their places languished in UNHCR transit camps till 1996 when conflict broke out. Many of them returned to India.

There are some 56,000 Sri Lankan Tamil refugees accommodated in Indian camps and another further 45,000 are reportedly living outside the camps. A court order forced the government to halt the repatriation program and gave the UNHCR the right to interview the returnees. However, the UNHCR is not allowed access to the camps and cannot speak to the refugees till they have already consented to leave India. It is clear that the token presence of UNHCR in Madras only provides respectability to what is essentially a program of involuntary repatriation.

Following upon rumors of forced repatriation and deplorable conditions in the Tamil refugee camps in Tamilnadu, a SAHRDC researcher visited the camps in July 1996 and published a report which details the systematic violations of Tamil refugee

rights and the implicit involvement of the Government of India. The Indian Government appears determined to allow conditions to deteriorate to the point where refugees would rather return to the violence of Sri Lanka than stay in the camps.

The fast that the Indian Government has not acceded to the international Refugee Convention has adverse effects upon the Tamil refugees. The Convention established basic rights such as food, water and shelter that the host country should provide its refugees. Since India is not a signatory, Tamil refugees are subject to the whims of the political party in power. The State Government in Tamilnadu, though originally sympathetic to the refugee's cause, consistently failed to maintain the refugee camps in accordance with well – organized international standards. Thus, the policies of India and the State of Tamilnadu directly contravene conventional human rights laws as well as customary international law regarding non – refoulement. The SAHRDC recommends that if the Indian Government is serious about maintaining the camps it should allow NGOs to resume their former duties. Furthermore, UNHCR, accustomed to treating lightly in India where it is not an

officially recognized UN agency, should arm itself with the international conventions to which it owes its creation and take a more pro – active role in the protection of the Sri Lankan Tamil refugees.

(4) Category I Refugees – The Jumma

The Jumma people from the Chittagong Hill tracts of Bangladesh are another example of Category I refugees. The Buddhist Jumma have been fleeing religious harassment from the Muslim Government of Bangladesh. In a country with scarce arable land, the Bangladesh Government has been trying to settle the fertile Chittagong Hill tracts. Since 1978, the Indian Government has provided temporary shelter for these people in the neighboring Indian states of Mizoram and Tripura. Following a series of massacre by Bangladesh security forces in 1986, nearly 70,000 Jumma refugees sought shelter in six camps established by the Indian Government in Tripura. Their presence in India has been a source of embarrassment for the Bangladesh Government.

As part of its effort to improve relations with Bangladesh in 1992, the Indian Government began to pressurize the Jumma to return to Chittagong Hill Tracts, thus seemingly shifting the status of these refugees from Category I to Category II. The approximation of geo – political and economic relationship caused the change of attitude towards the refugees. As part of its effort to improve relations with its Muslim neighbour, Bangladesh, the Indian Government began to pressurize the Jumma to return to Chittagong Hill Tracts. India has been encouraging "voluntary" repatriation by making living conditions in the Tripura camps untenable The Government of India has denied food to the Jumma as a means of forcing them to return to their homeland. Ration supplies to the Jumma refugees sheltered in the Tirpura State have been suspended since mid 1992.

SAHRDC most recently received information about the discontinued supply of rice and salt from 21 November 1995 in a fresh attempt to force the refugees out. Food provisions are given in 10 days cycles but the quantity given normally suffices for only eight days. Often, even those meagre rations are delayed. A delay

of two days means that indigent tribal refugee, families must go hungry. Still, delays of over five days in the supply of rations are not uncommon. The Humanity Protection Forum, a Tripura based civil liberties organization reported one week later that hunger had engulfed the Jumma refugee camps and many refugees were facing starvation. Medical facilities and other basic amenities are non – existent.

The State Government of Tripura, in concert with the Central Government of India, also denied educational facilities to Jumma refugee students. This is an element of India's non – violent pressure policy, designed to encourage refugees who want their children to be educated, to return to the Chittagong Hill Tracts at their own risk. The SAHRDC conducted a study on camp conditions in 1993 and 1994 which revealed that the Jumma refugees have been systematically denied access to education.

In 1994, about 5,000 Jumma refugees returned "under duress" to the Chittagong Hill Tracts after bilateral discussions between India and Bangladesh and the responses of SAHRDC to the averments of the Ministry of External Affairs and Ministry of

Home Affairs of the Government of India and Tripura State Government submitted to the National Human Rights Commission (NHRC). The NHRC has been inquiring into the alleged forcible repatriation on a complaint filed by SAHRDC. Thought the Government of Bangladesh promised to return them to their lands, many are still dislocated. Following the return of this first refugee group in February 1994, human rights groups in Dhaka, Bangladesh conducted a survey indicating that 37 percent of the 42 families interviewed had not reclaimed their original lands. One month later, the Jumma Refugee Welfare Association, after visiting the Chittagong Hill Tracts, reported that more than 103 families had still not received the land they originally left.

The Returnee Jumma Refugees 16 points Implementation Committee states that out of the 1027 families consisting of 5186 individual refugees, 25 returnee Jummas refugees who had earlier been employed in various Government jobs were not reinstated in their previous jobs, 134 returnee Jumma refugee families could not settle in their own lands by the security forces and Bengali illegal settlers and 79 families were not given back their lands due to the

misappropriation of their lands by the security forces and Bengali illegal setters and 79 families were not given back their lands as it was under forcible occupation of the illegal settlers from the plains. The Bangladesh Government also registered false cases against 23 returnee refugees.

SAHRDC filed a complaint with the Indian National Human Rights Commission about the involuntary repatriation of the Jumma refugees in 1994. The national Human Rights Commission asked the Ministry of Home Affairs, The Ministry of External Affairs and the Tripura Government to reply to SAHRDC's allegations of forced repatriation. SAHRDC challenged the statements of the Ministry of Foreign Affairs and the Tripura Government with factual information substantiating its allegations.

More than two after filing the complaint the National Human Rights Commission sent an investigation team headed by Mr. A. Chakraborty Senior Superintendent of Police to the Jumma refugee camps from 24 – 28 May 1996 to investigate the allegations of the SAHRDC. The team reported about the shortage

of water, inadequacy of accommodation and woefully inadequate medical facilities. The report also pointed that the scale of ration was meager and its supply was often suspended. During the visit, the teams found that many of the tube wells were out of order and that the inmates of the camps were bringing water from far – off places. The camps were also unclean and bore signs of neglect. The report noted that refugee's children were suffering from malnutrition, water – borne diseases and malaria, while there was no visible effort to improve their living conditions. The investigation team "attributed the problems faced by the refugees to the callousness and hostility of the officials towards the refugees, accumulated over the years, as they are not keen to go back."

Although the complaint of SAHRDC relating to the involuntary repatriation of the Jumma refugees in 1994 is still under the consideration of NHRC; the Government of India decided to repatriate 6,172 Jumma refugees without consulting the NHRC. The SAHRDC in a complaint on 7 March 1997 drew the attention of the NHRC about the undue duress being brought to

bear upon the refugees. The NHRC failed to take any positive action to ensure voluntary repatriation exposing once again its ineffectiveness on human rights issues having geo – political dimensions.

(5) Category II Refugees

In addition to the refugees under the care of the Government of India, there are about 20,800 Category II refugees comprised of Afghan, Iranian, Somali, Sudanese and Burmese refugees as of 1 January 1996. This includes 19,900 Afghan refugees, 200 Iranian refugees, 300 Somali refugees, 300 Burmese refugees and 100 Sudanese refugees. Their presence in India is acknowledged and protected under the principle of non – refoulement by the United Nations High Commissioner for Refugees. However, the condition of these refuges who receive protection and subsistence allowance from the UNHCR is no better than that of Category I refugees receiving protection from the Government of India.

There have been allegations that the UNHCR in Delhi has been arbitrary in cancellation of refugee status and allowances for certain individuals. After receiving numerous complaints to this effect, SAHRDC conducted a study of the conditions of refugees protected by the UNHCR in Delhi.

The report "The Status of Refugees under the Protection of the UNHCR in New Delhi", released on 1 May 1995 examined services offered by the UNHCR to refugees in Delhi; the relevance of services available; the accessibility of such services; the UNHCR's services with regard to their attention to refugee rights and human rights and problems faced by refugees in Delhi.

SAHRDC's study investigated the services offered to refugees by the UNHCR in New Delhi including emergency aid, health care facilities, subsistence allowance, lump – sum amount or payments as a means to voluntarily surrender the subsistence allowance that accompanied refugee status, accommodation employment vocational training education, legal aid, counseling, travel documents resettlement, internal monitoring mechanism of the UNHCR accessibility to the UNHCR itself in the light of the

UNHCR's standard guidelines and in particular its guidelines on the vulnerable groups women and children.

