

Chapter 2

Religious and Secular Ethics

Immanuel Kant is regarded as one of the most influential thinkers of the modern world and the last major philosopher of the Enlightenment. In 1784 he wrote an essay entitled *What Is Enlightenment?*, in which he described it as:

... man's emergence from his self-incurred immaturity. Immaturity is the inability to use one's own understanding without the guidance of another. This immaturity is self-incurred if its cause is not lack of understanding, but lack of resolution and courage to use it without the guidance of another.¹

Kant believed that it was “laziness and cowardice” that kept people from thinking for themselves and allowed others to control them: “... a book to have understanding in place of me, a spiritual adviser to have a conscience for me, a doctor to judge my diet for me, and so on.” “It is so convenient to be immature!” Kant bluntly wrote, urging as a motto for enlightenment, “*Sapere aude!*” Latin for “Dare to know.”

As counterpart to the new breed of Enlightenment natural scientist, Kant represented a new generation of moral theorist, one confident in the power of reason, unaided by traditional understanding, to discover moral law. This conviction inspired a forum of secular ethical theories in the seventeenth and eighteenth centuries with lasting influence on moral analysis and bioethics, as well as on the modern understanding of political systems and social institutions. These fresh moral and political philosophies, while not opposed to religious teaching, didn't require it. Although frequently clashing, they shared a focus on the well-being of humankind in the present life, not in some possible hereafter. They agreed that morality was important to human well-being and that rationality, not faith or dogma, should be the principal guide to human conduct. They thus posed a direct challenge to the old way of doing ethics with which we begin: following the will of God.

DIVINE COMMAND THEORY

Beyond the proper posture to take toward life's limitations and struggles, the medieval Church also addressed the proper relationship with others. As children of God human beings were to treat one another properly, by following the will, or command, of God. In the study of ethics, this view that all of morality is dependent on the will of God is often called divine command theory.

According to divine command theory, what God expects of us derives from his immutable moral nature. Given that God's moral nature never changes, neither do his expectations of us. The moral obligations that flow from God's unchanging moral nature are fixed, unchanging, and absolute. In this manner, the divine command—"Always follow the will of God"—applies to everyone, at all times, everywhere.

Scriptural Basis

Medieval theology allowed for two interpretations of divine command. According to one interpretation, the specifics of God's will were revealed in the Sacred Scriptures, as interpreted by the Church. Traditional examples were the Ten Commandments of the Old Testament (Ex 20:2–17) or the New Testament's Golden Rule, by which we are enjoined to treat others as we ourselves would want to be treated (Luke 6:27–31). Augustine's writings and teachings show that he considered the Bible the chief source of Christian ethics.² For his part, Aquinas proposed an alternative divine command theory called natural law as providing a rational basis for scriptural moral revelation.

Natural Law

Aquinas reasoned that, because God created the world and everything in it with an order and purpose reflective of his will, by examining the nature of things we should be able to discover what God expected of us. Our God-given intellect, though flawed and imperfect, could discover the creator's behavioral imperatives or moral law. This general revelation, complementary to the Bible's special

revelation, meant that knowledge of God's will was open to all, non-believer as well as believer, through nature and the human mind and heart, independently of divine revelation (Ps 19:1–6; Rom 1:18–20; 2:14–15; Acts 14:14–18; 17:24–31). In other words, the mental powers given by God for discerning his existence also enabled us to discern moral law. Although neither Aquinas nor the Catholic Church viewed this analysis as undermining the special revelation of the Bible, Protestant reformers did. To Martin Luther (1483–1546) and John Calvin (1509–1564), for example, both of whom held Augustine in high regard, the derivation of God's existence and moral law from human nature effectively diminished the relevancy of God and the supernatural, as well as the centrality of sin upon human life.³

Aquinas, in fact, did not originate natural law theory but adapted it from the ancient Greek view that moral principles were objective truths that could be discovered in the nature of things, much like laws of nature could be discovered in the physical universe. Laws of nature are statements about the physical world based on observation. The law of gravitation, for example, describes the natural phenomenon of attraction between massive bodies. Its moral counterpart, natural law, discerns something else in nature: rules for how humans are to conduct their lives and relate to one another. So, as distinguished from laws of nature, natural law is based on interpretation and not merely observation of nature; it is prescriptive and normative, not merely descriptive and non-normative.

