

# Politics Beyond Liberalism, the Political Theory of PROUT

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Prabhat Rainjan Sarkar propounded the Progressive Utilization Theory (PROUT) in 1959 as an alternative to capitalism and communism. All his ideas are enunciated in *PROUT in a Nutshell*, *Neohumanism in a Nutshell*, *Human Society Parts 1 and 2* and *A Few Problems Solved*. In this article, I elaborate on his contribution to humanity in the area of political theory.

The experience of contemporary history has exposed the fallacies of cherished social, political and economic ideas, classical as well as revolutionary. The world is full of opportunities – material, mental and spiritual – and so to build a better and freer society is a practical possibility. Yet we are observing a process of social decadence, moral degeneration and the collapse of values which is corroding the springs of human action and corrupting the ideals of a civilized life. Failure and disappointment are bound to follow from attempts to solve the problems of our time with the ideas of previous centuries. These ideas emphasized material progress and scientific development.

However, the mental makeup and moral standard of the civilized community have not matched the level of material progress. In other words, the development of civilization – refined cultural progress – has proven far slower than scientific development.

The civilized world in this century has been confronted with new problems that seem to baffle human intelligence, which is probably inevitable if solutions are defined on the basis of old ideas and theories. Communism, which promised material well-being and security in a socially regimented and spiritually enslaved life, has collapsed, creating disillusionment about revolutionary ideals.

The great promises of the industrial nations have been broken because of their psychological premise of radical hedonism. Radical hedonism postulates first that happiness can be achieved by the fulfillment of any material or sensual desire whatsoever, and second, that in order to fulfill these desires, egotism, greed and selfishness have to be encouraged. This, according to hedonistic belief, will lead to harmony and peace. Radical hedonism, it should be known, is the philosophy of rich people.

The ideals of intellectual liberalism and intellectual refinement have failed to check unbridled passion. Faith that the spread of reason would abolish irrational outbursts has all but disappeared. Antagonism between ethnic, racial, religious and liberal groups has become the fundamental reality of the nation-state, which is absorbing huge amounts of social, ethical and religious

energies and emotion expressed through unprecedented oppression, violence and enmity. The disconcerting experiences of the contemporary world compel thoughtful people to reconsider the fundamental philosophical principles from which different political theories – of the Right and the Left, conservative and liberal, reactionary and revolutionary – are alike deduced.

The capture of power, irrespective of diversity of means advocated for the purpose, is the common postulate of all political theories. Today, the so-called free world heralds the victory of liberal democracy and its corollary the capitalist economic system. Through modern liberalism the individual became 'economic man', allured by the glittering projections of consumption psychology. This degeneration of the humanist tradition of modern democracy contradicts its basic tenets, which hold individual freedom as an article of faith. But in the context of capitalist society, people exist mainly as "cogs in the bureaucratic machine, with our thoughts, feelings and tastes manipulated by the government and industry and the mass communications they control."

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Simultaneously gaining momentum is a tendency to relapse into medieval obscurantism in search of illusory safety in the backwaters of dogmatic faith. With the collapse of the Soviet Empire, movements for self-reliance are being sentimentalized with slogans from religious fundamentalism, slogans presented to the innocent man as an antithesis to pseudo-culture, economic domination and Western values.

This represents a new flare-up in the age-old struggle between religion and science – between the religious and scientific modes of thought, between faith and reason, and between mystic agnosticism and empirical knowledge. Probably the last gasp of a life and death struggle, it has lasted long, and has always placed civilized humanity in a dilemma.

The scientific mode of thought, having driven religion from pillar to post over a period of several centuries, is meeting the final assault of a hitherto vanquished adversary. Denying humans the possibility of ever knowing reality through experience, religions preach a neo-mysticism and a teleological view of life, which is the expression of humanity's loss of faith in itself. This is in contradiction to spiritual enlightenment, which leads the human mind to experience the real essence of freedom and the organic wholeness of creation.

Science, attempting to free the mind from the shackles of dogma, emphasized that truth is contained only in that which can be recognized clearly and distinctively. Knowledge is defined as the result of the intellectual analysis of our sense experience. In this way, however, science created a new barrier beyond which the mind could not elevate itself to higher levels of consciousness. Hence, science could not prevent the emergence of a materialistic dogma that devalues human potential, encourages the mechanization of life, and curtails freedom of thought.