SAHRDC found that UNHCR's New Delhi office has become a fortress. The services offered by UNHCR were inadequate. The report stated "Communication between refugees and the UNHCR has reached on all time low. SAHRDC has conveyed its concerns over this deterioration of relations to UNHCR officials in New Delhi on more than one occasion. The refugees view the UNHCR officials with suspicion and do not believe that they have refugees interest at heart. UNHCR officials claim that the global policies of its organization have led to a virtual freeze on the refugee subsistence allowance in India. This has exacerbated resentment and tension in the refugee community. SAHRDC feels that there is an urgent need for a more positive financial input from the UNHCR headquarters in Geneva."

SAHRDC made recommendations to improve the conditions of the refugees and the report was forwarded to both the New Delhi Office of UNHCR and its headquarters in Geneva. SAHRDC has not received any comments as yet. SAHRDC also

has good reasons to believe that the situation has not improved. Meanwhile, in a callous attempt at reduction of the case lead, UNHCR arbitrarily terminated the subsistence allowance of over 2000 refugees. Destitution has led t two suicides in the refugee community. SAHRDC also has specific cases of human rights abuses on the asylum seekers from arbitrariness in determination of refugee status and suspension of subsistence allowance to beating by UNHCR security guards of asylum seekers.

Though the UNHCR is only as effective as the government permits, these actions indicate a general disregard for the plight of the refugees.

(6) Category III Refugees

A large number of ethnic Chin and other tribal refugees have escaped repression from the Burmese military and entered the Indian state of Mizoram. The presence of Chin refugees from the Chin State of Burma, Nagas from Burma, Rakhain refugees from Arakan State in Burma, and ethnic Nepalese of Bhutanese Nationality is not acknowledged by the Government of India. The

largest among these refugee groups is the Chins, numbering about 40,000. While the Burmese Nagas have sought refuge in the Indian State of Nagaland, the Chins and Rakhains have sought refuge in Indian State of Mizoram.

Though they have generally assimilated into Indian society, their living standards are still poor. They can be described as Category III refugees since neither the Indian Government nor UNHCR recognize their presence. Moreover, the Chin do not receive state assistance or international assistance because of their ambiguous status. They have been left unto themselves in a foreign land where they have no means for survival.

The Mizoram State Government has forcibly repatriated many Chin refugees since 1994. While it was not reported in the press, a senior official of the Mizoram State Government confirmed to a SAHRDC representative that a large number of Chin refugees indeed had been forcibly returned to Burma by the State Government in 1994.

(V) Role of NGO's

The domestic NGOs and UNHCR are complementary to each other. In a situation where Government of India denies access to UNHCR and other foreign humanitarian agencies, domestic NGOs play the most crucial role to provide "protection" to the refugees.

The Oslo Declaration of Partnership – in – Action (PAR in Ac) between the NGOs and the UNHCR provided the basis for cooperation. However, reports of the Medicines Sans Frontier, Holland and Human Rights Watch Asia detail the involuntary repatriation of Rohingyya refugees, the reports of the Human Rights Watch Asia on the involuntary repatriation of the Sri Lankan. Tamil refugees, the report of the South Asia Human Rights Documentation centre on the treatment of the urban refugees the UNHCR looks after, makes it evident that UNHCR's role in South Asia has been far from satisfactory. And UNHCR has failed to respond to many of these concerns.

The UNHCR report to the Forty Seventh Session of its Executive Committee is oblivious to the plight of the refugees looked after by the Government of India. The UNHCR objective in

India is to create a "public awareness of refugee situations and issues in India and promote a legal framework for the protection of refugees." Consequently, UNHCR's present implementing partners neither have any track record of working with the refugees nor anything to do with "protection" of refugees. Refugees do face numerous difficulties from denial of food to the restriction on the freedom of movement. The creation of awareness and promotion of a legal institutional framework as envisaged by the UNHCR is important to create an institutional framework to protect the refugee rights. However, it should not be an excuse for the UNHCR to shierk its responsibilities to provide "protection" to the refugees. Neither can have the denial of access by the Government of India be an excuse when the Government of India allows the UNHCR to work with its various partners. The fundamental issue is when the Government of India gradually repatriates all the refugees under duress and UNHCR makes living condition untenable for the urban refugees it books after in the name of "rationalization of the care and maintenance", a legal framework will have little meaning. The UNHCR has failed to respond to

these concerns and attempts to follow up and put the PAR in AC process into practice have failed due to the non – cooperation of the UNHCR to protect and promote the rights of the refugees.

Littlo, if any, information is available to the international community or to the Indian people about the plight of refugees in India.

(VI) Conclusion

The plight of the refugees irrespective of whether they are looked after either by the UNHCR or the Government of India is abominable to say the least. The condition of the refugees who are not recognized either by the UNHCR or the Government of India is the worst.

The lack of legal mechanisms and policies on refugees is one of the fundamental flaws of refugee protection in India. But the courts in India have awarded excellent judgements to abide by international principles on refugee protection including non – refoulement.

However, the cardinal problem arises when both the UNHCR and the Government of India violate their own standards and principles. While it is possible to bring the Government of India under the scrutiny of the quasi – judicial bodies like the National Human Rights Commission and Judiciary, there is no such mechanism to scrutinize the United Nations High Commission for Refugees in New Delhi. "Official rules and procedure" have become an excuse to raise the "veil of secrecy" and to resort to arbitrariness at the expense of the refugees. It has come to the point where UNHCR's New Delhi Office requires security protection" fearing attacks from the refugees rather than UNHCR providing protection to the refuges.

The ratification of 1951 convention Relating to the Status of Refugees is a statement of intent unless it is enforceable in domestic status. Since the Government of India is not even considering the ratification of the 1951 Refugee Convention, its enforcement in domestic legislation or development of a refugee legal regime is a far cry. A consistent legal framework is vital to the prevention of political ad-chocism, which often translates into

forcible repatriation for refugees. The issue is not only development of domestic legislation but how to ensure that both the UNHCR and the Government of India strictly abide by their own standards and principles. For the refugees, the latter remains the immediate concern and the UNHCR has manifestly failed to address the issue of protection.

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Chapter – 3

Metaethics

(I) Introduction

The field of ethics (or moral philosophy) involves systematizing, defending and recommending concepts of right and wrong behavior. Philosophers today usually divide ethical theories into three general subject areas: metaethics, normative ethics and applied ethics. Metaethics investigates where our ethical principles come from, and what they mean. Are they merely social inventions? Do they involve more than expressions of our individual emotions? Metaethical answers to these questions focus on the issues of universal truths, the will of God, the role of reason in ethical judgments, and the meaning of ethical terms themselves. Normative ethics takes on a more practical task, which is to arrive at moral standards that regulate right and wrong conduct. This may involve articulating the good habits that we should acquire, the

duties that we should follow, or the consequences of our behavior on others. Finally, applied ethics involves examining specific controversial issues, such as abortion, infanticide, animal rights, environmental concerns, homosexuality, capital punishment or nuclear war.

Metaethics is an attempt to understand the metaphysical epistemological, semantic and psychological presuppositions and commitments of moral thought, talk and practice. As such, it counts within its domain a broad range of questions and puzzles, including morality, more a matter of taste than truth? Are moral standards culturally relative? Are there moral facts? If there are moral facts, what is their origin? How is it that they set an appropriate standard for our behavior? How might moral facts be related to other facts (about psychology happiness, human comentions………)? And how do we learn about the moral facts, if there are any? These questions lead naturally to puzzle about the meaning of moral claims as well as about moral truth and the justification of our moral commitments. Metaethics explores as well the connection between values, reasons for action, and human

motivation, asking how it is that moral standards might provide us with reasons to do or refrain from doing as it demands, and it addresses many of the issues commonly bound up with the nature of freedom and its significance (or not) for moral responsibility.

General Observations

The range of issues, puzzles and questions that fall within metaethics' purview are consistently abstract. They reflect the fact that metaethics involves an attempt to step back, from particular substantive debates within morality to ask about the views, assumptions and commitments that are shared by those who engage in the debate. By and large, the metaethical issues that emerge as a result of this process of stepping back can be addressed without taking a particular stand on substantive moral issues that started the process. In fact, metaethics has seemed to many to offer a crucial neutral background against which competing moral views need to be seen if they are to be assessed properly. Some metaethicists early in the twentieth century went so far as to held that their own work made no substantive moral

assumptions at all and had no practical implications. Whether any view that is recognizably still a view about the nature and status of ethics could manage this is dubious. But there is no doubt that, whatever metaethics' substantive assumptions and practical implications might be, it involves reflecting on the presuppositions and commitments of those engaging in moral thought, talk and practice and so abstracting away from moral judgments.