What is morally appropriate behavior, according to any natural law view, is determined by the kind of creature the human is—that is, by reference to a theory of human nature, which, presumably, reason can discover. Aquinas' view of human nature reflected, of course, the biblical narrative of the human created in the image of God. But the pre-Christian Aristotle also influenced Aquinas.

Borrowing from Aristotle, Aquinas taught that the basis of moral obligation resided in our very nature in the form of various natural inclinations or dispositions, such as the preservation of life, the propagation of the species, and the search for truth and a peaceful society. The moral law, presumably,

was founded on these natural dispositions and the ability of reason to discern right course of action. Nothing less than our fulfillment as human beings lay in the balance. For Aristotle that fulfillment resided in the present world, achievable in a reasonable balance between behavioristic extremes. For Aquinas our fulfillment resided in the world to come, achievable through obedience to a divine lawgiver. For both, living by nature's law, as understood by reason, was the road to self-fulfillment. By following this moral law, Aristotle said that we could live a good and happy life that ended at death. For Aquinas, following nature's divinely ordained precepts, which were also revealed in the Sacred Scriptures (e.g., Jer 31:33; Rom 2:15–16) and taught by the Church, meant we could win eternal salvation in the postmortem life.

Thomistic natural law didn't upset basic moral precepts of medieval Christianity but proposed another avenue to them. For example, Augustine used the biblical commandment "Thou shalt not kill" to condemn suicide. Aquinas also condemned self-killing, but not merely because of scriptural prohibition. Suicide was wrong, according to Aquinas, because it violated the command of God not to destroy what our reason knows is a fundamental good, our life.⁴

The Doctrine of Double Effect

Thomas Aquinas is credited with introducing the principle of double effect, in his discussion of the permissibility of self-defense, in his monumental work, *Summa Theologica* (II-II, Qu. 64, Art. 7) The doctrine (or principle) of double effect is often invoked to explain the permissibility of an action that causes a serious harm, such as the death of a human being, as a side effect ("double effect") of promoting some good end, such as self-preservation. Thus, the death of an assailant is justified so long as it wasn't intended, but resulted as an unavoidable side effect (or "double effect") of defending oneself. Again, a doctor who injected a large dose of morphine into a patient with the intention to kill the patient would act impermissibly, whereas one who did the same thing with the intention of pain relief would act permissibly, even though she knew that death would be hastened. The principle of double effect, then,

recognizes that sometimes it is permissible to bring about as a merely foreseen side effect a harmful event that it would be impermissible to bring about intentionally.⁵ Specifically, under the doctrine of double effect, a harmful effect is indirect and morally permissible if and only if: (1) the act itself is morally good or neutral, (2) only the good effect of the act is intended directly, (3) the bad effect of the act is not the means for achieving the good effect, and (4) the good effect outweighs the bad effect.

Over the years Roman Catholicism has given special attention to morality in medicine. Literally for centuries it has engaged questions that we today term bioethical, carefully crafting the theoretical scaffolding for moral analysis and resolution. Its positions, grounded in Thomistic natural law and double-effect analysis, continue to influence laws, institutions, and professional codes of conduct. As we'll repeatedly see in issues Parts III and IV, the reach of its moral theology extends from decisions and policies at the beginning of life to those at life's end.

Following the tradition of Aquinas, several moralists of the Dominican order of priests, writing in the sixteenth century, articulated a distinction between ordinary and extraordinary means of preserving life. Basically, the distinction is this: "Ordinary" refers to all reasonable and beneficial medicines and treatments that can be obtained and used without excessive burden to the patient; whereas "extraordinary" refers to all medicines and treatments that can be obtained or used only with excessive burden to the patient, or ones that wouldn't offer the patient reasonable hope of benefit. According to the ordinary/extraordinary distinction, a patient is not morally obligated to use any means, natural or artificial, that does not offer a reasonable hope of ameliorating the patient's condition.

