Chapter 1 : Christopher W. Morris - Wikipedia

The moral theory of contractarianism claims that moral norms derive their normative force from the idea of contract or mutual agreement. Contractarians are skeptical of the possibility of grounding morality or political authority in either divine will or some perfectionist ideal of the nature of humanity.

However, it is useful to make the following distinction: Morality is the system through which we determine right and wrong conduct -- i. Ethics is the philosophical study of Morality. What, then, is a moral theory? A theory is a structured set of statements used to explain or predict a set of facts or concepts. Seen in this light, it becomes clear that we cannot draw a sharp divide between moral theory and applied ethics e. For instance, in order to critically evaluate the moral issue of affirmative action, we must not attempt to evaluate what actions or policies are right or wrong independent of what we take to determine right and wrong conduct. You will see, as we proceed, that we do not do ethics without at least some moral theory. Are moral theories descriptive or prescriptive? Most take moral theories to be prescriptive. The descriptive accounts of what people do is left to sociologists and anthropologists. There have been many different proposals. In its common form, Moral Subjectivism amounts to the denial of moral principles of any significant kind, and the possibility of moral criticism and argumentation. Cultural Relativism is closely linked to Moral Subjectivism. Ethical Egoism is usually based upon Psychological Egoism -- that we, by nature, act selfishly. Divine Command Theory is widely held to have several serious flaws. Is something right or wrong because the gods command it, or do the gods command it because it is right? Most think that right and wrong are not arbitrary -- that is, some action is wrong, say, for a reason. Aristotle, and most of the ancient Greeks really had nothing to say about moral duty, i. Three steps to the argument: Aristotle thought that humans had a specific function. Utilitarianism is a Consequentialist moral theory. All action leads to some end. This is pleasure or happiness. Jeremy Bentham -- the first to formulate Utilitarianism -- did not distinguish between kinds of pleasures. Utilitarians are not a Hedonist. For Utilitarians, no action is intrinsically right or wrong. Usually we cannot make the required utilitarian calculation before acting. Democratic and economic principles reflect Utilitarianism. Some things to ask about Utilitarianism: How can we determine accurately what the consequences of an action will be? Do people have rights that cannot be overridden by the goal of the best consequences for all? Kantianism is a Non-consequentialist moral theory. That there is "the supreme principle of morality". What establishes Good Will? I can break promises when keeping them becomes inconvenient. Can this be universalized? What if everyone did the action you are proposing? Kant had another way of formulating the Categorical Imperative that is worth noting. Never treat anyone merely as a means to an end. We can understand this by noting an example, i. Many think that this way of formulating the Categorical Imperative shows that Kantianism is clearly anti-Utilitarian. Some things to ask about Kantianism: Is it true that having good intentions is the only thing that counts morally? Must we always ignore good consequences? Is it always wrong to treat people merely as a means to an end? Can we do otherwise? Rights-based views are connected to Kantianism and are Non-consequentialist. Most distinguish between positive and negative rights. Where do rights come from? How do we decide between competing rights? Various forms of Contractarianism have been suggested. Through a thought experiment, Rawls developed a way of getting people to come up with universal principles of justice.

Chapter 2 : Search results for `contractarianism` - PhilPapers

Moral contractualism is the view that the rightness and wrongness of our conduct is somehow to be understood in terms of some kind of actual or counterfactual agreement. This must be distinguished from political contractualism, which adduces agreements in order to account for the justice or.

References and Further Reading 1. Two Kinds of Natural Law Theory At the outset, it is important to distinguish two kinds of theory that go by the name of natural law. The first is a theory of morality that is roughly characterized by the following theses. First, moral propositions have what is sometimes called objective standing in the sense that such propositions are the bearers of objective truth-value; that is, moral propositions can be objectively true or false. Though moral objectivism is sometimes equated with moral realism see, e. Strictly speaking, then, natural law moral theory is committed only to the objectivity of moral norms. The second thesis constituting the core of natural law moral theory is the claim that standards of morality are in some sense derived from, or entailed by, the nature of the world and the nature of human beings. Thomas Aquinas, for example, identifies the rational nature of human beings as that which defines moral law: On this common view, since human beings are by nature rational beings, it is morally appropriate that they should behave in a way that conforms to their rational nature. Thus, Aquinas derives the moral law from the nature of human beings thus, "natural law". But there is another kind of natural law theory having to do with the relationship of morality to law. According to natural law theory of law, there is no clean division between the notion of law and the notion of morality. Though there are different versions of natural law theory, all subscribe to the thesis that there are at least some laws that depend for their "authority" not on some pre-existing human convention, but on the logical relationship in which they stand to moral standards. Otherwise put, some norms are authoritative in virtue of their moral content, even when there is no convention that makes moral merit a criterion of legal validity. The idea that the concepts of law and morality intersect in some way is called the Overlap Thesis. As an empirical matter, many natural law moral theorists are also natural law legal theorists, but the two theories, strictly speaking, are logically independent. One can deny natural law theory of law but hold a natural law theory of morality. John Austin, the most influential of the early legal positivists, for example, denied the Overlap Thesis but held something that resembles a natural law ethical theory. Indeed, Austin explicitly endorsed the view that it is not necessarily true that the legal validity of a norm depends on whether its content conforms to morality. But while Austin thus denied the Overlap Thesis, he accepted an objectivist moral theory; indeed, Austin inherited his utilitarianism almost wholesale from J. Mill and Jeremy Bentham. Here it is worth noting that utilitarians sometimes seem to suggest that they derive their utilitarianism from certain facts about human nature; as Bentham once wrote, "nature has placed mankind under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do, as well as to determine what we shall do. On the one hand the standard of right and wrong, on the other the chain of causes and effects, are fastened to their throne" Bentham , 1. Thus, a commitment to natural law theory of morality is consistent with the denial of natural law theory of law. Conversely, one could, though this would be unusual, accept a natural law theory of law without holding a natural law theory of morality. One could, for example, hold that the conceptual point of law is, in part, to reproduce the demands of morality, but also hold a form of ethical subjectivism or relativism. On this peculiar view, the conceptual point of law would be to enforce those standards that are morally valid in virtue of cultural consensus. For this reason, natural law theory of law is logically independent of natural law theory of morality. The remainder of this essay will be exclusively concerned with natural law theories of law. The Project of Conceptual Jurisprudence The principal objective of conceptual or analytic jurisprudence has traditionally been to provide an account of what distinguishes law as a system of norms from other systems of norms, such as ethical norms. As John Austin describes the project, conceptual jurisprudence seeks "the essence or nature which is common to all laws that are properly so called" Austin , Accordingly, the task of

