

A Defense of Ethical Relativism

RUTH BENEDICT

Ruth Benedict (1887-1948) was a foremost American anthropologist who taught at Columbia University. She is best known for her book Patterns of Culture (1935). Benedict views social systems as communities with common beliefs and practices which have become more or less well integrated patterns of ideas and practices. Like a work of art, a social system chooses which theme of its repertoire of basic tendencies to emphasize and then goes about to produce a holistic grand design favoring those tendencies. The final systems differ from one another in striking ways, but there is no reason to say that one system is better than another. What is considered normal or abnormal behavior depends on the choices of these social systems, or what Benedict calls the "idea-practice pattern of the culture."

Benedict views morality as dependent on the varying histories and environments of different cultures. In this essay she assembles an impressive amount of data from her anthropological research of tribal behavior on an island in northwest Melanesia, from which she draws her conclusion that moral relativism is the correct view of moral principles.

Modern social anthropology has become more and more a study of the varieties and common elements of cultural environment and the consequences of these in human behavior. For such a study of diverse social orders primitive peoples fortunately provide a laboratory not yet entirely vitiated by the spread of a standardized worldwide civilization. Dyaks and Hopis, Fijians and Yakuts are significant for psychological and sociological

From "Anthropology and the Abnormal," by Ruth Benedict, in *The Journal of General Psychology* 10 (1934): 59-82, a publication of the Helen Dwight Reid Educational Foundation. Reprinted by permission of Heldret Publications.

study because only among these simpler peoples has there been sufficient isolation to give opportunity for the development of localized social forms. In the higher cultures the standardization of custom and belief over a couple of continents has given a false sense of the inevitability of the particular forms that have gained currency, and we need to turn to a wider survey in order to check the conclusions we hastily base upon this near-universality of familiar customs. Most of the simpler cultures did not gain the wide currency of the one which, out of our experience, we identify with human nature, but this was for various historical reasons, and certainly not for any that gives us as its carriers a monopoly of social good or of social sanity. Modern civilization, from this point of view, becomes not a necessary pinnacle of human achievement but one entry in a long series of possible adjustments.

These adjustments, whether they are in mannerisms like the ways of showing anger, or joy, or grief in any society, or in major human drives like those of sex, prove to be far more variable than experience in any one culture would suggest. In certain fields, such as that of religion or of formal marriage arrangements, these wide limits of variability are well known and can be fairly described. In others it is not yet possible to give a generalized account, but that does not absolve us of the task of indicating the significance of the work that has been done and of the problems that have arisen.

One of these problems relates to the customary modern normal-abnormal categories and our conclusions regarding them. In how far are such categories culturally determined, or in how far can we with assurance regard them as absolute? In how far can we regard inability to function socially as diagnostic of abnormality, or in how far is

it necessary to regard this as a function of the culture?

As a matter of fact, one of the most striking facts that emerge from a study of widely varying cultures is the ease with which our abnormals function in other cultures. It does not matter what kind of "abnormality" we choose for illustration, those which indicate extreme instability, or those which are more in the nature of character traits like sadism or delusions of grandeur or of persecution, there are well-described cultures in which these abnormals function at ease and with honor, and apparently without danger or difficulty to the society. . . .

The most notorious of these is trance and catalepsy. Even a very mild mystic is aberrant in our culture. But most people have regarded even extreme psychic manifestations not only as normal and desirable, but even as characteristic of highly valued and gifted individuals. This was true even in our own cultural background in that period when Catholicism made the ecstatic experience the mark of sainthood. It is hard for us, born and brought up in a culture that makes no use of the experience, to realize how important a role it may play and how many individuals are capable of it, once it has been given an honorable place in any society. . . .

Cataleptic and trance phenomena are, of course, only one illustration of the fact that those whom we regard as abnormals may function adequately in other cultures. Many of our culturally discarded traits are selected for elaboration in different societies. Homosexuality is an excellent example, for in this case our attention is not constantly diverted, as in the consideration of trance, to the interruption of routine activity which it implies. Homosexuality poses the problem very simply. A tendency toward this trait in our culture exposes an individual to all the conflicts to which all aberrants are always exposed, and we tend to identify the consequences of this conflict with homosexuality. But these consequences are obviously local and cultural. Homosexuals in many societies are not incompetent, but they may be such if the culture asks adjustments of them that would strain

any man's vitality. Wherever homosexuality has been given an honorable place in any society, those to whom it is congenial have filled adequately the honorable roles society assigns to them. Plato's *Republic* is, of course, the most convincing statement of such a reading of homosexuality. It is presented as one of the major means to the good life, and it was generally so regarded in Greece at that time.

The cultural attitude toward homosexuals has not always been on such a high ethical plane, but it has been very varied. Among many American Indian tribes there exists the institution of the *berdache*, as the French called them. These men-women were men who at puberty or thereafter took the dress and the occupations of women. Sometimes they married other men and lived with them. Sometimes they were men with no inversion, persons of weak sexual endowment who chose this role to avoid the jeers of the women. The berdaches were never regarded as of first-rank supernatural power, as similar men-women were in Siberia, but rather as leaders in women's occupations, good healers in certain diseases, or, among certain tribes, as the genial organizers of social affairs. In any case, they were socially placed. They were not left exposed to the conflicts that visit the deviant who is excluded from participation in the recognized patterns of his society.

The most spectacular illustrations of the extent to which normality may be culturally defined are those cultures where an abnormality of our culture is the cornerstone of their social structure. It is not possible to do justice to these possibilities in a short discussion. A recent study of an island of northwest Melanesia by Fortune describes a society built upon traits which we regard as beyond the border of paranoia. In this tribe the exogamic groups look upon each other as prime manipulators of black magic, so that one marries always into an enemy group which remains for life one's deadly and unappeasable foes. They look upon a good garden crop as a confession of theft, for everyone is engaged in making magic to induce into his garden the productiveness of his neigh-

bors'; therefore no secrecy in the island is so rigidly insisted upon as the secrecy of a man's harvesting of his yams. Their polite phrase at the acceptance of a gift is, "And if you now poison me, how shall I repay you this present?" Their preoccupation with poisoning is constant; no woman ever leaves her cooking pot for a moment untended. Even the great affinal economic exchanges that are characteristic of this Melanesian culture area are quite altered in Dobu since they are incompatible with this fear and distrust that pervades the culture. They go farther and people the whole world outside their own quarters with such malignant spirits that all-night feasts and ceremonials simply do not occur here. They have even rigorous religiously enforced customs that forbid the sharing of seed even in one family group. Anyone else's food is deadly poison to you, so that communality of stores is out of the question. For some months before harvest the whole society is on the verge of starvation, but if one falls to the temptation and eats up one's seed yams, one is an outcast and a beachcomber for life. There is no coming back. It involves, as a matter of course, divorce and the breaking of all social ties.

Now in this society where no one may work with another and no one may share with another, Fortune describes the individual who was regarded by all his fellows as crazy. He was not one of those who periodically ran amok and, beside himself and frothing at the mouth, fell with a knife upon anyone he could reach. Such behavior they did not regard as putting anyone outside the pale. They did not even put the individuals who were known to be liable to these attacks under any kind of control. They merely fled when they saw the attack coming on and kept out of the way. "He would be all right tomorrow." But there was one man of sunny, kindly disposition who liked work and liked to be helpful. The compulsion was too strong for him to repress it in favor of the opposite tendencies of his culture. Men and women never spoke of him without laughing; he was silly and simple and definitely crazy. Nevertheless, to the ethnologist used to a culture that has, in

Christianity, made his type the model of all virtue, he seemed a pleasant fellow. . . .

. . . Among the Kwakiutl it did not matter whether a relative had died in bed of disease, or by the hand of an enemy, in either case death was an affront to be wiped out by the death of another person. The fact that one had been caused to mourn was proof that one had been put upon. A chief's sister and her daughter had gone up to Victoria, and either because they drank bad whiskey or because their boat capsized they never came back. The chief called together his warriors, "Now I ask you, tribes, who shall wail? Shall I do it or shall another?" The spokesman answered, of course, "Not you, Chief. Let some other of the tribes." Immediately they set up the war pole to announce their intention of wiping out the injury, and gathered a war party. They set out, and found seven men and two children asleep and killed them. "Then they felt good when they arrived at Sebaa in the evening."

The point which is of interest to us is that in our society those who on that occasion would feel good when they arrived at Sebaa that evening would be the definitely abnormal. There would be some, even in our society, but it is not a recognized and approved mood under the circumstances. On the Northwest Coast those are favored and fortunate to whom that mood under those circumstances is congenial, and those to whom it is repugnant are unlucky. This latter minority can register in their own culture only by doing violence to their congenial responses and acquiring others that are difficult for them. The person, for instance, who, like a Plains Indian whose wife has been taken from him, is too proud to fight, can deal with the Northwest Coast civilization only by ignoring its strongest bents. If he cannot achieve it, he is the deviant in that culture, their instance of abnormality.

This head-hunting that takes place on the Northwest Coast after a death is no matter of blood revenge or of organized vengeance. There is no effort to tie up the subsequent killing with any responsibility on the part of the victim for the death of the person who is being mourned. A

chief whose son has died goes visiting wherever his fancy dictates, and he says to his host, "My prince has died today, and you go with him." Then he kills him. In this, according to their interpretation, he acts nobly because he has not been downed. He has thrust back in return. The whole procedure is meaningless without the fundamental paranoid reading of bereavement. Death, like all the other untoward accidents of existence, confounds man's pride and can only be handled in the category of insults.

Behavior honored upon the Northwest Coast is one which is recognized as abnormal in our civilization, and yet it is sufficiently close to the attitudes of our own culture to be intelligible to us and to have a definite vocabulary with which we may discuss it. The megalomaniac paranoid trend is a definite danger in our society. It is encouraged by some of our major preoccupations, and it confronts us with a choice of two possible attitudes. One is to brand it as abnormal and reprehensible, and is the attitude we have chosen in our civilization. The other is to make it an essential attribute of ideal man, and this is the solution in the culture of the Northwest Coast.

These illustrations, which it has been possible to indicate only in the briefest manner, force upon us the fact that normality is culturally defined. An adult shaped to the drives and standards of either of these cultures, if he were transported into our civilization, would fall into our categories of abnormality. He would be faced with the psychic dilemmas of the socially unavailable. In his own culture, however, he is the pillar of society, the end result of socially inculcated mores, and the problem of personal instability in his case simply does not arise.

No one civilization can possibly utilize in its mores the whole potential range of human behavior. Just as there are great numbers of possible phonetic articulations, and the possibility of language depends on a selection and standardization of a few of these in order that speech communication may be possible at all, so the possibility of organized behavior of every sort, from the fashions of local dress and houses to the dicta of a

people's ethics and religion, depends upon a similar selection among the possible behavior traits. In the field of recognized economic obligations or sex tabus this selection is as nonrational and subconscious a process as it is in the field of phonetics. It is a process which goes on in the group for long periods of time and is historically conditioned by innumerable accidents of isolation or of contact of peoples. In any comprehensive study of psychology, the selection that different cultures have made in the course of history within the great circumference of potential behavior is of great significance.

