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Secular morality and the university

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Secular Morality and the University

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Secular morality and the University

Emmanuel S. de Dios

Abstract

Secular morality is implied in the University's very founding, with roots dating back to the 18th century Enlightenment that informed both the defeated Philippine revolution and the political ideas of the American occupiers. Citing recent knowledge gained from behavioural games and evolutionary psychology, this paper discusses how a public morality that is secular, minimal, and libertarian, is both possible and desirable in a complex society. The paper then illustrates how such a morality can inform politics and public policy in such difficult issues as illegal gambling, contraception and abortion, and living-organ donation. The state university's role in developing and strengthening the idea of secular morality is then discussed.

Secular morality and the University*

Emmanuel S. de Dios**

The occasion of its Centennial is a good time to reflect on one of the expectations the University of the Philippines (UP) was supposed to fill in national life. Until the UP was founded, there was no secular university, i.e. no nonsectarian university, in the country. The venerable University of Santo Tomas was the only institution of higher learning, but – to be frank about it – it was at the time hardly a scintillating model of what a modern university ought to be, and it would take many more decades before the picture Rizal painted of Placido Penitente’s class in physics in *El Filibusterismo* would recede from the national psyche.

The Philippine Revolution certainly had its own plans and ambitions regarding a secular education. A decree¹ by Emilio Aguinaldo deals specifically with the establishment of an *Universidad Literaria de Filipinas*. This institution was short-lived, however, given the exigencies of war and the defeat of the revolution. Hence it was ironically the colonial creation of a decade later that would fulfil at least part of the revolution’s vision. The University’s establishment was an implicit denial that sectarian higher education alone would suffice as a reliable basis for social life, the foundation for a rational state, and a pluralistic society.

The impetus for a secular national university flowed from two distinct historical forces, which did not always converge. First there was the strong anti-clerical content of the reform movement and the revolution against Spain. Second, however, was the undeniable initiative of the US occupation to reduce the intellectual influence of Spain and the Catholic Church in the country, part of which meant loosening the virtual monopoly of the latter over the educational system.²

Ultimately, however, both these streams have a common source, namely the 18th century European Enlightenment that was the intellectual inspiration for the American revolution as well as for the Filipino *ilustrados* who first imagined *Filipinas*. Both of these shared the Enlightenment idea of a secular and rational-scientific state, as opposed to one based on belief and superstition. They differed, however, in locating the source of sovereignty of such a state, the former finding this (at least initially) in the US colonial government itself; the latter in (at least in theory) in the Filipino people themselves.

Enlightenment roots

The urgent need that Enlightenment thinkers felt for a secular morality cannot have been divorced from the reality of their political situation. Both in England and on the Continent, wars of religion more than a century before had wreaked havoc on governments and on public life. During the thirty years’ war in central Europe armies devastated entire cities and upset the entire political

* This is an extended version of the Centennial Lecture delivered by the author on 7 May 2008 at the National Institute for Science and Mathematics Education, University of the Philippines, Diliman, Quezon City

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¹ Dated 19 October 1898. The proposed *universidad literaria* was mandated to teach law (civil and canon), medicine, surgery, and pharmacy, as well as subjects for notaries. (The term “literary university” distinguished it from a polytechnic).

² It is relevant to note out that Catholics were then – and still are – a minority in the US, and that in the early years of the occupation, there was certainly a proselytising and missionary Protestant influence in US policy

order: In Britain, religious strife and persecution (not only between Catholics and Protestants but between Protestant sects themselves) was the constant undercurrent in the complex stream of events leading from the reformation, to the civil war and regicide of Charles Stuart, to Cromwell's Puritan dictatorship. Under such circumstances, it gradually became evident that raising the tenets of one particular religion to become exclusive and dominant posed a danger to the stability of social life. (Indeed, the United States, whose immigrants were devout adherents to various sects, effectively confronted the same problem.)

What then is "secular morality"? It was Hume who, as in many instances, said it best when he said that a non-secular morality springs from the idea that:

...[V]irtue is nothing but a conformity to reason; that there are eternal fitnesses and unfitnesses of things, which are the same to every rational being that considers them; that the immutable measures of right and wrong impose an obligation, not only on human creatures, but also on the Deity himself: All these systems concur in the opinion, that morality, like truth, is discern'd merely by ideas, and by their juxtaposition and comparison [Hume 1739(1985):508].

A secular morality, however, cannot appeal to these "eternal fitnesses and unfitnesses of things". It must build itself up, as it were, from the ground up. At first glance, this might seem a foolhardy venture, since it would seem to imply that a person would lose his moorings and begin a slippery slide to relativism.

The problem, therefore, is how to found morality on nonreligious, nonsectarian grounds, without degenerating into relativism. The question is akin to a form of creationism. An early criticism of Darwin concerned the incredulous possibility that the "eye" could have been the product of evolution. The argument goes: such a complex organ as the eye could not have been the work of anything else but a deliberate intelligence, which makes an appeal to God necessary. In a similar manner, the momentous question in morality is whether we can found moral behaviour in society without appealing to an exogenous revelation.

Adam Smith [1759(1976):235-236] realized how difficult it must be for the human mind to accept the idea of a "fatherless world":

The very suspicion of a fatherless world must be the most melancholy of all reflections; from the thought that all the unknown regions of infinite and incomprehensible space may be filled with nothing but endless misery and wretchedness.

People like Smith, Hume, and their fellow Enlightenment thinkers, however, speculated that the moral sense – and from this the sense of justice itself – could have been the result of the great human social experiment itself. People who saw the benefits of society – namely, joint effort, division of labour, and mutual assistance³ – would have been able to realize the need for restraining their purely selfish drives and living according to certain rules that allowed them to co-exist and make mutually beneficial transactions with their neighbours. That is, people would not have been able to live together – society and its advantages would not have been possible – without the construction of morality: In Hume's words:

After men have found by experience, that their selfishness and confin'd generosity, acting at their liberty, totally incapacitates them for society; and at the same time have observ'd that society is

³ Hume writes [1740 (1985):537]: "By the conjunction of forces, our power is augmented: By the partition of employments, our ability encreases: And by mutual succour we are less expos'd to fortune and accidents. 'Tis by this additional *force, ability, and security*, that society becomes advantageous."

necessary to the satisfaction of those very passions, they are naturally induc'd to lay themselves under the restraint of such rules, as may render their commerce more safe and commodious [Hume 1739(1985):539]

It was in the same spirit that Adam Smith speculated how honesty and punctuality would have naturally emerged among trades-people anxious to retain the custom of their partners:

Whenever commerce is introduced into any country, probity and punctuality always accompany it. ... A dealer is afraid of losing his character, and is scrupulous in observing every engagement. When a person makes perhaps 20 contracts in a day, he cannot gain so much by endeavouring to impose on his neighbours, as the very appearance of a cheat would make him lose. Where people seldom deal with one another, we find that they are somewhat disposed to cheat, because they can gain more by a smart trick than they can lose by the injury which it does their character.