conceptual jurisprudence is to provide a set of necessary and sufficient conditions for the existence of law that distinguishes law from non-law in every possible world. While this task is usually interpreted as an attempt to analyze the concepts of law and legal system, there is some confusion as to both the value and character of conceptual analysis in philosophy of law. As Brian Leiter points out, philosophy of law is one of the few philosophical disciplines that takes conceptual analysis as its principal concern; most other areas in philosophy have taken a naturalistic turn, incorporating the tools and methods of the sciences. To clarify the role of conceptual analysis in law, Brian Bix distinguishes a number of different purposes that can be served by conceptual claims: Bix takes conceptual analysis in law to be primarily concerned with 3 and 4. In any event, conceptual analysis of law remains an important, if controversial, project in contemporary legal theory. Conceptual theories of law have traditionally been characterized in terms of their posture towards the Overlap Thesis. Thus, conceptual theories of law have traditionally been divided into two main categories: Classical Natural Law Theory All forms of natural law theory subscribe to the Overlap Thesis, which asserts that there is some kind of non-conventional relation between law and morality. According to this view, then, the notion of law cannot be fully articulated without some reference to moral notions. Though the Overlap Thesis may seem unambiguous, there are a number of different ways in which it can be interpreted. The strongest construction of the Overlap Thesis forms the foundation for the classical naturalism of Aquinas and Blackstone. Aquinas distinguishes four kinds of law: Eternal law is comprised of those laws that govern the nature of an eternal universe; as Susan Dimock , 22 puts it, one can "think of eternal law as comprising all those scientific physical, chemical, biological, psychological, etc. One cannot discover divine law by natural reason alone; the precepts of divine law are disclosed only through divine revelation. The natural law is comprised of those precepts of the eternal law that govern the behavior of beings possessing reason and free will. The first precept of the natural law, according to Aquinas, is the somewhat vacuous imperative to do good and avoid evil. Here it is worth noting that Aquinas holds a natural law theory of morality: Good and evil are thus both objective and universal. But Aquinas is also a natural law legal theorist. On his view, a human law that is, that which is promulgated by human beings is valid only insofar as its content conforms to the content of the natural law; as Aquinas puts the point: The idea that a norm that does not conform to the natural law cannot be legally valid is the defining thesis of conceptual naturalism. As William Blackstone describes the thesis, "This law of nature, being co-eval with mankind and dictated by God himself, is of course superior in obligation to any other. It is binding over all the globe, in all countries, and at all times: In this passage, Blackstone articulates the two claims that constitute the theoretical core of conceptual naturalism: It should be noted that classical naturalism is consistent with allowing a substantial role to human beings in the manufacture of law. While the classical naturalist seems committed to the claim that the law necessarily incorporates all moral principles, this claim does not imply that the law is exhausted by the set of moral principles. There will still be coordination problems e. Thus, the classical naturalist does not deny that human beings have considerable discretion in creating natural law. Rather she claims only that such discretion is necessarily limited by moral norms: Critics of conceptual naturalism have raised a number of objections to this view. First, it has often been pointed out that, contra Augustine, unjust laws are all-too- frequently enforced against persons. As Austin petulantly put the point: Now, to say that human laws which conflict with the Divine law are not binding, that is to say, are not laws, is to talk stark nonsense. The most pernicious laws, and therefore those which are most opposed to the will of God, have been and are continually enforced as laws by judicial tribunals. Suppose an act innocuous, or positively beneficial, be prohibited by the sovereign under the penalty of death; if I commit this act, I shall be tried and condemned, and if I object to the sentence, that it is contrary to the law of God, who has commanded that human lawgivers shall not prohibit acts which have no evil consequences, the Court of Justice will demonstrate the inconclusiveness of my reasoning by hanging me up, in pursuance of the law of which I have impugned the validity Austin , Another frequently expressed worry is that conceptual naturalism undermines the possibility of moral criticism of the law; inasmuch as conformity with natural law is a necessary condition for legal validity, all valid law is, by definition, morally