Every society, beginning with some slight inclination in one direction or another, carries its preference farther and farther, integrating itself more and more completely upon its chosen basis, and discarding those types of behavior that are uncongenial. Most of those organizations of personality that seem to us most uncontroversially abnormal have been used by different civilizations in the very foundations of their institutional life. Conversely the most valued traits of our normal individuals have been looked on in differently organized cultures as aberrant. Normality, in short, within a very wide range, is culturally defined. It is primarily a term for the socially elaborated segment of human behavior in any culture; and abnormality, a term for the segment that that particular civilization does not use. The very eyes with which we see the problem are conditioned by the long traditional habits of our own society. It is a point that has been made more often in relation to ethics than in relation to psychiatry. We do not any longer make the mistake of deriving the morality of our locality and decade directly from the inevitable constitution of human nature. We do not elevate it to the dignity of a first principle. We recognize that morality differs in every society, and is a convenient term for socially approved habits. Mankind has always preferred to say, "It is a morally good," rather than "It is habitual," and the fact of this preference is matter enough for a critical science of ethics. But historically the two phrases are synonymous.

The concept of the normal is properly a variant

of the concept of the good. It is that which society has approved. A normal action is one which falls well within the limits of expected behavior for a particular society. Its variability among different peoples is essentially a function of the variability of the behavior patterns that different societies have created for themselves, and can never be wholly divorced from a consideration of culturally institutionalized types of behavior.

Each culture is a more or less elaborate working out of the potentialities of the segment it has chosen. In so far as a civilization is well integrated and consistent within itself, it will tend to carry farther and farther, according to its nature, its initial impulse toward a particular type of action, and from the point of view of any other culture those elaborations will include more and more extreme and aberrant traits.

Each of these traits, in proportion as it reinforces the chosen behavior patterns of that culture, is for that culture normal. Those individuals to whom it is congenial either congenitally, or as the result of childhood sets, are accorded prestige in that culture, and are not visited with the social contempt or disapproval which their traits would call down upon them in a society that was differently organized. On the other hand, those individuals whose characteristics are not congenial to the selected type of human behavior in that community are the deviants, no matter how valued their personality traits may be in a contrasted civilization.

The Dobuan who is not easily susceptible to fear of treachery, who enjoys work and likes to be helpful, is their neurotic and regarded as silly. On the Northwest Coast the person who finds it difficult to read life in terms of an insult contest will be the person upon whom fall all the difficulties of the culturally unprovided for. The person who does not find it easy to humiliate a neighbor, nor to see humiliation in his own experience, who is genial and loving, may, of course, find some unstandardized way of achieving satisfactions in his society, but not in the major patterned responses that his culture requires of him. If he is born to

play an important role in a family with many hereditary privileges, he can succeed only by doing violence to his whole personality. If he does not succeed, he has betrayed his culture; that is, he is abnormal.

I have spoken of individuals as having sets toward certain types of behavior, and of these sets as running sometimes counter to the types of behavior which are institutionalized in the culture to which they belong. From all that we know of contrasting cultures it seems clear that differences of temperament occur in every society. The matter has never been made the subject of investigation, but from the available material it would appear that these temperament types are very likely of universal recurrence. That is, there is an ascertainable range of human behavior that is found wherever a sufficiently large series of individuals is observed. But the proportion in which behavior types stand to one another in different societies is not universal. The vast majority of individuals in any group are shaped to the fashion of that culture. In other words, most individuals are plastic to the moulding force of the society into which they are born. In a society that values trance, as in India, they will have supernormal experience. In a society that institutionalizes homosexuality, they will be homosexual. In a society that sets the gathering of possessions as the chief human objective, they will amass property. The deviants, whatever the type of behavior the culture has institutionalized, will remain few in number, and there seems no more difficulty in moulding the vast malleable majority to the "normality" of what we consider an aberrant trait, such as delusions of reference, than to the normality of such accepted behavior patterns as acquisitiveness. The small proportion of the number of the deviants in any culture is not a function of the sure instinct with which that society has built itself upon the fundamental sanities, but of the universal fact that, happily, the majority of mankind quite readily take any shape that is presented to them. . . .

The Current Tacit Global Morality

Hayden

In this section I seek to establish not only that it is plausible to hold that there is indeed a *de facto* global morality but that it is plausible to identify that morality with natural law. My argument is divisible into four major moves. First, moral variability need not preclude the presence of universal moral principles. Secondly, there are two moral principles that are likely to be universal, namely, the Golden Rule and the obligation to worship God. Thirdly, the moralities specific to religious traditions need not vitiate the tacit universality of natural law's principles. Fourthly, International Law as well as various international agreements indicate a worldwide consensus that tacitly implies the operating presence of the natural law.

1A: moral variability and diverse states of affairs

A common argument against the plausibility of natural law is that if it were true, then there would be no variation in moral norms, values and virtues across cultures and historical periods. But such complete uniformity has never been a part of the natural law tradition, probably for two reasons. First of all, Aristotle in his seminal division of political justice into positive and natural characterized natural justice as being able to vary somewhat.¹ Secondly, Aquinas divided the norms, values and virtues of natural law into two categories: principles and their particular applications. He then taught that only principles are universal or constant across cultures and historical periods; applications are not.²

I-II.95.2 ad 3: "The general principles of the natural law cannot be applied to all men in the same way on account of the great variety of human affairs . . ."

For example, it is a principle of natural law that social welfare is to be advanced. This principle is applied by identifying certain things as promoting social welfare. What so promotes social welfare can vary according to the circumstances without inconsistency. Andrew Oldenquist (1978, 48) gives the example of how different parts of the world could judge washing one's car daily to be moral or immoral depending upon whether water is a precious resource or a cheap commodity. This example shows that the application of a moral principle is through some state of affairs that can vary without vitiating the universality of the norm serving as a moral principle.

If it were the case that all moral disagreement could be traced to disagreement about how to identify certain states of affairs rather than about moral principles, then all moral disagreements would be resolvable once ignorance about the states of affairs is removed. This possibility cannot be easily dismissed: much moral disagreement has been based upon disagreements about states of affairs. For example, during the first half of the 20th century, laws discriminating solely on the basis of race were judged to be moral by some and immoral by others. The dispute was primarily grounded in the evaluation of two state-of-affairs, namely, whether African-Americans and whites were equal and whether Jim Crow laws harmed African-Americans. When the civil rights movement unmasked the ignorance that justified the Jim Crow laws, they were repealed. The persuasiveness of the American civil rights movement thus arose, not from its ability to establish new moral principles, but rather from its ability to show that the states of affairs were not as commonly assumed by whites. If, then, it were possible to attribute all moral differences to differences in states of affairs, no moral disagreement would be basic or at the level of principles. And if there were no differences at the level of moral principles, there would be no evidence for the case against natural law.

¹Nicomachean Ethics [hereafter *N.E.*] Bk. V, ch. 7, 1134b18-1135a 4. That the natural law tradition was influenced by Aristotle's bipartite division of political justice was argued by Crowe (1977, 21-22).

²Aquinas's key arguments are found within these lead texts: I-II.94.4 (whether natural law is the same in all men?). And I-II.94.6 (whether the law of nature can be abolished from the heart of man?).

States of affairs can also be responsible for differences in how the virtues are viewed and ranked. This is especially the case with those virtues that affect community life or one's responsibilities to others. For example, the virtues most needed by a day-care provider differ from those most needed by a warrior: the former needs gentleness and an abhorrence of risk taking, not so the latter. Differences in ways of life, argues Joseph Boyle (1992, 19-20), diversifies both the moral responsibilities and obligations resulting from the application of norms. "Some cultures," writes James Q. Wilson (1993, 229), "emphasize the virtues of duty and self-control, others those of sympathy and fairness." Such cultural differences, however, need not preclude a grounding in the same maxim, such as the prescription to promote social welfare.

Nor need cultural differences preclude the possibility that the attentiveness of one culture to a particular moral value/virtue is resource for the global village; for moral excellence requires respecting others and learning from them. Different humans excel in different virtues, so that each is able to learn from others the excellences of diverse virtues.³ Thus, given the multitude of virtues and various ways in which a moral life may be lived, one's own moral sensibility and growth in the virtues is improved by being attending with appreciation to the particular ways in which goodness is expressed by diverse individuals, peoples, and cultures. But moral differences can be neither appreciated nor a stimulus to moral growth, if not recognized as a form of moral excellence, that is, as a legitimate--though different--application of one's own moral principles. Thus unless some moral principles were common across cultures and societies, diverse moral values, virtues and norms could be neither recognized nor taken as a source of transcultural moral illumination. The gradual repudiation of sexual inequality within diverse cultures illustrates the phenomenon of moral cross-fertilization and growth.

1.2: the practical syllogism

To argue that moral principles can remain constant while the norms, values and virtues resulting from their application varies is to argue that moral variability need not reflect differences in ultimate moral principles or foundational norms. This is possible because moral judgments about particular acts, institutions or kind of things can be derived through the practical syllogism.⁴ The practical syllogism consists of a major premise asserting some moral norm and a minor premise identifying some state of affairs as being subsumed under that norm. Consider, for example, these two arguments:

Major premise (a'): Harming human beings is immoral.

Minor premise (b'): *This* rate of taxation harms human beings *here and now*.

conclusion (c'): *This* rate of taxation is *here and now* immoral.

Major premise (a''): Harming human beings is immoral.

Minor premise (b''): *This* rate of taxation does not harm human beings *here and now*.

Conclusion (c''): *This* rate of taxation is not *here and now* immoral.

These two syllogisms have different moral conclusions solely because their minor premises differ about whether this rate of taxation is harmful. The truthfulness of the minor premise can vary without thereby nullifying the moral precept set forth in the major premise. For example, it is possible for taxation rates to be so high that the working poor could not pay them without selling themselves as slaves to the wealthy; such a taxation rate would be immoral since slavery harms human beings. On the other hand, it is possible for a taxation rate to be highly beneficial to society by providing a much needed social service. In such cases, the conclusion that this rate of taxation is moral rather than immoral would follow from the same major premise that would allow one to conclude that in different circumstances that the rate of taxation would be immoral.

³St. Catherine of Sienna, *Dialogue* I. 7.

⁴The term "practical syllogism" has been used to describe the type of reasoning identified by Aristotle in the *Nicomachean Ethics* 1147a25 and by Aquinas in the *Summa Theologiae* I-II.94.4.

Hence, the practical syllogism enables a morality to be flexible in dealing with the contingencies of life while preserving that morality's integrity by allowing its basic norms to generate diverse judgments tailored to the contingencies of life. If the practical syllogism were not the form of moral reasoning, then particular moral judgments would be neither derived from more general norms nor hierarchically related to those more general moral norms. Without the practical syllogism, morality would be a set of moral norms, judgments, values and virtues that could not vary in any part without necessarily altering the identity of the whole; any variation in moral judgments across cliques, socio-economic classes, cultures and historical periods would suffice to disprove *de facto*--if not, *de jure*--universality.

But if this were the case, then not only would a global morality be impossible, but it would also be impossible for any individual to keep the same morality throughout a lifetime: for states of affairs differ throughout a lifetime. For example, the refusal to shake hands may be a grave insult--in certain circumstances but not in other circumstances: sometimes respect requires bowing. For this reason, Aquinas (I-II.94.4), the quintessential defender of natural law and normative universality, argues that some moral judgments necessarily vary, namely, those moral judgments that concern highly particular matters. An example of such a moral judgment has been in the literature since Plato, namely, the judgment that borrowed weapons ought to be rendered to their owner. But not always. Sometimes, it is the case that these weapons ought to be returned and sometimes it is not the case, namely, when the owner makes known his intention to use those weapons for evil. The moral course of action is determined by what would be harmful here and now: sometimes avoiding harm requires denying weapons to their owner. Evidently, the contingencies and exigencies of life are such that a moral norm cannot be discharged in only one way--not even for a relatively simple matter of whether borrowed weapons ought to be returned upon demand to their owners. The reliance of particular moral obligations not only upon general principles but also upon the particularity of one's context (as well as the existence of moral error⁵) reveals the insightfulness of Aristotle's and Aquinas's claim that moral judgments about actions to be undertaken here and now stem from both a major premise identifying a general moral norm and a minor premise identifying a particular act here and now to instantiate either the evil being proscribed or the good being prescribed by the major premise.⁶ For this reason, Aquinas relied upon the practical syllogism to argue that particular moral obligations vary according to time, place and circumstance--even when they are derived from the same norm.⁷ Hence, the norm proscribing harm sometimes obligates returning borrowed weapons and at other times obligates keeping them depending upon whether the states-of-affairs are actually harmful here and now.

