

The Golden Rule as a Global Ethos

Josef Bordat (Berlin)

Introduction

When on November 9th, 1989 in front of the Brandenburg Gate people from the East and the West danced and celebrated on the Berlin Wall, not only the time of separation seemed to be over, but also a new era with almost utopian character was announced, a time of peace, liberty and cooperation in a „global village“ (McLuhan). The „end of history“ (Fukojama) seemed to be near.

Only some years later, it became quiet clear that the abolition of the cold war's bipolar world order has led to the end of political and ideological tensions, but ethnic, economic and religious conflicts led to asymmetric and unpredictable wars in all regions of the world. The armed conflicts in former Yugoslavia and the genocide in Rwanda (1994) showed clearly that the everlasting peace Kant had dreamed of twohundred years before („Zum ewigen Frieden“, 1795) yet is far away, even farer than ever. Instead of peace, terrorism and the “war on terror” rule the world since 2001 and a new description of the world's state was given by Huntington as he announced the “clash of cultures”.

Under this circumstances human rights are endangered and have to be protected – preventively by political and economical support of those in need, but also by education. To match this last aspect the United Nations proclaimed in 1995 the *Decade for Human Rights Education* with the key objective to create a global culture of human rights. As this was still far away ten years later, the UN general assembly adopted a *World Programme for Education in Human Rights*, that began on January 1, 2005 and is scheduled to end in 2015.

Beside this educational approaches the debate about the question if, when and how humanitarian interventions can afford peace and can ensure human rights in the world today even military action is ambitiously taken into consideration due to cases of failed or rogue states, in spite of the strict non-intervention principle of the UN-Charta (art. 2, 7), which also puts any military violence out of the question (art. 2, 4). I don't want to discuss the chances and risks of military intervention, but this new efforts show clearly that the protection of human rights is one of the primary tasks of mankind in our times. But where does this importance come from?

The Christian concept of human dignity

The basic of human rights lies in the respect of the human being and its unalienable dignity. In order to respect every human being as a person with unalienable rights one needs a set of ethical values as an absolute foundation to which a reference is possible in any case. This kind of absolute anthropological postulate stands contrary to the relativism in human rights, that makes human dignity a value determinated by utilitarian ideas of the human being. Instead of respecting the dignity of human life in every point of its development as unquestionable, utilitarian arguments dominate the discussion concerning biotechnology and life science, and led recently to the question whether torture should be permitted under the circumstances of global terrorism and organized crime.

Holding an absolute concept of human dignity and human rights on this background has nothing to do with ignorance towards world problems or towards the blessings of scientific progress, but with a firm understanding of what a human being is: a creation of God, not only as a part of His universal creation, but as its crown and as God's image. This Christian anthropology gives the human being a very special value which implicates respect for other human beings. Therefore I want to emphasize the Christian anthropology as a fundament of the unalienable human dignity and the universal human rights.

As the crown of creation and as God's image the unalienable human dignity appears like a gift, what Luther called *dignitas aliena*, that means human dignity once was donated by God and only can be understood on the background of this prerequisite. Referring to this concept of dignity it appears quiet a paradoxon, because the unalienability depends on alienation. This only makes sense by considering and accepting, that the human being as itself can not produce, found, establish or even take dignity by its own, by for instance its behaviour, scientific progress or economical performance. The human being as the creation of God is still depending on its creator, because dignity is not a quality of man, but a gift of God. This gift does raise man, no matter if old or young, sick or healthy, poor or rich, disabled or not.

The own dignity is applied in a right way when it empowers respect for *others*. This reciprocity learnt by the concept of *dignitas aliena* leads in the end to the congruence of self-respect and respect for others, what reveals the deep mystery of christian anthropology, based on two aspects: 1. The dignity is not ones own, but God's gift and 2. Therefore self-respect and respect for others amount to the same: respect for God.

But this concept of dignity is a Christian one. Is it possible to universalize it, that means, to make it understandable and acceptable for people with another religious or cultural background? A first step would be the secularization, realizable with Kant.