Wherever dealings are frequent, a man does not expect to gain so much by any one contract as by probity and punctuality in the whole, and a prudent dealer, who is sensible of his real interest, would rather *chuse to lose what he has a right to than give any ground for suspicion* [Smith, *Lectures on jurisprudence*].

Behavioural game theory

Upon hindsight, the astuteness of these Enlightenment thinkers is remarkable, since today we are in fact able to glean that they were not far off the mark. Probably one of the most significant – certainly one of the most interesting – works in social science in recent years has been the cross-cultural game-theory behavioural experiments conducted by a group of anthropologists, economists, and psychologists, led mostly by the anthropologist Joseph Henrich (see, e.g., Henrich et al. [2005], and Henrich et al. [2001]). Across a wide array of societies, Henrich and his colleagues asked people to play versions of well-understood games, such as the ultimatum-, dictator-, and public goods games (see Figures 1 and 2 below), to test the degree to which societies are completely selfish, altruistic, cooperative, egalitarian, and so on.

To appreciate the findings of Henrich et al., we describe a few of these games in turn. In what is known as an “ultimatum game”, player A is asked to divide some amount, say 100 pesos, between himself and Player B, allocating, say x pesos to player B and $100 - x$ pesos to himself. Now, Player B may accept or reject A’s offer; if he accepts, then the 100 pesos are divided between them as A has determined; but if B rejects the offer, then both get nothing (Figure 1).

Figure 1.

The ultimatum game

	B accepts	B rejects
A proposes x	$100 - x, x$	$0, 0$

$$0 \leq x \leq 100$$

Figure 2.

The dictator game

	B accepts	B rejects
A proposes x	$(1 - x), x$	$(1 - x), 0$

$$0 \leq x \leq 100$$

The “dictator game” is exactly the same, except that A gets his share regardless of what B does. So, if A proposes a split of $(100 - x), x$, A would obtain $100 - x$, whether B accepts or rejects (Figure 2).

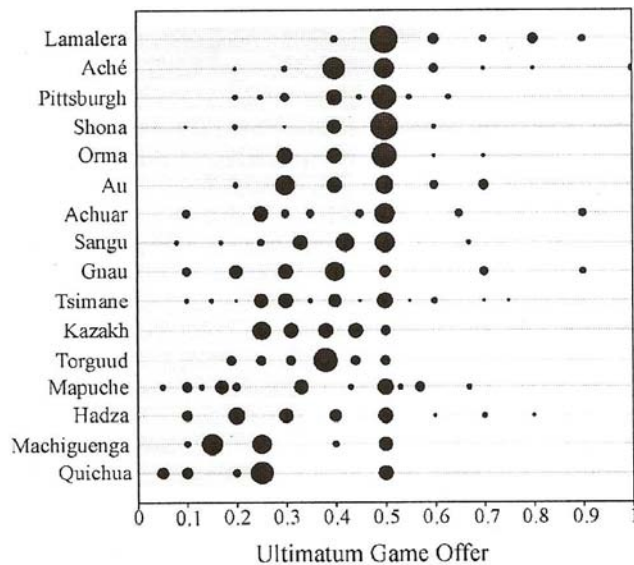
In the two games described, if both parties were entirely self-interested, then A would propose an x that was the smallest positive number (for example a 99-1 split); and B would accept it. A proposes the least amount for B because it leaves the most for himself; on the other hand, B should accept any $x > 0$, no matter how small, since this is still obviously better than ending up with nothing. Predictions are even starker in the dictator game, since here Player B has no power to affect the outcome for Player A. Hence, if people were truly *homines oeconomici*, social scientists should expect to observe offers of x that are the smallest possible in the ultimatum game, and practically zero in the dictator game.

(a) In fact, however, Henrich and his colleagues find that in the greatly diverse small-scale communities they examined (ranging from hunter-gatherers, to swidden agriculturists, to nomadic herders, and small farmers), the findings *never* conformed to textbook predictions. The mean offers of X ranged from 25 to almost 60 percent [Henrich et al. 2001] (It should also be mentioned that in developed countries, the mean offers are around 40 percent.) (See Figure 3).

(b) The existence of some irreducible “altruism” is strongly suggested when one considers that in the dictator game, the mean proposals in the highly varied societies **do not** tend to zero (as predicted by maximising theory), but vary from about 25 percent to 45 percent [Henrich et al. 2005].

(c) Moreover, there is an almost universal tendency to reject what are perceived as “unfair” or inequitable offers. The likelihood of rejection by B-players in ultimatum games across a wide range of human societies increases, the more inequitable are the offers being made. Henrich and his colleagues interpret this as a willingness to undertake “costly punishment”: that is, people are willing to sacrifice their own interest in order to punish someone who they feel is being unfair. This propensity to reject unfair offers is in turn correlated with a measure of altruism, as measured by the generosity of mean offers made by the relevant population in the dictator game. *Sila’y nagmamalasakit sa prinsipyo.*

Figure 3
Offers in the ultimatum game



Source: Henrich et al. [2005]

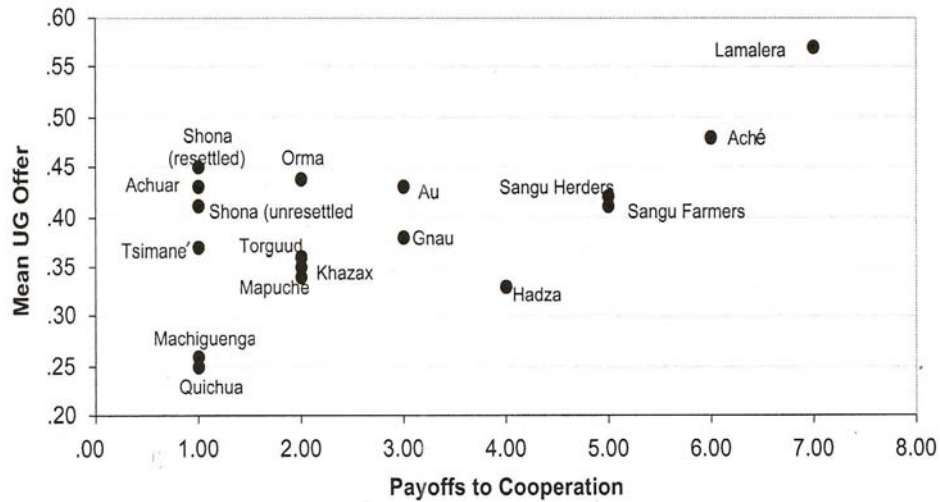
(d) Finally, it does seem that while certain pro-social traits are ubiquitous – e.g., altruism, strong altruism (costly punishment), conditional cooperation, and a sense of fairness – their intensity differs significantly across societies, being influenced among others by (i) how important cooperation is to the group; Societies more involved in cooperative production tend to be more altruistic and cooperative, while those that produce in smaller units are less so. (See Figure 4). (ii) Second, the degree of a group’s integration with the market also encourages more sharing (See Figure 5):

The rationale for market integration as an explanatory variable is that the more frequently people experience market transactions, the more they will also experience abstract sharing principles concerning behaviours towards strangers, of which the [ultimatum game] is an example [Henrich et al. 2001:76].