The variability necessitated by the practical syllogism's identification of its minor premise with a certain state-of-affairs means that moral variability is not only compatible with natural law but is required

⁵Moral error also reveals Aristotle's insightfulness in positing the practical syllogism as the structure of moral reasoning, because moral mistakes are discovered in two ways. First, moral mistakes are discovered when one becomes aware that a particular judgment is inconsistent with more general (and more certain) moral principles as when one realizes that the judgment that borrowed weapons ought always be returned clashes with the moral principle of not harming others. Secondly, moral mistakes are discovered when one becomes aware that one has inaccurately classified a particular act as when one realizes that forbidding a person of color from sitting in the front of the bus is really unfair and mean.

⁶If Aristotle were mistaken about the practical syllogism, then no morality could evolve and be the source of moral improvement: to change a particular moral obligation would entail discarding a morality. But, for example, the current moral obligation to treat African-Americans with respect and non-discriminatory laws reflects--not the grafting of an alien morality upon the American people--but the realization that unless the Jim Crow laws and other discriminatory laws were abolished, Americans would fail to adhere to their own moral standards that prescribe treating one's fellows with dignity and equality. In this way, advancement is possible within a cultural morality as human beings seek to maintain consistency between their own basic moral principles and the ever-changing world.

⁷I-II.94.4.

by it. Accordingly, differences in particular moral norms across cultures, historical periods and even contemporaneous groups need not prove that there are no moral principles shared by all in as much as the contingencies and exigencies of moral life require some degree of moral variation. Therefore, since variable moral judgments are reconcilable with the constancy of a moral principle, it is not the case that a universal morality need preclude all forms of moral variance.

Furthermore, since moral variability need not disprove moral universality, the impossibility of a universal morality would not be proven even if it were the case that the human race currently lacks a common morality. Current disagreements do not necessarily preclude future agreement. Furthermore, it is a logical fallacy to argue from premises asserting diverse beliefs to the conclusion that the diverse beliefs are justified; for example, the prevalence of racism never justified its accuracy. Accordingly, even if it were true that human cultures have yet to develop a common morality, the impossibility of a common morality would not then be proven.

Therefore, since moral variability is compatible not only with a common global morality but also with natural law, moral variability does not suffice as evidence against a common global morality or against natural law. In the next section, two basic norms are proposed as possible common norms.

2: The Golden Rule and Divine Acknowledgment as *De Facto* Universals

Although moral variability need not rule out the plausibility of natural law, moral variability of *basic principles* would rule out a form of natural law that has been influential since the middle ages, namely, Aquinas's. For Aquinas explicitly argues that the *principles* of natural law are invariable and known to all.⁸ So, upon the assumption that a global morality requires common normative principles, the question before us is whether natural law's normative principles are indeed universally known as morally obligatory principles.

This question of *de facto* universality needs to be distinguished from the question of *de jure* universality: for they have different grounds: *de facto* universality is grounded upon a commonality of belief that may or may not be warranted (since commonality does not suffice for truthfulness, e.g. the once common belief in womanly inferiority); *de jure* universality is grounded upon a warrant that may or may not be believed (e.g. the warrant for womanly equality is yet to be universally believed). Establishing that Aquinas's natural law is characterized by a *de jure* universality that qualifies it to be the global ethics is a key task of this book. Establishing the possibility, if not plausibility, of a *de facto* universality is the task of this section. To succeed this section must establish that it is possible for natural law's principles to be implicitly or explicitly present within most moralities. I know of no study that has undertaken such an exhaustive study of human moralities as to prove whether or not natural law principles are ubiquitous. Is the absence of such a study due to the expectation that there are no common norms? Or is it due to the belief that nature is incapable of grounding a universal morality? Or is it due to the impossibility of undertaking such a study without having already identified some norm(s) or set of norms as essentially natural law norms? Or is it due to the difficulty of ascertaining whether the norms identified as foundational by various cultures and ethnic groups are themselves derived from more basic norms? If the last possibility, the question is not whether the normative principles identified by various groups of people are common (they aren't, as shown by Kantians and Hedonists; Marxists and Libertarians), but whether the normative principles of various moralities more or less accurately articulate, however unwittingly, the normative principle(s) of natural law. If such were the case, any variation amongst alleged moral principles would reflect nothing more than the diverse applications of a more foundational natural law principle; in which case, natural law's *de facto* universality would be proven.

Needless to say, ascertaining whether natural law principles underwrite the globe's moralities is beyond the scope of any one book. Nevertheless, the plausibility of using Thomistic natural law as the ethical warrant for a global morality increases if it is the case that foundational Thomistic principles are

⁸His key arguments are found in these lead texts: I-II.94.4 (whether the natural law is the same in all men?) and I-II.94.6 (whether the law of nature can be abolished from the heart of man?)

basic. For then the presence of these principles in diverse moralities would be a presence of influence that would enable a global morality relying upon these basic Thomistic principles to be a development of native moralities, rather than an imposition upon them.

Thomistic natural law identifies two normative principles as basic, namely a formulation of the Golden Rule in terms of love and a formulation of the obligation to acknowledge God in terms of love.⁹ The ubiquity of the Golden Rule and the obligation of religious believers to acknowledge somehow the divine provides an excellent reason for supposing that these obligations are essential to the world's various cultural moralities. Let us see whether it is also plausible to identify these obligations as basic.

Prima facie, the evidence for the universality of the obligation to acknowledge God(s) is overwhelming: only atheists and agnostics deny such an obligation. This obligation, moreover, seems to be basic insofar as it is unique. In other words, if this obligation was not basic, then it would be derived from a more basic obligation, e.g., to acknowledge God(s) in the same way that one acknowledges beings "higher than oneself." But this is not, generally, the case. The acknowledgment of the divine is unlike the acknowledgment given to our "betters." In those rare cases where the worship is the same, the human is worshiped as a god, e.g., the ancient Egyptian Pharaoh. Thus, the obligation to worship seems to be basic for religious believers.

Evidence that the Golden Rule is both universal and basic also seems overwhelming for two reasons. First, it is ubiquitous, albeit in negative and affirmative formulations. Ubiquity, however, is not affected by the differences between the negative and affirmative formulations because the obligation to promote another's good implies that one ought not act against that good; the affirmative formulation thereby includes the negative. Secondly, the Golden Rule expresses nothing other than a basic presupposition of morality, namely, the idea that one should be bound by the same moral parameters by which one would bind others and vice versa. Without this presupposition, it would not be possible for those who act consistently with their own principles to treat others immorally or to be treated immorally by those acting consistently with their own principles. This would mean, for instance, that genocide and ethnic cleansing could not be denounced as immoral by their victims as long as their perpetrators were convinced that such acts were morally good.

In other words, the Golden Rule conveys the idea that the self is to identify with the other so that one can recognize that what would harm or benefit the self would also harm or benefit the other and that, as a result, the self and others fall under a common morality: the moral obligations that one wants others to fulfill are those that one should fulfill. This idea can be expressed in more than one way as Jeffrey Wattles makes explicit:¹⁰

Hinduism: 'Let no man do to another that which would be repugnant to himself' [*Mahabharata* bk. 5, ch. 49, v. 57]. 'A person should not himself do that act which, if done by another, would call down his censure' [bk. 12, ch. 279, v.23]. 'Do not do to anyone what you would not like another to do to you; that is the sum of the law' [bk 5, vv.1517-18].

Islam: 'None of you [truly] believes until he wishes for his brother what he wishes for himself' [*Hadith* (or *Traditions*) from the collection *An-Nawawi's Forty Hadith* 13 (p. 56)]. 'Woe to those . . . who, when they have to receive by measure from men, exact the full measure, but when they have to give by measure or weight to men, give less than due' [*The Qur'an*, *Surah* 83, "The Unjust," vv. 1-4)]. 'Seek for mankind that of which you are desirous for yourself, that you may be a believer; treat well as a neighbor the one who lives near you, that you may be a Muslim [one who submits to God].' [*Sukhanan-i-Muhammad* nos. 14 (Teheran, 1938)]. 'The most righteous of

⁹I-II.100.3.ad 1. This identification by Aquinas of the Golden Rule as the first principle of natural law is not unusual for the medieval period; moreover, his formulation of the Golden Rule in terms of neighborly love restores the ancient Ciceronian understanding of the Golden Rule in terms of fraternal love. This restoration paved the way for unifying the Golden Rule with the Christian obligation to practice charity.

¹⁰*The Golden Rule* (1996, 4 & notes 1, 2, 3).

men is the one who is glad that men should have what is pleasing to himself, and who dislikes for them what is for disagreeable' [*Sukhanan-i-Muhammad* nos. 63].

Buddhism: 'Hurt not others in ways that you yourself would find hurtful' [*Udana-Varga*, 5.18.

Inca leader Manco Capac: 'Each one should do unto others as he would have others do unto him' [cited in Alton 1966, 111].

Additional expressions of the Golden Rule:

Confucius, *The Analects*. [4.15]: 'The Master said, . . . My Way has one (thread) that runs through it. . . [namely] loyalty, consideration [shu].' [15. 23]: "Tzu-kung asked saying, Is there any single saying that one can act upon all day and every day? The Master said, Perhaps the saying about consideration [shu]: 'Never do to others what you would not like them to do to you.'" [6.28]: "As for goodness - you yourself desire rank and standing; then help others to get rank and standing. You want to turn your own merits to account; then help others to turn theirs to account - in fact, the ability to take one's own feelings as a guide - that is the sort of thing that lies in the direction of Goodness." [12.22]: "Fan Chi'ih asked about the Good (ruler). The Master said, He loves men." Trans. Arthur Waley, Intro. Robert Wilkinson. (Waley: Hertfordshire: Wordsworth Editions Limited, 1996).

Judaic Scripture: 'Do to no one what you yourself dislike.' [*Tobit* 4:15].

Christian Scripture: 'Do to others whatever you would have them do to you. This is the law and the prophets.' [*Matthew* 7:12]. "Teacher, which commandment in the law is the greatest? . . . You shall love the Lord, your God, with all your heart, with all your soul, and with all your mind. This is the greatest and the first commandment. This second is like it: you shall love your neighbor as yourself. The whole law and the prophets depend on these two commandments' [*Matthew* 22: 36-40, *New American Bible*].

Each of these diverse expressions of the Golden Rule convey the idea that since one is to identify the other as like oneself, one is bound either to forgo certain acts or to pursue certain acts. This idea is basic to morality and a basis of morality. For this reason, the Golden Rule is used as sufficing for moral explanation. For instance: why not steal? Because one would not wish to be a victim of theft. Why be moral? Because one would not wish to be treated immorally.