Such reflection quickly reveals the extent to which various aspects of morality might reasonably be seen as both intellectually and practically problematic. On the intellectual side, many have worried that there is no good way to vindicate the assumptions and commitments of morality. A casual and clear eyed study of morality will reveal, some argue that morality is a myth; others argue that the various principles that are presented as authoritative standards for all are actually merely expressions of emotion or projection of the idiosyncratic attitudes of those advocating the principles; still others argue that in some other way morality is not what it pretends to be and not what it needs to be if it is to be legitimate. On the practical side, many have presented the

difficulty of getting people to judge themselves and others impartially; others have worried that while we have an interest in convincing others to conform to morality, we ourselves rarely have any reason, really to conform, still others have thought that the sort of freedom morality assumes is not available to humans as they actually are.

Of course these worries and arguments regularly find counterparts on the other side, with people maintaining that, properly understood, morality is no myth, that its pretensions can be vindicated, that we have all the reason we need to embrace morality and meet its demands, and that people, at least some people under some circumstances, have whatever sort of freedom it is that morality might require.

None of the arguments, on either side, can go quickly or easily. They all depend, first on identifying and defending the presuppositions and commitments one takes to be at issue and then, second, on showing that they either cannot, or can be defended. What is at stake is, at least, an understanding of what is an important part of most people's lives, but there is potentially a

lot more at stake to the extent the presuppositions and commitments people take for granted turn out to be suspect. For then, not only will our understanding of that part of our lives be compromised, our sense that it is important may will disappear as well.

Despite the abstract and deeply controversial nature of metaethics, its central concerns arise naturally – perhaps even inevitably – as one reflects critically on one's own moral convictions. So, it is not surprise that in Plato's 'Republic', Polemorchus' claim that being a just person enhances one's life developed quickly into a decidedly mataethical discussion of the origin and nature of justice. Early in Book 1, for instance, Thrasymachus defends the idea that justice whatever is in the interest of the stronger, arguing that morality is human creation designed by the rich and powerful to control and exploit others. A myth for the weak – minded, arranged for the advantage of a few, justice imposes burdens most have reasons to set aside. So Thrasymachus argues, Glaucon follows up, in Book II, with an alternative, less cynical, proposal. While he too sees morality as a

human creation, designed but he sees it as a salutary solution to the serious problems we would otherwise face. He argues that people naturally find themselves unable successfully to ensure that their own wills will rule while, simultaneously, being subject regularly to the will of others. The principles of justice are, he thinks, reasonably introduced and enforced by all as a good way to ensure peace and stability in society. Socrates, in contrast, rejects the idea that justice is a human invention and argues instead that justice provides independent and eternal standards against which human practices, conventions and institutions can be judged. These different views will likely have implications for what value justice might be. At the same time, though, accepting one or the other view of the nature of justice is compatible with a range of substantive views about what specifically, justice consists in and about its value.

So, we will summarize up to say that in philosophy, metaethics – sometimes known as analytic ethics – is the branch of ethics that seeks to understand the nature of ethical properties and ethical statements, attitudes and judgments. Another way of saying

it is that metaethics is reasoning about the presuppositions behind or underneath a normative ethical view or theory.

While normative ethics addresses such questions as "Which things are (morally or ethically) good and bad?" and "What should we do?" thus endorsing some ethical evaluations and rejecting others, metaethics addresses such questions as "what is (moral or ethical) goodness?" What does it mean to say that something is good?" "What are the characteristics or qualities of an acceptable or defensible ethical theory? "What is justice"" "How, if at all, can an ethical theory be justified?" "How do we know or recognize that something is or is not ethically good?" Metaethics seeks to understand the nature of ethical properties and evaluations as such, and not just the content of particular norms or evaluations.

(II) Metaethical Questions

In addition to those given above, examples of metaethical questions include:-

What does it means to say something is "ethically good"?

How if at all, do we know what is right and wrong?

How do moral attitudes motivate action?

Are there objective or absolute values?

What is the source of our values?

Is it possible to justify our ethical judgments?

Can there be a **universal ethics,** or can there be only culture –
dependent or culture – specific ethical judgments or norms that are
relative to a given culture?

(III) Metaethics: An Analysis

Mahatma Gandhi has said, "The only tyrant I accept in this
world is still small voice within."

So, to illustrate and elucidate a brief definition of
Metaethics would be "A classification within Western philosophy
that attempts to discover the origin or cause of right and wrong."
An example question within metaethics is "How can we know
what is right and wrong? There are almost as many different
answers as there are different people answering the question. Some
individuals may say that right and wrong are dictated by holy
books, or philosophy books, or political books, or by popular

speakers, but there is not yet a good explanation within philosophy that can illustrate the origins and nature of right and wrong that are verifiable and acceptable to everyone. If the question were "how can we know that rocks fall to the ground" it would be a simple choice to observe rocks and to study the physics of Nature of gain both the personal experience of observing rocks fall as well as gaining a scientific explanation of why rocks fall. The force of gravity itself might not be perfectly understood, but no healthy mind would deny that the concept of gravity is a part of the reason why rocks fall to the ground.

In almost all topics, when questions are raised about the reasons why a thing exists as it does, almost always is the knowledge of physics brought into the discussion to help explain and answer the questions, but when the topic of ethics is raised, almost always are the laws of physics ignored in favor of worded debate. Metaethics has similar differently of choosing worded debate instead of asking how physics applies to the mind's development and manner of reasoning.

All things are under the rule of Nature's forces (physics), and absolutely nothing can exist or come into existence – including the human mind – without it being under the rule of Nature. Human thought does not exist outside the laws of Nature, and surely all healthy individuals would agree. So why then humans continue debating words instead of investigating the physics of the mind?

Within the laws of Nature, the some laws that created all things, is the law that all things are composed of three or more components. The law of three is a very simple thing, and it is easily observed throughout creation. A difficulty, however, is that the typical human mind does not easily hold three things simultaneously in the consciousness while comparing, weighing, and applying creative logic to three things. Thus although the law of three might be recognized, rarely is it applied within man's reasoning, which results in man rarely catching a glimpse into the nature of things that he investigates.

Within a man's typical analysis of what is decided as right or wrong, at minimum there will exist dozens of actions occurring,

simultaneously in the mind, but since the typical man's analyses are subconscious, then the typical man is not consciously aware that the analyses are being performed and thus, of the several results there will be (1) an unknowing of the origins of ethics, morals, right and wrong and (2) the man's only means of knowing that he subconsciously made a choice of right and wrong is by his now feeling an emotion that defends or attacks the current question of what is ethical, moral, right or wrong.

Numerous beliefs have been created within western philosophy, such as that of Utilitarian Ethics, that promotes the claim that morality can be judged by the degree of happiness that result from a moral behavior. There does exist a small degree of truth in the idea that a happiness might result from moral behavior, because the happiness will be the product of a subconscious analysis being made consciously recognizable through the physically felt emotions, but never can any end – product be the standard of origin of right and wrong, and never can a man's lower animalistic emotions be deemed a suitable substitute for conscious reasoning.

Metaethics is also structured upon a foundation of believing that man's upside – down manner of interpreting his world is a correct interpretation. **As the IQ Questions and Answers –** Types A and B Intelligences helps to explain, the reasoning behind the theories within. Metaethics is based upon an incorrect interpretation of Nature, and thus, as it currently stands, Metaethics does not possess the potential of achieving the desired answers of ethics and morals. It is not possible for a man who "sees objects" to discern the nature of his world or even the nature of his own thoughts, but for the man who "sees the nature of his own thoughts, but for the man who "sees light" and self – observes, he has the advantage of already knowing the origins of right and wrong because he remained conscious while his mental activities were in analytical progress.

One theory within Metaethics is the belief that god(s) dictate what is right and wrong, and that the final decision will always end with what the gods (s) dictated in a holy book. A difficulty with laying all responsibility of right and wrong on holy books is that no known holy book is accurate in its description of

the laws of Nature, the very laws that the god(s) allegedly created to create creation. If a teaching in a holy book teaches that a certain act must be obeyed, but the laws of Nature dictate that the act is against the laws of Nature – the very laws that the god(s) allegedly created – then how might it be possible for the holy book's commandment to be valid if the commandment contradicts the laws of god(s)?

(IV) Metaethical theories

A metaethical theory, unlike a normative ethical theory, does not contain any ethical evaluations. Instead, metaethical statements are statements about ethics as such, and not about problems of ethics as those problems are commonly experienced.

The major metaethical views, are commonly divided into realist and anti – realist views, despite the fact that some labels, such as cognitivism, do not respect the realist/antirealist boundary.