just. Thus, on this line of reasoning, the legal validity of a norm necessarily entails its moral justice. As Jules Coleman and Jeffrey Murphy , 18 put the point: The important things [conceptual naturalism] supposedly allows us to do e. If we really want to think about the law from the moral point of view, it may obscure the task if we see law and morality as essentially linked in some way. Moral criticism and reform of law may be aided by an initial moral skepticism about the law. There are a couple of problems with this line of objection. First, conceptual naturalism does not foreclose criticism of those norms that are being enforced by a society as law. Insofar as it can plausibly be claimed that the content of a norm being enforced by society as law does not conform to the natural law, this is a legitimate ground of moral criticism: Thus, the state commits wrong by enforcing that norm against private citizens. Conceptual jurisprudence assumes the existence of a core of social practices constituting law that requires a conceptual explanation. The project motivating conceptual jurisprudence, then, is to articulate the concept of law in a way that accounts for these pre-existing social practices. A conceptual theory of law can legitimately be criticized for its failure to adequately account for the pre-existing data, as it were; but it cannot legitimately be criticized for either its normative quality or its practical implications. A more interesting line of argument has recently been taken up by Brian Bix Following John Finnis , Bix rejects the interpretation of Aquinas and Blackstone as conceptual naturalists, arguing instead that the claim that an unjust law is not a law should not be taken literally: A more reasonable interpretation of statements like "an unjust law is no law at all" is that unjust laws are not laws "in the fullest sense. Similarly, to say that an unjust law is "not really law" may only be to point out that it does not carry the same moral force or offer the same reasons for action as laws consistent with "higher law" Bix , Like Bix, Finnis believes that the naturalism of Aquinas and Blackstone should not be construed as a conceptual account of the existence conditions for law. According to Finnis, the classical naturalists were not concerned with giving a conceptual account of legal validity; rather they were concerned with explaining the moral force of law: Accordingly, an unjust law can be legally valid, but it cannot provide an adequate justification for use of the state coercive power and is hence not obligatory in the fullest sense; thus, an unjust law fails to realize the moral ideals implicit in the concept of law. An unjust law, on this view, is legally binding, but is not fully law. Finnis distinguishes a number of equally valuable basic goods: Each of these goods, according to Finnis, has intrinsic value in the sense that it should, given human nature, be valued for its own sake and not merely for the sake of some other good it can assist in bringing about. Moreover, each of these goods is universal in the sense that it governs all human cultures at all times. The point of moral principles, on this view, is to give ethical structure to the pursuit of these basic goods; moral principles enable us to select among competing goods and to define what a human being can permissibly do in pursuit of a basic good. Thus, Finnis sums up his theory of law as follows: Again, it bears emphasizing that Finnis takes care to deny that there is any necessary moral test for legal validity: Nevertheless, Finnis believes that to the extent that a norm fails to satisfy these conditions, it likewise fails to fully manifest the nature of law and thereby fails to fully obligate the citizen-subject of the law. The Procedural Naturalism of Lon L. Fuller Like Finnis, Lon Fuller rejects the conceptual naturalist idea that there are necessary substantive moral constraints on the content of law. But Fuller, unlike Finnis, believes that law is necessarily subject to a procedural morality.

Chapter 3 : Oxford Readings in Philosophy - Oxford University Press

This paper offers a critique of David Gauthier's contractarian moral theory. I point out morally counter-intuitive implications of Gauthier's theory - for example, with respect to societies with slavery or concerning the protection of animals - as well as theoretically unattractive features, such as the overly optimistic assumption of translucent agents.

Scanlon introduces contractualism as a distinctive account of moral reasoning. He summarises his account thus: An act is wrong if its performance under the circumstances would be disallowed by any set of principles for the general regulation of behaviour that no one could reasonably reject as a basis for informed, unforced, general agreement. It is also concerned with what reasons and forms of reasoning are justifiable. Whether or not a principle is one that cannot be reasonably rejected is to be assessed by appeal to the implications of individuals or agents being either licensed or directed to reason in the way required by the principle. As to the second, wrongness consists in unjustifiability: The wrongness of an action is not to be equated with the properties that make it unjustifiable. Rather, it is to be equated with its being unjustifiable; the character of wrongness is captured by the higher order fact that wrong acts are unjustifiable. What wrong acts have in common is that they cannot be justified to others. Thus the various moral considerations that guide our substantive moral reflection are unified by a single normative subject matter. In this way, contractualism guides our substantive reflection about wrongness. One reason for focusing on wrong is to draw attention to the domain that contractualism is concerned to map, concerning what it is for one person to have been wronged by another. Moral requirements determine what it is to respond properly to the value of persons as rational agents. The distinctive value of human life lies in the human capacity to assess reasons and justifications. Therefore, appreciating the value of a person involves recognising her capacity to appreciate and act on reasons. The way to value this capacity is to treat persons in accord with principles they could not reasonably reject. In doing so, the agent is guided by a principle that can rightly be characterised as one that the person herself authorised that agent to be guided by, in thinking about the appropriate way to relate to her. Contractualism illuminates the compelling Kantian insight that we ought to treat persons never as mere means but always as ends in themselves. It interprets this as treating them according to principles they could not reasonably reject. How does contractualism differ from other social contract theories? Contractualism appeals to the idea of a social contract. It attempts to derive the content of morality and, in some versions, also the justification for holding that we are obligated to follow morality from the notion of an agreement between all those in the moral domain. Contemporary moral philosophy offers several other interpretations of the social contract tradition. It is useful to distinguish contractualism from these alternatives. Contractarianism has its roots in Hobbes, whose account is based on mutual self-interest. Morality consists in those forms of cooperative behaviour that it is mutually advantageous for self-interested agents to engage in. The most prominent modern exponent is David Gauthier. By contrast, any form of contractualism is grounded on the equal moral status of persons. It interprets this moral status as based on their capacity for rational autonomous agency. According to contractualism, morality consists in what would result if we were to make binding agreements from a point of view that respects our equal moral importance as rational autonomous agents. Contractualism has its roots in Rousseau, rather than Hobbes: Contractualism offers an alternative to contractarianism. Under contractarianism, I seek to maximise my own interests in a bargain with others. Under contractualism, I seek to pursue my interests in a way that I can justify to others who have their own interests to pursue. We next distinguish contractualism from the specific moral theory of Kant. Kantian moral philosophers seek principles to which all rational agents would agree, under certain idealised conditions. In order to reach such an agreement, Kant notoriously needs to abstract away from many some would say too many concrete features of our moral lives. Contractualism departs from Kant in various respects. In particular, it offers a substantive account of the normative force of morality, based on the value of a relation of mutual respect. Reasonableness is not taken to be something that can be demonstrated outside the moral point of