But one could object that the Golden Rule could not possibly be universal nor basic given the tribal moralities that legitimate treating others in ways one would not identify as moral if done to oneself, e.g., slavery. Slavery is the classic example because historically there have been many who considered slavery to be a moral institution even though they would not consider their own enslavement to be moral. Underwriting this dichotomous judgment is the conviction that it is morally permissible to enslave the other because the other is *not like the self*. But if identifying the other as *unlike the self* warrants different moral standards for the self and the other, then it is necessary to presuppose that one must use the same moral standards for those *like oneself*. This means that contrary to the objection, the Golden Rule is still being used—albeit with a narrower scope due to the failure to recognize that human nature establishes all others to be like oneself. Since this is so, the universality of the Golden Rule is not undercut by the failure of certain peoples to extend the scope of the Golden Rule to all human beings because they consider creed or race or some other distinguishing feature as more salient than human nature. Dichotomous moral systems distinguishing "us" from "them" still rely upon the Golden Rule for establishing the proper moral parameters for those like oneself. Thence the objection fails.

3: world religions versus natural law

If it be granted that it is possible that the Golden Rule and divine acknowledgment are, explicitly or implicitly, basic global moral obligations and if it be granted that these principles are basic principles of natural law, then it would seem to follow that the Golden Rule and divine acknowledgment would be basic principles within every religious morality and, hence, that the natural law is implicitly underwriting every religious morality.

The tacit underwriting of every religious morality by the natural law would be possible if all religious moralities taught that moral norms were somehow inscribed in or by nature. This seems to be the case with many of the world religions. For example, Confucians and Taoists hold that morality is The Way of Heaven; Hindus, Jains and Buddhists hold that morality is governed by karmic laws immanent within nature; and Animists hold that nature itself is spirit. Thus, if it were the case that all religious moralities express nothing other than the natural order, then all religious moralities would be more or less accurate forms of natural law.

Herein, however, lies a problem. Not all religions hold that their moralities are reducible to the natural order. Judaism and Christianity, in particular, teach that morality is based upon a special relationship with God above and beyond the natural world; the divine moral revelation is thus not reducible to the natural order.¹¹ In addition, Christians worry that given Original Sin, natural law morality is either inadequate as a morality or irrelevant as being unlivable without the reception of supernatural grace.¹² The Judeo-Christian dependency of morality upon a revelation not reducible to the natural law as well as the Christian doctrine of Original Sin combine to form a serious Judeo-Christian challenge to the *de facto* universality of natural law—especially given sizable numbers of these believers.

However, in order for the Judeo-Christian challenge to disprove the plausibility of natural law's *de facto* tacit universality, the basic moral requirements of Jews and Christians would have to be opposed to those of natural law.¹³ If they were not opposed, then there would be no way of defeating the possibility of divine revelation including the natural law (and, thereby supporting natural law's tacit *de facto* universality). In this regard, upon the supposition that the Golden Rule is a basic natural law principle, it is not insignificant that the Golden Rule is explicitly revealed in the scriptures of both Jews (*Tobit* 4:14) and Christians (*Matt.* 7:12). The compatibility of the Golden Rule and religion is also found in all religions that believe in a divine Creator; for, as pointed out by Wattles (182, 185), being related to God establishes a kinship that promotes the Golden Rule. Furthermore, the compatibility of natural law and any world religion is strengthened, if it be granted that the obligation for divine centeredness is also a natural law obligation.

¹¹See, for example, Aquinas's arguments in I-II.100.12, I-II.5.5 and I.1.1. For a treatment of natural law's role in Jewish morality see David Novak (1998).

¹²See, for example, Aquinas's arguments on the indispensable need for supernatural grace in I-II.109, 1-10.

¹³The compatibility of natural law and religious morality has been argued by David Novak, *Natural Law in Judaism* (Cambridge University Press, 1998) and Thomas Aquinas, *Summa Theologiae*, *prima secundae* question 100.

Moreover, if any religious believer were to argue that morality arises *only* from a divine revelation alien to the natural law, then that religious believer would also have to concede that, logically, it is impossible for those who did not receive God's revelation to be bound by anything other than a purely conventional morality. If this were the case, then those outside of divine revelation would not have been given guidelines for living by their omniscient and benevolent Creator.

Besides besmirching the generosity and goodness of the Creator, if moral knowledge were bestowed only through special revelation to a few, those outside of that revelation could not act immorally in cases where their own community would misidentify an evil as good. Invincible ignorance exonerates. In other words, if there were no natural law, then upon the assumption that not everyone has received God's special revelation, those to whom God did not speak would be ruled only by a conventional morality. And, none following a corrupt conventional morality could then be guilty of any crime. Genocide, "ethnic cleansing," and all other "crimes against humanity" would not then be morally impermissible for all human beings at all times.

But surely the horrendous and shocking deaths of millions--in Nazi Germany, in communist Europe and Asia, in Rwanda, in Bosnia, and elsewhere--so affront the conscience of the human race that they cannot but be denounced as always grossly immoral. But, given the diversity of beliefs amongst the peoples of the world, it would not be possible for genocide, for instance, to be universally recognized as immoral unless that recognition arose somehow from nature and the natural law; for it is only nature and the basic norms of natural law that transcend the peculiarities of diverse cultural and religious perspectives. Since this is so, only the existence and the *de facto* tacit universality of natural law is able to warrant the transcultural recognition of *crimes against humanity*, e.g., the Jewish Holocaust.

[A]lthough there may be no good things that all men and women everywhere in all societies desire, there certainly are evils that all men and women in all ages and all climates want to avoid: for instance, starvation, loss of family and friends, imprisonment, deformity and disablement, terror, and other afflictions .

... Even though the things we most admire and value may change with changing individuals and social orders, the universals of evil reliably recur in history, and they remain independent of the varieties of human sentiment. Stuart Hampshire (2001, 43).

4. Human Rights and International Law: Signs of a Worldwide Moral Consensus

Given the myriad religions and cultural beliefs characteristic of the human race, if natural law were not tacitly *de facto* universal, it would not have been possible for the diverse peoples of the world to have signed documents espousing common moral principles, namely, the United Nation's 1948 *Universal Declaration of Human Rights*,¹⁴ and the 1966

¹⁴Perhaps, time and distance has diminished our appreciation for the remarkable character of this document. Peter Meyer (1981, xxv) reminds us that at that time "... the world was still a house divided: by dozens of shades of political and economic ideologies, by hundreds of thousands of religious, class, cultural and race barriers, by dictators who still enjoyed riding roughshod over hapless millions." Also it should be noted that the committee for drafting the Universal Declaration was chaired by Eleanor Roosevelt, its vice-chairman was Chang Peng-chung, a Chinese diplomat, its rapporteur was Charles Malik, a Lebanese philosopher (Meyer: 1981, xxv).

International Bill of Human Rights.¹⁵ For the prologue of these documents proclaim that the foundation of freedom, justice and world peace lies in recognizing the inherent dignity of all members of the human family as well as their inalienable rights.¹⁶ The explicit acknowledgment that human rights are grounded in human dignity mark these rights as objective rights based on human nature; hence, these rights are natural rights. The focus on human dignity and individual well-being also mark these rights as articulating the rules of neighborly love. Perhaps, Article One of the *Universal Declaration on Human Rights* puts it best:

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. (Paul Williams: 1981, 4)

The 1966 International Bill of Human Rights was approved by the General Assembly with more than 100 affirmative votes and without any dissenting votes (Paul Meyer, 1981, xxxvi).

The spirit of brotherhood obliges acknowledging human freedom, equality and rights; as such, the spirit of brotherhood is basic within the morality of these documents. This means that the Golden Rule in terms of neighborly love is presupposed by these documents. This reliance on the Golden Rule/Neighborly love is such that it is within this perspective that the norm of divine

The Golden Rule of Neighborly Love Demands Human Rights for All.

acknowledgment is placed. Hence, these documents impose no direct obligations toward the divine but rather impose the obligation to allow religious freedom. In this way, these documents harmonize the obligation to divine acknowledgment with the obligation to treat others with the spirit of brotherhood.

These documents are remarkable for three reasons. First, these international documents did not include any theoretical justification for those rights. This means that the document did not consider

¹⁵The *International Bill of Human Rights* consists of the *Universal Declaration on Human Rights* plus two covenants, *The International Covenant on Civil and Political Rights* and *The International Covenant on Economic, Social and Cultural Rights*. As pointed out by Peter Meyer (1981, xxxvii-xxxviii), these Covenants were not legally binding upon the states that ratified them until ratification had occurred by thirty-five states. The Covenant on Civil and Political Rights became binding in 1976 with 64 states having ratified it by January 1981. The Covenant on Economic, Social and Cultural Rights became binding in 1976 with 65 states having ratified it by January 1981.

¹⁶The Prologue to the *International Covenant on Civil and Political Rights* (Paul Williams, 1981, 31-2), for example, reads as follows: "Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the *Universal Declaration of Human Rights*, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,

Considering the obligations of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedom,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the following Covenants,

Agree upon the following articles:"

persuasion to be necessary: the bold and bald assertion of rights sufficed for consent. Was this because the rights asserted were self-evident or because they were obviously warranted by the major cultures of the world? Either way, the absence of theoretical justification allowed these documents to be approved by countries with dramatically different ethical and cultural traditions. Secondly, if human rights express the parameters of a universal morality, then these documents set the benchmark for a global ethics: any theory seeking universal consensus must warrant these rights as intrinsic to human beings. It is not the ethical theory that warrants the morality but the morality that warrants the theory. Thirdly, by binding governments to respect the right to life and right to liberty, these international documents—like the *Declaration of Independence*—provides a natural law criterion for determining whether or not something may be a right. For life and liberty are not only basic rights, they are mutually interdependent: without freedom, human life can neither be truly humane nor realize its latent potentialities; without life, freedom lacks a criterion to avoid the harm that is so destructive of freedom. Hence, by

identifying life and liberty as its foundational principles, these documents identify the very principles that make possible moral values (and hence, political justice), because—at their most fundamental level—values presuppose life and liberty. As explained by Ayn Rand (*The Objectivist Ethics*, 15-6):

"Value" is that which one acts to gain and/or keep. The concept "value" is not a primary; it presupposes an answer to the question: of value to whom and for what? It presupposes an entity capable of acting to achieve a goal in the face of an alternative. Where no alternative exists, no goals and no values are possible. . . . There is only one fundamental alternative in the universe: existence or nonexistence—and it pertains to a single class of entities; to living organisms. The existence of inanimate matter is unconditional, the existence of life is not: it depends on a specific course of action. Matter is indestructible, it changes its forms, but it cannot cease to exist. It is only a living organism that faces a constant alternative: the issue of life or death. Life is a process of self-sustaining and self-generating action. If an organism fails in that action, it dies . . . It is only the concept of "Life" that makes the concept of "Value" possible. It is only to a living entity that things can be good or evil.

In other words, the question of values presupposes both life and vulnerability, where the failure to adopt the proper values endangers the self and others. The oppositions of life and death, flourishing and impairments, thereby differentiate goods and evils as values and dis-values.¹⁷ Thus, by identifying life and liberty as basic human rights, these documents not only identifies the criterion necessary for identifying the rights of persons but identifies this criterion as pertaining to the nature of human beings—and, thereby, to natural law. This appeal to nature grounds the universality of human rights because human nature is everywhere the same in its requirements for human survival and flourishing. In this way, under the guise of human rights established by human nature, these documents advance the natural law legacy.