The Kantian concept of human dignity

Based on an epistemological and ethical concept of freedom the enlightenment emphasized the concept of *autonomy*, that provides man with the ability to rule acts by own consideration, what Kant called *self-legislation* („Selbstgesetzgebung“). This is not an unproblematic concept at all, because taking man out of his responsibility for God makes necessary to define other sorts of correctives („Regulative“). Kant speaks about the *interial court* („innerer Gerichtshof“), that is run by *reason* („Vernunft“). In contrast to traditional Christian theology Kant believed that human nature was fundamentally good, and thus reason could regulate moral choices and correct immoral habits. Christian theology has traditionally taught that humans are innately corrupt and cannot make right moral choices which are not tainted by selfish desire. Kant taught that people only would become corrupt if they refuse to follow his *Categorical Imperative* („Kategorischer Imperativ“).

In order to build a bridge between the Christian and the secularized anthropology, the concept of respect that is internalized in Kants *humanity*-formula of his *Categorical Imperative* has to be remembered: „Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end.“ (Kant 1997, p. 429). In this concept the human being is the purpose of every single action, what excludes the abuse of man as remedy to a „higher“ ideological end, as the totalitarian regimes of the 20th century tried to do.

In Kant respect also begins with self-respect. Unlike the Christian anthropology it does not appear as a logical consequence of the *dignitas aliena* but has to be settled as a condition in the very beginning. Due to this fact, as a firm part of his theory, Kant establishes the term *duty* („Pflicht“) which determines his deontological concept of practical reasoning. This duty also consists in respecting ones own life, not as a logical consequence but as a reasonable proposition.

The interesting question to me is not the one concerning the theoretical differences between enlightened philosophy and Christian anthropology, but – once recognized the congruence of both concepts concerning the term *dignity* – the question, if and how it can be hold, that the claim for universality of human rights is justified under the supposition, that the human rights are founded on the fundament of both Christianity and the principles of rational European philosophy of the 18th century, i. e. the era of enlightenment, for this is still a “Western concept”, not concerning religion, but culture and philosophy, the way of thinking and living.

Taking into consideration other religions and cultures for example, the question is, if there is a contradiction between the universality of human rights and the fact, that human rights of Western provenience are based on respect for human dignity, understood as a enlightened concept of christian anthropology. How a global ethic's approach could be formed, based on and regarded to christianity and to the Kantian concept of autonomy and also be understandable and acceptable by everyone?

I want to point out the *golden rule* as that basic principle of an intercultural dialogue, which is suitable to build bridges between different religious and cultural traditions due to its global distribution.

Forms of the golden rule

Not only in the bible but also in other holy scriptures the golden rule can be found, e. g. in Buddhist's, Taoist's, Jainist's and other's scriptures. Further on it was articulated by Confuze and the Greek philosopher Thales of Milet. In the Apocryph book of Tobit from the 2nd century b. C. it can be found („Do that to no man which thou hatest: drink not wine to make thee drunken: neither let drunkenness go with thee in thy journey.“, Tobit 4, 15) as well as in the Gospel of Mathew („Therefore all things whatsoever ye would that men should do to you, do ye even so to them: for this is the law and the prophets.“, Matthew 7, 12). The Islam knows such a commandment, too. It is mentioned in the Hadith, the book of Mohammad: „Not one of you truly believes until you wish for your brother what you wish for yourself“ (Hadith 40, 13).

Characteristics of the golden rule

Very important is, that the golden rule has developed independendly in different regions and in different cultural contexts. That makes it a principle of universal ethics. Beside its universality, it is an essential aspect of the golden rule, that the reciprocity and the moral responsibility make it possible to build up a relationship with empathy and respect.

Further the golden rule covers two basic aspects of every theory in ethics: In the positive form („Treat others as you like them to treat you.“) contextual *benevolence* is addressed, in the negative form („Don't treat others as you don't like them to treat you.“) the contractually defined limits of intervention into the autonomic sphere of the individual are mentioned, led by the concept of *justice*. Justice and benevolence come together in the golden rule, meanwhile they where treated separatly in the traditional philosophical debate about deontological or teleological ethics: The claim that an action is right or wrong *independent* of the consequences (deontological ethics) favors *justice* as the central term, the claim that an action is right or wrong *on the basis of* the consequences (teleological ethics) does so with *benevolence*.