The quest for freedom can be referred back to humanity's struggle for existence. This quest accounts for the human triumph over nature in the course of efforts to satisfy biological needs. It provides the basis for the constant search for knowledge, which enables people to be progressively free from the tyranny of natural phenomena and social environments. Guided by the dictum of ancient wisdom that the human being is the measure of everything, the philosophy of the future should judge the merit of any social organization or political institution by the actual measure of freedom it affords to the individual in the physical, mental and spiritual spheres.

## Political Philosophy

Sarkar's philosophy is founded on the assumption that matter is not separate from consciousness but is rather a metamorphosed form of it. Consciousness, on the other hand, is not the result of mental activity but is independent of it. Consciousness is the inspiration for moral integrity, a rational view of life and wisdom.

Spirituality and morality should not be equated with religious ethics and faith in God. All religions are frank dualist systems that separate humans from their creator and the creation. The rationalist rebels against theology – Descartes, Leibnitz, and Kant – also failed to escape the vicious circle of dualism. To offer security, religion impressed upon people to submit before the imaginary will of God or a theological ethical code, sanctioned by the scriptures and defined by religious institutions. Morality in this sense, however, is the absence of freedom. A philosophy based on spiritual and moral values, on the other hand, will explain human existence – including desire, emotion, instincts, intuition, will and reason – as an integrated framework and in a way that is accessible to human comprehension. A new social organism and political institution should emerge considering not only the harmonious relations of all races and cultural groups, but also the harmonious relation of human beings with all animate and inanimate objects.

For Sarkar, human existence is physical, psychic and spiritual. Sarkar defined progress as evolution to higher consciousness and ultimately to the state of absolute freedom. Simultaneously, he explained that “spiritual progress can only be attained on a firm physical and mental base. ...[T]his physical and intellectual base has to be progressively adjusted to changing conditions of time and space.”<sup>2</sup> The natural human aspiration is to achieve freedom in all three spheres.

In our march towards freedom we cannot neglect other living beings. We have to develop a social system where all living beings can live securely, and where people can move towards emancipation by freeing their minds from superstition and dogma. This universalistic spirit is Neo-Humanism or Spiritual Humanism. Human history thus far is a story of ruling classes trying to enhance social and material values at the cost of human values.

That is why temples, churches, scriptures, laws and constitutions have become more important than human values. However, cardinal values must cement the social system, not changing and often arbitrary social values. Spirituality is not mystic speculation of life after death, but is realized in relation to the manifest universe. The philosophy of monism, which postulates the self to be in union with the rest of the universe, is the essence of spiritual humanism. Regarding the priority of human values over government, Sarkar wrote in his book *Neo-Humanism in a Nutshell Part 1*:

“What does the state stand for, what is the use of these regulations, and what is the march of civilization for, if human beings don’t get a chance to build a good physical well-being, to invigorate their intelligence with knowledge, and to broaden their hearts with love and compassion? Instead of leading humanity to the goal of life, if the State stands in the way, then it cannot command loyalty, because humanity is superior to the State.” 3

## Society and State

In *Human Society Part 2* Sarkar described the inner spirit of ‘society’ as to “move together.” 4 Society originated as a family in the early phase, and was strengthened subsequently under the guidance of group mothers and group fathers. Later, with growing social complexity, group leaders emerged as kings and queens. The emergence of classical religion made the social structure stronger under the dominance of the priestly class.

The concept of the State is a later development. In modern times, society has merged into the State and has been converted into the nation State. Society itself has lost its identity and importance, and social laws, norms and values possess little meaning. All social structures have been politicized both in democratic countries and totalitarian countries. Nevertheless, realistic relations between society and State could be formulated to create a congenial atmosphere for security and freedom.

Sarkar’s main aim was to revitalize society, and through his writings and action he clearly stated that he wanted to establish a “moral society” which he termed “Sadvipra Samaj”. He was not so concerned with the political structure because he concluded that it will continue to evolve and change its character in different phases of history. On the other hand, he felt that in the absence of a strong social structure, neither moral standards nor strong social relations could be realized or maintained. Simultaneously he imagined that a strong social structure would balance the power of the political structure. Human society he considered one and indivisible; hence, he emphasized the formation of a social structure from the global to the village level.

When he laid the foundation of his own organisation, he set up a structure that consists of 35 branches with each being extended to the village level. This

means that each village should have at least 35 persons to take decisions on multifarious activities without being dependent on the dictates of the political structure.