Beyond this, contemporary revisions have breathed new intellectual life into Aquinas' natural law theory. The Catholic Australian philosopher John Finnis, for one, has argued, controversially, that the truth of natural law doesn't depend on any prior acceptance of God's existence or upon revelation. Rather, it is self-evident, that is, we can know the principles of natural law through our subjective experience, which is always directed toward fundamental

goods. In contrast to the four fundamental goods or objectives that Aquinas said God commands us to pursue—human life, family, knowledge, and an orderly society⁶—Finnis identifies seven basic forms of good: “life, knowledge, play, aesthetic experience, friendship, practical reasonableness, and religion.”⁷

In any event, the Thomistic version of natural law consisted of rationally discoverable rules of conduct corresponding to dispositions supposedly inscribed by God in human nature. Enlightenment thinkers favoring natural law accepted its classical non-revelatory basis for human conduct. However, they replaced its divine prescriptions with the physical, biological, and behavioral laws discoverable without appeal to religious authority. In other words, as an alternative to religious natural law, some Enlightenment philosophers proposed secular natural law.

SECULAR NATURAL LAW

It is typical of secular natural law theorists to pose an early, pre-societal stage of human development and speculate about the rules people in this hypothetical primitive state of nature would naturally agree to live by. For example, the English philosopher John Locke (1632–1704), a preeminent natural law theorist and intimate of Newton, envisioned an original, free state of nature, characterized by happiness, reason, and tolerance. In this pre-social state hypothetical, all were equally free to pursue life, liberty, health, and possessions. From this model Locke then derived certain inalienable rights that supposedly flowed from nature’s law, independent of and prior to the establishment of any state or its primary instrument, government (*Two Treatises of Government*, 1688). Specifically, Locke viewed life, liberty, and property as natural rights. He said that it was precisely and only to protect these natural rights and ensure equal treatment against the threats to them posed by conflicting and unrestrained self-interests that people formed societies.

In order to appreciate the significance of Locke’s thought and what he understood by “natural rights,” it’s useful, initially, to distinguish between legal and moral rights.

Legal and Moral Rights

Broadly defined, a right is an entitlement to act or have another act in a certain way. If you claim a “right” to vote, for example, presumably you mean that you’re entitled to vote and others should—that is, have a duty—to permit you to vote. Your right to vote under certain conditions is derived from our legal system and is, thus, considered a legal right.⁸

In addition to legal rights, we also speak of moral or, perhaps more often today, human rights. Unlike a legal right, which is supported by a legal system, a claim to a moral, or human, right is supported merely by one’s humanity, regardless of law. So, whereas a legal right is derived from law or a legal system, a moral right is derived merely from being a human being.

For example, if you claim a right to free speech, you’re probably asserting that, as *human beings*, you and anyone else are entitled to express or listen to an opinion expressed in public without censorship or government interference. Your moral right to free speech, or anyone else’s, does not depend on a human institution for its legitimacy, as legal rights do. You would likely say that, even if a law didn’t protect it, you would still have the moral right to free speech. You’d also likely say that your right to free speech should be supported by law, and that the ideal state is the one that does that. More broadly, the just state protects all moral or human rights.

Conceptually, moral or human rights are descended from *natural rights*, Locke’s locution. Sometimes they’re even taken to mean the same thing. The renowned American historian Lynn Hunt, for example, says that moral, or human, rights require three interlocking qualities: They must be “*natural* (inherent in human beings), *equal* (the same for everyone) and *universal* (applicable everywhere).”⁹ Hunt’s depiction of moral rights fairly captures what Locke meant in asserting that human beings, as human beings, have natural rights to life, liberty, and property. It also reflects the sentiment of Thomas Jefferson, (1743–1826) as expressed in the *Declaration of Independence* (1776):

We hold these truths to be self-evident,
that all men are created equal, that they are

endowed by their creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.