Countries approving the 1948 Universal Declaration of Human Rights: Afghanistan, Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Canada, Chile, China, Columbia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Iceland, India, Iran, Iraq, Lebanon, Liberia, Luxemburg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Siam, Sweden, Syria, Turkey, United Kingdom, United States, Uruguay, Venezuela (*Official Records of the Third Session of the General Assembly*, 21 Sept. 1948 - 12 Dec. 1948, New York: United Nations Publications, p. 933). The vote was 48 to 0 with eight countries abstaining: Poland, Byelorussia, Czechoslovakia, the Ukraine, Yugoslavia, South Africa, Saudi Arabia and the Soviet Union (Peter Meyer, 1981: xxxi).

¹⁷Since values presuppose life, death cannot be a value; it can never be, in itself, good. When we say, with tears in our eyes, that a friend is better off dead, what we mean is that it is good that he suffers no more. We are not speaking precisely but emotionally; and so, we commit a category mistake and call death good.

But perhaps, it may be objected that the rights enumerated in these documents are not really natural rights but rights bestowed by social contracts or by governments. Though the latter option may be more popular among contemporary political theorists, it seems to me that it is only the understanding of these rights as natural rights that justifies the sea-change in the political expectations of millions during the twentieth century. For if human rights were not grounded in natural law but in social contracts, or some other convention, then human rights would be bestowed by society or the state rather than imposed on society or the state by their peoples. But the world, for the most part, no longer believes that individual liberties are gifts to be bestowed by government; rather government is to be constrained by individual rights. This is the quintessential natural law position: the dignity and rights of individuals originate in human nature. This ground of human dignity and rights was explicitly proclaimed by Article One of the *Universal Declaration on Human Rights* as well as by the preambles of the *International Covenants on Rights*. These documents thus show that natural law under the guise of human rights continues to be a powerful influence in the contemporary world.

But perhaps the notion of human rights is too vague for setting the parameters of a universal morality.¹⁸ Another way of stating this problem is by noting that to equate common morality "... with the universal core of human rights, ... does not rule out moral diversity in understanding these core rights" (Reinders: 1992, 88). Three responses to such a criticism may be made. The first is that, as already argued in the section on moral variability, moral diversity need not be precluded by a universal morality as long as that diversity rests upon differences in states-of-affairs rather in upon differences in basic norms. For as long as those differences are based upon states-of-affairs, unanimity is eventually possible as the truth about those states-of-affairs becomes known. The second is that, as Reinders (1992, 89) points out, human rights can be considered neither as purely formal nor as merely parochial: "To have a human right is to have a claim, that some determinate action or good be performed or delivered which is valid across the borders of one's own community." Finally, *The International Bill of Human Rights* and the United States' *Bill of Rights* are similar, especially since the *International Bill* contains two covenants. The *International Covenant on Civil and Political Rights* protects the basic liberties of individuals and forbids, in article four, even the temporary suspension of the rights to life, to freedom of thought, conscience and religion, and to not being tortured or enslaved. *The International Covenant on Economic, Social and Cultural Rights* expresses what many consider a foundational American right to consider their government the servant of the people. Hence, if it were the case that the *International Bill of Human Rights* espoused vacuous moral commitments, then the *Bill of Rights* embedded within the American Constitution would also be morally vacuous and unable to offer specific guidance for human actions. But the very specificity of the rights within both *Bills* disproves the claim that rights are too vague to set moral parameters.

Another possible objection is that the political nature of these documents suffice either to eliminate their moral seriousness or to render them morally inadequate. The first disjunct is cynical and suggests that agreement within the United Nations resulted from solely political exigencies and pressures rather than from the moral consciences of participants. If this had been the case, the influence of small states would have not have been as influential as they were.¹⁹ Furthermore, states were very much aware that these documents were innovative in their placement of limitations upon a country's treatment of its own citizens.²⁰ In any case states could not but be aware that the explicit listing of human rights would provide powerful and invaluable ammunition to those convinced that human rights are morally requisite.

¹⁸For example, Jean Porter (2001, 121) argues that a shared common core of moral values would be so vacuous as to be "virtually empty."

¹⁹Susan Waltz (2001).

²⁰Jimmy Carter (1981).

The second disjunct of this objection assumes that moral convictions cannot be embedded in political documents without losing their integrity. To assume this reduces to cynicism and the idea that moral convictions do not and cannot find their fullest expression in social and political actions. But social and political actions are nothing else but human interactions and the *raison d'être* of morality is to guide human interactions. Furthermore, any morality that would exempt the social and political realms from its purview would be a morality unable to condemn social and political actions as immoral. But the witness of those who suffer and who perish from unjust social and political actions condemns this possibility. Thus, the moral character of these *Bills* cannot be denied.

The morality embedded in these international documents is echoed in three areas other than human rights, namely, international law's tacit reliance on natural law continues in four additional areas: fairness and reciprocity in trade agreements, the Geneva conventions, multi-lateral agreements to protect the environment, and humanitarian aid. Indeed, the world's major players are increasingly factoring morality explicitly into their foreign policies (Gelb 2003). Gelb argues that endorsement of "the principle that morality trumps sovereignty" can be found in the United Nation's approval of interventions in Bosnia and Somalia; NATO's military action in Kosovo; approval of the American led intervention in Haiti by the Organization of American states. These actions—to the degree that they seek to protect human life from wanton savagery—embody traditional natural law concerns. In this way, humanitarian interventions have become one of the contemporary faces of natural law. That this is so was especially shown by the massive worldwide aid that was bequeathed to the victims of the 2004 tsunamis.

A last difficulty to be considered is whether the emphasis on human rights in these documents is a product of western imperialism. The charge of western imperialism assumes that the ideas of human dignity and rights are antithetical to Asian traditions of thought. However, if this were so, then human dignity and rights would not be embodied in the Asian versions of the Golden Rule. Asians, moreover, are beginning to argue that their traditions have been distorted by their rulers. For instance, Xiaorong Li (1996, 402-3) argues that the Confucian value of social harmony has been unfairly co-opted to defend restrictions on the right to free association and that the rulers have used the Asian idea that the community takes precedence over individuals and their rights in order to collapse "... the 'community' into the state and the state into the current regime." A false view of individual freedom underwrites this reduction:

Li (403): Free association, free expression, and tolerance are vital to the well-being of communities. . . . In a liberal democratic society, which is mocked and denounced by some Asian leaders for its individualist excess, a degree of separation between the state and civil society provides a public space for the flourishing of communities.

Li also points out that the right to human freedom cannot be consistently denounced as western imperialism by anyone also seeking to develop strong western-style economies.

Furthermore, as pointed out by Li (1996, 401), it is the *genetic fallacy* to assume that "... a norm is suitable only to the culture of its origin." Ideas and ideals belong to whoever claims to believe in them. Accordingly, the students of Tiananmen Square who, in 1989, built a miniature Statue of Liberty were claiming that it was time for Chinese culture to evolve a greater respect for freedom and individual rights. Evolution is not imposition; neither culture nor tradition need be static in order to retain its authenticity. Indeed the ability of a culture to evolve indicates not only that it possessed cultural resources not found within mass consciousness but also that it is possible for the few to draw upon these tacit resources and convince the masses of the legitimacy of progressive societal changes.²¹ The spread of democracy and free economies across the globe bear witness to the truth about the resources of individuals and their inherent dignity and rights. Hence the United Nations documents proclaiming inalienable human rights is truly the voice of human conscience.

Consequently, the *Universal Declaration on Human Rights* and the *International Bill of Human Rights* show that the conscience of every people holds that respect is due every human being and that none ought to be wantonly harmed. As such, these documents show that it is possible for a common

²¹Meyer (1981, xliii) reports that since the 1970's, a plethora of organizations advancing human rights have sprung up.

global morality to be centered upon protecting and promoting human dignity through rights that both restrict and bind governments to care for individual well-being. In this way, these international documents show a worldwide consensus that reveals--at the very least--the tacit presence of natural law within the conscience of the global village. It remains to be seen whether or not that presence shall evolve into an explicit acknowledgment of natural law.

Rules for Evaluating Ethical Theories as Ethics

- 193
- ① Does it answer "Why Be Ethical?"
- ② Does it provide a criterion for right/wrong & good/bad?
- (3) ~~Is it consistent?~~ (4) Does it explain all an ethics should explain? why morality is everywhere!

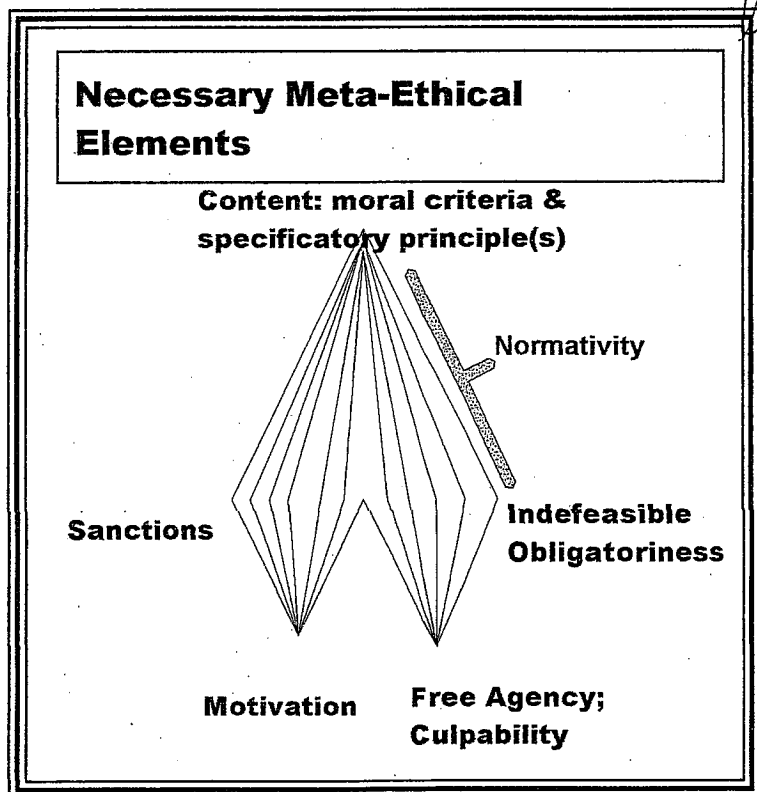
Meta-Ethical Necessities

Perhaps the most striking feature of every morality is its assumption that its obligations are indefeasible and unsurpassable. Moralities bind one here and now to certain courses of action, to certain values and habits. For example, hedonism binds one to maximize one's pleasure; failure to do so would be immoral. Accordingly, a hedonist would never confess infidelity (nor cease it) as long as it remains a hidden source of pleasure.

Infeasible and unsurpassable obligatoriness also explains culpability. For culpability results from the judgment that one violated a here and now, unsurpassable, and indefeasible moral obligation, that is, from the judgment that the contingencies of life in this situation are no excuse for failing to fulfill the moral obligation. Culpability, of course, presupposes that one is able to do otherwise; it presupposes free agency. It is for this reason that morality is a peculiarly human enterprise: we do not charge the jackal with murder for getting his dinner. Free agency is also the reason why most moralities hold that what is unavoidable or impossible does not obligate ("the impossible does not bind") and that obligations imply the ability to fulfill them ("ought implies can"). If then a moral obligation is impossible to discharge, it is logical to hold that the failure to discharge it is inculpable, since a pre-condition of culpability does not hold.