1. Moral realism

Moral realism holds that there are objective values. Realists believe that evaluative statements are factual claims, which are

either true or false, and their truth or falsity does not depend on our beliefs, feelings or other attitudes towards the things that are evaluated. Moral realism can be contrasted with moral relativism, which can also be called normative realism. Moral realism comes in two variants:

a) Ethical Intuitionism

Ethical Intuitionism and ethical non – naturalism, which hold that there are objective irreducible moral properties (such as the property of 'goodness'), and that we sometimes have intuitive awareness of moral properties or of moral truths. Moral sense theory holds that just as humans have physical senses by which they perceive the physical world, humans also have a moral sense analogous to the physical senses, by which they perceive ethical principles or ethical facts. Important proponents of ethical intuitionism and moral sense theory were, in the eighteenth century: the **Third Earl of Shaftsbury, Francis Hutcheson, and David Hume.** In twentieth century: **G.E. Moore's** 'Principia Ethica' and W.D. Ross's (1877 – 1971) theory of prima facie

duties were major exponents of non – naturalism. At the end of the twentieth century the view was revisted in James Q. Wilson's 'The Moral Sense' (1993).

1) Ethical Naturalism, which holds that that there are objective moral properties but that these properties are **reducible** to entirely non – ethical properties. Most ethical naturalists hold that we have empirical knowledge of moral truths. Several have argued that moral knowledge can be gained by the same means as scientific knowledge. The ancient Greek philosopher Aristotle can be understood as having been an ethical naturalist because he argued that, just as there is a nature for each animal there is a nature for humans, and ethics consists of developing human virtues in conformity with human nature. Some recent ethical naturalists are Richard Boyd, Geoffrey Sayre – Mc Cord, Peter Railton and David O. Brink. The Roman catholic natural – law tradition is also a form of ethical naturalism because it claims that ethical norms can be derived from nature. In particular, Roman Catholic theory holds that contraception, **abortion** and **homosexuality** are ethically wrong because they interfere with nature or are unnatural.

2. Moral anti – realism

Moral – anti realism holds that there are no objective values. This view comes in three variants:-

a) Ethical subjectivism

Ethical subjectivism which holds that moral statements are made true or false by the attitudes and/or conventions of observers. These are several different versions of subjectivism including:-

(i) Moral or ethical relativism

This is the view that for a thing to be morally right is for it to be approved of by society; this leads to the conclusion that different things are right for people in different societies and different periods in history. This view is usually based on a mistaken inference that moves from an observation that different societies do, in fact, believe in or hold to different norms (cultural or descriptive relativism) to the conclusion that people should or ought to hold to the norms that their society actually does hold (ethical or normative relativism). Though long out of favour

among academic philosophers, ethical or moral relativism has been popular among anthropologists, such as **Ruth Benedict.**

(ii) The divine command theory

Another subjectivist theory holds that right and wrong, good and evil, just and unjust are determined not by nature of human intuition, wish, desire or reason, but by the will or decree (s) of a transcendent deity (God) or deities. The will or decree of God (or whatever surrogate for God is used in a particular instance of the theory) is known through revelation, sacred scriptures, the rites and rituals of the given religion, the pronouncements of the given religion's prophets and/ or teachers and/or priests, or some combination of those. This view was criticized by **Plato** in the 'Euthyphro' but retains some modern defenders. (Paul Helm, Philip Quinn, and others).

(iii) Individual subjectivism

Another view is that there are many distinct scales of good and evil as there are subjects in the world. This view was put forward by **Protagoras.**

(iv) The ideal observer theory

Finally, some hold that of what is right is determined by the attitudes that a hypothetical ideal observer would have. An ideal observer is usually characterized as a being who is perfectly rational, imaginative, and informed, among others things. Richard Brandt is best – known for his defense of this view.

b) Non – cognitivism

Non – cognitivism which holds that ethical sentences are neither ture nor false because they do not assert genuine propositons. Non – cognitivism encompasses:-

(i) Emotivism

Emotivism, defended by A.J. Ayer and C.L. Stevenson, which holds that ethical sentences serve merely to express emotions. So "Killing is wrong" means something like "Boo on killing."

(ii) Prescriptivism

Prescriptivism, defended by **R.M. Hare,** which holds that moral statements function like imperatives. So, "Killing is wrong" means something like "Don't kill."

(iii) Quasi – realism

Quasi – realism, defended by Simon Blackburn, which holds that ethical statements behave linguistically like factual claims and can be appropriately called "true" or "false" even though there are no ethical facts for them to correspond to.

c) Error theory

Error theory, which holds that ethical sentences are generally false. Error theories hold that there no objective values, but that the claim that there are objective values is part of the meaning of ordinary ethical sentences. That is why, in their view, ethical sentences are false. J.L. Mackie was the best known proponent of this view. This error, theory is also sometimes called moral skepticism or nihilism

Subjectivism, non – cognitivism and error theory are the forms of anti – realism. If there are no objective values, this must

be either because ethical statements are subjective claims (as subjectivists maintain), because they are not genuine claims at all (as non – cognitivists maintain) or because they are mistaken objective claims. The only alternative is for ethical statement to be correct objective claims, which entails moral realism.

Another way of categorizing meta – ethical theories distinguished between monistic theories (in which there is one true, or at least one highest good) and pluralistic theories.

Value pluralism contends that there are two or more genuine values, knowable as such, yet incommensurable, so that any priorization of these values is either non – cognitive or subjective. A value pluralist, for example, contend that both the life of a nun and that of a mother realize genuine values (in an objective and cognitivist sense), yet there is no purely rational measure of which is preferable. The philosophy of Isaiah Berlin exemplifies such a view.

(V) History of Mataethics

Metaethical concerns and questions have been raised from antiquity. Plato asked how one would recognize the solution to problem – and that would include a metaethical problem such as "What is Justice?" – unless one already knew the answer in someway. Plato also proposed answers to the questions, "Why should I be moral?" and "Can there be a universal ethics?" although he used different terminology for them. The 'Republic' contains his attempts at answers to those questions. Aristotle too raised metaethical questions in his 'Nichomachean Ethics'. Throughout the history of philosophy since then, any philosopher who has raised such questions as "Where do ethical norms or values come from?" How could an ethical theory or norm be defended?" or any other from the list of questions given above – meaning almost every philosopher who has done work in ethics – has dealt with metaethics at least to some extent.

In the twentieth and twenty – first centuries philosophers dealt far more with metaethics than with normative ethics, and many of them dealt only with metaethics. This has occurred, both in academia and in global society generally, at the same time as

there has been an overall decline of belief in moral absolutes, as well as the rise of a greater interest in process and categorization of norms than in identification and application. But there is also a countertrend that is seen and expressed in the ongoing growth of normative theory especially in such fields as business ethics, medical ethics and international ethics.

The past discussion leads one to conclude undoubtedly – Metaethics is the branch of knowledge that considers the fundamental issues of morality, and deals especially with the nature of ethical statements. Philosphers doing metaethics ask vital and fundamental questions such as these:-

1. In morality merely conventional, or are there objective standards of right and wrong?

2. How can we gain moral knowledge?

3. Why should we be moral?

4. Can there be a science of morality?

Over the past thirty years, there has been a great surge of interest in metaethics. Almost every university offers courses in this area. New philosophical societies have formed that focus on metaethical

issues, and an ever increasing number of books and research articles attest to the growing interest in the field.

Meta ethics flourishes now as it has never done before, and this new title in the Routledge series, Critical Concepts of Philosophy, meets the need for an authoritative reference work to make sense of the subject's vast literature and the continuing explosion in research output. Edited by Russ Shafer – Landau, a prominent scholar in the field, this new Routledge Major Work is a four – volume collection of classic and contemporary contributors that cover all of the major issues in metaethics.

The first of the four volumes is dedicated to the historical antecedents of current metaethical thinking. The second volume covers the central theories within metaethics. The third and fourth volumes bring together the most important thinking on all of the key questions that are the focus of contemporary research in metaethics. Together, the four volumes provide a one – stop resource for all interested researchers, teachers and students to gain thorough understanding of from where this thriving subdiscipline has emerged and where it is today.

With a large, comprehensive introduction, newly written by the editor, which place the collected material in its historical and intellectual context, Metaethics is an essential work of reference and is destined to be valued by metaethicists – as well as those working in allied areas such as metaphysics, epistemology, philosophy of language, and philosophy of mind – as a vital research.

(VI) A Persistent Problem: The Euthyphro Dilemma

The dialogue between Socrates and Euthyphro is nearly omnipresent in philosophical discussions of the relationship between God and ethics. In this dialogue written by Plato (1981), who was a student of Socrates, Euthyphro and Socrates encounter each other in the king's court. Charges have been brought against Socrates by Meletus who claims that Socrates is guilty of corrupting the youth of Athens by leading them away from belief in the proper gods. In the course of their conversation, Socrates in surprised to discover that Euthyphro is prosecuting his own father

for the murder of a servant Euthyphro's family is upset with him because of this, and they believe that what he is doing – prosecuting his own father – is impious.