In 1789, the French *Declaration of Rights of Man and Citizen* similarly declared that “all men are born free and equal in rights,” among which it listed liberty, private property, inviolability of the person, as well as equality before the law and freedoms of speech and religion.

Clearly implied in a natural rights political construction is a healthy tolerance for diverse, often-opposed private interests and values, especially in the spheres of religion and conscience. This fundamental premise fell under the so-called Enlightenment Project, which can be understood by reference to a collection of beliefs, such as:

- a belief in the power of human rationality to establish reliable, universally recognized scientific and moral knowledge;
- a rejection of beliefs that claim truth based solely on authority and tradition;
- a belief in the equality of humans in terms of their ability to be rational and an impulse to remove all barriers to the exercise of that rationality via the promotion of individual liberty, autonomy, and choice; and
- a belief in the capacity of humankind to use rationality to promote individual and communal progress.

One profound implication of a commitment to these beliefs was that religion could no longer define “political community,” as it had in the Middle Ages. In its place, as the American philosopher and political economist Francis Fukuyama notes, would be “a neutral framework of laws and institutions that would guarantee rational individuals the right to pursue whatever ends they chose under a social contract.”¹⁰

Social Contract Theory

Social contract refers to a theory on how states and governments come into being. The key concept of contract theory, or contractarianism, is the claim that it is the people who bring the state or government

into being to secure and promote their basic rights and well-being. Empowering civil authority to spell out legal rights based on natural or moral rights, presumably, ensures the requisite mutual trust for the social cooperation needed to protect those rights.

Thomas Hobbes (1588–1679) and Locke were two of the period’s three great contractarians, the third being Rousseau (*Le Contrat*, 1762). Mindful of the time’s divisive religious wars and the desperate need for peace, Hobbes suggested, in *Leviathan* (1651), the possibility of establishing legitimate political institutions without grounding them on divine revelation. To this end he proposed consolidating power in the hands of a sovereign ruler in order to suppress human evil. Locke, on the other hand, envisioned what in the West came to be viewed as the only legitimate political order, namely one:

... in which power would be limited, divided and widely shared; in which those in power at one moment would relinquish it peacefully at another, without fear of retribution; in which public law would open relations among citizens and institutions; in which many different religions would be allowed to flourish, free from state interference; and in which individuals would have inalienable rights to protect them from government and their fellows.¹¹

Their differences aside, Hobbes, Locke, and Rousseau, seeking to escape “the destructive passions of messianic faith,” replaced a “political theology centered on God [with a] political philosophy centered on man.” Professor of Humanities Mark Lilla, for one, has termed this the Great Separation.¹²

Contract theory, then, was basically a declaration of war on medieval notions of kingship by which royalty ruled by divine right and, therefore, was accountable only to Church and God. Social contract, by contrast, proposed two revolutionary political ideas: (1) Governments are formed by the consent of the people as the rational means, not to acquire rights, but to secure them more efficiently than in the primitive state of nature. (2) When governments fail, the people have a right to dissolve them and form new governments.

The US Constitution In America the social contract was spelled out in the US Constitution (adopted in 1787), which is notable here in several respects.

As theory, the Constitution is the preeminent example of natural law influencing social law. The Constitution is also a good example of the political reach of scientific method. As physicist Heinz Pagels points out:

... the political principles drafted into the Constitution... are indebted in large measure to the emergent ideas of seventeenth- and eighteenth-century science.... The necessity for experimentation and modification through amendment are scientific principles embedded in the Constitution [for example].¹³

In the same vein, popular science writer Timothy Ferris finds in the Constitution the underlying principle that citizens should “be free to experiment, assess the results and conduct new experiments.” In *The Science of Liberty* (1010), Ferris compares the American Republic to “a scientific laboratory [designed] not to guide society toward a specified goal, but to sustain the experimental process itself.”¹⁴