view. Another difference is that contractualism seeks principles that no one can reasonably reject, rather than principles all would agree to. The most influential recent social contract theorist is John Rawls. As a result, Rawls places the parties to his agreement behind a veil of ignorance, where they do not know many key facts about their own identity. For Rawls, we ought to follow the principles that it would be rational for everyone to choose, if they had to choose those principles without knowing anything about themselves or their circumstances. Because each person knows that they could end up being anyone, each must have concern for all. In essence, Rawls uses self-interest behind a veil of ignorance to represent a commitment to justice, construed as fairness to all. Contractualism, by contrast, invokes no veil of ignorance. I know my own circumstances. All social contract theorists—even contractarians—agree that agents want to justify themselves to others. However, for the contractarian, such a desire is merely strategic—justification is instrumentally useful because it enables me to get others to do what serves my interests. For the contractualist, by contrast, agents are morally motivated by an intrinsic desire to justify themselves to others. Having this desire is part of what it is to be a moral agent. Despite these differences, contractualism does have several points in common with other social contract theories. In particular, contractualism aspires to provide a non-utilitarian theory that grounds moral status on a universal trait of persons—rational moral agency—and thus provides general principles whose scope is global. It is to this contrast with utilitarianism that we now turn. How does contractualism differ from utilitarianism? Contractualism is an impartial moral theory. In contemporary moral philosophy, the main impartial moral theory outside the social contract tradition is utilitarianism. It takes the appropriate response to this value to be to promote it. Utilitarianism is thus a consequentialist moral theory—morality is concerned with bringing about valuable outcomes. There are three fundamental contrasts between contractualism and utilitarianism. The first difference is one of scope. Scanlon himself acknowledges that this is not the whole of morality. We return to this difference in sections 12 and The remaining two differences between contractualism and utilitarianism relate to content. The acceptability of a principle depends on a one-by-one assessment of the strength of the reasons that individuals would have for rejecting the principle, compared to the alternatives to it. Unlike utilitarianism, therefore, contractualism rejects the interpersonal aggregation of burdens. We discuss some important exceptions below. This is one of the main respects in which it differs from utilitarianism. Contractualism thus captures a key feature of our moral life that, as Rawls famously argues, utilitarianism ignores: Aggregation in some form is essential to utilitarianism. If we retain a utilitarian perspective, then it is hard to see how we can do this without some kind of aggregation—adding different pleasures and pains together. By contrast, contractualism seems able to avoid aggregation, because it begins, not with individual pleasure and pain, but with the more flexible concept of reasons. Unlike my pleasures and pains, my reasons can be responsive to the situation of others. This objection may begin with some direct harm I suffer as a result of the principle. So far, if the harm involved is pain or suffering, contractualism mirrors utilitarianism. However, the fact that a principle impacts negatively on me is not sufficient. To know whether I can reasonably reject the principle, I must also ask how it impacts on others. If a principle imposes a certain burden b_1 on me, but every alternative imposes a greater burden b_2 on someone else, then b_1 does not give me a reason to reject the principle. If I am reasonable, then I withdraw my objection when I see that your reason is more pressing. So we conclude that the principle imposing b_1 on me cannot be reasonably rejected. And we reach this conclusion without having to aggregate anything. In contractualism, individuals are motivated both by self-regard and by respect for others. Since each person is partly motivated by concern for her own interests, contractualism can ground consequentialist reasons. Part of what we owe others is to promote their interests. Contractualism can therefore accommodate important consequentialist aspects of the structure of moral thought. Unlike utilitarianism, however, the account of value underlying contractualism does not claim that there is only one rational attitude to have towards value. So contractualism can accommodate consequentialist aspects without being a completely consequentialist theory. In contrast to an outcome ethics such as utilitarianism , what is foundational for contractualism is not minimising what is undesirable, but considering what principles no-one could reasonably reject. Moral

principles are grounded in the idea of living with others on terms of mutual respect. This means that as well as accommodating some consequentialist aspects, contractualism can also accommodate certain deontological intuitions: Which prohibitions are justified? My reason for rejecting a principle might be, not so much that it imposes a certain burden on me, but the way in which it imposes that burden—and what the principle thus says about me. For instance, consider a principle that allocates benefits and burdens on the basis of race, and contrast this with a principle that allocates the same benefits and burdens randomly. I cannot reject the racist principle simply because of the burden it imposes on me—after all, the random principle imposes an identical burden on someone else. Rather, I reject the racist principle because, by regarding my race as a relevant ground for the distribution of benefits, it imposes that burden in a way that constitutes a failure to respect my status as a person. If we abandon the utilitarian link between burdens and well-being, then we might say that the method of distribution of burdens itself imposes an additional burden of a different kind—the burden of not being respected. Similarly, I might reject a principle that arbitrarily exempts some people from a burden borne by everyone else, on the grounds that such a principle treats me unfairly—even if the alternative is a principle that places that burden on everyone. I might object to a principle that allows the members of a privileged racial minority to walk on the grass, even if my preferred principle is one where no-one gets to enjoy grass-walking.

Chapter 4 : Minimal Morality: A Multilevel Social Contract Theory | Oxford University Press

Oxford Readings in Philosophy The editor of each volume contributes an introductory essay on the items chosen and on the questions with which they deal. A selective bibliography is appended as a guide to further reading.