Considering the above, the relation between society and State can be defined as follows:

- Society has wider scope than the State. As an assemblage of human beings, society should be considered one and indivisible without any boundaries of race, religion or nation. The State is a political machinery within society to maintain law and order and other co-related functions delegated by society. The State refers only to the politically organized portion of society.
- Society takes priority over the State. A sense of collective living creates society, and society in turn creates the State.
- The State needs an organized government to enforce its will. Society also needs a structure to regenerate moral and social values and maintain social cohesiveness, free from the influence of the State machinery.
- Society is universal and without any boundaries. But the State may have specific boundaries flexible enough to be changed when there is need.

Simultaneously it is necessary to define the relation between the two structures in the clearest language in terms of set goals and coordination between the two. Ultimately, however, the success of social institutions depends on the evolution of a proper social culture based on the values of spiritual humanism. The materialistic orientation of life and the marketing character of modern industrial religion have created extreme forms of alienation, isolation and identity crisis in the affluent Western world. Third World countries, besides suffering economic crisis, carry the psychological burdens of passive psychology, inferiority complex, religious dogma and other group sentiments. These narrow and stagnant ideas damage social integration.

The creation of social institutions on the world level with organs on the lower levels can eliminate threats from political and economic oligarchies and religious fanatics. Members of the social institutions should be established in the spirit of universalism. Sarkar explained that to be established in cardinal moral principles is essential for the qualitative transformation of the personality. He frequently used the term 'sadvipra' in this regard. This is the only way to create social unity. Value-oriented intellectuals and spiritually free persons, who have moral integrity and are not motivated by self-interest, are the best persons to organize themselves to form the social structure.

Prout's Socio-political Objectives

## Security

Security for all members of society must be ensured, without depending on the bureaucratic structure. Security includes not only a guarantee of food, clothes, housing, health care, education and other minimum requirements of life, but also security in the psychological sense. In Third World countries, the cause of insecurity is the economy. Western countries face a sense of psychic insecurity due to the influence of a quantitative, materialistic monoculture. Overemphasis on materialistic values has created an identity crisis. Extremely alienated, an individual standing before the high wall of organized power structures feels helpless. To eradicate this sense of insecurity and alienation, spiritual awakening of the self is essential. Human beings must restore the sense of unity with their fellow beings, other living beings, nature, society, etc. Secondly, the bureaucratic power structure should be replaced by humanistic management.

## Freedom

The basic human urge for freedom is the motivating force behind social evolution and progress. Freedom should be considered in the physico-psycho-spiritual sense. Physical freedom means the guarantee of the minimum requirements of life, and it cannot be unlimited.

Intellectual freedom implies an arrangement for the development of intellect that can overcome environmental and pseudo-cultural influences. Freedom of thought is more important than freedom of expression. In every society, education, culture, religious institutions and the mass media manipulate the collective mind. Human values are distorted and pseudo-values are imposed.

To ensure real freedom in the intellectual realm, the education system should be reoriented to develop intuitional and creative consciousness. 'Freedom from' hunger, poverty, exploitation, oppression, superstition, dogma, etc. is not enough to guarantee freedom. There must be an idea of 'freedom to'. Spiritual liberation is a state where the individual mind realizes the sense of unity and harmony with the entire universe. The awakening of this consciousness is the goal of freedom, not the expression of unbridled passion and any demand whatsoever of the limited ego. It is the responsibility of society to create opportunities for every member to pursue their spiritual goal without hindrance. In this regard Sarkar wrote:

"I want that every person should be guaranteed the minimum physical requirements of life, every person should get scope for full exploitation of psychic potentiality, every person should get equal opportunity to attain absolute truth, and endowed with all the glories and achievements of the world, every person should march towards the Absolute." 5

The 'absolute' in a spiritual sense is a state of total liberation.

## Economic Development

The idea that maximum consumption will give pleasure has been challenged. Economist E. F. Schumacher states in his book *Small is Beautiful*:

“Economy as the content of life is a deadly illness, because infinite growth does not fit into a finite world. That economy should not be the content of life has been told to mankind by all its great teachers; that it cannot be, is evident today. If one wants to describe the deadly illness in more detail, one can say that it is similar to addiction, like alcoholism or drug addiction. It does not matter too much whether this addiction appears in more egotistical or more altruistic form, whether it seeks its satisfaction only in a crude materialistic way or also in an artistically, culturally or scientifically refined way. Poison is poison, even if wrapped in a silver paper. ... If the spiritual value of the inner human being is neglected, then selfishness, like capitalism, fits the orientation better than a system of love for one's fellow beings.” 6

Sarkar asserted that economic development is only a means for survival and the fulfillment of physical needs. It must maintain balance with nature and other aspects of social and cultural development. The spirit of all-round collective welfare should guide the economic development program.