In addition to this important fact the golden rule manifests a valuable progress of civilisation, from the *ius talionis* to a principle of desirability. Neglecting the talionist principle of the Old Testament, as it is summed up in the famous verse „And thine eye shall not pity; but life shall go for life, eye for eye, tooth for tooth, hand for hand, foot for foot.“ (Deuteronomy 19, 21), covers the knowledge and the experience that continuing with the wrong does not heal any wounds. Only with the moral implications drawn by the golden rule, one can overcome hate and self-hate, installing a new form of relationship by appealing to the desirable – a relationship in *tolerance* and *appreciation*. So even in the challenges, fanaticism and extremism put on the open society, the golden rule proves to be a suitable principle, because the dialogue can only be successfull when it strengthens the progressive concept of tolerance and appreciation, which takes into account justice and benevolence.

In spite of all the advantages of the golden rule, the academic philosophical ethics indeed almost ignored it. So the golden rule is not mentioned in the german historical encyclopedia of

philosophy. Since the 1960s the interest has been growing both in the continental (e.g. Hans Reiner and Hans-Ulrich Hoche) and the Anglo-Saxon philosophy (e.g. Marcus G. Singer and Richard M. Hare). But before, the most important representants of academic philosophy had criticized the golden rule sharply.

Critics on the golden rule

Kant for instance took the golden rule for „trivial“ and held, that a criminal could argue against his judge, because he himself would not like to be sent to prison, therefore he (the judge) may not sent him (the criminal) into prison (Kant 1997, p. 68). But with this case Kant ignores two aspects. First it fails to take into consideration all the relevant social circumstances under which the case takes place. The judge must not see only the criminal, but also the victim, the relatives of the victim, the society, that is entitled to live in security and the state, that has to guarantee these security. His point of view has to be based on a multilateral consideration not on a bilateral one. Second – and this is more important – he has not to apply the golden rule in the actual case *in fact*, but in an *hypothetical* case. The question is not: „How would you like to be treaten in this real case if you were him?“, but „How would you like to be treaten in a *hypothetical* case in which you are in his place?“.

The second criticism comes from the Swiss Brülisauer (1980, p. 325) who blamed the golden rule for being against competition, because possibly a competition with winner and loser (e.g. in sports) is not according to the golden rule and therefore seems to be immoral. How – morally – can I make someone lose by winning the competition if I do not like to lose myself? To solve this problem it is indispensable to distinguish between the act itself and the result of the act by means of linguistic analysis. In that way Ryle discriminates between *terms of act* and *terms of result* (1949, p. 55). Here comes out clearly that „to win“ is a term of result and not of act. Hence it is not possible to act „wrong“ in a moral sense by winning a competition if one gave its best as the others did. „To give one’s best“ and „to try to win“ are expressions of acting and therefore relevant to ethics. The golden rule is only applyable on *terms of act*. So one just has to give its best in every competition in which one takes part, in order to obey the golden rule, whatever the result will be.

The third problem of applicating the golden rule appears in a bilateral situation of acting beings with different prerequisites and conditions. One example can be found in the famous fable *The fox and the stork* by La Fontaine (n. d., p. 29). The fox invites the stork to dinner. He had prepared a soup and serves it on flat plates, so that only he is able to eat, meanwhile the stork due to his long bill does not eat even a bit. Here it could be possible to see an objection to the golden rule, because the fox treats the stork as it is desirable for him (the fox), also if he is invited by the stork. The argument to remember what it means to you if the other treats you in the same way as you treat him is not effective in this case. But that is not at all ment so by the golden rule. The demanded empathy has to ensure finally that one act in a *right* way for the other, taking into consideration hereby all the *other’s* prerequisites and conditions. So the question is not: „How would I like to be treaten in his place with *my* prerequisites and conditions?“, but „How would I like to be treaten in his place with *his* prerequisites and conditions?“. Accordingly it is important to imagine, what it would mean to have special qualities of the other or to miss special qualities of oneself and how to do *than*. The fox has to think about having a bill and how he would like to get served his soup *than*.