The possibility of conflicting obligations is handled in various ways by different moralities. Although some concede the possibility of dilemmas, most hold that when two obligations cannot be fulfilled, the higher obligation supersedes or dispenses the lower. Accordingly, most would not consider missing a student appointment to take one's spouse to the emergency room to be a culpable act: the obligation of caring for one's spouse supersedes, in this instance, the obligation of keeping a promise to a student. There are two more necessary characteristic of every morality, namely, sanctions of some kind (usually social, e.g., scorn and social ostracism) and the presupposition that free agents are motivated, somehow, to discharge moral obligations.

The necessary features of every morality can be placed into five categories: (1) moral content with a principle of specifying moral goods and evils; (2) unsurpassable and indefeasible obligatoriness; (3) free agency/culpability; (4) moral motivation; and (5) sanctions. From the ethical perspective that seeks to explicate, systematize, and justify morality, these five aspects of morality require further elaboration. Moral sanctions need to be identified and evaluated: are social consequences (e.g., scorn) the only kind of sanction? The sources of moral identification needs to be identified and explained: are sanctions, for example, the only motivating factor? Free agency and culpability need explanation: how is it possible to remain free in face of moral obligations? Moral content needs a principle of specification and explanation: why identify *this* act, object, thought, feeling, motive, etcetera as good or bad, right or wrong?