Considering the above, Sarkar's guidelines and goals for economic development are as follows:

- The minimum requirements of all should be guaranteed.
- Economic power should be decentralized and economic democracy should be introduced.
- Production should be designed for meaningful consumption and not for profit motivation.
- The gap between rich and poor nations should be narrowed.
- Production should serve the real needs of people and not the demands of the economic system.
- Harmonious relations of cooperation with nature should be established.
- The psychology of greed and envy must be replaced by a psychology of collective welfare and cooperation.
- The realization that economic fulfillment cannot satisfy the infinite desire for happiness should be accepted.
- Supramundane and spiritual potentialities should be explored and utilized to balance the mundane character of the economy.
- Psycho-economy, which aims at neutralizing dehumanization by the economic system and effecting the progressive expansion of the individual and collective minds, should develop as a branch of the economy.

## Women's Rights

For any society to progress and express its vitality, proper coordination between its members is essential. Sarkar emphasized that,

“This cooperation should be built in a warm cordial atmosphere of free human beings, and not on a master and servant relationship. It should be a coordinated and not a subordinated one.” 7

The freedom of women from patriarchy is a factor fundamental to the humanization of society. The domination of women by men started two to three thousand years ago, during the ascendancy of authoritative religious institutions. In capitalist society, commodity-oriented social psychology has influenced men's attitudes towards women. Capitalists have encouraged various values and institutions by which women can be used. Pornography and associated publications, sex shops, videos, films and modeling for advertising are all media which exploit women in order to exploit men.

Sarkar explains that the struggle for women's freedom is not similar to that of the trade union movement. According to him, men and women are not two antagonistic classes. As such, “if any agitation is called for at all, the initiative must come from men themselves.” 8 Sarkar wanted men to realize the fallacy of the patriarchal order and redelegate the rights of women. And if any system maintained exploitation, men must take the initiative in the struggle against it.

The women's liberation movement will attain enormous significance if it becomes a threat to the principle of power (capitalist, communist, religious) of contemporary society. If women can demonstrate that their liberation struggle is not aimed at sharing power with men over other groups then it will attain new support and respect. If the women's liberation movement can identify itself as a representative of 'anti-power', women will have tremendous influence in the struggle for a new society. Humanistic values should be the guiding factor of the women's liberation struggle.

In this regard, Sarkar emphasized the endeavour to create social and spiritual consciousness among women and to empower their economic independence. He set up a blueprint for a global organizational structure for women as a means to accelerate such endeavours without depending on the present power structure.

## Democracy



Prabhat Rainjan Sarkar was not against the principle of democracy in the sense of a collective decision-making process, but was critical of the present form of democracy, especially in developing and underdeveloped countries, where money, muscle power and cheap sentiments of caste, tribe and religion influence voter decisions. He called this type of democracy 'mobocracy' or 'foolocracy'.

For the success of real democracy, he suggested that the polity must be socially conscious, educated, possess basic morality, and that the minimum requirements of life of all citizens be guaranteed. Unrestricted social freedom, he said, is tantamount to social anarchism and is detrimental to real democracy. Hence he evolved a moral and social code for future society.

He also said that four structures of a democratic system – legislature, judiciary, executive and audit department – must be independent of each other, with some form of social control for coordination. Only then can these structures function freely, without interference from elected representatives.

### Individual Liberty and Collective Interest

There is a general concept that 'to coerce a person is to deprive that person of his/her freedom'. But the question remains, 'freedom from what?' The liberal view is that one should be free to express one's desires. But this is not so simple as it appears.

In so-called democratic countries, political freedom means voting rights, freedom of expression, freedom of association, and freedom to accumulate property without restriction. It is now clear that this concept of freedom leads to socio-economic inequality, and it has been a controversial question since the 18th century. The Marxist concept of social law is already well known.

Unlimited freedom in the physico-psychic sphere is illogical. In this case the liberty of one person interferes with the liberty of others. One's individual freedom to accumulate may interfere with the freedom of the many to survive. That is why many philosophers have argued that since human purposes and activities are not all in harmony, and because they put higher value on other goals, such as justice, happiness, culture, security and varying degrees of equality, they were prepared to curtail liberty.