Most importantly, the Constitution formally altered the medieval relationship between law and religion. Thus, Article VI, sometimes referred to as the “Supremacy Clause,” establishes the Constitution as the supreme law of the land, while the “Establishment Clause” of the First Amendment prohibits the government from (1) installing a religion, (2) preferring religion to irreligion (e.g., atheism or agnosticism), or (3) preventing the practice of religion. Evangelist Robert Price makes clear the further political implications of the Supremacy and Establishment Clauses, as well as the Constitution generally:

Our Constitution does not really posit a system of values and virtues to be inculcated among the people. Instead it presupposes simply that we will not get in each other’s way. We maximize individual freedom, we live and let live. Our laws are based not on morality but rather simply on non-interference. Thus for the

government not to outlaw abortion means not that it considers abortion to be morally right and good, but that it feels it has no business interfering in the matter. Religiously, you can do whatever you want to do—except draft me as a human sacrifice! Your freedom ends where mine begins. Such an argument is purely pragmatic, and it is a great way of dealing with pluralism. Live and let live.¹⁵

But what happens when “live and let live” comes up against majoritarian values? In other words: How are we to resolve what constitutional scholar John A. Robertson terms “the recurring dilemma of rights in a society of limited governmental powers”? As he explains:

Recognition of fundamental rights is essential in the constitution scheme, yet it permits activities that may run counter to the values that a majority holds and may even lead to changes in those values. Yet the community through law may not stop the exercise of those rights, even though an impact on its value structure may occur. Thus, abortion, in vitro fertilization, non-coital reproduction, conscientious refusal of needed medical care, and sometimes even assisted death are left to the “moral discretion of patients, physicians, and other actors in the private sector.”¹⁶

So, as a moral theory, secular natural law of the Enlightenment posited rationally discoverable rules of conduct in human nature. However, as it came to be mediated—socially and politically through rights theory, contractarianism and, in America, the US Constitution—it left the individual largely the rule maker and assigned government a minimal, protective role. The result was a robust individual autonomy or personal freedom that contrasted sharply with religious natural law, which cast the individual as discoverer and follower of rules legislated by a theistic God, who embedded them into human nature, established a Church to interpret them, and expected a civil government strong enough to administer them.

Today's secular natural law theorists still adhere to the core belief in rationally discoverable, non-revelatory rules of conduct in human nature. For example, a number of conservative thinkers—termed “Darwinian conservatives” by political scientist Carson Holloway (*The Right Darwin*, 2006)—claim that evolutionary biology provides a scientific basis for natural moral law, effectively making religion superfluous. Political analysts Larry Arnhart (*Darwinian Conservatism*, 2005) and James Q. Wilson (*The Marriage Problem*, 2002), as well as political economist Fukuyama (*Our Posthuman Future*, 2002) and *National Review's* John Derbyshire, argue that the Darwinian account of human nature—that human behavior, thought, and feeling are innately or biologically based—supports, rather than undermines, morality. They say controversially, for example, that Darwinism supports the natural status of the traditional family and traditional sex differences and roles.

Other conservatives, however, notably George Gilder and John West, find the coupling of natural law and Darwinian evolution a troubling stretch. Both men are associated with the Discovery Institute, a think tank best known for challenging evolutionary thought and advocating intelligent design, a theory that attributes the origin of life and the universe to intelligent causes. To conservative thinkers like Gilder and West, Darwinian evolution doesn't support natural law. They say that accepting it, in fact, destroys any basis for natural law by undercutting religious faith and producing “an amoral, materialistic worldview that easily embraces abortion, embryonic stem cell research and other practices they abhor.”¹⁷

KANT'S THOUGHT AND ETHICS

Kant was another proponent of moral rights, but as truths of reason, rather than of human nature.

In 1785, the year following *What Is Enlightenment?*, Kant published *Foundations of the Metaphysics of Morals* (1785). In this work he proposed a moral system based on rationality and duty, applying the technique of using reason to analyze itself that he had developed earlier in his groundbreaking *Critique of Pure Reason* (1781).