This last observation is remarkable, since it vindicates the speculation of Adam Smith previously quoted, namely: that a greater experience with market transactions – and an expectation of these in the future – does encourage pro-social traits and behaviour. In short, these and similar results from behavioural game theory suggest the strong possibility that moral behaviour, such as altruism, a sense of fairness, cooperation, a willingness to sacrifice or take losses could have originated from (and perhaps evolved with) the human trait of association – exactly as Hume conjectured.

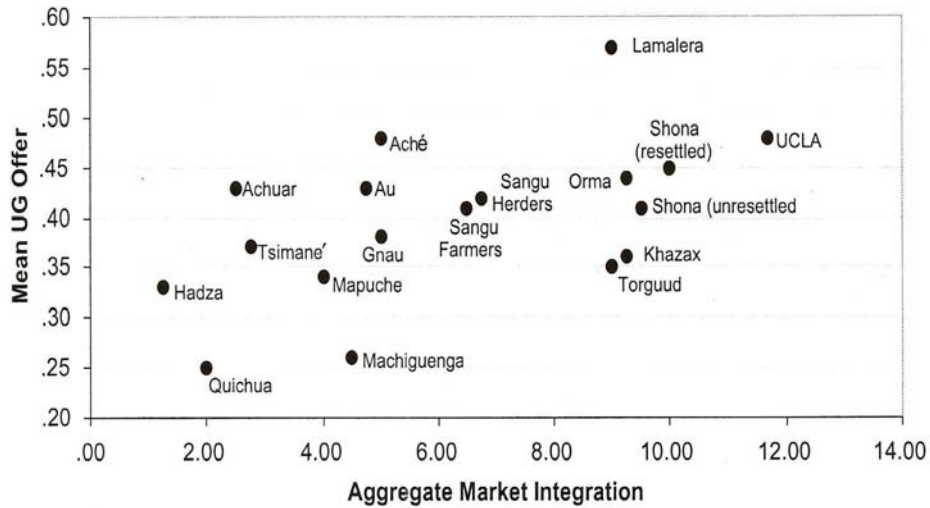
As an important aside, it should be interesting to note a finding as recently as last year that when chimpanzees are made to play the ultimatum game, they behave *exactly* as the textbooks predict, i.e., proposing patently unfair divisions, and invariably accepting them. It is ironically our closest living primate relatives who act like *hominis oeconomici*. [Jensen et al. [2007].

Figure 4
Degree of cooperation and ultimatum-game offers



Source: Henrich et al. [2005]

Figure 5
Markets and ultimatum-game offers



Source: Henrich et al. [2005]

At any rate, such field-findings should prove a comfort to those who seek the possibility of a secular morality: for they suggest that some fundamental moral values inescapably exist *because* of society: indeed morality is what makes human society possible at all. Hence, it is somewhat misguided to ask what would happen to human society if morality suddenly became secular, for the strong possibility is emerging that some common fundamental secular morals were in fact what made human society possible at all. This is evident from the fact that the most diverse societies – which certainly do not share common religious beliefs in even the broadest sense – yet manifest commonality in many social values. Haidt (cited in Pinker [2002:271]) notes that many emotions sustaining moral judgements, are useful in encouraging behaviour that enforces or validates social cooperation, including contempt in punishing cheaters or gratitude to reward altruists, and self-conscious guilt to avoid cheating (Figure 6).

Figure 6
Emotions and their moral purpose

Type	Examples	Purpose
Condemning others	contempt, anger, disgust	To punish cheaters
Praising others	gratitude, being “moved”	To reward altruists
Suffering with others	sympathy, compassion, empathy	To help a needy beneficiary
Self-consciousness	guilt, shame, embarrassment	To avoid cheating or repair its effects

Haidt [2001], as cited in Pinker [2002:271]

There are different possible hypotheses of *why* such commonalities exist. It is, of course, possible to maintain that such traits and emotions have all been instilled in various human societies through history and across cultures and religions by a single Divine Intelligence – with the tenets of one’s Own Religion of course reflecting the acme of moral perfection towards which all others are vainly and imperfectly striving. A simpler hypothesis, however, is that such commonalities are simply the product of a common⁴ human and social evolution⁵, although exactly by what

⁴ This argument for this commonality becomes even stronger with the growing evidence genetic evidence that modern humans did have a common physical and geographic origin, and that the current population of

process this occurred is still being debated. Pinker [2002] for one contends that these moral traits and judgements are simply hard-wired into the human brain as part of the evolution into *homo sapiens* and the society he forms; individuals with such traits simply fare better than others, and form societies that reproduce those traits genetically.

Still others, however, notably Henrich himself (e.g., see Henrich and Henrich [2004]), put forward a more flexible explanation, where culture and genes *co-evolve*, with group-selection also playing a role: individuals who live in groups with cultural strategies and moralities that manage to deal successfully with their environment are then provided cultural role-models to emulate, whereas other groups in the same environment may not fare as well and may become extinct. All this harkens back to Darwin's neglected idea in the *Descent of man*, in which he pointed to the possibility that group-selection might be possible owing to the presence of individuals with outstanding moral qualities:

It must not be forgotten that although a high standard of morality gives but a slight or no advantage to each individual man and his children over the other men of the same tribe, yet that an increase in the number of well-endowed men and an advancement in the standard of morality will certainly give an immense advantage to one tribe over another. A tribe including many members who, from possessing in a high degree the spirit of patriotism, fidelity, obedience, courage, and sympathy, were always ready to aid one another, and to sacrifice themselves for the common good, would be victorious over most other tribes; and this would be natural selection. At all times throughout the world tribes have supplanted other tribes, and as morality is one important element in their success, the standard of morality and the number of well-endowed men will thus everywhere tend to rise and increase [Darwin 1871(1952):322-323].

In this second view, the genetic “hard-wiring” of specific pro-social traits in individuals is not necessary; these can instead be learned, depending on which strategies and behaviours the group has found useful and has been practising. This part of the story is not yet completely written. Whatever the details, however, the fact remains that human beings in a fundamental sense, cannot *help* being moral beings, as long as they choose to live in society – just as the Enlightenment philosophers speculated.

Inherently limited nature of public secular morality

Indeed the problem is not that morality *might fail to emerge* in a secular context. Rather, the danger to society is that this unavoidable moral sense might go into *overdrive* so that, in the words of the evolutionary psychologist Steven Pinker [2002:269], we become not merely a moral but a “sanctimonious animal”. Psychologists have pointed to the possibility that our moral sense and the emotions that support it may become so confounded that they lead to unreasonable moral judgements.

The concern for “purity” and the associated emotion of disgust, for example, may have evolved from a perfectly healthy need to avoid certain toxic or contaminated biological products (we see this, for example, in the Bible's strictures on diet and on the proper preparation of food). This, however, can lead easily to identifying what is “good” with what is “clean”, or ultimately what is “white”, to the point where it justifies discrimination on the basis of the colour of one's skin (racial discrimination); or occupation (the caste system); or one's gender (homophobia, or the

the world emerged from what was an evolutionary bottleneck. (For details, see Cavalli-Sforza [2000] and Wells [2002].)