These thinkers believed that freedom of action must be limited by law. Otherwise, it would be impossible to have any kind of association. Well-defined social codes of discipline, which restrict individual freedom for the collective interest, are essential for building a strong society.

At the same time there must be some scope for individual freedom. Liberals

like Locke and Mill in England, and Tocqueville in France assumed that there ought to exist a minimum area of personal freedom which on no account should be violated. Total interference by State authorities in personal freedom, which prevails in totalitarian countries, is grossly defective and undesirable.

A line must be drawn between the areas of personal freedom and public authority. It is not a simple issue and many arguments have been made about this topic over the last three centuries. There is a well known proverb, however, that states, 'Freedom for the pike is death for the minnows'. The liberty of some must depend on the restraint of others. A deeper insight is needed to solve this controversy.

It is a mockery to offer political rights to people who are half-naked, illiterate, underfed and diseased. They need food, shelter, medicine and education before they can understand the uses of their freedom. A 19th century Russian radical writer declared that there are situations in which boots are superior to the works of Shakespeare. Individual freedom is not always everybody's primary need. Does it not trouble the conscience of Western liberals, that the minority, who possess liberty, have gained it by exploiting, or at least by averting their gaze from the vast majority, who cannot even satisfy their primary needs?

Without justice the concept of liberal morality is a useless slogan. The Russian critic Belinsky declared that,

"If my brothers and sisters are to remain in poverty, squalor and chains, then I do not want liberty for myself. I reject it with both hands and infinitely prefer to share their fate. It is the freedom that I am giving up for the sake of justice or equality or the love of my fellow humans. If the liberty for myself or my class or nation depends on the misery of millions of other human beings, then the system which promotes it, is unjust and immoral. 9

In this context, it is well known to students of history that high sounding slogans of liberty have echoed over the nations of Europe for the last three centuries while Afro-Asian people suffered ruthless oppression at the hands of those same nations.

Another prevalent concept of personal freedom is that the individual wants to be his/her own master. Bhikhu Parekh writes,

"For a liberal, the individual is a 'master' or 'mistress' of himself or herself, owning his or her body and having proprietary rights over its constituents. As such, individuals lives are their own to do what they like, and the products of their labour are theirs to enjoy as they please. Individuals relate to their

thoughts, feelings, opinions, rights and so on in similar proprietary terms and define liberty, equality, justice and obligations accordingly.” 10

Hence, liberals assert, ‘I wish my life and decisions to depend on myself, and not on external forces of whatever kind’. But this is another piece of ignorance about liberty, often to the detriment of the collective self-interest. Is a human being not a slave to his/her nature and to his/her unbridled passions and weaknesses? The metaphor of self-mastery must be understood clearly. Those who have acquired self-awareness have realized that the self is real, ideal and autonomous at its highest state of consciousness. Otherwise, irrational impulses, the uncontrolled desires of one’s lower nature, the pursuit of immediate pleasures, and the empirical or heterogeneous ‘self’ – swept by every gust of desire and passion – will dominate the individual.

There have been enough instances in history where self-motivation (not the higher self) or group or personal weaknesses were motivators for new philosophies. For instance, divorce law and the system of multiple marriages in Islamic society are detrimental to the interest of women; the priestly clan imposed this exploitative system. The ideology of freedom of accumulation and free market economy has led to capitalist exploitation.

The concept of dictatorship of the proletariat led to the massacre of millions of intellectuals, students and peasants in Soviet Russia and China. Scriptures granting social authority to Brahmins sealed the fate of the so-called lower castes and women in India for thousands of years.

Freedom of expression sounds nice to the ear. But is it not a fact that in all parts of the world, pseudo-culture, religious dogma and socio-economic dogmas are influencing people’s minds? The mass media and cultural and educational institutions are controlled by the ruling class, which has a strong influence on social psychology. In these circumstances, where is freedom of thought? And, without freedom of thought, how can there be freedom of expression?

Considering the physico-psycho-spiritual characteristics of human beings, it can be said that on the physico-psychic level there are limitations, whereas on the psycho-spiritual level, there are not.

“It is with the assembly of many individuals that a society comes into being. In such a society, although every individual wishes to move as per one’s own reactive momenta [psychological characteristics, or samskara in Sanskrit], one cannot do so one hundred percent. Individualism is possible in the subtle and causal sphere, but not in the sphere of this crude world.” 11

So in collective life there has to be some restriction in one’s individual

expression. It should not be allowed to affect collective interests. But expressions in the private sphere – for example, the habits of smoking and drinking, or undesirable sexual indulgence – even if they are undesirable, cannot be restricted by enacting laws. A change in social psychology is essential.