Euthyphro maintains that his family fails to understand the divine attitude to his action. This than sets the stage for a discussion of the nature of piety between Socrates and Euthyphro. In this discussion, Socrates asks Euthyphro the now philosophically famous question that he and any divine command theorist must consider. "Is the pious loved by the gods because it is pious or is it pious because it is loved by the gods?" (p.14)

For our purposes, it will be useful to rephrase Socrates question. Socrates can be understood as asking "Does God command this particular action because it is morally right, or is it morally right because God commands it? It is in answering this question that the divine command theorist encounters a difficulty. A defender of Divine Command Theory might respond that an action is morally right because God commands it However, the implication of this response is that if God commanded that we inflict suffering on others for fun, then doing so would be morally

right. We would be obligated to do so, because God commanded it. This is be because, on Divine Command Theory, the reason that inflicting such suffering such suffering is wrong is that God commands us not to do it. However, if God commanded us to inflict such suffering, doing so would become the morally right thing to do. The problem for this response to Socrates question, then, is that God's commands and therefore the foundations of morality become arbitrary, which then allows for morally reprehensible actions to become morally obligatory.

Most advocates of Divine Command Theory do not want to be stuck with the implication that cruelty could possibly be morally right, nor do they want to accept the implication that the foundations of morality are arbitrary. So, a divine command theorist might avoid this problem of arbitrariness by opting for a different answer to Socrates' question, and say that for any particular action that God commands, He commands it because it is morally right. By taking this route the divine command theorist avoids having to accept that inflicting suffering on others for fun could be morally right action. More generally she avoids the

arbitrariness that plagues any Divine Command Theory which includes the claim that an action is right solely because God commands it. However, two new problems now arise.

If God commands a particular action because It is morally right, then ethics no longer depends on God in the way that Divine Command. Theorists maintain. God is no longer the author of ethics, but rather a mere recognizer of right and wrong. As such, God no longer serves as the foundation of ethics. Moreover, it now seems that God has become subject to an external moral laws and is no longer sovereign. Johan Arthur (2005) puts the points this way. "If God approves kindness because it is a virtue and hates the Nazis because they were evil, then it seems that God discovers morality rather than inventing it." God is no longer sovereign over the entire universe, but rather is subject to a moral law external to himself. The notion that God is subject to an external moral law is also a problem for theists who hold that in the great chain of being, God is at the top. Here, there is a moral law external to and higher than God, and this is a consequence that many divine command theorists would want to reject. Hence, the advocate of a Divine

Command Theory of ethics faces a dilemma: morality either rests on arbitrary foundations, or God is not the source of ethics and is subject to an external moral law, both of which allegedly compromise his supreme moral and metaphysical status.

(VII) Reponses to the Euthyphro Dilemma

a) Bite the Bullet

One possible response to the Euthyphro Dilemma is to simply accept that if God does command cruelty, then inflicting it upon others would be morally obligatory. In 'Super 4 Libros Sententiarum, William of Ockham states that the actions which we call 'theft' and adultery would be obligatory for us if God commanded us to do them. Most people find this to be a unacceptable view of moral obligation, on the grounds that any theory of ethics that leaves open the possibility that such actions are morally praiseworthy in fatally flawed. However, as Robert Adams (1987) points out, a full understanding of Ockham's view here would emphasize that it is mere logical possibility that God could command adultery or cruelty and not a real possibility. That

is even if it is logically possible that God could command cruelty, it is not something that God will do, given his character in the actual world. Given this, Ockham himself was surely not prepared to inflict suffering on others if God commanded it. Even with this provision however, many reject this type of response to the Euthyphro Dilemma.

b) Human Nature

Another response to the Euthyphro Dilemma which is intended to avoid the problem of arbitrariness is discussed by Clark and Pooktenga (2003), drawing upon the moral theory of Thomas Aquinas. If we conceive of the good life for human beings as consisting in activities and character qualities that fulfill us, then the good life will depend upon our nature, as human beings. Given human nature, some activities and character traits will fulfill us, and some will not. For example neither drinking gasoline nor lying nor committing adultery will help us to function properly and so be fulfilled, as human beings. God created us with a certain nature. Once he has done this, he cannot arbitrarily decide what is good or

bad for us, what will help or hinder us from functioning properly. God could have created us differently.

That is, it is possible that he could have made us to thrive and be fulfilled by ingesting gasoline, lying and committing adultery. But according to Aquinas, he did no such thing. We must live lives marked by a love for God and other people if we want to be fulfilled as human beings. The defender of this type of response to the Euthyphro Dilemma, to avoid the charge of arbitrariness, should explain why God created us with the nature that we possess, rather than some other nature. What grounded this decision? A satisfactory answer will include the claim that there is something valuable about human beings and the nature that we possess that grounded God's decision, but it is incumbent upon the proponent of this response to defend this claim.

c) Alston's Advice

In his "Some Suggestions for Divine Command Theorists" William Alston (1990) offers some advice to advocates of Divine Command Theory, which Alston believes will make the view as

philosophically strong as it can be. Alston formulates the Euthyphro Dilemma as a question regarding which of the two following statements a divine command theorist should accept:-

1. We ought to love one another because God commands us to do so.

2. God commands us to love one another because that is what we ought to do.

Alston's argument is that if we interpret statements correctly, a theist can in fact grasp both horns of this putative dilemma. One problem with opting for number 1 in the above dilemma is that is becomes difficult if not impossible to conceive of God as morally good, because if the standards of moral goodness are set by God's commands then the claim "God is morally good" is equivalent to "God obeys His own commands." But his trivialization is not what we mean when we assert that God is morally good. Alston argues that a divine command theorist can avoid this problem by conceiving of God's moral goodness as something distinct from conformity to "moral obligations, and so

as something distinct from conformity to divine commands. Alston summarizes his argument for this claim as follows:

A necessary condition of the truth that 'Ought to do A is at least the metaphysical possibility that S does not do A. On this view, moral obligations attach to all human beings, even those so saintly as to totally lack any tendency, in the ordinary sense of that term to do other than what it is morally good to do. And no moral obligations attach to God, assuming as we are here, that God is essentially perfect good. Thus divine commands can be constitutive of moral obligations for those beings who have them without it being the case that God's goodness consists in his obeying. His own commands, or indeed, consists in any relation whatsoever of God to his commands (p. 815)

Alston concludes that Divine Command Theory survives the first horn of the dilemma. However, in so doing, perhaps the theory is delivered a fatal blow by the dilemma's second horn. If the divine command theorist holds that "God commands us to love our neighbor because it is morally good that we should do so," then moral goodness is independent of God's will and moral facts

stand over God, so to speak, in so far as God is now subject to such facts.

Hence God is no longer absolutely sovereign. One response is to say that God is subject to moral principles in the same way that he is subject to logical principles which nearly all agree does not compromise his sovereignty. Alston prefers a different option, however, and argues that we can think of God himself as the supreme standard of goodness. God does not consult some independent Platonic realm where they objective principles of goodness exist, but rather God just acts according to his necessarily good character.

But is not arbitrariness still present, in so far as it seems that it is arbitrary to take a particular individual as the standard of goodness, without reference to the individual's conformity to general principles of goodness? In response, Alston points out that there must be a stopping point for any explanation. That is, sooner or later, when we are seeking an answer to the question "By virtue of what does good supervene on those characteristics?" we ultimately reach either a general principle or an individual

paradigm. And Alston's view is that it is no more arbitrary to invoke God as the supreme moral standard than it is to invoke some supreme moral principle. That is, the claim that good supervenes on God is no more arbitrary than the claim that it supervenes on some Platonic principle.

(VIII) Naturalism, Non – Naturalism and Supernaturalism

In connection with the Euthyphro problem, it can be said that one appealing nature of Glaucon's account of morality, as a multi advantageous connection is that it renders morality's nature and origin non – mysterious. Moral facts, on this sort of view, emerge as no more puzzling than facts about what is legal or polite. In each case the standing of some behavior (as moral, or legal or polite) depends on its conforming to, or conflicting with, various standards that have been put in place. Glaucon's account also makes clear why it is that people might care deeply about morality's demands (even as they are, in their own case, tempted to

violate them when they believe they can with impunity), since the relevant conventions are mutually advantageous.

Yet conventionalist views such as Glaucon's have real difficulties fitting with the common idea that the fundamental principles of morality are universal conventions, after all, are contingent creations that differ from place to place and come into, and go out of, existence. Moreover, conventions seem liable to arbitrariness in ways that threaten to undermine their claim to authority unless they are recognized (at least implicitly) as satisfying some convention – independent standard. That some convention demands something seems to provide reason to conform to the demand only when the convention is, itself, just or reasonable, or in some other way good. And this suggests that, to whatever extent specific moral rules and principles are products of convention, their claim to authority relies on some standards that are not products of convention.