Fundamental Elements of Contractarianism The social contract has two fundamental elements: This situation may be more or less hostile, and more or less social, depending on how the theorist characterizes human life in the absence of rules of morality or justice. But crucial to all contractarian theories, there is some scarcity or motivation for competition in the initial situation and there is some potential for gains from social interaction and cooperation. In contemporary normative contractarian theories, that is, theories that attempt to ground the legitimacy of government or theories that claim to derive a moral ought, the initial position represents the starting point for a fair, impartial agreement. While contractualists justify the requirement of a fair, impartial agreement by reasons external to the contract, contractarians hold that the success of the contract in securing cooperative interaction itself requires that the starting point and procedures be fair and impartial. Some of the more recent literature focuses on how contractarian theories can ensure the fairness and impartiality of the initial bargaining situation without appealing to any external, independent moral norms as the contractualist does. Two potential strategies are to argue that assumptions designed to ensure the fairness and impartiality of the initial situation, such as the assumption that the contractors are symmetrically situated, either follow as a condition of rationality or are justified on strategic grounds. The idea that certain assumptions like symmetry follow as implications from the exercise of rationality has attracted recent criticism on grounds that such assumptions represent substantive constraints theoretically inaccessible to contractarians Thrasher Others have attempted to defend the presence of such assumptions in contractarian theory Thoma Some points of controversy among contractarians concern the role of the initial situation in the theory: Contemporary political philosophers have raised similar concerns about a hypothetical contract: In response to these sorts of objections, some contractarians defend the hypothetical contract on heuristic grounds by insisting that the point of the contract device is not to directly bind the contractors but rather to provide a kind of thought experiment by which to discover the requirements of practical rationality Gauthier , ch. That is, they argue that if one is rational, and among rational others in circumstances in which agreement is both possible and beneficial, then rationality requires that one abide by the terms of the contract. Other questions that divide contemporary contractarians include: What are the ideal conditions and who are the ideal contractors that will make obligatory the outcomes of the contract for actual persons? What is the content of the hypothetical agreement? The second element of a contractarian theory characterizes the potential contractors. There are two subparts to this: Contractarian as opposed to contractualist theories embrace a high standard for motivating making and keeping agreements. They avoid assuming that persons have preferences for moral behavior as such in order to ground rules of morality or justice in rational self-interest. However, there are reasons to think that narrowing the preferences of contractors to include only non-tuistic preferences is neither necessary nor helpful in grounding morality. One reason is because such a restriction of preferences means that actual persons will not be willing to comply with the bargain that is made, under the assumption that they do not have such narrowly construed preferences Hubin On the other hand, allowing positive tuistic preferences to play a role in bargaining on morality and justice may create the possibility for individuals to be exploited for their fellow feelings Dimock This is especially a problem for women, as Dimock points out, since in most cultures women are trained from childhood by sexist norms and gender roles to prefer the well-being of others to their own. Negative tuistic preferences pose a different challenge as a type of moral skepticism for either theorists who would exclude them or those who would include them in a contractarian theory Superson The former group include Rawls and Gauthier, who have argued that negative tuistic preferences envy, jealousy, spite, vengeance make cooperation for mutual advantage impossible and therefore are irrational Rawls , â€", â€"; Gauthier , , But this response significantly narrows the scope of application of the theory, since such

emotions are common. The latter group faces the challenge of showing how mutual advantage overcomes these negative, other-directed emotions. Second, persons are presumed to be instrumentally rational and so capable of understanding how the satisfaction of their desires can be helped by cooperative social interaction. Contractarians characterize practical rationality instrumentally, subjectively, and preferentially. Contractarians rely on the crucial fact about humans that we are able to cooperate to produce more than each working alone, thus making it rational to cooperate under at least some terms. Self-interest and rationality imply a desire to cooperate provided that cooperators can do so without sacrificing their self-interest. The desire to benefit from cooperation in turn makes persons rationally concerned about their reputations for adhering to the moral norms that make cooperation possible and rational. See feminist perspectives on the self Section 1, Critique for a critique of this conception of the rational person. Contractarians seek to show that without rules of justice for cooperation, persons are worse off by their own lights. Hence it is rational to adopt some rules for morality and justice. Justice, and a social contract, is only possible where there is some possibility of benefit to each individual from cooperation. Contractarian social contract theories take individuals to be the best judges of their interests and the means to satisfy their desires. For this reason, there is a close connection between liberalism and contractarianism. However, that is not to say that all contractarian thought is liberal. Another point of criticism that arises from the characterization of the parties to the contract is that they must be able to contribute to the social product of interaction, or at least to threaten to destabilize it. This is because each individual has to be able to benefit from the inclusion of all those included. But this threatens to leave many, such as the severely disabled, the global poor, and animals outside the realm of justice, an implication that some find completely unacceptable Kittay ; Nussbaum Social contract theories also require some rules to guide the formation of agreement. Since they are prior to the contract, there must be some source of prior moral norms, whether natural, rational, or conventional. The first rule that is normally prescribed is that there must be no force or fraud in the making of the agreement. The reasoning for this is quite straightforwardly prudential: For this reason contractarians like Gauthier are able to argue for a fair and impartial starting point for bargaining that will lead to secure and stable agreements. The second rule of contract is that each individual who is a legitimate party to the contract must agree to the rules of justice, which are the outcomes of the contract. The Metaphor of Contract The metaphor of the social contract requires some interpretation in order to apply it to the situation of morality or politics. The interpretation can be specified by determining answers to three questions. First, what is the agreement on? The second question is how the agreement is to be thought of: An actual historical agreement? An implicit historical situation? The third question is whether the contract device is to be used as justification or explanation. As discussed above, normative contractarianism uses the contract device primarily as justification, but it may be that Hobbes and Locke thought that there was an explanatory element to the contract device. As will be discussed below Subversive Contractarianism , an important contemporary contractarianism uses an implicit contract to explain the origin of oppression. It is generally assumed that humans can have no perfect natural harmony of interests otherwise morality would be largely superfluous , and that there is much for each individual to gain through cooperation. This leads to the socially and individually sub-optimal outcome wherein each can expect to be cheated by the other. The contractarian element of the theory comes in the derivation of the moral norms. The compliance problemâ€"the problem of justifying rational compliance with the norms that have been acceptedâ€"must drive the justification of the initial situation and the conduct of the contracting situation. It is helpful to think of the contract situation as a bargain, in which each party is trying to negotiate the moral rules that will allow them to realize optimal utility, and this has led philosophers to apply a number of bargaining solutions to the initial contract situation. The idea of minimax relative concession is that each bargainer will be most concerned with the concessions that she makes from her ideal outcome relative to the concessions that others make. If she sees her concessions as reasonable relative to the others, considering that she wants to ensure as much for herself as she can while securing agreement and thereby avoiding the zero-point: What would then be the reasonable outcome? The reasonable outcome, according to this view, is the outcome that minimizes