Individual liberty must be allowed as long as it does not:

- Violate cardinal moral values
- Upset the balanced distribution of wealth
- Serve the selfish aims of any self-styled leader
- Harm human unity
- Create violence and hatred
- Create a psychology that facilitates psycho-economic exploitation through the propagation of pseudo-values and the glorification of selfish individualism.

Justice, Law and Morality

Justice

Since the dawn of civilization, every religion and society has made prohibitions, rules and principles for strict compliance and observation in order to benefit the people as a whole. Punishment for lawbreakers has also been fixed. Offenders and criminals have always been looked down upon as society's vilest creatures. In any religious text, utter condemnation of the guilty, even to the Fires of Hell, can be found therein. Not only in this world, hell and eternal inferno await these unfortunates in the next also.

Often no mercy is given them even after the sentence is served. Society does not accept them with feelings of fraternity or humanism, and the stigma becomes permanent. Not only criminals, even his/her dependants and family suffer in the process. He/she becomes, in short, an outcast. Surprisingly, even this severity, though undeserved, irrational and inhuman, does not deter many from breaking the law and others from starting a criminal career. Law and its agency, justice, have proved ineffective in the prevention of crime. Why?

There are various theories about the causes of crime, because no one can fully understand them. Until the 17th Century, a criminal was understood to carry the curse and displeasure of God as well as the shadow of evil spirits. An 18th Century criminologist said that heredity and birth were responsible. Then came the Classical school, the propounder of the will theory, which dissociated the individual from the commission of crime through his free will and put the blame on the State. The Neo-classical school sought for the seeds of

criminality in mental disease, and protested against treating mentally deranged criminals in the same way as ordinary criminals.

Positivists thought that anthropological features contributed to crime. Some attributed the cause to individual circumstances and living conditions. Modern criminologists stress that the criminal is the product of a genetic inheritance influenced by childhood experiences. Sociologists, however, say that crime is the consequence of the human tendency to imitate the traits of older admired figures in one's contact.

Still, no final conclusions about criminal motivation and the causes of crime have been made. But without diving deep into the recesses of the mind, without appreciating the effect of the endocrine glands on the mind, the relation of mind and actions, and the influence of environment, exploitation, individuals' cravings, lust and many similar factors, the mysteries of crime will remain unsolved

Sarkar in his book, *Human Society Part 1*, classified the causes of crime as follows:

- Instinctive: due to psychic abnormalities or maladjustment of glands
- By habit: In a society of degenerated moral values, people adopt criminal methods in order to amass wealth or express unbridled passion. Criminals in high office or high society fall under this category.
- By environmental pressure: In criminal environments like ghettos and where there is a lack of social consciousness, the younger generation adopts criminality.
- By bad company: The influence of companions also sometimes leads to defective habits and criminality.
- By necessity: The want of the minimum requirements of life compels the young generation to commit crime due to the circumstances created by affluent anti-social elements. Society, in such cases, has no right to punish them.
- Occasional urge: This is the result of psychic diseases like mania.
- Other factors: The state of intoxication, property disputes, sexual urges, acute differences of opinion, etc. can lead to criminal acts.

The penal code should include corrective measures that take into account the background of the crime, and not simply the crime itself.

## The Judge

The meaning of the word 'justice is – a distinctive form of mental application to ascertain truth. Although individuals' actions are dependent on relative principles, whatever appears to be the truth in this world of relativity is justice

according to the concept of society. There are some who say, 'What intelligence does a person have that he or she can sit in judgement over another?'

Judgement may not always be correct, and a judge may not always be an ideal human being, but still the system of justice cannot be dissolved. In every sphere of life there should be an effort to march from imperfection to perfection.

The system of judgement should not appear to derive from revenge or vindictiveness. Flaws and errors in judgement are unavoidable; hence, the penal system should be abolished. Sarkar proposed rather that 'corrective measures' should be introduced. When using corrective measures, there will be no cause for accusing anybody. Even if a person is innocent, corrective measures will not harm him/her.

The judicial system should be developed in such a way that no innocent person gets an opportunity to say, 'For want of money, I am a victim of wrong judgement'. An innocent person should never be punished. Both from the social and human point of view, however, society has the right to take 'corrective measures' for the greater welfare.