Needless to say these conditions are not decisive, and those whose morality as a kind of convention have a variety of plausible ways to address the worries mentioned above. As a result, the view

remains attractive. Still, manyeven many who think an appeal to convention is essential to making sense of morality – think that the proper account of morality cannot be a matter of conventions "all the way down". But that does not mean that they think that the standards that serve to justify the demands of (some) conventions are mysterious.

Some, for instance, argue that what makes a convention good, and so serves to justify its demands, is its contribution to overall happiness, while others see the measure of conventions in their ability to advance the interests of each considered singly, and still others maintain that the value of conventions is found in their capacity to secure the approval of those who consider them impartially. On all such accounts, value is convention independent, but is nonetheless metaphysically non – mysterious. Each of these accounts portrays value as, at bottom, a familiar, completely natural, feature of the world. Moreover, while (on these accounts) particular claims concerning value will prove hard to establish and controversial; there is no special puzzle about what we would be trying to discover or what would count as relevant evidence.

All of these views, conventionalist and not, identify various moral properties with non – problematic natural feature of the world. As a result, they are commonly characterized or versions of naturalism and are contrasted with non – naturalist views that see morality as presupposing or being committed to, properties over and above those that would be countenanced by natural science'. Non – naturalism comes with two distinctive burdens: (i) accounting for how the realm of moral properties fits in with familiar natural properties and (ii) explaining how it is that we are able to learn anything about these moral properties. Naturalism, in contrast, avoids these metaphysical and epistemological burdens.

Despite its advantages, naturalism has difficulty capturing well what people take to be the true nature of morality. In saying something is good or right or virtuous we seem to be saying something more than, or at least different from, what we would be saying is describing it as having certain natural features. Correspondingly, no amount of empirical investigation seems by itself, without some moral assumption (s) in play, sufficient to settle a moral question.

(IX) Is/Ought and the Open Argument

David Hume seemed to have these points in mind when he observed that an 'ought' cannot be derived from an 'is'. There is substantial debate about just what Hume meant and similarly substantial debate as well about whether he was right. But at least part of Hume's concern seems to have been that no set of claims about plain matters of fact ('is' claims) entail any evaluative claims ('ought' claims). That is, he seems to have thought, that one can infer the latter from the former only if, in addition to premises concerning plain matters of fact, one has on hands well at least one evaluative premise.

If, for instance one infers from the fact that someone is feeling pain that something bad is happening, one is at least presupposing that pain is bad. And that presupposition, in turn, is not entailed by any claims concerned solely with plain matters of fact– If Hume is right, every valid argument for an evaluative conclusion either includes or presupposes some evaluative

premise. And, as a result, there is no value neutral argument for evaluative conclusion.

Coming at the same issues from a different direction, G.E. Moore argued (at the beginning of the twentieth century) that no naturalist account of morality could do justice to what we are actually thinking and claiming when we make moral judgments. Moore had in mind a variety of naturalist views that, at the time, had come to be seen, as on balance, the most attractive accounts of the nature of morality. While these views differed among themselves as to what goodness, rightness, virtue and justice might consist in, they shared a commitment to seeing morality as a wholly natural phenomena and they all saw moral judgement as a matter of thinking that actions, institutions, or characters had some particular natural property on other. According to these views, moral properties were to be identified with some natural property or other (e.g. with what is pleasant, or what satisfies someone's desire, or what conforms to social rules that are in force.

Considering specifically views that identified goodness either with pleasure or with being the object of a desire one desires

to have, Moore maintained that such views confused the property goodness with some other property that good things might happen to have. In support of his claim, Moore offered a simple test. Take whichever account you will – say, one according to which to be good is to be pleasant – and then consider whether a person who understands the terms involved might nonetheless intelligibly ask whether something she acknowledges to be pleasant is good.

It seems she could. And it seems too that in asking the question she would not then be revealing any kind of conceptual confusion or incompetence. The question is, as Moore puts it, a genuinely open one. But then we must grant that to think something is a pleasant is not identical to thinking it good. Otherwise, wondering whether something that is, admittedly, pleasant, is good would be as senseless as wondering whether a gives pleasant thing was pleasant. If, though, to think something good is different than thinking it pleasant, such thoughts (Moore assumed) must involve attributing distinct properties.

Moore was quick to point out that granting that the question is open in the sense his argument supposes, is compatible with

discovering that, as a matter of fact, everything that is pleasant is also good. Moore's point is that the question is not settled not closed – on conceptual grounds (whereas it would be if thinking something good were just a matter of thinking it pleasant). Because analogous questions remain open for all the candidate naturalist proposals. Moore argued that no such proposal could legitimately be defended as a conceptual truth and that they all failed to capture accurately what we are thinking in thinking of something that is good.

Moor's a argument had a tremendous impact, striking most people at the time as decisive. As a result non – naturalism got a new lease on life with a number of people working in metaethics trying to articulate, systematize and defend accounts of morality that resisted the temptation to identify moral properties with natural properties. Much of the attention was given, by those who have come to be called intuitionists, to defending the idea that moral knowledge, while not based on our senses and on the empirical data we might collect, was nonetheless on as secure a footing as, say our knowledge of mathematics or of the

fundamental concepts (of, say, causation and necessity) that play crucial roles in science. Much of the work in metaethics pursued a strategy of finding companions in guilt, of showing that the status of moral properties as non – natural and the attendant implications for what we must suppose about the nature of moral evidence, if we are to take ourselves as having any, did not leave morality any worse off than other respected fields of knowledge.

Yet Moore's casual slide from claims about what we are thinking to the nature of the properties we are attributing in thinking as we do offered an important point of resistance. As Moore saw things, to make a moral claim is to express a distinctive belief (that might be true or false) about how things are. Specifically, it is to express the belief that some course of action, or institution, or character trait had the property of being right, or good, or virtuous. The challenge (Moore assumed) is to figure out what property it is that we are taking a thing to have, in thinking of it as right, or good, or virtuous. And the place to look, he thought, is at the content of our beliefs.

According to many, while Moore's Open Question argument does show that moral thinking is distinctive and should not be treated as part and parcel of thinking about non – moral matters. Moore was wrong in holding that the important difference should be traced to the nature of the properties we are taking things to have. According to some of these critics, Moore's mistake is in thinking we are attributing properties at all, when we think of something as a right, or good, or virtuous. According to others, his mistake was in thinking that how we think of a property reveals the true nature of the property.

The first line of criticism emerged soon after Moore first offered his Open Question Argument, with philosophers, suggesting that in thinking morally we may well not attributing properties at all. Agreeing that it was a mistake to see moral claims attributing natural properties to things, non – cognitivists argue that Moore's mistake was in thinking that moral claims attribute any sort of property to things, and so he was also wrong in thinking that moral claims have propositional content and express genuine beliefs. The open Question is always open, they argue, not because

we are, in making a moral judgement attributing some non – natural property to things, but because we are not attributing any property at all. We are not saying anything that might be true or false, nor are we expressing a belief. We are doing something altogether different taking a stand, or expressing an emotion, or prescribing something. On these views, moral judgements express some attitude other than belief and lack the sort of cognitive content that would allow them to be true or false. Whatever the details the non – cognitivists share the idea that one can admit that something is pleasant, or the object of a desire, or such that it conforms to some rule in force, and nonetheless not take a stand regarding it, or not have any particular emotion concerning it, or not have any interest in prescribing anything relating to it.

The open Question is open, they hold, precisely because the attitudes expressed by a moral judgement all involve something other than merely believing of something that it has certain features (whether natural or not). At the same time, the non – cognitivists' proposals fit well with granting Hume's claim concerning the gap between 'is' and 'ought' whatever facts one

grants, whatever 'is' claims one endorses, there is no logical inconsistency involved in failing to take a relevant stand, or to express an emotion towards it, or to prescribe something related to it.

Between the beliefs we might have and the other attitudes we might form, no entailment relations hold at all. Non – cognitivists, of course, need to explain why it seems so plausible, to see moral judgement as an expression of belief and as matter of attributing properties to actions, institutions and characters. And they need to explain why moral thought seems appropriately subject to the rules of logic, whereas the various attitudes that play central roles in the non – cognitivist accounts all seem to fall outside of that realm.