⁵ Although even here, some will contend a religious explanation is not necessarily ruled out, to the extent that evolution itself is a divinely directed process.

restriction against women priests). What is worse, because a good deal of this is either genetically programmed or is the product of long periods of socialisation and cultural learning, and are therefore associated with strong feelings, so that individuals frequently do not have a chance to rationally examine what may since have become simply a dysfunctional prejudice. The “yecch”-factor is never a valid moral position: *Sa isang mapag-tantong moralided, ang pandidiri o pagkarimarim ay hindi sapat na argumento para iwaksi ang isang ideya.* “The difference between a defensible moral position and an atavistic gut feeling”, Pinker [2002:274-275] writes,

...is that with the former we can give reasons why our conviction is valid. We can explain why torture and murder and rape are wrong, or why we should oppose discrimination and injustice. On the other hand, no good reasons can be produced to show why homosexuality should be suppressed or why the races should be segregated. And the good reasons for a moral position are not pulled out of thin air; they always have to do with what makes people better off or worse off, and are grounded in the logic that we have to treat other people in the way that we demand they treat us.

This possibility that a moral sense, even that of an entire community, may become hyperactive is actually an additional argument why secular morality – unlike perhaps morality based on religious belief that inherently aims for comprehensiveness – *ought consciously to set limits for itself and be deliberately unambitious in scope.* Public secular morality ought to seek to govern only the *res publica*, not the *res privata*, ruling only on actions that pertain to public life. (In the language of economics, I suppose would say it needs to concern itself only with *externalities*.)

To demonstrate, one might consider which of the Ten Commandments are fit to enter secular morality. At one level, these contain some universal secular truths needed to sustain any society: after all, murder; stealing; and lying are all potentially socially disruptive acts that affect the rights and well-being of other members of the community. It is more difficult to argue, however, that working during the Sabbath is a *res publica*, or that the non-observance of this rule causes an externality that is deleterious to significant numbers of people in society. Nor is it a public issue if a person happens *not* to believe in just the one God or if he creates a graven image and worships it in his home⁶. Committing adultery, strictly speaking, is also *res privata*, conditional on the externalities visited on a couple’s children being properly internalised, which is why civil divorce with proper obligations for child-support ought to be allowed. Finally, while *potentially* socially disruptive, the act of coveting another’s property short of actually stealing it is an unobservable mental act and not something the public authority may easily act upon.

Nothing should prevent people from privately adopting a larger and more stringent set of rules. Indeed, privately adopting *all* of the Ten Commandments might actually help public institutions, to the extent that less anti-social behaviour occurs through self-control and first-party enforcement. But secular morality itself must always insist on a *minimal set* of strictures, for that is the only way it can assure the greatest possible personal freedom consistent with social order. Turgot put best it when he wrote:

I am, in matters of morality, a great enemy of indifference and a great proponent of indulgence. ... It is, I think, because of our not distinguishing adequately between these two points of view about ways of judging the morality of actions, which are so different, that some have given way to an excessive rigorousness, in judging individual actions on the basis of general ideas of morality, without regard to the circumstances which excuse the individual; and that others regard all actions

⁶ To display it in what ought to be a non-sectarian public venue, such as a government office or a classroom, could be regarded as unnecessarily provocative or offensive, however.

as indifferent, and see in them no more than physical facts, because there is little that cannot be excused on some given circumstances.

To the extent that it preserves the private sphere, secular morality is inherently libertarian. A too-rigorous or too-comprehensive specification of individual conduct, even in the name of social benefit or collective good, will almost inevitably lead to problems of overt conflict or, worse, totalitarianism. The importance of preserving and respecting the private sphere may be seen as a solution to the problem posed by a well-known paradox in public-choice theory put forward by Sen [1970], namely the so-called “impossibility of a Paretian liberal”. The problem is one of deciding who between Lewd and Prude should read pornographic material. A natural “liberal” assignment would be for Lewd to read the pornography and for Prude not to. But suppose Prude would rather read the material than let someone else do so; while Lewd would prefer that Prude read it in order to torment him. In this case both Lewd and Prude would prefer Prude to read the material – a unanimous decision. Yet that would be in conflict with the liberal assignment. Hence, Sen says, one cannot be a libertarian and a Pareto-utilitarian at the same time.

The real problem with this example, however, is that it seeks to legislate an otherwise private affair: there is actually nothing objectionable, from a secular moral viewpoint – or what is the same thing, from the viewpoint of public policy – if Lewd and Prude entered into a private contract that allowed Prude alone to read the material and for Lewd to refrain from doing so. The matter is not at that point, a *res publica*. The more general principle is that neither individual should be allowed to legislate for the other what is essentially a private action: society should generally *not care* (i.e., it should *inhibit itself from caring*) what people do or do not read. The deal-spoiler would be if Prude sought to impose his values in the form of legislation applicable to *all* Lewd people, including those who would *not* be willing to sign a private contract. More formally, since a welfare-function based on secular morality would not be a complete ordering across individual utilities or welfare-outcomes, Sen’s impossibility result is avoided.⁷ Properly conceived, therefore, secular morality would do best to restrict its sphere of operation only to those issues and actions that affect public life, since by doing so it would allow for and affirm the greatest diversity of belief and behaviour in the private sphere.

At the beginning, I mentioned that the Enlightenment thinkers were probably induced to conceive of the urgency of a secular morality and the separation of state and religion, owing to the long and painful history of religious wars in Europe, and the subsequent need for people of different creeds to live together in society. But what need is there then of a secular morality when – as in the Philippines – an overwhelming majority of people profess one faith? Can we not simply accept whatever is the common faith – move beyond the limited scope of secular morality and adopt a deeper commonality, not only in observable actions, but also in unobservable thought and opinion?

I contend that a minimal secular morality in the public sphere is even more important in precisely this situation, when a large majority already shares a consensus on moral values. The first point is a matter of principle, and I think Rosa Luxemburg put it best: *Meinungsfreiheit ist immer die Meinungsfreiheit des Andersdenkenen*. To paraphrase: Freedom of thought is really about the freedom of those who think differently. To measure freedom in society, therefore, we ought not to ask how free the devout lowland Catholic Filipino fares, but rather what is the state of liberty for

⁷ This would imply that society should regard it with *indifference* if either Lewd or Prude did (or did not) read pornography, even if a complete utilitarian ordering (under Sen’s peculiar assumptions) would *prefer* a situation where Prude alone read the material. That latter result should be deemed not reachable by social legislation, although it could still be achieved by private contract.

Muslims, Protestants, *aetas* and other indigenous peoples, atheists and agnostics, gays and lesbians, gamblers, and smokers, people who want a divorce, teens who need an abortion – and oh, yes, women.