While defining the fundamental difference between the executive and reformatory systems, he explained that the executive often takes severe actions to strengthen the social and State structures. But severity is not needed at all in a judicial system. Rather, it should be characterized by a sweet, delicate human touch. That is why the executive and judicial systems often do not see eye to eye. A judge with integrity will nullify executive rigidity with his/her human reasoning. If the judges are reluctant to impart a form of justice endowed with human values, then it may be taken for granted that an individual or party is controlling the judicial machinery, as can be found in all totalitarian countries.

The selection of judges should not be a routine affair, because they have to shoulder a very heavy and sacred responsibility. No doubt, the study and knowledge of law is necessary, but the idea that only brilliant students make good judges is not based on practical experience. Strength of character, morality, humanism, kindness and compassion coupled with firmness, efficiency and quick judgement are virtues which cannot be acquired in a classroom, nor have they ever been.

Without an assessment of these virtues, the selection of judges on the basis of competition or the routine elevation from lawyers, as is often done today, cannot be supported. Most judicial ills, as far as even the letter of the law is concerned, are due to improper selections at these positions. Judges devoid of the qualities mentioned above cannot have sufficient courage to impart justice

based on truth. They can fall victim to pressure from the ruling class or dogmatic social customs, throttling justice itself.

## The Foundations of Law

When in society, people generally interact in a human way, cooperating and communicating with each other, a strong social structure can be maintained if there are generally accepted rules of conduct. Many believe that these rules need not be defined and enforced by any centralized agency. But this opinion has caused degeneration in many societies and has weakened social relations. For example, as a result of weak social rules in Western society, family relations are gradually crumbling away. Selfish individualism based on a false concept of identity is influencing the social psychology. In rigid religious societies, a strong centralized agency goes to the opposite extreme, enforcing dogmatic laws that cause people's perennial suffering. The defect lies not with a centralized agency per se, but with the relation of this agency to prevailing social values. In so-called democratic society, neither the State nor the law follows the dictums of social institutions. In orthodox religious societies, religious law guides State law.

There are contradicting ideas regarding the importance of natural law and positive law or legislation. According to Locke, obedience to the State is the condition for the State's protection of rights possessed by individuals under natural law. Some philosophies have gone further and said that if a rule enacted by the State is in conflict with natural law, it cannot be a positive law at all.

One origin of the doctrine of natural law is the idea that God stands in relation to humankind as a monarch does to his or her subjects. From this developed the concept of the divine rights of kings.

In the modern era, with its plurality of conflicting moral beliefs, the doctrine of natural law has lost much of its appeal. Political philosophers generally confuse moral concepts with religious doctrines. Natural law does not require a religious sanction, however. Because there are innumerable contradictory religions which define their own ethical standards, natural law should have an integrity separate from laws enacted by the priestly class.

More importance is given today to positive law, that is, laws enacted by the State. However, within positive law the concepts of 'legal' and 'illegal' are understood relative mainly to the penal code; so far there is no reason to believe that State law has protected freedom and human values in the true sense of the term.

Religious institutions enact law according to their age-old concepts of sin and virtue. The concepts of sin and virtue, according to Sarkar, are both mental

distortions, and change according to changes in time, place and person. Consequently, the penal code should not be framed on the basis of concepts of sin and virtue.

This, then, leaves the question of what can form the basis for State laws apart from religion. The word rationality is frequently used to deny or make relative any moral concept. Positive laws are supposed to be based on rationality. But what is meant by rationality? Is it not embedded in human nature? Those who criticize the concept of natural law as the basis of State law should realize that it is human nature that forms the basis of the natural rights of human beings, which the State is supposed to safeguard through its legal agencies.

A prevalent idea about human nature is that it is empirical and not at all conducive to a concept of human nature. But this is not only ignorant, it is self-contradictory. It is true that a few persons representing the ruling class typically frame the laws and constitution. So far there has been no reason to believe that laws are framed in the best interests of all a society's members. The reason for this, however, is that lawmakers, aside from being subservient to the ruling class, are not aware of the full range of the physical, psychic and spiritual characteristics of the human being. As a consequence, the lawmaking process only serves the prevalent interests, the interests of the ruling class. Cardinal – more permanent – human values are constantly neglected.

Social values, in contrast to cardinal human values, are based on one's status in society. In the modern era, wealth plays a major role in asserting social value. Because of social values, churches, temples, mosques, scriptures and constitutions have always been placed above human beings. For thousands of years these institutions have taught people to ignore human values; laws and constitutions have always varied to suit the interests of the ruling class.