Various versions of non – cognitivism remain among the most attractive ways of resisting the non – naturalist implications of Moore's Open Question Argument. But they are not the only option. Many argue that, while Moore's argument shows that thinking something is good is different than **thinking it is pleasant** or the object of a desire, or such as to conform to some norm that is

in force), it does not show that being good is different from being pleasant (or the object of a desire, or such as to conform to some norm that is in force). After all, they point out, thinking that some liquid is H_2O is different from, thinking it is water and one might intelligibly wonder whether what one grants to be water really is H_2O. Yet that does not show that being water is anything other than being H_2O Far from it a difference between the thoughts does not establish a difference in the properties. Thus, for all the Open Question Argument shows, it might turn out that a naturalist account of the nature of moral properties is correct. The naturalist account cannot be defended simply as a conceptual truth but it also cannot be rejected, as Moore thought it could be, as obviously confusing one property (the natural property) for another one (the moral property). This sort of cognitivism has no trouble explaining why it seems plausible to see moral judgement as an expression of belief and as a matter of attributing properties to actions, institutions and characters (though the account holds that the true nature of the property being attributed is something that might come as a surprise to some).

Similarly this sort of cognitivism can explain why moral thought seems appropriately subject to the rules of logic. Problems emerge, however, when it comes to explaining the apparently distinctive nature of moral thinking. If thinking that some thing is good or right is matter of attributing to the things some natural property or other, then what explains the apparently distinctive nature of moral thought?

Cognitivists and non – cognitivists face common challenge to account for the nature of moral thought and talk that simultaneously does justice to its distinctive nature. Without failing to appreciate the significant ways in which it is continuous with non- moral thought and talk, but especially when combined with naturalism, it faces a real challenge in making the distinctive nature of moral thought and talk, but especially when combined with naturalism, it faces a real challenge in making the distinctive nature of moral thought and talk; non – cognitivism has no trouble making room for the distinctive nature of moral thought and talk, but it has trouble accommodating the continuity.

What has always been attractive about Moorean non –
naturalism is its capacity to combine the continuity and the
difference into a coherent picture. There is room, at least to
account for moral thought's continuity with other thought by
emphasizing that it is all a matter of attributing properties (albeit
different properties) to things; and there is room too for locating
the distinctive nature of moral thought in the putatively
authoritative standing of the properties attributed. Of course
leaving room for an account is not the same as actually providing
one, and Moore himself does not actually offer much at all by way
of an explanation of the normative authority (as we might call it) of
moral properties. In any case, what has always been troubling
about Moore's view is that the coherent picture that emerges seems
to presuppose (i) the existence of metaphysically dubious
properties that fall outside the causal nexus and so, are such that
(ii) it would be a complete mystery how we could ever reliably
learn anything about them, if they were to exist. Moore, and the
intuitionists who followed him, work in various ways to address
these concerns. Error theorists, in contrast, hold that the coherent

picture painted by Moore is, at least roughly, the right account of what moral thought and talk involves, but they go on to argue that metaphysically and epistemically troubling implications of that picture properly undermine its credibility. They argue that we have a compelling reasons to reject the presuppositions of moral thought.

The error theorists' position regarding morality is the counterpart, with respect to moral thought, of the atheist's position with respect to views concerning God's will and ways. In both cases, suggestion is that the thoughts at issue involve a mistake or a failed presupposition, and that because of this, they cannot be true. The error theorist's position, it is worth nothing requires establishing two claims that have each met a lot resistance: that moral thought really has the presuppositions the error theorist supposes and that those presuppositions are untenable as the error theorist maintains. At the same time, though anyone who hopes to vindicate moral thought has the burden of showing that its actual presupposition and implications are, after all defensible.

(X) Moral Epistemology

Anyone mounting such a defense needs to offer some account of how it is we might successfully justify one set of moral judgments as over against others. When we turn to morality, what comes as good grounds for holding one view rather than other? What sort of evidence might be available? If Hume and Moore are right, no evidence that appeals solely to non – evaluative considerations will be sufficient (unless we presuppose some principle of interference that connects non – moral premises to moral conclusions).But if we need to rely on evaluative premises or principles in order to infer substantive moral conclusions from non – moral premises (e.g. non – moral premises regarding the impact of a course of action in pleasure or on the satisfaction of human interests), the question immediately arises, "How might we justify these evaluative premises or principles?"

One answer often offered is that, at a suitably abstract level, there are premises or principles that everyone in fact accepts. Perhaps 'Murder is wrong' or 'pain is bad', or 'everyone should be

treated equally' would qualify. But of course such claims hardly do much work since questions immediately arise about which killings constitute murder and about how different pairs should be compared and about which way of treating people counts as treating them equally in the relevant way. No moral claim that is plausibly offered as actually accepted by all, or nearly all people can possibly be substantive enough to help settle on one's view rather than another as better justified.

One might, in light of this, offer a more substantive principle, not as one that people actually accept, but as one that they are all, in fact committed to (though they may not realize it).This strategy offers the prospect of identifying a principle rich enough in contents to serve as the justifying ground for other a moral judgments. Yet it requires showing how the principle (s) identified work to justify the more specific judgments they are meant to support. Moreover, one who takes this approach needs also to justify the claim that people are actually committed to the principle in the first place. And this raises the suspicion that claiming these are certain principles to which everyone is

committed simply relocates the original challenge, without actually meeting it.

In any case, even if there are suitably substantive principles to which people are committed, and this can be shown, and even if there is a way to establish as well that the principles in question would (if right) actually justify more specific moral judgments, one might understandably worry about the status of the resulting structure. Why not think of it as a castle in the sky, a structure with no appropriate foundation? After all, the fact that we happen to accept, or are committed to accepting, some principle, seems along way from showing that the principle is true or right.

Our moral judgments (about particular cases as well as about general principles) seem to float disconcertingly free from our normal sources of evidence concerning the nature of the world. We cannot see, touch, taste, or small value or rightness or virtue, even as we can see, touch, taste, or smell some of the things that have value or that are right or that manifest virtue. So how do we learn about value and rightness and virtue themselves? What

grounds do we have for thinking our various moral judgments link up appropriately with what they are judgments of?

Of course moral judgments are not only judgments that face such a challenge. Many mathematical, modal, and religious judgments face a similar challenge. They all apparently concern matters that are not directly available to the senses and that are, in various ways, mysterious. That establishes some companions, in guilt, but also provides the hope that reasonable accounts of how we might learn (or not) about numbers, possibility and necessity, and God, might provide insight into the evidence (if any) we are able to secure concerning morality.

It is worth emphasizing that positive theories of moral epistemology are inevitably bound up with account of the nature of moral judgment and their metaphysical presupposition and commitments. On some accounts, there is nothing to know and so no need for an epistemological theory at all. On others, a proper understanding of moral judgments will reveal that justifying them is of a piece with justifying other judgments for which we have, or hope of other domains. On still other accounts, moral judgments

are such that only a suigenesis epistemology would make sense of our capacity to acquire moral knowledge. No matter which of these options one takes, epistemological skepticism looms as, a real possibility. And in the first case, where there is by implication nothing to know, it does not merely loom, it arrives inevitably. Even if one succeeds in developing a positive theory of moral epistemology in light of which moral knowledge might be possible, the substantive challenge of showing that knowledge has actually been secured remains formidable.

At the same time, much of morality seems clearly a matter of knowing how – how to respond to the need of others, how to respond to threats, how to carry oneself in various situations – and not primarily (at all) a matter of knowing that, something is the case. No doubt, focusing on how, rather than knowing that, does not address skepticism concerning the claims we might make as to which know how is morally significant. But paying attention to the degree to which people count as moral (or immoral) not because of what they say or believe, but because of how they act, is important

to appreciating both the nature of morality and what all a plausible account of moral knowledge must encompass.

(XI) Morals, motives and reasons

Among morality's distinctive features, all agree, is its apparently intimate connection to action. In making moral judgments, for instance, we seem to be making a claim that, if true, establishes that someone or other has a reason to act or be in a certain way. This marks an important difference between moral claims and claims concerning say, colour. The claim that something is red is, even if true, only contingently connected to whether anyone has any reason at all to act or be in a certain way. Whereas if a certain thing is morally good it seems that everyone necessarily has at least some reason (perhaps overrideable or defeasible, but still some reason) to promote, pursue, protect, or respect it – at least if they recognize that it is good. Moreover, many have thought, to judge sincerely that something is good (whether or not one is right) is to have motivation (again, perhaps

overrideable or defeasible, but still some motivation) to promote, pursue protect, or respect it.

Thus there seem to be necessary connections between moral properties and reasons and also between moral judgments and motivations. Some have thought as well that there is a necessary connection between moral judgments and reasons, such that if one judges that something is good or right then (whether one is right or not) one had a reason to act or be in a certain way. Other have thought that there is a connection, again, a necessary connection, between there being a reason for someone to act or be in a certain way and that person being, or at least being able to be, motivated in a certain way. This last suggestion, that (say) one can have reason to do only what one might be motivated to do, has implications as well for what might count as good, if something is good only if one has a reason to act in a certain way with respect to it.

