

and do so without falling foul of the Categorical Imperative. Similarly, then, a person can consistently adopt principles of the kind 'Lie/break a promise/steal/cheat on taxes whenever the situation is this serious', provided the situation isn't *very often* that serious. The institutions survive, and so do the possibilities for making exceptions.

A third limitation appears if we consider the man mentioned above, who misapplies the Golden Rule, saying that he does not mind others refraining from benefiting him, provided he can be excused from benefiting them. Kant's only argument that he fails the Categorical Imperative test is that he *might* get into dire straits in which he needs the assistance of others. But this evidently invites the all-too-human rejoinder that he might not, and is willing to take the risk. He can will that nobody help anybody else, because he can gamble on staying self-sufficient.

Kant descends somewhat from the abstract heights of the Formula of Universal Law version of the Categorical Imperative. He argues in effect that the capacity of human beings to act in accordance with the imperative – the jewel within – is itself a thing of absolute, unconditional value. It is true, he thinks, that we can never be sure that we are acting from our sense of duty alone, since our motives are often mixed and often hidden from us. But at least we can set ourselves to do so. We can distance ourselves from our mundane desires and wishes, and set ourselves to act as duty requires. This capacity itself gives us our fundamental title to respect and self-respect. We are proud of our reasonings – in fact, whenever we offer reasons we are showing how much we respect reason in ourselves. So it deserves respect wherever it is found, that is, within all rational agents.

This argument (or something like it: the texts are dense) takes Kant to the Formula of Humanity: 'So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means.' It is not, of course, easy to

see exactly what this involves, but the general idea of remembering to respect each other is clearly attractive, and perhaps more practicable than remembering to love each other. Whether we deserve respect purely because of our capacity to make laws to ourselves is a good deal less certain. Perhaps we deserve respect from each other insofar as we are like each other in a whole mass of ways. The raiding party bent on enslaving a rival group has forgotten a shared humanity, which includes a shared capacity to love, and suffer, and hope, and fear, and remember. It hasn't *only* forgotten that the victims can reason according to general rules.

Many people think Kant offers the best possible attempt to find Reasons, and therefore to justify ethics on the basis of reason alone. Since many people want such an attempt to succeed, and fear the result if it does not, there are major intellectual industries of trying to find ever more complicated interpretations of the approach that make it work. It might be doubted whether this does much service to Kant: he was a great democrat, and believed that the necessity of the Categorical Imperative was easily visible to any reasoning creature.

Foundations

19. Contracts and discourse

Some writers think that a descendant of Kant's approach, often called 'contractarianism', gives us a powerful foundation for ethics, or at least for the large part of ethics that concerns our rights and duties to each other. One formula at the centre of recent work is this, due to the contemporary American philosopher T. M. Scanlon:

an act is wrong if its performance under the circumstances would be disallowed by any set of principles for the general regulation of behavior that no one could reasonably reject as a basis for informed, unforced general agreement.

As in Kant, there is a concern for the universal, and a concern for reason. A slightly different version occurs in the 'discourse ethics' of