Philosophy's “Copernican Revolution”

In the *Critique* Kant had set out to understand how the mind received and processed information. His conclusion, briefly, was that we could never know things as they really were, but only as we perceived them to be. Knowledge was perception, and the world as it really was—“things in themselves” or, in Greek, *noumena*—were inaccessible to the human mind. All we could ever know were “phenomena,” or things as they appeared to us and were interpreted by us. In Kant's words: “The mind ... brings something to the object it experiences.... The mind imposes its way of knowing upon its objects.”

This startling notion—that objects conform to mind, rather than mind to objects—has been termed philosophy's “Copernican Revolution.” The phrase suggests that Kant's idea—that our understanding of the world and its objects has as much to do with our own minds as with the world and its objects—represented a change in perspective that was as important to philosophy and the social sciences as Copernicus' idea that the earth was not the center of the universe was to astronomy.

Besides challenging traditional assumptions about logic, history, and science, philosophy's Copernican Revolution also disputed the reliability of experience, tradition, and religious authority for developing moral principles. In Kant's view, “God” and many other speculative topics, including the problem of evil, simply exceeded the limits of human knowledge. However, that he couldn't say anything intelligible about God or how an all-good and all-powerful Being could create a world full of innocent suffering didn't stop Kant from linking both to his theory of morality.

God, Morality, and the Problem of Evil

The Bible's book of Job does not attempt to explain the mystery of suffering but to probe the depths of faith in spite of suffering. As such, the ancient parable of a long-suffering man provides one of the most poignant of imponderables: “Why do bad things happen to good people?” For Kant, it was precisely life's unrelieved suffering and unrighted

injustice that persuaded him that reason demanded that happiness and virtue be connected. In other words, by no other dictate than that of rationality: The righteous should be blessed, and the unrighteous punished. That's how it ought to be. When it isn't, which is often, we can, like Job, feel confounded.

But the palpable disconnect between virtue and happiness didn't upend Kant. For one thing, he treated it as one of those unfathomable supernatural matters. For another, and more positively, he thought that trying to comprehend the connection between virtue and happiness was morally disastrous because it precluded the very possibility of morality. It was precisely *not* understanding the connection between virtue and happiness (or vice and unhappiness) that led to both faith in God and the possibility of morality, he argued. For if we lived in a morally transparent world, we'd lack the freedom that morality required, because “[t]o act freely is to act without enough knowledge or power—that is, without [divine] omniscience or omnipotence.”¹⁸ Therefore, according to Kant, “[S]olving the problem of evil is not only impossible but immoral.” “Theodicy,” he wrote, “is not merely impossible and immoral it also tends toward blasphemy.”¹⁹ In the face of life's unrelenting, undeserved suffering and injustice, then, ours was not to ask, “Why?” Rather, we were to affirm, “There must be a God to right such things,” then act like that God by becoming, as it were, moral legislators.

Moral Choice

As in the *Critique of Pure Reason*, so too in his *Critique of Practical Reason* (1788), a more-developed version of *Foundations*, Kant turned reason on itself to elucidate moral choice. Basically, he claimed that reason without recourse to experience, religious authority, or tradition could discover moral laws, which, like the laws of physics, implied absolute necessity. In Kant's celebrated words: “Two things fill the mind with awe and wonder the more often and more steadily we reflect upon them: the starry heavens above me and the moral law within me” (*Critique of Practical Reason*).

According to Kant, by telling us what to do—what principles of action were objectively required—reason enabled us to go beyond natural instinct and narrow self-interest. Reason told us what principles of action had the force of an unconditional moral duty, that is, one that was both universal and absolute; one that always applied, unexceptionally, to all rational creatures. Moral choice, in turn, was the freedom to act in accordance with unconditional duty or discoverable laws of reason. This made reason the means to personal freedom or individual autonomy. Because we were subject only to the laws of our reason, we were autonomous, self-governing beings. And by Kant's account, it was autonomy that gave rational beings dignity and worth beyond all measure and, thus, made them deserving of respect.

Kant believed that there was only one formally unconditional duty found in pure reason. He termed this universal basis of moral obligation the categorical imperative (CI) and made it the centerpiece of his ethics.