## Morality

Because so many laws are framed according to the interests of the ruling class and not the interests of society at large, a deeper basis for law must be sought in cardinal, or perennial, moral values. To repeat, morality should not be confused with religious ethics. Moral concepts have a universal dimension and are evolved from the psycho-spiritual stratum. According to Sarkar, morality is not just a set of do's and don't's imposed on people by some centralized agency, but is part of a spiritual urge to discover oneself.

Political philosophy should be considered to be an application of a moral philosophy based on cardinal values whose genesis is beyond the bounds of time, place and person. However, morality is not the goal, but the base of human expression. It is a dynamic force, and adherence to that force enables human beings to reach the status of the Supreme Self, the Supreme Knowledge. Morality is not the dreamy fantasy of the idealist, nor is it the



means to an end of the materialist. It is a physico-psycho-spiritual approach to reveal wisdom and realize the spirit of unity in the diversity of creation. It is a force for the progressive march from imperfection to perfection.

Sarkar recommends the following values for all societies as moral values:

- Non-violence. One should not hurt anybody with a vengeance directly or indirectly – physically or mentally. Both overt and covert violence should be prohibited.
- Truthfulness in words and actions. In the true sense of the term, one's words and actions should not be detrimental to the collective interest. One should not be hypocritical.
- Non-stealing. In the broader perspective, this means not to deprive others of their legitimate rights.
- No misuse of wealth either natural or man-made.
- A universal attitude. All living beings are manifestations of the Supreme Consciousness.
- Our welfare is entwined together.

Based on the above cardinal principles, one universal law, one universal penal code for the universal human being is the demand of the day. While framing laws, all considerations of narrow sentiments based on religion, race, nation, caste or community should be discarded. When there are conflicts between criminal law and moral law, the latter should be respected.

The right of framing the constitution, says Sarkar, should be vested in a world body and approved by general consensus. If the world body is not empowered to interfere in the internal affairs of any country, its people, not belonging to the power circle, will live under a kind of slavery, in spite of any declared individual freedom.

### In Search of a New Soul

The world is in search of a new soul. The awakening of social and spiritual consciousness is the paramount need of today. To quote Dr. Radhakrishnan, former president of India, "If we do not alter the framework of the social system and the international order, which are based on force and exploitation of weaker sections of society and backward nations, world peace will be a wild dream. While resolved to renounce nothing, this generation wishes to enjoy the fruits of renunciation." 12

We are not prepared to pay the price for peace, the renunciation of empires, the abandonment of the policy of economic nationalism, the rearrangement of the world on the basis of racial equality and devotion to world community. It is obvious common sense, but for it to dawn on the general mind, a mental

and moral revolution is needed.

## Notes

1 Eric Fromm, *To Have or To Be*. London, Sphere Books, 1985, 7.2 Prabhat Rainjan Sarkar, *Neohumanism in a Nutshell* Part 6. Calcutta, Ananda Marga Publications, Calcutta, 1987, 51.3 Prabhat Rainjan Sarkar, *Neohumanism in a Nutshell* Part 1. Calcutta, Ananda Marga Publications, 1987, 1.4 Prabhat Rainjan Sarkar, *Human Society* Part 1. Calcutta, Ananda Marga Publications, 1984, 1.5 Prabhat Rainjan Sarkar, *Neo-Humanism in a Nutshell* Part 6. Calcutta, Ananda Marga Publications, 34.6 E. F. Schumacher, *Small is Beautiful*. London, Harper and Row, 1973, 277.7 Prabhat Rainjan Sarkar, *Prout in a Nutshell* Part 1. Calcutta, Ananda Marga Publications, 1987, 29.8 Ibid, 30.9 Sir Isaiah Berlin, "Two Concepts of Liberty", in Anthony Quinn, ed., *Political Philosophy*. London, Oxford University Press, 1971, 144.10 Bhikhu Parekh, "The Cultural Particularity of Liberal Democracy", in David Held, ed., *Prospects of Democracy*. Oxford, Polity Press, 1993, 158-159.11 Prabhat Rainjan Sarkar, *Human Society* Part 2. Calcutta, Ananda Marga Publications, 1986, 6.12 S. Radhakrishnan, *Eastern Religion and Western Thoughts*. New Delhi, Oxford University Press, 1992, 384.

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