The second point, however, is a pragmatic one that flows from the earlier discussion. From an evolutionary viewpoint, as we have seen, social groups develop moralities (through the interaction of culture, genes, and group-selection) that are appropriate for a given time and environment. A greater homogeneity of the social group probably yields benefits in the form of social cohesion, better rules-enforcement, and cooperation. On the other hand, especially when the environment is rapidly changing, this stability and homogeneity of beliefs can disable the group from rapidly adapting to its environment and implementing innovative strategies, precisely because the majority in society is too stable in its values, too pat, too sanctimonious!

In such rapidly changing circumstances, some evolutionists tell us, there is a special need for *diversity* within the group in the shape of what Stephen Jay Gould termed “hopeful monsters”. That is, individuals who carry some traits, behaviours, or ideas that deviate significantly from the present norm, but which may prove socially beneficial when the environment and technology change rapidly. It is less likely for society to breed such individuals if its public life has not provided sufficient room for these but has rather been reduced to a sectarian monoculture, no matter how subjectively noble and personally fulfilling its tenets might be. In economics, such “hopeful monsters” are entrepreneurs and innovators; in the realm of ideas, they are nonconforming and frequently impious intellectuals. Needless to say, I believe that a university – and particularly *this* University – is meant to be the source of such “hopeful monsters”. The question is whether it has bred and nurtured enough of them.

Issues and implications

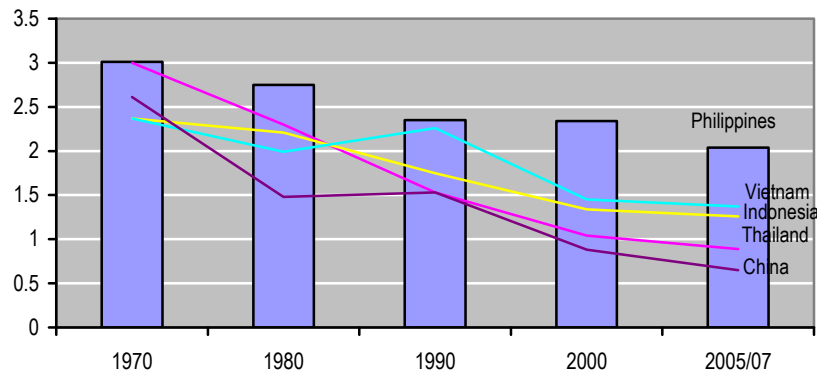
If our sole purpose in asserting the need for a secular morality this afternoon was to indulge in an appreciation of 18th century Enlightenment thought, it would be a pleasant but perhaps still largely idle pastime. The issue of a secular moral viewpoint – and the University’s role in promoting it – happens however to be a salient point in many social and economic problems confronting the country.

Contraception, abortion, and population growth

Among the obvious issues where a big dose of secular morality is needed is the government’s population policy. The results of the 2007 census have recently been reported, showing that the country’s population growth rate has fallen from 2.34 percent annually in 2000 to 2.04 percent annually in 2007. This has been duly trumpeted as “the lowest population growth rate in Philippine history”. Left unsaid is the fact that this is actually one of the highest in the region, except for severely under-populated countries like Laos and Cambodia, and that the country is now the second most populous country in the region after Indonesia.

My colleague, Professor Ernesto Pernia [2008], points out that if the Philippines’ population growth had merely decelerated as rapidly as Thailand’s did, from 3 percent in 1970 to only 0.9 percent in 2004-2006, the Philippines would have had a population of only 66.5 million today, rather than the current 90 million. If that had happened, according to Pernia, Philippine “annual rice consumption today would only be about 13 million metric tons, instead of 18 million. With 16 million metric tons of domestic production per annum, RP would have been a *net exporter of 3 million metric tons, and not the world’s biggest rice importer of over 2 million metric tons*” [My emphasis.]

Figure 7:
Population growth rates



Sources: United Nations (<http://globalis.gvu.unu.edu/> for other countries)
National Statistics Office (<http://www.census.gov.ph> for the Philippines)

Apart from the rice problem, the problem of a growing population has obvious serious implications on the natural environment, on government resources, and on the quality of government provision.⁸ Moreover, both official and private opinion surveys show that people do favour limitations on their own family sizes and that they would use modern artificial contraceptives if these were more widely available. In 1998, the “unmet need” for contraception was as high as 50 percent: that is, half of all married women who wanted no more children, or wanted no children soon, were not using *any* form of contraception. It has been estimated by Juarez, Cabigon, Singh, and Hussein [2005: 145, Table 5] that as many as 55 percent of pregnancies in 2000 were unplanned (i.e., unwanted or mistimed) at the time they occurred, with a rate as high as 65 percent in Metro Manila.

What has apparently occurred, however, is that legislated morality has exceeded the bounds of an ideally delimited secular morality and presumptuously violated people’s private sphere. The private morality of some, particularly that of the official Catholic Church and the president herself, has trumped secular morality and resulted in people being deprived of a personal choice. Devout Catholics should be free in principle to shun artificial contraceptive practices; but that is a private matter. The *res publica* is to afford a fair choice of methods of contraception, in consideration of people’s preferences, as observed and expressed.

Let us be clear however: in principle, a secular policy to meet the demand for modern methods of contraception with the same level of official subsidy and commitment as that shown for “natural” family planning methods should not be changed, even if a majority said they were *not* going to use artificial contraceptives, *as long as the possibility existed of some people finding it useful*. For, again, real freedom of choice, (remember poor Rosa) is always the freedom of those who choose differently.

Beyond the issue of artificial contraception one might mention the issue of abortion itself, the discussion of which is currently taboo even to many who would otherwise support artificial contraception. Most other countries⁹ at least permit supervised abortion in some or all of the following cases: incest, rape (including statutory rape), when a serious congenital disorder is

⁸ For a more comprehensive discussion, see Alonzo et al. [2004].

⁹ These countries include predominantly Catholic ones, such as France, Italy, Mexico, and to a limited extent, Ireland.

detected in the foetus, and more commonly when a woman's life is at grave risk. By contrast, the Philippines' revised penal code (RA 3815, Art. 258), passed in 1930 and still in force today, indiscriminately metes out imprisonment (*prision correccional*) to *any* woman who causes or willingly undergoes an abortion, particularly if this done is to "conceal her dishonour". Notwithstanding this prohibition, the (medium) estimate of the number of induced abortions in the Philippines in 2000 is 473,000, or about 27 abortions annually per 1000 women aged 15-44, and in Metro Manila it is as high as 52 per 1000 women [Juarez, Cabigon, et al. 2005:144]. This works out equivalently to 18 induced abortions for every 100 pregnancies in the country. In Metro Manila, as many as 30 in every 100 pregnancies ends in an induced abortion. As one might expect – and as economic theory suggests for criminalised activities – the quality of such clandestine "services" is highly uneven; the health and lives of poor women especially are placed at risk by unsafe, poor-quality services and facilities. The recorded rate of abortions resulting in complications leading to hospitalisation (17 percent of all estimated abortions) almost certainly underestimates the number of poor women who lack the means to even be hospitalised.