the maximum relative concessions of each party to the bargain Gauthier , ch. Equally important to the solution as the procedure is the starting point from which the parties begin. For some contractarians like Gauthier there is no veil of ignoranceâ€"each party to the contract is fully informed of their personal attributes and holdings. However, without the veil of ignorance, contractors will be aware of the differences in bargaining power that could potentially affect the outcome of the bargain. It is important, then, that the initial position must have been arrived at non-coercively if compliance to the agreement is to be secured. In sum, the moral norms that rational contractors will adopt and comply with are those norms that would be reached by the contractors beginning from a position each has attained through her own actions which have not worsened anyone else, and adopting as their principle for agreement the rule of minimax relative concession Gauthier , ch. On one line of thought, contractarianism produces liberal individuals who seem well suited to join the kind of society that Rawls envisioned Gauthier , ch. On another line, the Hobbesian contractarian argument leads towards the sparse government of libertarianism Narveson The controversy here turns on the primary motivation for individuals to make agreements and cooperate. As we said before, there are two such motivations for the Hobbesian contractarian: Libertarianism results when the first of these is primary, whereas when the second is primary, the kind of reciprocity and supportive government that will be discussed in the final section becomes possible. Critiques of Normative Contractarianism Many critiques have been leveled against particular contractarian theories and against contractarianism as a framework for normative thought about justice or morality. See the entry on contemporary approaches to the social contract. Jean Hampton criticized Hobbes in her book Hobbes and the Social Contract Tradition, in a way that has direct relevance to contemporary contractarianism. Hampton argues that the characterization of individuals in the state of nature leads to a dilemma. But if the passions account is correct, then contractors will still be motivated by these passions after the social contract is drawn up, and so will fail to comply with it Hampton And if the rationality account is correct, then rational actors will not comply with the social contract any more than they will cooperate with each other before it is made. A potential solution to this problem is to argue that individuals will choose to dispose themselves to be constrained self-interest maximizers rather than straightforward self-interest maximizers, that is, to retrain themselves not to think first of their self-interest but rather to dispose themselves to keep their agreements, provided that they find themselves in an environment of like-minded individuals Gauthier , â€" But this solution has been found dubitable by many commentators see Vallentyne Hampton also objects to the contemporary contractarian assumption that interaction is merely instrumentally valuable. She argues that if interaction were only valuable for the fruits of cooperation that it bears for self-interested cooperators, then it would be unlikely that those cooperators could successfully solve the compliance problem. In short, they are likely not to be able to motivate morality in themselves without some natural inclination to morality. Interestingly, Hampton agrees with Gauthier that contractarianism is right to require any moral or political norms to appeal to individuals self-interest as a limitation on self-sacrifice or exploitation of any individual. Two further critiques can be raised against contractarianism Southwood Because of this, the theory gives one no reason to feel guilt or remorse for wrongdoing, but rather, at most, self-directed anger or disappointment at acting irrationally. Furthermore, Kantian moral theory would seem to be subject to the same objection insofar as it appeals to autonomous rationality as the motive for acting morally. According to the impartiality objection, all human persons are owed certain duties regardless of their powers or abilities, and because it relies on an instrumental and subjective conception of practical reason, contractarianism cannot explain how this would be so. Contractarianism, on the contrary, holds it to be irrational to treat truly powerless persons equally, since it is not mutually advantageous to do so. This problem, which is similar to the exclusion problem discussed above and in section 6 below, is a serious problem. Contractarianism has also been criticized on racial grounds Williams Contracts require independent agents who are able to make and carry out promises without the aid of others. Historically, while white men have been treated as these pure wills of contract theory, Blacks and women have been treated as anti-will: Both ideals are false; whole people, she says, are dependent on other whole people.

He did not view his contractarian decision procedure as either an ethical theory or a moral epistemology, but rather as a way of generating authoritative principles of justice that would dovetail with the best ethical theory and the best moral epistemology ().