Unsurpassable and infeasible obligatoriness needs to be grounded in some good, right or imperative. When this ground is also able to specify moral obligations, it is morality's principle of normativity. For example, both Kant and Mill identified a precept as the ground of both specificity and obligatoriness; Kant's precept was the categorical imperative, Mill's the principle of utility. Even though most moralities identify their principle of specification with their principle of obligatoriness, the identification does not always occur: Suarez, for example, identified God's command as the principle of obligatoriness and nature as the principle of specification.

~~~~~

## chapter five

## 5: THOMISTIC NATURAL LAW AND GLOBAL ETHICS

The globalization of terror, the interdependencies of national economies, the fragility of the ecosystem, and the communicability of diseases increasingly reveal the indispensable need for international cooperation and unity, which cannot be achieved without the shared values and obligations found in a transcultural global ethics. Such an ethics is found within Aquinas's natural law. This ethics has several unique advantages that enables it to meet the moral needs of the global village. These advantages are grounded within the metaethics of practical rationality and the normativity of love as formulated in the norms to love God above all and to love neighbors as oneself.

## The metaethics of practical rationality

In Chapter Four, we saw that Aquinas identifies the basic norms of natural law that serve as its principles with the principles/norms of practical reason.<sup>1</sup> A key advantage of this identification is that it differentiates normative principles into basic norms and derived norms. The basic norms are intrinsic to all cultures and peoples, while the derived norms differ according to the differences that arise from the moral demands of diverse environments and cultures. Aquinas's natural law is thus able to explain moral diversity while claiming universality for its basic norms. This is especially the case, since Aquinas (I-II.94.2c) identifies the *first* principle of practical reason and morality to be the *Bonum* Precept: "Good is to be done and pursued, and evil is to be avoided." This Precept so structures the parameters of practical rationality that *whatever* is done and pursued cannot be done and pursued *as evil* and what is avoided cannot be avoided *as good*. Accordingly, all *intentional* acts instantiate the *Bonum* Precept by identifying a particular good to perform and pursue, or a particular evil to avoid. The particular goods and evils that instantiate this Precept can legitimately vary. For example, it is good to respect others: Americans typically show such respect by shaking hands, Asians by bowing.

From the ability of the *Bonum* Precept to be instantiated in any particular good comes the advantage of being able to explain immorality as the pursuit of particular apparent goods and the avoidance of particular apparent evils. The particular has the potential to appear good when it is not, or to appear evil when it is not, because particular goods and evils are identified as such not only by the intellect but also by the emotions and the senses.<sup>2</sup> For example, the Greco-Latin warrior tradition has long warned that bloodlust can occur in battle when one experiences the temporary thrill of being a powerful killer. In such cases, when the particular appears to be the good that it is not, the particular has enthralled the emotions and/or seduced the senses to forgo the considerations of practical reason, to seize *this* moment, and to scorn the moral truth: "since it *feels* so good, it cannot be immoral" is the lie to which the guilty succumb. The particular also has the ability to dash the emotions and/or repel the senses and make the failure to do and pursue the good seem a virtue, especially in cases where honesty is painful and the good seems so boring. The possibility of the particular being other than what it appears to be to the emotions and the senses ensures that culpable immoral acts are taken as instantiating the *Bonum* Precept even while betraying it, e.g., when bloodlust is identified as good here and now, it is

---

<sup>1</sup>I-II.94.2. This article has served as the central battleground for diverse Thomistic interpretations ever since Germain Grisez ignited controversy with his "The First Principle of Practical Reason: A Commentary on the *Summa Theologiae*, 1-2, Question 94, Article 2." *Natural Law Forum* 10 (1965):168-201.

<sup>2</sup>I am speaking loosely in order to indicate the kind of particular values that can warp one's perceptions of the good. Strictly speaking, according to Aquinas, the emotions are not a cognitive power but an appetitive power responding to the cogitative sense's ability to perceive particular values, e.g. danger, sexiness, or pain. See I.78.4. For a definitive treatment of the cogitative sense see George P. Klubertanz, S.J. *The Discursive Power*. (St. Louis: The Modern Schoolman, 1952.)

pursued and done *here and now*; as when honesty is identified as an evil here and now, it is avoided here and now. In this way, immorality and culpability always occur as a betrayal of what one knows (or ought to know) as good and evil.

Herein lies another advantage of Aquinas's natural law: it can explain why guilt and remorse frequently follow upon acting immorally: once passion passes, reason reflects and realizes that what was immorally sought, or avoided, was only an apparent good, or evil.

Another advantage is that Aquinas's identification of the *Bonum* Precept as the principle of both morality and practical reason ensures that every intentional act is evaluated according to whether it is good or evil here and now. Not for Aquinas, the "technician's" excuse that *this* action lacks moral relevance: even composing an opera can be bad when one ought to be taking a injured child to the hospital. Aquinas's identification of the *Bonum* as foundational for both practical reason and morality thus enables his natural law theory to offer the world a morality as universal as the realm of intentional actions, as compelling as the very structure of practical rationality, and as knowable as one's own thoughts.

### The Normativity of Love

As scholars are just beginning to recognize,<sup>3</sup> Aquinas identifies the prescriptions to love neighbors as oneself and to love God above all as the specificatory principles of morality, while defining love as primarily willing good.<sup>4</sup> This latter identification means that loves need be identical neither with a purely emotional state nor with the willing of divine friendship to the other as is the case in Christian charity.<sup>5</sup> By identifying these love-obligations as natural law's *self-evident* primary precepts (I-II.100.3.ad 1), Aquinas is able to offer the world a natural law ethics of love with the advantages listed below (in no particular order of importance).

*First*, by identifying the love obligations as foundational principles that are self-evident to practical reason, Aquinas is claiming *either* that these obligations cannot be denied without violating the norms of practical reason *or* that these obligations are themselves normative for reason, i.e. that they are norms of practical rationality. Either way, the love precepts preserve natural law's metaethical grounding in practical rationality and thereby partake of the necessity of practical rationality.

The *second* advantage offered by Aquinas's natural law is that his identification of these love-obligations as foundational entails that all other natural law prescriptions either instantiate these norms or

---

<sup>3</sup>In regard to the foundational natural law character of the obligation to love neighbors as oneself see Jean Porter, *Natural and Divine Law: Reclaiming the Tradition for Christian Ethics*. (Grand Rapids, Michigan: William B. Eerdmans Pub. Co., 1999); John Finnis, *Aquinas: Moral, Political, and Legal Theory*. (Oxford: Oxford University Press, 1998, pp. 126ff); R. Mary Hayden Lemmons, "Are the Love Precepts Really Natural Law's Primary Precepts?" *ACPA Proc.* LXVI (1992): 45-71; and R. Mary Hayden, "Love and the First Principles of St. Thomas's Natural Law" (Ann Arbor: University Microfilms International, 1988).

<sup>4</sup>I-II.29.4c: "... to love a man is to will good to him." Also see II-II.23.1c; I-II.46.2c; and, II-II.27.2c.

<sup>5</sup>II-II.24.2: "Charity is friendship for God, founded upon the fellowship of everlasting happiness." Accordingly, to love neighbors with Christian charity is to love them as actual or potential friends of God (II-II.25.1). The key article arguing that charity is divine friendship is II-II.23.1. In this article, Aquinas counters the objection (Obj. 2) that charity cannot be friendship because charity extends to those who do not return one's love, e.g., one's enemies. Ad 2: "Friendship extends to a person in two ways: first in respect of himself, and in this way friendship never extends but to one's friends: secondly, it extends to someone in respect of another, as, when a man has friendship for a certain person, for his sake he loves all belonging to him, be they children, servants, or connected with him in any way. Indeed, so much do we love our friends, that for their sake we love all who belong to them, even if they hurt or hate us; so that, in this way, the friendship of charity extends even to our enemies, whom we love out of charity in relation to God, to Whom the friendship of charity is chiefly directed."



are equivalent to them.<sup>6</sup> In this way, Aquinas bases his morality upon two foundational principles that offer pedagogical simplicity: the moral agent need only properly love the neighbor as oneself and, if the agent is a theist, love God properly. Proper love, as defined by Aquinas, is centered upon willing good;<sup>7</sup> thus, proper love is nothing other than willing whatever one knows, or ought to know, is necessary for providing benefits to whomever is being loved while avoiding any harm. Accordingly, even children know they ought to share and not hit or kick another child. As mental sophistication grows, the obligations of love likewise develop in their breadth and depth—although not essentially. The child and the adult are bound by the same love-obligations that proscribe hurting oneself or others while benefitting oneself and others. It is just that the ways of harming and the ways of benefitting diversify and multiply for the adult, especially for the ones that form various love-unions, e.g. through marriage or through belonging to a community. To benefit without harming requires objectivity and wisdom; the standards of benevolence arise not from the lover's desires but from the human nature of the one loved. Thus Thomism holds that love is itself only when conforming to the objective parameters of benefit and harm. Accordingly, Thomistic natural law requires that one objectively ascertain whether courses of action benefit or harm those whom ought to be loved. For this reason, for example, no matter how much spouses claim otherwise, beating up one's spouse is never a matter of love. The requirement that love honor the objectivity of benefit and harm provides the *third* advantage of Thomistic natural law, namely, that it obligates respecting whatever is naturally commensurate to a person. The naturally commensurate are natural rights. The keys to understanding Aquinas's perspective on rights lies in several key texts. In II-II.57.2c, he argues that the equality of exchanges is a natural right. In II-II.57.3c, Aquinas argues that natural rights are by nature commensurate to a person. In I-II.10.1c, he argues that whatever is the object of a natural power is naturally loved by the will. In I-II.94.2c he argues that there are three genera of natural inclinations, among the natural rights of every person are life, procreation, education of offspring, living in society, and freely pursuing the truth about God. Thus, since the objects of the natural inclinations are naturally commensurate to human persons, they are natural rights. As a result, Thomistic natural law identifies natural rights with those goods naturally suitable for human beings. "Naturally suitability" is thus the objective criterion for natural rights, natural inclinations, and true love. To love others as oneself is to acknowledge that just as self-love is proper when bounded by what is naturally suitable, so is love of others proper when bounded by the naturally suitable. Life, for instance, is naturally suitable for oneself and for others: love is proper when it honors life. Murderers may claim to love their victims, but they do not. Love abhors what is contrary to natural rights and inclinations. Subsumption of natural rights under the love precepts, thus, enables their contraries to be necessarily proscribed. In this way, natural rights or naturally suitable goods become inalienable rights: acting against them is anathema to the love owed to oneself and to others. The key advantage of this subsumption is it places love, rights and obligations within the parameters of what is naturally suitable for human beings and their contraries. And since the naturally suitable can be objectively determined, morality and political legitimacy are removed from the domain of those who would reduce truth and value to the preferences of powerful individuals or groups. Given the identification of these objective benefits as objective goods of persons honored by love, and given that the love forbids harming others, violating these goods is proscribed by the morality of love.

The *fourth* advantage is entailed by the third advantage. The natural right to pursue the truth about God not only entails the right to religious freedom but its subsumption under the obligations of love forbids restricting the pursuit of religious truth.

The *fifth* advantage of Thomistic natural law is its ability not only to motivate and obligate individuals to care about others—including strangers in distant lands, but to obligate them to do so without

---

<sup>6</sup>Cases of killing and punishment *seem* to involve a harming antithetical to the love obligations. If so and if there are times in which killing and punishment are morally licit, then properly loving God, neighbor and self could not be the foundational norms of natural law. I consider these difficulties in a subsequent chapter.

<sup>7</sup>I-II.29.4c: "... to love a man is to will good to him." Also see II-II.23.1c; I-II.46.2c; and, II-II.27.2c.

harming those close to oneself, e.g. relatives. The prescription of loving neighbors as oneself requires one to love all human beings according to the manner in which they are one's neighbors with the closest neighbor being loved more. In the words of Aquinas (II-II.44.8 ad 3): "It follows from the very words, 'Thou shalt love thy neighbor' that those who are nearer are to be loved more."<sup>8</sup> Hence, Aquinas uses the term "neighbor" not to limit one's love to those closest to oneself but to extend one's love to all to whom one is united by a certain commonality such as sharing in the same nature of being human.<sup>9</sup> By basing the love of others upon the recognition of one's own nature as a human being, Aquinas provides a compelling motive to care about others. Not to care involves a denial of one's own humanity and a denial that human beings flourish best in caring communities. The obligation of neighborly love thus not only forbids exploiting or otherwise harming strangers but also requires extending goodwill to them and doing what we can for them, e.g. contributing to international charities.

The *sixth* advantage of Aquinas's identification of the love obligations as foundational lies in his identification of the prescription of neighborly love with the Golden Rule:<sup>10</sup>

(I-II.99.1 ad 3): As stated in *Ethic.* Ix.8, *friendship towards another arises from friendship towards oneself*, in so far as man looks on another as himself. Hence when it is said, *All things whatsoever you would that men should do to you, do you also to them* this is an explanation of the rule of neighborly love contained implicitly in the words, *Thou Shalt love thy neighbor as thyself*, so that it is an explanation of this commandment.

By equating the Golden Rule with the obligation of neighborly love, Aquinas makes explicit the tacit moral intent of the Golden Rule as being nothing other to advance moral actions and to proscribe immoral actions. This intent precludes using the Golden Rule not only as a mere warrant for strict reciprocity, but also as a warrant for exchanging what would otherwise be immoral. Moreover, by equating the Golden Rule in the obligation of neighborly love, the obligation of neighborly love underwrites all those moralities relying upon the Golden Rule as the foundational norm regulating human interaction. Aquinas, however, is not the only one to consider the obligations of love to be basic to

---

<sup>8</sup>The obligation to love the closest the most echoes natural love; I.60.4 ad 2: "For since natural love is founded upon natural unity, that which is less united with one, is naturally loved less."

<sup>9</sup>II-II.114.1 ad 2: "Every man is naturally every man's friend by a certain general love; even so it is written (Ecclus. xiii. 19) that 'every beast loveth its like.'" I.60.4c: "Now it is evident that what is generically or specifically one with another, is the one according to nature. And so everything loves another which is one with it in species, with a natural affection, in so far as it loves its own species."

<sup>10</sup>For a treatment of the historical influences upon Aquinas's identification see Crowe, especially page 80: Crowe notes therein that medieval identifications of the Golden Rule as a foundational moral norm reveal the influences of Matt. 7:12 and Tobit 4:15 (rather than upon the love obligations of Matt. 22:39) as well as the influences of St. Augustine, Anselm of Laon (d. 1117), Hugh of St. Victor (d. 1141) and the *Decretum* of Gratian (d. 1160). The opening words of the *Decretum* are as follows: "The human race is governed in two ways, by natural law and by custom. Natural law is what is contained in the law and the gospel, in virtue of which each is commanded to do to others as he would wish to be done to himself and is forbidden to do to another what he would not have done to himself." (Citation from Crowe p. 80). Gratian's reduction of natural law to the Golden Rule was used by Aquinas to argue that Gratian did not intend to conflate the Gospel with natural law; (I-II.94.4 ad 1): "The meaning of the sentence quoted is not that whatever is contained in the Law and the Gospel belongs to the natural law, since they contain many things that are above nature; but that whatever belongs to the natural law is fully contained in them. Wherefore Gratian, after saying that 'the natural law is what is contained in the Law and the Gospel,' adds at once, by way of example, 'by which everyone is commanded to do to others as he would be done by.'"

morality: so did Cicero<sup>11</sup> and Confucius.<sup>12</sup> And the Confucian Mencius (371-289 B.C.) argued—like Aquinas—that love is to be extended to all but is to be more intense towards those closest to oneself.<sup>13</sup> Nevertheless, as we shall see, Aquinas's systematic treatment of the parameters of love based upon the prescription of neighborly love suffices not only to protect the universal moral insight that made the Golden Rule immanent in all moralities but to advance a natural law morality capable of being held by all peoples.

The *seventh* advantage of making love foundational for morality is that love motivates us towards a complete and perfect, or happy, existence: love thirsts for what is lacking and rejoices in its attainment. An ethics of love is thereby eudaimonistic and draws its moral necessity from *eudaimonia*, the only end that all necessarily motivated to seek. Thus, all that is indispensable for attaining this end becomes morally requisite and able to motivate—without compulsion—human action. For, since one cannot but desire *eudaimonia*, one is motivated to fulfill one's obligations and not to do or pursue harm. To root an ethics in *eudaimonia* is thus to provide the foundation for resolving questions of moral motivation and moral certitude by enabling the predication of some obligations to be absolutely necessary. Hence Aquinas's natural law of love not only obligates caring for others but motivates such care.