Each of these supposed necessary connections is controversial and yet each has plausibly been taken to be at the heart of what is distinctive about morality. At the same time,

different proposed connections fit more or less well with different accounts of morality and at least some of the supposed connection are flat out incompatible with some of the accounts. Thus, those versions of non – cognitivism that see making a moral judgment as a matter of expressing some motivating attitude have an easier time explaining the internal connection (if there is one) between sincerely making a moral judgment and having an appropriate motive, while certain natural cognitivist proposals, for instance those that identify goodness with having the capacity to garner approval from someone who is fully informal, must hold that a person might sincerely judge that something would secure that approval and yet be utterly unmotivated by that fact.

Working through the ways in which a proper appreciation of the relations between morality, reasons, and motivation constrain and inform an account of morality has been a central issue in metaethics. In fact Glaucon's original proposal concerning the nature of morality (according to which morality is a conventional solution to problems we would otherwise have to face) was introduced as a way of pressing a worry about morality.

Morality pretends to provide reason to all, virtue is supposed to be its own reward, and a person is told she should do the right thing because it is right and not because she hopes for some reward, yet in the face of the demands morality sometimes makes, these claims concerning its nature and value all seem dubious.

Specifically, if morality is (as Glaucon's proposal would have it) constituted solely by a set of conventional rules we put in place to secure the benefits we receive from the restraint of others, it looks as if the only reason (and the only motive) we would each have for conforming to the rules would be found in the consequences we hope such compliance would secure. In cases where we could get the benefits without the restraint (as when our failure to restrain ourselves would be undetected) we would have neither reason nor motive not the nature of morality, then morality (properly understood) would only provide reason to some, under some circumstances not reason to all, always. Moreover, virtue would not be its own rewards. And morality would not be such that would make sense for a person to do the right thing (as defined by the rules in place) for its own sake, since the sole value of the

relevant rules is found in the benefits that come from others complying with those rules.

Glaucon's ultimate aim was to get from Socrates an account of morality that – unlike his own – would serve to vindicate morality's pretensions. He assumed that if no such account was forthcoming morality's claim on our allegiance would have been undermined even as we might continue to have our own reasons for perpetuating the myth and for working to see that others comply with its rules. Much of the 'Republic is then given over to Socrates' attempt to develop first an account of the nature of morality (specifically, of justice) and then, second, to arguing that being moral is valuable, regardless of the consequences. Socrates concern, in showing that being moral is valuable is to show specifically that it is valuable to the person who is moral, that the virtuous person and not just others, benefits from her virtue. Indeed, he tries to show that being moral is so valuable to the person who is moral, that whatever the consequences of injustice might be, however great the rewards, they could never be valuable enough to outweigh the loss of one's virtue.

Socrates own account of the metaphysical and epistemological underpinnings of his view (his appeal to eternal, non – physical Platonic Forms and to our intellectual access to those Forms) commits him unmistakably to non – naturalism and to something like intuitionism. Yet his account of the nature of justice and the specific features of justice that he takes to establish is value, all appeal to considerations that are as available to a naturalist as to a non – naturalist.

In any case the question underlying Glaucon's concern – why should I be moral? – has consistently been at the centre of attempts to explain the connection between morality and what we have reason to do. Some have agued that the question is misplaced, at least if it assumes there must be some non – moral reason to be moral. Others have held that the question is easily answered on the grounds that the fact that some action is morally required, for instance, entails that one has reason to do it. And still others have maintained that the question presses the single most important challenge to morality's legitimacy, since morality's claim on our allegiance depends on our having reason to comply with its

demands, yet explaining why we might have those reasons is extraordinarily difficult.

Whatever view one ends up adopting concerning the connections that hold (or do not hold) among moral properties, moral judgments, reasons for actions, and effective motivations, no account is plausible as vindication of morality unless it makes sense of how and why moral considerations might properly figure in practical deliberation that result in decision and action. Doing this successfully is, in principle, compatible with thinking moral properties do not always provide reasons, compatible too with holding that moral judgments sometimes to motivate, and finally, compatible as well with the idea that one might have a reason to perform in some action that one has no motivation to perform of course, these various views are each themselves quite controversial and involve rejecting what others have thought to be necessary truths.

(XII) Freedom and Responsibility

Making sense of how moral considerations might figure in practical deliberation is especially important when it comes to explaining important when it comes to explaining when and why people are responsible for what they do. Some of that explanatory job is a matter of moral theory not metaethics, and involves figuring out what counts as good excuses, legitmate. justifications and appropriate burdens. A theory of moral responsibility inevitably relies on substantive moral theory.

Yet these are important metaethical issues bound up in giving an account of moral responsibility. They emerge most sharply as one considers the nature and significance of free will. Does responsibility presuppose free will? If so, when does someone count as having a free will? It cannot be merely a matter of her will being uncaused. After all, a person whose will was utterly random, responsive neither to her nor to the reasons she had for doing things, would be a person no freer (in the relevant sense) than a person whose will was fully and directly controlled by someone else as a puppeteer might control a puppet. What would it take for her will to count appropriately responsive, either to her or

to her reasons? Is this appropriate responsiveness a matter of being undetermined or of being determined by the right things in the right way?

In any case if one has the sort of free will that moral responsibility requires (whatever that turns out to be) how are we to understand the connection between the will, and what influences it, on the other hand, and the various psychological and physical causes that apparently determine the behaviour that is identified as the action one performs willingly, on the other? How do agents with a free will fit within a natural world?

Not surprisingly the range of answers that have been offered to these questions covers an exceedingly broad spectrum. Some hold that moral responsibility requires a certain kind of freedom and then argue that we lack, that sort of freedom or, alternatively, that we at least sometimes have it. Others though, maintain that freedom is irrelevant and holding people morally responsible makes sense only if we see their wills as determined. And others, identify a truly free will not with a will that is

undetermined, but with one that is determined by reason. And concerning the nature of the will are irrelevant.

(XIII) Moral Principles and Particular Judgments

The history of moral theory is a history is a history of attempts to identify, articulate and defend general moral principles that serve to explain a when and why various types of action, institutions, or characters count as right or wrong, just or unjust, virtuous or vicious. The assumption has consistently been that there is a general and principled account of morality to be given. And this assumption has survived the fact that few people think any particular set of principles that we have actually succeeded in articulating, is fully adequate. What explains the assumption? Why not hold, as parituclarists so, that there may well be no set of general principle that adequately mark moral distinctions? Or why not think, as skeptics do, that our repeated failures actually to identify fully adequate principles shows that morality is a chimera?

Wrestling with these questions returns one immediately and directly to wondering about the nature of morality and the role it is supposed to play in human life. What is it about morality's natures or its role that would make sense of the idea that general principles are essential to it? Why not suppose that one case of cruelty might be wrong, and another not wrong, without there being any ground, that would justify treating them as different? Why is it so natural to suppose that there must be some other difference – say a difference in their consequences, or a difference in what has led upto the act of cruelty – that underwrites and justifies the thought that one is wrong, but not the other? Why not grant that one of the two just happened to be wrong and the other happened not to be? Could not moral properties just happen to have been distributed randomly so that, in the end these is no justification for one action having a certain moral standing while another, otherwise the same, has a different standing? These suggested possibilities are, I believe, not real possibilities at all. They would each entail that moral demands are fundamentally arbitrary in a way that is incompatible with morality's claim to authority. But what is it about morality that

precludes it being fundamentally arbitrary? A good answer, I suspect, will lead one away from the idea that moral properties are merely there in the world to be found, wholly independent of our concerns and practices. But a good answer is needed. And a good answer is not provided simply by supplying, if one could, a consistent and coherent set of principles that successfully systematized particular judgments about acts, institutions, and characters. The challenge here is not simply to show that moral judgments can be seen to fit a pattern; the challenge is to show that the pattern they fit – the principle(s) to which they conform – work to explain and justify their importance.

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I am proud of being an Indian and I Solemnly pledge-

1. To honour our constitution, national flag and national anthem.
2. To follow the lofty ideals motivating national movement.
3. To maintain the unity, integrity and sovereignty of India and to save the forests, lakes, rivers and wild animals.
4. To serve the nation.
5. To honour women and not to discriminate on the basis of religion, language, state, class or creed.
6. To have compassion for all living beings.
7. To keep away from violence.
8. To protect public property.
9. To develop scientific approach, humanistic outlook and feeling of improvement.
10. To form the feelings of fraternity, equanimity and honour in my countrymen.
11. To aim at excellence in all personal and group activities.

"Be aware of your rights; be devoted to your duties."

Prof. (Dr.) Sohan Raj Tater

National Human Rights Commission expects from all children, students and citizens to observe and repeat daily the above pledges given in the constitution "Article 51" by attaching their photographs and signatures.