The high rate of induced and risky abortion cannot be separated from the lack of access to contraceptive means and information. For women are doubly denied and punished: without access to contraception, they resort desperately to induced abortion as means to deal with unwanted pregnancies. The criminalisation of abortion, on the other hand, makes this alternative treacherous and unsafe. Ultimately, therefore, it is the failure to support secular individual choice in the matter of modern contraception and abortion that leads to a high incidence of abortion and the loss of life.

The direct cost to individuals is clear, but the indirect cost cannot also be ignored. One should at least be aware of the work of Steven Levitt [2004], of *Freakonomics* fame, which strongly suggests that the Roe v. Wade decision by the U.S. supreme court, which legalised abortion, was a large factor in explaining the dramatic decline in crime in the U.S. The teenage murder-rate in that country was halved in five years, while crimes such as assault and theft also dropped dramatically. The reason? Fewer unwanted pregnancies allowed mothers to better care for their children, resulting in lower delinquency rates.

One might wonder to what extent such a phenomenon also exists in the Philippines, and whether a similar social benefit might arise, first from greater availability of modern contraceptive methods, and possibly legal and supervised and therefore safer abortion.

Jueteng and effective law-enforcement

A second instance in which secular morality has been thoroughly overrun is the government policy of small-numbers gambling, or *jueteng* and its countless variants, an issue that my colleague and former dean, Raul V. Fabella, has written on at great length and depth. Anyone who reviews recent history will marvel at the disruption that the criminality associated with this prohibited activity has created at the level of national politics. It will be recalled that the downfall of Mr. Estrada was directly traceable to disputes over payoffs from *jueteng*. Her alleged use of campaign funds derived from *jueteng* was also a serious accusation against Mrs. Arroyo and an important pillar of the Catholic hierarchy's opposition to her. Provincial and regional police chiefs have many times been cut out or reshuffled depending not on their success in stemming index-crimes like murder, kidnapping, and theft, but their lack of success in stemming small-numbers gambling. Clearly, therefore, national politics has been preoccupied with and been unsettled by illegal small-numbers gambling.

Gambling and betting are expressly prohibited by law in the Philippines (RA 1815, Articles 195-199). The question, however, is whether the effort and resources put into implementing this prohibition are a wise use of resources, and whether gambling by people itself amounts to a question of national policy. The case for considering gambling behaviour *res publica* is considerably vitiated by the fact that certain forms of gambling are *already* legal and regulated (e.g., cockfighting, horse-racing, casinos, and lotteries, and so on). It is a glaring inconsistency of public policy – if not a form of extreme hypocrisy – for the government to tolerate and even sponsor *some* forms of gambling but not a specific one such as *jueteng*.

A secular view for public policy would be simply to remove the prohibition on the operation of small-numbers gambling and return it to the sphere of private morality, where it properly belongs. The Catholic Church and other religions would, of course, remain perfectly free to proselytise its opposition to gambling among its own adherents and prescribe private behaviour; but that work should not be passed upon the government. Free-entry and the decriminalisation of small-numbers gambling removes the extraordinarily large rents that previously accrued to gambling lords and criminal syndicates, since henceforth no special criminal talents will be required to operate; no bribes are needed to operate. Free entry will in any case compete away the great rents that have heretofore corrupted national politics. Then the police might hopefully devote more resources to other, more serious crimes which private individuals are truly helpless to stop. Nor is such an idea particularly novel. It was the simple but painful lesson learned from the “Prohibition” episode in the U.S. (ca. 1909-1933), when a legislative ban on alcoholic beverages – under a wave of Protestant piety and sanctimony – led to hitherto legitimate business activities going underground and their predictable takeover by the Mafia and other criminal syndicates – a classic case of the cure being worse than the disease.

Organ transplants and living donors

As a final example, we can take the recent burning issue of transactions involving living-organ donation, specifically of kidneys, which has apparently so perplexed the health department that it has already flip-flopped on the issue several times. There are many cases where patients affected with renal diseases can hope to survive and lead a close-to-normal existence only through a kidney transplant. Schemes for voluntary organ donations upon death, “organ-harvesting” from cadavers, and donations from living relatives have largely failed to close the gap between supply and demand, so that tens of thousands of patients¹⁰ are on various lists waiting for donors. Iran is the one country that explicitly allows the buying and selling of organs for transplant, and here the waiting list has reportedly been eliminated.

Apart from Iran, the Philippines was until recently among only a few countries that followed a policy of allowing organ transplants from non-related living donors, with a ceiling on the number of transplants to be done on foreign beneficiaries. (As a gauge of the prevalence, however, it should be noted that kidney transplants performed in the country’s hospitals still had not exceeded 500 annually as of 2006.) A series of documentaries on the issue, however, reported on the fact that (a) many residents of depressed communities effectively sold their kidneys for transplant to non-relatives; (b) that the number of foreign transplant beneficiaries exceeded the ceiling; and (c) that the compensation paid to kidney donors appears to be low in relation to the total price charged for the operation, with the lion’s share of the proceeds going to “middlemen”, hospitals, and doctors. The reaction to this reportage was predictable. The policy was equated with “trafficking” in human organs and the government was accused of effectively promoting the disadvantageous and exploitative sale of the organs of its poor citizens to foreigners. Finally, the

¹⁰ Schoper-Hughes cites a figure of some 70,000 in the U.S. alone [Lawless 2004].

head of the country's Catholic bishops made the definitive pronouncement that "Human organ sale or trade, by its very nature, is morally unacceptable." Notwithstanding health officials' attempts to explain the rationale for their policy and their attempts to refine it, the end-result was for the government finally to reverse its policy and to prohibit *all* kidney donations, except among blood-relatives.

One must wonder, however, to what extent this impulsive reaction was due to an uncritical disgust-factor rather than a sober reflection of the role and responsibility of the state. The most important secular objections to the practice are the following: (a) donors may not be fully informed of the possible health risks of a transplant; (b) donors for some reason (e.g., poverty or desperation) may be liable to be short-changed and to be compensated less than fairly; (c) access to the service may be biased, so that only rich clients (and foreigners) are catered for. An extreme case is the practice in China of "prepping" prisoners condemned to death for organ-harvesting immediately before they are put to death (by a bullet to the head). To speak of "informed consent" in such circumstances is obviously risible.

It will be noted, however, that none of these objections – taken either singly or together – suffice to absolutely proscribe the said transaction. The state's responsibility ends at the point where informed individuals decide autonomously regarding their own affairs, and the problem for policy is whether such secular objections can be acceptably met under some framework. Indeed the government's incipient approach to the issue already seemed *well on the way* to meeting some of these objections, including: a central registry and screening programme to ensure that potential donors were not only suitable but also fully informed of the consequences of their decisions; a donor's bill of rights with provision for health insurance; and finally the setting of minimum compensation for donors (or what amounts to the same thing, effective price control to reduce the market power of middlemen and hospitals). Indeed, rather than simply imposing a ceiling on foreign transplants, the problem of access by the poor could also have been more adequately addressed through a special fund financed from compulsory contributions from foreign-transplant revenues and earmarked specifically for use by indigents.