If that is done so, homogeneity of the participants is not required to apply the golden rule to initiate e. g. an interreligious dialogue, because than the theological differences can be accepted and overcome by the full empathy the golden rule implies. Cultural pluralism is no impediment for the application of the golden rule, if every participant of the dialogue is willing to apply it in a way of full empathy as a sign of respect for the other.

A last objection makes clear the limits of the golden rule in the ethical discourse. Hare describes his “golden rule-test” as an instrument of checking ethical arguments, that shows in cases of fanaticism the limits of the applicability of the golden rule, because e.g. a suicide bomber satisfies the test-condition, for his act has the same consequences to him as to others,¹ but, however, his attitude can not be regarded as a *sensible* and *reasonable* moral principle. So Hare emphasized the importance of generalization and therefore finally comes to his *universal consequentialism* as a conclusion.

In the context of applicability we have to remember again the *duty* (Kant) and the *dignitas aliena* (Luther), that both lead to self-respect whilst the self-application of the golden rule.

Now I want to apply the characteristic concepts of the golden rule, *tolerance* and *appreciation*, *benevolence* and *justice* on the recently discussed problems concerning the protection of human rights, in order to emphasize political options of universalisation.

Tolerance: Not only benevolence, but also justice

Tolerance is not all about *benevolence*, but also about *justice*, what makes necessary intolerance towards the intolerant. The fairness of the dialogue carried on in the ethos of the golden rule for the worldwide establishment of human rights must not be abused. This is the case if the cooperative attitude is used to violate human rights under the “protection” of tolerance.

At level of the public international law this arises to the question, if the protection of human rights should also be carried out by military interventions, despite the principle of the state sovereignty which is guaranteed to every state in the UN-Charter, as I mentioned in the very beginning. How far may the protection of human rights go? Is there a “moral right” to intervene in cases of serious harm of human rights, as claimed both by US-politicians and German philosophers (e. g. Habermas)?

I cannot discuss the argument here in the detail, but I think that if there is evidence for the harm of human beings likely to occur or occurring, there is a duty to act if the concerned state is not able (“failed state”) or willing (“rogue state”) to do so. The military action has to be carried out even against reservations roused by the UN-Charter’s principles sovereignty (art. 2, 1), non-violence (art. 2, 4) and non-intervention (art. 2, 7). Then, “The principle of non-intervention yields to the international responsibility to protect.” (IDRC 2001, p. XI), as recently pointed out by the report *The Responsibility To Protect* of the Canadian government, worked out by the *International Commission on Intervention and State Sovereignty* (ICISS) and edited by the *International Development Research Center* (IDRC). So the humanitarian intervention in such cases is not only a *possibility* to be taken into consideration, but a *responsibility*, from which a *duty* follows, given that the international community is willing to take its role in the globalized world seriously. Of course the questions of *bellum iustum* (“just war”), have to be answered, the *ius ad bellum*, that means the just reason to start a war, and the *ius in bello* concerning the methods of warfare and the question of proportionality. The ICISS delivers an interesting approach to a contemporary answer to this old questions: “The primary purpose of the intervention, whatever other motives intervening states may have, must be to halt or avert human suffering. Right intention is better assured with multilateral operations, clearly supported by regional opinion and the victims concerned.” (IDRC 2001, p. XII). And: Only in the case of “serious and irreparable harm occurring to human beings, or imminently likely to occur” with “large scale loss of life, actual or apprehended, with genocidal intent or not” military intervention is justified (IDRC 2001, p. XII). To make sure, that the military intervention does not cause cruelties worse than those that made the intervention necessary, the ICISS insists in proportionality, namely in “proportional means” (“The scale, duration and intensity of the planned military intervention should be the

¹ Hare (1963) himself uses the example of the Nazi-sympathizer who is so doctrinaire that he would be willing to consign himself to a concentration camp if he learned that he had Jewish ancestry.

minimum necessary to secure the defined human protection objective.”, IDRC 2001, p. XII) and “reasonable prospects” (“There must be a reasonable chance of success in halting or averting the suffering which has justified the intervention, with the consequences of action not likely to be worse than the consequences of inaction.”, IDRC 2001, p. XII).