Of the Impossibility of an Ontological Proof of the Existence of God, drawn from his Critique, Kant addresses the logical problem of existential import. How do we talk or think about things without supposing, in some sense at least, that they exist? Bertrand Russell expressed one aspect of the problem this way: When the existence of the subjects of our statements are in question, the normal use of logic becomes unreliable. Kant argues that the use of words or predicates alone does not necessarily imply the existence of their referents. We can only assume the existence of entities named by our words; we cannot prove existence by means of the use of language alone. The so-called "five ways" are taken from his Summa Theologica. Thomas, as do many philosophers, believes that we can know by reason that God is, but we cannot know what God is. In other words, the nature of God, often defined by the characteristics of perfection, is, according to Thomas, only a linguistic approximation. From Thomas Aquinas, Summa Theologica. Nevertheless, consider his famous conclusion in his An Enquiry Concerning Human Understanding, If we take in our hand any volume; of divinity or school metaphysics, for instance; let us ask, Does it contain any abstract reasoning concerning quantity or number? Does it contain any experimental reasoning, concerning matter of fact and existence? Commit it then to flames: Dialogues Concerning Natural Religion. Pascal pointed out that the most important things in life cannot be known with certainty; even so we must make choices. In this, his greatest work, he expresses the destructive aspects of human freedom which can only be bound by God. In this chapter Alyosha is the religious foil to Ivan, his intellectual older brother. Metaphysics and logic, he argues, are not subservient to everyday consciousness of freedom and responsibility. In this reading, Winslow argues that philosophy should be used in the service of faith. Appleton and Company , In this reading, Bain explains the origin of conscience and how our consciences are shaped. If Bain is correct, conscience cannot be a reliable guide to a consistent ethics across different cultures and during different times. From Alexander Bain, Moral Science: A Compendium of Ethics New York: Price concludes ideas of right and wrong are simple ideas intuitively discriminated by the understanding since they cannot be defined more simply or even defined in different terms. For him, right and wrong are objective properties of actions, and as characteristics of actions, right and wrong are not subjectively dependent upon sensations arising from the nature of our minds. Just as rightness and wrongness are characteristics of behavior, so also mass and solidity are characteristics of natural objects. In both cases, these kinds of facts are not known through observation but rather by means of reason as one aspect of the faculty of human understanding. Through introspection, Price concludes the source of the moral ideas of right and wrong is an intuition of the nature of things. In this manner, we can objectively perceive what is right and wrong in the world. Hence, Price rejects ethical naturalism, the view that ethical terms are ultimately definable in the empirical terms of the natural sciences. In this, he anticipates G. Price argues if the divine command theory were true, then we would have to conclude there would be no reason for God to command what He does. From Review of the Principal Questions of Morals, 3rd. Cadell in the Strand, , passim. He recognizes the realization of an ideal self is necessarily conditioned by an unrealized self, and in this regard, his ethics does not provide a metaphysical basis for relating the thought of the ideal with the reality of the actual. The metaphysical scaffolding for this he attempts to achieve in his later works, Principles of Logic and Appearance and Reality. The first part of our reading raises the question why I should be moral, but Bradley concludes the why-question is inaptly phrased. Instead, he thinks the question should be asked along the lines of what I am to do or be. What is the ideal I seek to realize? Bradley, Ethical Studies Oxford: Oxford University Press, , passim. Ellwood, outlines the origin of moral codes and ethics in terms of the competition and conflict inherent in the evolution and development of sociological groups. He maintains that

morality is a consequence of survival, and, in light of these studies, the study of morality can now be considered an essential part of sociology. The consequences of this reading would seem to imply that ethics is culturally relative to the specific times and conditions of disparate societiesâ€"a sociological view expounded also by Edward Westermarck, William Graham Sumner, and Ruth Benedict. In the short reading selection below, Ellwood explains why Moralityâ€¦ is not anything arbitrarily designed by the group, but is a standard of conduct which necessities of social survival require. American Book Company, , ; Westermarck holds that impartial moral emotions or moral sentiments are the basis for customary moral judgments. Consequently, Westermarck concludes moral values cannot be objective since they originate in emotion. Even so, impartial or dispassionate moral emotion is not entirely subjective since it is an customary human reaction to a particular moral experience. In the book from which our reading selection is taken, Westermarck argues forcefully for ethical relativism by emphasizing that there is no empirical basis for objective standards in ethical theory. Nevertheless, even though ethical judgments are based on feelings, he does not believe ethical relativism leads to ethical subjectivism. Baruch Spinoza, Human Beings are Determined PDF Sometime after his sentence of excommunication Spinoza began working of the ideas which would eventually be published as The Ethics, a book published posthumously from the fear of persecution from the charge of the blasphemy of pantheism. Pantheism should be distinguished from panentheism which is the view that gods are in all things. Spinoza argues that the mind and the body are, in reality, only one thing but can be thought of in two different ways. The person who understands how the soul is part of the system of nature also understands, at the same time, how the soul is part of God. According to this view, human beings have no free will, and the world cannot be evil. Demonstrated in Geometric Order. When some hypotheses of ultimate concern arise, he argues that our faith can pragmatically shape future outcomes. The Will to Believe and Other Essays. Longmans, Green, and Co. Egoistic theories are founded on the belief that everyone acts only from the motive of self-interest. For example, the egoist accounts for the fact that people help people on the basis of what the helpers might get in return from those helped or others like them. Although Socrates held that everyone attempts to act from the motive of self-interest, his interpretation of that motive is quite different from the view elaborated by Glaucon because Glaucon seems unaware of the attendant formative effects on the soul by actions for short-term pleasure. Aristotle, Life of Excellence: Eudaimonia is better expressed as well-being or excellence of performing the proper function. When Aristotle explains human virtue, he is not discussing what we now refer to as Victorian virtue. He is clarifying the peculiar excellence of human beings in the same manner as we often speak of the peculiar excellence attributable to the nature of a thing. For example, a tool is useful in virtue of the fact that it performs its function well. From Aristotle, Nicomachean Ethics. Jeremy Bentham, Happiness is the Greatest Good, PDF In his Introduction to the Principles of Morals and Legislation, Bentham attributes the inconsistency of English law, its complexity as well as it inhumanness, to its foundation on the moral feelings of sympathy and antipathy. He argues that the laws of all nations should be rationally based, not emotionally based, on what appeared to him to be the self-evident principle of the greatest good for the greatest number. In an effort to apply this principle of utility to legal reform, Bentham develops the hedonistic, or as it is sometimes called, the felicific calculus. Historically, the hedonistic calculus was a major step in the development of rational decision theory and utility theory. Introduction to the Principles of Morals and Legislation. Oxford University Press, John Stuart Mill, Utilitarianism PDF Much as his father and Jeremy Bentham assumed, Mill also believes an action is right if and only if the action produces on balance more good than bad than any other action available to the person. Also, as well, with them, he identifies pleasure or happiness as the only intrinsic good. In particular, the moral rules of common sense, such as speaking truthfully, are gleaned from the recognition of their utility as founded on historical knowledge and experience. Bradley, his ethics stands as perhaps the most influential philosophy of individual and social liberty in the nineteenth century. Parker, Son, and Bourn, West Strand:

Chapter 6 : Social contract - Wikipedia

Abstract. Contractarianism initially made its mark, in the seventeenth century, as a sort of theory of everything in ethics. But gradually philosophers became.