This is not to say any of these proposed approaches is perfect and abuse-proof. The point, however, is that while many secular objections are quite involved and require complex mechanisms in practice, *none are inherently unsolvable in principle*, a position quite different from declaring the practice to be "morally unacceptable by its very nature". Still the government somewhat astonishingly abdicated the search for solutions and gave way instead to the knee-jerk (though perhaps politically expedient) impulse of simply prohibiting transplants altogether!

Just how retrograde this recourse has been can be measured by comparing it to the grudging but candid view of the anthropologist Nancy Scheper-Hughes¹¹, who is certainly no friend of organ-trafficking:

I tend to see [living donor transplants] as a medical human rights abuse; however if people think they can come up with a system that has a donor bill of rights, has medical security for the donors, that the donors are fully informed, after all autonomy is the primary virtue of medical ethics today, *the right of the individual to do anything, even to be stupid* [Emphasis supplied]. It may be the way to go. I think it's a sad way to go, and I won't ever like it, but at least I'll feel that I've done some good in making people realise that they have some responsibility to this invisible population of kidney sellers [quoted in Lawless 2004].

¹¹ Scheper-Hughes is professor at the University of California-Berkeley and founder of Organs Watch, a coalition against trafficking in organs.

The critical point for a public policy guided by a secular morality is not to prescribe what autonomous individuals *ought* to decide, but to *facilitate* their informed decision, on condition that these decisions entail no further harm or disadvantage to others or to society at large. In the case at hand, a government must decide whether the consequences of preventing people from exercising a decision to sell non-vital organs – under admittedly less-than-ideal circumstances – are worse than this decision were to be uniformly proscribed.

High cost or inferior service (or both); the emergence of blackmarkets and their likely take-over by criminal syndicates; poor consumer information; uneven access as between rich and poor; and so on – these and similar unintended effects are actually the predictable¹² consequences prohibiting voluntary private activity or transactions. They are likely to occur under a total prohibition of living-organ donations as well. Indeed it is valid to ask whether the poor themselves are likely to obtain a better deal where living-organ transplants are surreptitiously performed, as against a situation where these are publicly monitored and regulated.¹³

These are only some areas where public policy might benefit from a viewpoint more nuanced by secular morality. Others are particularly critical, since these are already ruled by black-markets and influenced by criminal syndicates, e.g., drugs and substance abuse. Still others may require society to re-examine its ideologies and prejudices regarding new developments that could have a bearing on future economic progress, such as public policy towards genetically-modified crops, cloning research, the use of nuclear power, medical tourism, and so on. Finally, less imperative but also significant are issues such as divorce, same-sex marriage, and euthanasia, which concern smaller numbers of the population but affect individual lives.

In these and similar questions, society must ask the twofold question of *autonomy* and *net social benefit*: first, it must ask whether the matter at hand does not inherently fall within the *private sphere*, i.e., involving the deciding individual alone, or he and others transacting based on informed consent. As an example, it may be asked whether government would be right to issue a blanket ban on GMOs, or whether it would suffice to ensure that consumers are afforded a choice of whether or not to purchase goods that contain GMOs (e.g., through proper product labelling).¹⁴ The second is the more practical question of whether the benefits and freedoms afforded do not outweigh the risks and costs. Conversely, it must be asked whether the effort and expense needed to implement a prohibition effectively is not outweighed by the benefits foregone and distortions of behaviour and diversion of resources it causes, which have could be avoided by simply allowing the activity to begin with. This is not to say there are easy answers to these questions. The point, however, is to start a debate on reasoned secular grounds, rather than mere disgust or scriptural pronouncements.

The University's role

It is lamentable that in many of these and similar controversies, the University has not played a role commensurate to its potential. True, some scholars from the University have provided

¹² An elementary but nuanced introduction to the Prohibition Era and its consequences is given by Miller, Benjamin, and North [1996].

¹³ Possible ways to evade a total ban include foreign doctors travelling to the Philippines as “tourists” with their patients to perform transplant surgery here; or alternatively, paying for the trips abroad (e.g., to third countries) of potential donors.

¹⁴ Indeed the same principle can be implemented in the matter of nuclear power. Retail open-access in Germany, for example, allows household users of electrical power to decide whether the power they buy comes from a nuclear plant or a windmill farm.

admirable technical descriptions of social ramifications (e.g., of population growth and the low rate of contraceptive use¹⁵) or have given privy advice to government on some issues (e.g., in the matter of living organ-donation¹⁶). What is sorely lacking, however, is the University's role in a public discussion of such policies from an explicitly secular viewpoint.

Instead the University has appeared content to provide "facts" and allow various private moralities (particularly comprehensive religious moralities held by the majority) to frame these issues in behalf of public policy. Absent is a defence of the *negative but necessary* viewpoint that it is not the role of public policy and legislation to reflect comprehensive private moralities; rather policy should be grounded in that irreducible minimum of social ethics that will ensure maximum personal autonomy and freedom without threatening (indeed, hopefully strengthening) social cohesion and generating negative externalities.

There are, to be sure, more comprehensive, more personally compelling moralities, i.e., those with cosmological premises and eschatological promises. Citizens should be free to accept these and the supposed implications on their private behaviour. But people are *not* free to impose the consequences of such moralities on others by legislation. The brilliant colours of private moralities may excite and inspire, but it is still the unexciting dull-grey secular morality of public life that constitutes the web that binds us all as a society and as a nation, just as that same web delineates the spaces that allow us to pursue our diverse individual inspirations and inquiries. There is a constant danger that this fragile web may fray and weaken further from the weight of insistent demands from religions, ideologies and pet-causes, fraternities and alumni loyalties, family, kin, ethnicities, organisational affiliations and identities, or the imperatives of pecuniary interest.

As things stand, our laws already seem overly laden with values and concerns dictated by private moralities and prejudices, and our institutions are not any the better for it. For even as some seem preoccupied with specifying the minutiae of private behaviour, larger and more horrific crimes are being committed against society and the state, including corruption, duplicity, political violence, intimidation and threat – all these in addition to the ubiquitous injustices and iniquities citizens already suffer from the inadequacies of government and the transgressions of other citizens. Societies that burden their public institutions with moral demands too exacting or too complex are bound to lose sight of more urgent and obvious social priorities – not unlike the traveller who carries too much luggage and as a result loses his grip on what is truly essential.

In all this, however, religion and the Church are only partly to blame. It cannot, after all, be held against Church that its ecclesiastical authority now implicitly appears to be the country's only visible moral scaffolding, particularly in times of grave political crises. Indications of this fact abound: the role of the late Cardinal Sin and the religious in the two EDSAs¹⁷; the direct participation of clergy in electoral politics; the increasing influence of the hierarchy's voice on what are clearly secular matters such as agrarian reform, mining, taxation, genetically modified crops, and so on;. Without minimising the positive role the Church has played in political life, however, we must point to the real difficulty in elevating a matter of historical circumstance to a

¹⁵ On the population and contraceptive choice issues, the notable public role of the Population Institute and of the School of Economics must be cited, although even this has proved insufficient.