The *eighth* advantage is that Thomistic natural law is community oriented. This is the case for two reasons. First, by basing morality upon love and love upon willing the good, Aquinas bases morality upon that which unifies all in pursuit of the same good. Different communities are formed according to the various goods pursued. Secondly, grounding morality upon love establishes the most basic communities to be those most essential for the self to achieve the one end necessarily sought by every human being, namely, happiness or *eudaimonia*. Individual happiness is not solitary nor exclusive of others: we are social creatures by nature. The happiness of the individual is found in communal happiness, which is, the community's most important and basic common good. Communal happiness occurs when that good whose pursuit unified members into a community is attained by those community members. For example, sport teams are happy when victorious over others. Every community is happy when the goods for which it exists are attained by its members. For this reason, the laws of every community must be primarily directed towards the happiness of all, that is, towards the common good of universal happiness of which each member partakes.<sup>14</sup>

From this follows another key advantage of Thomistic natural law, namely, limited government.

Limited government is the *ninth* advantage of Thomistic natural law. Government is limited by

---

<sup>11</sup>*De Officiis*, Chapter six N.27-8 p. 293-5: "And further, if Nature ordains that one man shall desire to *promote the interests of a fellow-man, whoever he may be, just because he is a fellow-man*, then it follows, in accordance with that same Nature, that there are interests that all men have in common. And, if this is true, we are subject to one and the same law of Nature; and, if this is also true, we are certainly *forbidden by Nature's law to wrong our neighbor*. . . . [Some] people contend in essence that they are bound to their fellow-citizens by no mutual obligations, social ties, or common interests. This attitude demolishes the whole structure of civil society. Others again who say regard should be had for the rights of fellow citizens, but not of foreigners, would destroy the universal brotherhood of mankind; and, when this is annihilated, kindness, generosity, goodness, and justice must utterly perish. . . ." (emphasis mine)

<sup>12</sup>Consider the following passages from the *The Analects*: 1.6: "The Master said, A young man's duty is to . . . to have kindly feelings towards everyone." 4.25: "The Master said, Moral force (*te*) never dwells in solitude; it will always bring neighbors." *The Analects*. Intro. Robert Wilkinson, Trans. Arthur Waley: Hertfordshire: Wordsworth Editions Limited, 1996.

<sup>13</sup>Fung Yu-Lan (1948/1976: 71-2).

<sup>14</sup>The key argument for this position is found in I-II.90.2c.

the parameters of the political common good sought by a people. The people are thus the source of political authority.<sup>15</sup> Although Aquinas mentions this source of authority only briefly,<sup>16</sup> his mention was seminal. Indeed, that the people, by delegating their own power, warrant the state's authority is an idea that took centuries to develop, the Enlightenment to popularize, and the American colonists to realize. If, then, government is not a matter of divine right but of the consent of the governed, political rule is constituted by the partial consignment of an individual's responsibility for the common good to the ruler. This means that the state is obligated to promote and protect, on the behalf of its citizens, the common good. But since the common good is constituted by the joint pursuit and equal enjoyment of some good, within the parameters of neighborly love, promoting and protecting the common good requires honoring the natural law obligations of love.

This brings us to the *tenth* advantage of Thomistic natural law is that it grounds the power to make coercive laws in the "whole people or a public personage who has care of the whole people."<sup>17</sup> For, "... to punish pertains to none but the framer of the law, by whose authority the pain is inflicted."<sup>18</sup> Accordingly, within democracies, coercive political authority is derived from the people and their representatives. As a result, the moral parameters of coercive political authority are the moral parameters of the people, that is, the parameters of neighborly love. Neighborly love obligates individuals to pursue and to protect their community's common good because this good is partially constitutive of their happiness. This responsibility requires the right to make and enforce coercive laws, because otherwise the common good would not be protected and their members would be harmed. Only a disdain incompatible with neighborly love and proscribed by neighborly love would count the common good and individual welfare unworthy of protection through coercive laws. For example, if a state were to

---

<sup>15</sup>The democratic authority of political regimes dramatically differs from the traditional grounding of political authority in God's authority. The grounding of political authority in God's authority was the source of the idea that rulers had the right to wield the sword of the One who has authority over life and death. This divine "power of the sword" removes defense of the common good as a necessary condition for capital punishment and war; God's sword may kill for the sake of retribution and just punishment. The theology of the sword is heavily influenced by the Old Testament wherein killing is ordered by God. For instance, by God's command the first born of those holding the Jews captive were slain. The theology of the New Testament indicates, however, that the time for public authority to bear the sword is passing away. For although St. Paul affirms that public authority is given God's sword "to inflict wrath on the evildoer" (*Rom.* 13.4) and although Christ requested swords before leaving for the Garden of Gethsemani (*Luke* 22.36-8), Christ orders Peter to put the sword away (*John* 18:10; *Luke* 22:50). After all, Christ died so that the wicked could have life. That the ministry of the New Testament does not appoint any punishment of death or bodily maiming was recognized by Aquinas (II-II.64.4c). In addition, in *Evangelium Vitae* 9.3, John Paul II has argued that the story of Cain and Abel shows how God wishes the murderer to live and not suffer retributive punishment.

0.I-II.90.3c: "Now to order anything to the common good, belongs either to the whole people, or to someone who is the viceregent of the whole people. And therefore the making of a law belongs either to the whole people or to a public personage who has care of the whole people." I-II.92.2 ad 3: "... to punish pertains to none but the framer of the law, by whose authority the pain is inflicted."

<sup>17</sup>I-II.90.3c and ad 2. For the derivation of the law's coerciveness see Chapter Five.

<sup>18</sup>I-II.92.2 ad 3.

refuse to prosecute shoplifting, it would not only be dismissive of the harm caused by shoplifting but it would be failing to protect shop owners from harm. Such a state would be vitiating the neighborly love owed to shop owners by virtue of their humanity. Neighborly love does not, however, require the state to prohibit all evils but only those that are incompatible with the love of the political common good. Moreover, since the common good cannot be loved without honoring the humanity of the state's subjects, neighborly love obligates the state to acknowledge the humanity of the criminal and proscribe the torture of criminals as well as inhumane punishments. Neighborly love also forbids the state to pursue criminals in ways that harm the common good, for instance, by degrading searches or by outlawing free associations. In other words, since the state exists through the unity caused by the neighborly love focused upon the political common good, the state and its coercive power is subordinated to the obligations of neighborly love.

The *eleventh* advantage of Thomistic natural law is that its grounding of political authority in the common good identified and loved by a people not only establishes neighborly love as the parameters of the state but obliges governments to create institutions and laws that advance the welfare of the people when the failure to do so would fail to protect them from harm. And since freedom and the other natural rights are crucial for individual welfare, freedom and the other natural rights must be protected by government. This protection must not demean human dignity nor diminish the freedom bestowed by the natural rights. Such protection not only requires the outlawing of violence, fraud and other unjust acts, but also requires structuring benefits so as to facilitate the freedoms to have a family life, to form voluntary associations, to be religiously active, and to be involved with politics. These freedoms are fragile; they are imperiled, for example, by grinding economic needs, by the taxation of non-profit organizations, and by the failure to provide opportunities for civic involvement. In brief: neighborly love obligates governments to protect freedom by protecting natural rights—especially the rights to life, liberty, the pursuit of happiness, and the right to just governments.

From this it follows that only those governments and laws that promote the common good are legitimate. Governments and laws are illegitimate, when they betray the common good. They abandon the common good, when they frustrate—rather than advance—the well-being of their members. To frustrate the common good is unjust. Neither unjust governments nor laws bind one's conscience (I-II.96.4c). If then a government is tyrannical without care for the common good, it is not seditious to overthrow it (II-II.42.2 ad 3). In this way, Thomistic natural law stands outside of any political regime and judges whether its authority is binding upon the human conscience by determining whether it is a regime seeking a political common good identified by a people united by neighborly love.

Love shall never fail  
Anew to make  
The bonds of life  
The bands of joy.

"Regeneration" (2002)

level of intellectual concern which lies between philosophical abstractions and the journalistic concretes of day-by-day existence. Its purpose is to provide its readers with a consistent philosophical frame of reference.

This collection is not a systematic discussion of ethics, but a series of essays on those ethical subjects which needed clarification, in today's context, or which had been most confused by altruism's influence. You may observe that the titles of some of the essays are in the form of a question. These come from our "Intellectual Ammunition Department" that answers questions sent in by our readers.

—AYN RAND

New York, September 1964

P.S. Nathaniel Branden is no longer associated with me, with my philosophy or with *The Objectivist* (formerly *The Objectivist Newsletter*).

New York, November 1970

—A. R.

reward happiness  
need for ethics = need for a code of survival  
moral life & living fully  
as an individual  
admits  
no vulnerability  
no infant

Ayn Rand The Virtue of Selfishness 1964

# 1. The Objectivist Ethics

by Ayn Rand

Since I am to speak on the Objectivist Ethics, I shall begin by quoting its best representative—John Galt, in *Atlas Shrugged*:

"Through centuries of scourges and disasters, brought about by your code of morality, you have cried that your code had been broken, that the scourges were punishment for breaking it, that men were too weak and too selfish to spill all the blood it required. You damned man, you damned existence, you damned this earth, but never dared to question your code. . . . You went on crying that your code was noble, but human nature was not good enough to practice it. And no one rose to ask the question: Good?—by what standard?"

"You wanted to know John Galt's identity. I am the man who has asked that question.

"Yes, this is an age of moral crisis. . . . Your moral code has reached its climax, the blind alley at the end of its course. And if you wish to go on living, what you now need is not to return to morality . . . but to discover it."\*

What is morality, or ethics? It is a code of values to guide man's choices and actions—the choices and actions that determine the purpose and the course of his life. Ethics, as a science, deals with discovering and defining such a code.

The first question that has to be answered, as a precondition of any attempt to define, to judge or to accept any

\* Ayn Rand, *Atlas Shrugged*, New York: Random House, 1957; New American Library, 1959.

Paper delivered by Ayn Rand at the University of Wisconsin Symposium on "Ethics in Our Time" in Madison, Wisconsin, on February 9, 1961.

it necessary to regard this as a function of the culture?

As a matter of fact, one of the most striking facts that emerge from a study of widely varying cultures is the ease with which our abnormals function in other cultures. It does not matter what kind of "abnormality" we choose for illustration, those which indicate extreme instability, or those which are more in the nature of character traits like sadism or delusions of grandeur or of persecution, there are well-described cultures in which these abnormals function at ease and with honor, and apparently without danger or difficulty to the society. . . .

The most notorious of these is trance and catalepsy. Even a very mild mystic is aberrant in our culture. But most people have regarded even extreme psychic manifestations not only as normal and desirable, but even as characteristic of highly valued and gifted individuals. This was true even in our own cultural background in that period when Catholicism made the ecstatic experience the mark of sainthood. It is hard for us, born and brought up in a culture that makes no use of the experience, to realize how important a role it may play and how many individuals are capable of it, once it has been given an honorable place in any society. . . .

Cataleptic and trance phenomena are, of course, only one illustration of the fact that those whom we regard as abnormals may function adequately in other cultures. Many of our culturally discarded traits are selected for elaboration in different societies. Homosexuality is an excellent example, for in this case our attention is not constantly diverted, as in the consideration of trance, to the interruption of routine activity which it implies. Homosexuality poses the problem very simply. A tendency toward this trait in our culture exposes an individual to all the conflicts to which all aberrants are always exposed, and we tend to identify the consequences of this conflict with homosexuality. But these consequences are obviously local and cultural. Homosexuals in many societies are not incompetent, but they may be such if the culture asks adjustments of them that would strain

any man's vitality. Wherever homosexuality has been given an honorable place in any society, those to whom it is congenial have filled adequately the honorable roles society assigns to them. Plato's *Republic* is, of course, the most convincing statement of such a reading of homosexuality. It is presented as one of the major means to the good life, and it was generally so regarded in Greece at that time.

The cultural attitude toward homosexuals has not always been on such a high ethical plane, but it has been very varied. Among many American Indian tribes there exists the institution of the *berdache*, as the French called them. These men-women were men who at puberty or thereafter took the dress and the occupations of women. Sometimes they married other men and lived with them. Sometimes they were men with no inversion, persons of weak sexual endowment who chose this role to avoid the jeers of the women. The berdaches were never regarded as of first-rank supernatural power, as similar men-women were in Siberia, but rather as leaders in women's occupations, good healers in certain diseases, or, among certain tribes, as the genial organizers of social affairs. In any case, they were socially placed. They were not left exposed to the conflicts that visit the deviant who is excluded from participation in the recognized patterns of his society.

The most spectacular illustrations of the extent to which normality may be culturally defined are those cultures where an abnormality of our culture is the cornerstone of their social structure. It is not possible to do justice to these possibilities in a short discussion. A recent study of an island of northwest Melanesia by Fortune describes a society built upon traits which we regard as beyond the border of paranoia. In this tribe the exogamic groups look upon each other as prime manipulators of black magic, so that one marries always into an enemy group which remains for life one's deadly and unappeasable foes. They look upon a good garden crop as a confession of theft, for everyone is engaged in making magic to induce into his garden the productiveness of his neighbor.



bors'; therefore no secrecy in the island is so rigidly insisted upon as the secrecy of a man's harvesting of his yams. Their polite phrase at the acceptance of a gift is, "And if you now poison me, how shall I repay you this present?" Their preoccupation with poisoning is constant; no woman ever leaves her cooking pot for a moment untended. Even the great affinal economic exchanges that are characteristic of this Melanesian culture area are quite altered in Dobu since they are incompatible with this fear and distrust that pervades the culture. They go farther and people the whole world outside their own quarters with such malignant spirits that all-night feasts and ceremonials simply do not occur here. They have even rigorous religiously enforced customs that forbid the sharing of seed even in one family group. Anyone else's food is deadly poison to you, so that communality of stores is out of the question. For some months before harvest the whole society is on the verge of starvation, but if one falls to the temptation and eats up one's seed yams, one is an outcast and a beachcomber for life. There is no coming back. It involves, as a matter of course, divorce and the breaking of all social ties.

Now in this society where no one may work with another and no one may share with another, Fortune describes the individual who was regarded by all his fellows as crazy. He was not one of those who periodically ran amok and, beside himself and frothing at the mouth, fell with a knife upon anyone he could reach. Such behavior they did not regard as putting anyone outside the pale. They did not even put the individuals who were known to be liable to these attacks under any kind of control. They merely fled when they saw the attack coming on and kept out of the way. "He would be all right tomorrow." But there was one man of sunny, kindly disposition who liked work and liked to be helpful. The compulsion was too strong for him to repress it in favor of the opposite tendencies of his culture. Men and women never spoke of him without laughing; he was silly and simple and definitely crazy. Nevertheless, to the ethnologist used to a culture that has, in

Christianity, made his type the model of all virtue, he seemed a pleasant fellow. . . .

. . . Among the Kwakiutl it did not matter whether a relative had died in bed of disease, or by the hand of an enemy, in either case death was an affront to be wiped out by the death of another person. The fact that one had been caused to mourn was proof that one had been put upon. A chief's sister and her daughter had gone up to Victoria, and either because they drank bad whiskey or because their boat capsized they never came back. The chief called together his warriors, "Now I ask you, tribes, who shall wail? Shall I do it or shall another?" The spokesman answered, of course, "Not you, Chief. Let some other of the tribes." Immediately they set up the war pole to announce their intention of wiping out the injury, and gathered a war party. They set out, and found seven men and two children asleep and killed them. "Then they felt good when they arrived at Sebaa in the evening."

The point which is of interest to us is that in our society those who on that occasion would feel good when they arrived at Sebaa that evening would be the definitely abnormal. There would be some, even in our society, but it is not a recognized and approved mood under the circumstances. On the Northwest Coast those are favored and fortunate to whom that mood under those circumstances is congenial, and those to whom it is repugnant are unlucky. This latter minority can register in their own culture only by doing violence to their congenial responses and acquiring others that are difficult for them. The person, for instance, who, like a Plains Indian whose wife has been taken from him, is too proud to fight, can deal with the Northwest Coast civilization only by ignoring its strongest bents. If he cannot achieve it, he is the deviant in that culture, their instance of abnormality.

This head-hunting that takes place on the Northwest Coast after a death is no matter of blood revenge or of organized vengeance. There is no effort to tie up the subsequent killing with any responsibility on the part of the victim for the death of the person who is being mourned. A