The Categorical Imperative

Kant expressed his CI as follows: “Act as though the principle of your action were to become by your will a universal law of nature” (*Groundwork of the Metaphysics of Morals*). In other words, in deciding something morally significant, we were to imagine the maxim that all rational beings would adopt as a law governing that decision and derivative action. In this way Kant offered an answer—a *secular* answer—to the question of moral obligation: “What ought I do?”: “I ought always to follow the CI.” The CI was Kant's attempt to secure ethics by reason alone.

Kant believed that properly applying the CI necessarily led to universal prohibitions of actions such as lying, stealing, murdering, and suicide. In other words, it was against the moral law of reason to lie, steal, murder, or take one's own life. Anyone who did such things was governed not by reason but by something else—passion, desire, convenience, happiness. Their actions, therefore, flouted rational self-rule by violating the inherent worth and dignity of other persons and themselves.

Of course, as a Lutheran, Kant certainly realized that religious law also prohibited these practices. However, his test of morality was not compliance with the law of God, any more than liberal Protestant Locke's was. For Locke moral law was found in human nature, for Kant in reason. Both were theists who viewed their ethics as supportive of religious morality but justified independently of it.

Social Interests

Although rooted in individual autonomy, Kant's ethics were saved from narrow self-interest by a social component required of rationality. His two alternative formulations of the CI show this: the principles of humanity and reciprocity.

The Principle of Humanity One version of the CI, sometimes termed the principle of humanity, said: "Always act to treat humanity, whether in yourself or in others, as an end in itself, never merely as a means." This meant that rational beings ought never intentionally use other rational beings merely as a means of satisfying selfish needs and desires. Why? Because so doing disrespected others by effectively removing their autonomy and, therefore, not treating them as an ultimate end. Of course, being autonomous, we were always free to treat others that way; but in so doing, we would be acting irrationally. Therefore, as rational beings, we should never so exploit other rational beings by breaking promises, lying, cheating, or stealing.

Principle of Reciprocity Another formulation of the CI, sometimes termed the principle of reciprocity and akin to the Golden Rule, stated: "Always treat others as you would have them treat you." Here Kant explicitly recognized that through our own acts of will we legislated moral law. The moral rules we obeyed were not imposed on us from the outside by custom, tradition, and authority; or by Church, Bible, and God. They were self-imposed and self-recognized, fully internalized principles. Although as moral beings we gave ourselves the moral law and accepted its demand on ourselves, we could not morally prescribe anything we wanted.

We were bound by reason and its demands. And given that reason was the same for all rational beings, we all gave ourselves the same moral law.²⁰

To determine whether a maxim of our action was a moral law, we could ask whether what it commanded would be acceptable to all rational beings thinking impartially and rationally. Would such beings accept it regardless of whether they were the doers or the receivers of the actions? If yes, then to exempt ourselves would offend the dictates of reason. Once again, as autonomous beings we were always free to exempt ourselves, but that would contradict our role as moral legislators and, therefore, would be an irrational act. Exempting ourselves from general prohibitions of promise breaking, lying, cheating, and stealing was simply unfair, according to the CI.

By applying the categorical imperative as either a principle of humanity or reciprocity, Kant, in effect, showed how rationality saved us from the natural tendency to favor ourselves and consider only our own interests. He showed that truly rational individuals considered the interests of others, and, in fact, were duty-bound to do so. Hence, it was precisely as rational beings, according to Kant, that we were able to connect with the rest of humanity. It was by thinking as social beings that we helped create a human community by establishing a basis for cooperation, consensus, and conflict resolution based on a rich conception of moral rights.

Moral Rights

Implicit in Kant's ethics were moral rights as truths of reason, specifically equality and freedom. Without equality, the categorical imperative would lack universal application. There simply would be no basis for saying that *all* rational human beings should be treated with respect and dignity (or as ends in themselves) unless we assumed that all were fundamentally equal. By the same token, without assuming that all were fundamentally free, reason could not act to do what duty demanded.

Kant discovered in reason itself, then, the rights contractarians discovered in the hypothetical, original state of nature. Consequently, Kant's assumption