¹⁶ Here the existence of the Bio-Ethics Programme of College of Social Sciences and Philosophy is prescient, although its public role has thus far been less marked.

¹⁷ The sight of a protestant Fidel Ramos raising a Marian icon during EDSA 1 is a truly memorable spectacle and is certain to have sent ambiguous messages regarding the larger significance and ownership of the event.

principle and relying exclusively on Church judgements in matters of public policy and legislation. Simply because Einstein was spot-on regarding the specific and general theories of relativity does not mean he was infallible with respect to the details of politics and economics – or morals for that matter¹⁸. Similarly, just because the Church hierarchy adopted some (fortunately) correct positions on concrete political questions at some historical junctures does not necessarily privilege its pronouncements in all other secular fields at all times. In this, as in many other secular matters, priests and nuns must in principle fall in line to register their opinions, just like other citizens. Religion-based morality may be too all-encompassing, too brawny and meticulous to serve as a substitute for secular morality.¹⁹

The real difficulty is not that the Church has suddenly become more insistent and militant: religious morality is, after all, what it is and what it has always been. The problem appears rather to be that the founts and wells of secular morality – including this University – have run dry. This has created a great vacuum that religious and other private moralities have now rushed to fill. The prominent political role of the religious today, for example, owes to the absence of secular organisations – the most important of which are platform-based political parties – that can command people’s allegiances and can hold the political establishment to account as a matter of routine (i.e., rather than as periodic cataclysms). The spectacle of nuns serving as human shields for a senate witness is testament to the deep mistrust of the secular law-enforcers and a deficit of faith in the impartiality of secular justice. The need to involve church parishes in a simple matter of distributing rice to the poor merely points up the lack of reliability of the government’s own systems.

A strong and effective civic government is not only the purpose but also the inspiration and reinforcement of secular morality. As the first decade of the new century draws to a close, however, Filipino civic society still has to provide any strong civic role-models, particularly from the ranks of elective officials; in the meantime, the experience of actual governance has brought the people few practical benefits. It should surprise no one, then, if the hold of secular morality has weakened and people have instead turned inwards defensively and atavistically, taking refuge in their peculiar sects, communities, ethnicities, tribes, kin, and families, with their own particular moralities. Such a degeneration and inversion of values cannot be more striking than when a senator of the republic, in order to elicit the truth from another senator, finds it relevant to appeal to the honour code of the common military academy from which they graduated – as if to imply that that institution’s narrower code of conduct was more binding and had trumped the code of conduct of elected public officials.²⁰

¹⁸Einstein’s utopian ideas on world government and socialism are well known. As another example, Newton, for all his brilliance and seeming infallibility, believed firmly in alchemy and occultism, based on literal readings of the bible – including a calculated prophecy that the world would end in 2060. It would be absurd to hold that the validity of Newton’s laws could not be affirmed without also accepting his occult views – which Newton subjectively thought formed a seamless whole.

¹⁹ An ordering of a space X (say of social outcomes) is said to be *partial* if it is transitive and reflexive. It is a *total ordering* if, in addition, it is characterised by comparability, i.e., of any two states x and y in X , it is always possible to state whether x is better than y or vice versa. (Note that all total orderings are subsets of partial orderings.) The comprehensiveness of many religious moralities tends to make them total orderings. Secular morality as described in this paper, on the other hand, will not always display comparability, particularly pertaining to those aspects of states of the world that lie in the strictly private sphere. This characteristic differentiates the secular-morality ordering described here from that implied in the Allais-Samuelson-Bergson social welfare function economists are familiar with.

²⁰ In the somewhat quaint lore of the Philippine Military Academy, a cadet whose integrity is to be tested is asked “Are you all right, sir?” to which if he should answer “All right, sir”, should be taken as indicating his honesty.

None of this, of course, means to impugn people's right to take up chosen identities. We merely assert the simple fact that people *can* and *do* define themselves multi-dimensionally and may change their chosen affinities through time²¹. Even as and when they do, however, they continue to be covered by an over-arching secular morality that upholds their rights as well as exacts their continuing obligations to society and the nation: that is, a morality that guarantees a person's civic identity despite his changing religion, political beliefs, acquaintances, profession, or physical location. Conversely, the current weakening of secular morality, therefore, is far from innocuous and must be viewed as ultimately an insidious threat to this larger civic cohesion and national identity itself. The same trend has led, in other circumstances, to fundamentalist theocracies and totalitarian states.

For these reasons, the University's role as source and advocate of a broad and libertarian secular morality needs to be underscored, especially when the other natural bearers of the idea – notably, the state, political parties, and to a somewhat lesser extent the media – have faltered or faded. The observance of a secular morality is both part of the University's mandate and in its self-interest – part of a mandate owing to the roots of the University's foundation as a secular institution and its function of advancing a civic culture and national identity; part of its self-interest, since free inquiry and expression would be unthinkable under any other framework.

Conversely, without the intense involvement of the University of the Philippines, there can be no hope of developing a secular morality in our lifetimes. To begin with, no other institution is better equipped. By delineating the benefits, costs, and risks involved in specific public actions, natural and social sciences – or better yet, both in collaboration – can supply both the material and the tools of public debate; philosophers and legal scholars can identify the numerous instances where statutes become overarching and transgress into the private sphere and work to change them; on the other hand, historians, anthropologists, and psychologists can trace histories and evolutionary origins that define social cohesion and common identities. None of this work is easy, since it means possibly offending strongly held

Far more important and immediate than any public role its intellectuals and professors might play, however, is the University's principal job of forming its own graduates. Beyond equipping them with the skills needed to function professionally and succeed in their private capacities, there is a need to instil in graduates the pre-eminent sense of duty to society and the nation – entities far larger than their immediate family or circle of acquaintances – and the deep loss of honour and self-worth should they fail to fulfil minimum civic demands. It cannot be emphasised enough that this is quite different from “charity”, or “giving back”, or even some vague *noblesse oblige*. From a secular-moral view, it involves a civic obligation that is not discharged by isolated acts of generosity or civic-spiritedness, rather it is an expectation of a certain standard of public behaviour to which all citizens – particularly students and alumni – can and should be held to account. The elucidation of such minimal secular standards of civic and political behaviour – as well as ideas of how these can be publicly enforced – is a worthwhile effort for the University to undertake in years and decades to come. For the alternative, I suggest, is an abandonment of the University's history and traditions and an implicit support for the continuing erosion of the foundations of civic life.

²¹ A.K. Sen [2006] has recently argued that sectarian violence is the unnecessary result of the reification of people's identities and failing to recognise their inherently multidimensional and variable affinities

Only if the University undertakes this effort can there be reason to hope that its graduates of some future time will not merely constitute a political elite but also a secular-moral one; and that they will be as familiar and as fervently moved by the Ephebic Oath as they are today by the Apostle's Creed.

END

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