To give such interventions not only clear regulations but also an unquestionable authority, the ICISS calls for the UN as the only place to decide, plan and execute humanitarian interventions: “The UN, whatever arguments may persist about the meaning and scope of various Charter provisions, is unquestionably the principal institution for building, consolidating and using the authority of the international community.” (IDRC 2001, p. 48). That means: “There is no better or more appropriate body than the United Nations Security Council to authorize military intervention for human protection purposes.” (IDRC 2001, p. XII).

Even under a mandate of the UN Security Council humanitarian interventions only may be tackled as *ultima ratio* (“last resort”): “Military intervention can only be justified when every non-military option for the prevention or peaceful resolution of the crisis has been explored, with reasonable grounds for believing lesser measures would not have succeeded.” (IDRC 2001, p. XII).

Thus the most important aspect of human right’s protection is the prevention. Conflicts with the potential to turn into violence primarily should be prevented by an operating civilian society, before there is a need to stopp them by military measures. The responsibility to prevent means “to address both the root causes and direct causes of internal conflict and other man-made crises putting populations at risk.” (IDRC 2001, p. XI). The ICISS does not leave any doubt concerning the importance of that task: “Prevention is the single most important dimension of the responsibility to protect: prevention options should always be exhausted before intervention is contemplated, and more commitment and resources must be devoted to it.” (IDRC 2001, p. XI). This leads us back to human right’s formation and education. In this context the importance of the announcement of the *Decade for Human Rights Education* and the *World Programme for Education in Human Rights* gets clear.

Appreciation: Not only justice, but also benevolence

Appreciation is not all about *justice*, but also about *benevolence*. This increases the urge to connect the demand for autonomy and liberty of the subject with the cultural integrity of the communities which must be taken seriously in its peculiarities and special ways of living.

The social problems of the so-called “third world” must move to the center of the human right’s debate. The rights of life, liberty and “persuite of happiness” and the social rights belong together. Therefore at first and primarily there is a need for the building of the economical and social foundation on which the human rights can be constructed in the so-called “third world”. This is particularly task of the rich industrialized nations and has to be a concrete objective within the current negotiations of the *World Trade Organization* (WTO). Furthermore specific use of accompanying legal and political conditionalities in the credit award by the *International Monetary Fund* (IMF) and the *World Bank Group* (so called “safe guards”) can bring together economic help and human rights’ protection.

Conclusion

Only if the golden rule is understood as a groundwork of tolerance and appreciation it can be considered as a suitable ethical principle for the intercultural dialogue. And only if it could be made, that the insisted tolerance and the demanded appreciation of the golden rule’s ethos is interpreted in this wider understanding (*justice and benevolence*), it could be applied as a suitable *global ethos* to ensure, that from the universality of human rights once will arise the universalisation in practice.

Bibliography

Brülisauer, B.(1980) „Die Goldene Regel. Analyse einer dem Kategorischen Imperativ verwandten Grundnorm“, *Kant-Studien*, vol. 71, p. 325-345.

Hare, R. M. (1963) *Freedom and Reason*, Clarendon Press, Oxford.

IDRC (ed) (2001) *The Responsibility to Protect. Report of the International Commission on Intervention and State Sovereignty*, Ottawa.

Kant, I. (1997) *Groundwork of the Metaphysics of Morals*, Cambridge University Press, Cambridge.

La Fontaine, J. d. (n. d.), *Die Fabeln. Gesamtausgabe in deutscher und französischer Sprache*, Emil Vollmer Verlag, Wiesbaden.

Ryle, G. (1949) *The Concept of Mind*, Hutchinson, London.

The author's biography

Born in 1972. Academic career in Industrial Engineering (Dipl.-Ing., 2000) and Philosophy (M.A., 2004). Ph.D.-program at the Technical University of Berlin, Institute of Philosophy (Dr. phil., 2006). Lecturer in Berlin and Arequipa/Peru. Publications in different areas of philosophical and sociological research.