They say that to do injustice is, by nature, good; to suffer injustice, evil; but that the evil is greater than the good. And so when men have both done and suffered injustice and have had experience of both, not being able to avoid the one and obtain the other, they think that they had better agree among themselves to have neither; hence there arise laws and mutual covenants; and that which is ordained by law is termed by them lawful and just. This they affirm to be the origin and nature of justice;â€"it is a mean or compromise, between the best of all, which is to do injustice and not be punished, and the worst of all, which is to suffer injustice without the power of retaliation; and justice, being at a middle point between the two, is tolerated not as a good, but as the lesser evil, and honoured by reason of the inability of men to do injustice. For no man who is worthy to be called a man would ever submit to such an agreement if he were able to resist; he would be mad if he did. Such is the received account, Socrates, of the nature and origin of justice. Over time, the social contract theory became more widespread after Epicurus BC , the first philosopher who saw justice as a social contract, and not as existing in Nature due to divine intervention see below and also Epicurean ethics , decided to bring the theory to the forefront of his society. As time went on, philosophers of traditional political and social thought, such as Locke, Hobbes, and Rousseau put forward their opinions on social contract, which then caused the topic to become much more mainstream. The story goes as follows: In the early days of the cosmic cycle mankind lived on an immaterial plane, dancing on air in a sort of fairyland, where there was no need of food or clothing, and no private property, family, government or laws. Then gradually the process of cosmic decay began its work, and mankind became earthbound, and felt the need of food and shelter. As men lost their primeval glory, distinctions of class arose, and they entered into agreements with one another, accepting the institution of private property and the family. With this theft, murder, adultery, and other crime began, and so the people met together and decided to appoint one man from among them to maintain order in return for a share of the produce of their fields and herds. He was called "the Great Chosen One" Mahasammata , and he received the title of raja because he pleased the people. The Buddhist vinaya also reflects social contracts expected of the monks; one such instance is when the people of a certain town complained about monks felling saka trees, the Buddha tells his monks that they must stop and give way to social norms. Epicurus in the fourth century BCE seemed to have had a strong sense of social contract, with justice and law being rooted in mutual agreement and advantage, as evidenced by these lines, among others, from his Principal Doctrines see also Epicurean ethics: Natural justice is a pledge of reciprocal benefit, to prevent one man from harming or being harmed by another. Those animals which are incapable of making binding agreements with one another not to inflict nor suffer harm are without either justice or injustice; and likewise for those peoples who either could not or would not form binding agreements not to inflict nor suffer harm. There never was such a thing as absolute justice, but only agreements made in mutual dealings among men in whatever places at various times providing against the infliction or suffering of harm. All of these groups were led to articulate notions of popular sovereignty by means of a social covenant or contract, and all of these arguments began with proto-"state of nature" arguments, to the effect that the basis of politics is that everyone is by nature free of subjection to any government. These arguments, however, relied on a corporatist theory found in Roman law, according to which "a populus" can exist as a distinct legal entity. Thus, these arguments held that a group of people can join a government because it has the capacity to exercise a single will and make decisions with a single voice in the absence of sovereign authorityâ€"a notion rejected by Hobbes and later contract theorists. Philosophers[edit] Hugo Grotius [edit] In the early 17th century, Grotius â€" introduced the modern idea that individuals had natural rights that enabled self-preservation, employing this idea as a basis for moral consensus in the face of religious diversity and the rise of natural science. He seeks to find a parsimonious

basis for a moral beginning for society, a kind of natural law that everyone could accept. He goes so far as to say in his On the Law of War and Peace that even if we were to concede what we cannot concede without the utmost wickedness, namely that there is no God, these laws would still hold. The idea was considered incendiary since it suggested that power can ultimately go back to the individuals if the political society that they have set up forfeits the purpose for which it was originally established, which is to preserve themselves. In other words, individual persons are sovereign. Grotius says that the people are sui juris under their own jurisdiction. People have rights as human beings, but there is a delineation of those rights because of what is possible for everyone to accept morally; everyone has to accept that each person as an individual is entitled to try to preserve himself. Each person should, therefore, avoid doing harm to, or interfering with, another, and any breach of these rights should be punished. Leviathan Hobbes book The first modern philosopher to articulate a detailed contract theory was Thomas Hobbes â€" According to Hobbes, the lives of individuals in the state of nature were "solitary, poor, nasty, brutish and short", a state in which self-interest and the absence of rights and contracts prevented the "social", or society. Life was "anarchic" without leadership or the concept of sovereignty. Individuals in the state of nature were apolitical and asocial. This state of nature is followed by the social contract. The social contract was an "occurrence" during which individuals came together and ceded some of their individual rights so that others would cede theirs. Human life was thus no longer "a war of all against all". The state system, which grew out of the social contract, was, however, also anarchic without leadership. Just as the individuals in the state of nature had been sovereigns and thus guided by self-interest and the absence of rights, so states now acted in their self-interest in competition with each other. Just like the state of nature, states were thus bound to be in conflict because there was no sovereign over and above the state more powerful capable of imposing some system such as social-contract laws on everyone by force. Carr and Hans Morgenthau. Hobbes wrote in Leviathan that humans "we" need the "terrour of some Power" otherwise humans will not heed the law of reciprocity , " in summe doing to others, as wee would be done to". Locke believed that individuals in a state of nature would be bound morally, by the Law of Nature, not to harm each other in their lives or possessions. Without government to defend them against those seeking to injure or enslave them, Locke further believed people would have no security in their rights and would live in fear. Individuals, to Locke, would only agree to form a state that would provide, in part, a "neutral judge", acting to protect the lives, liberty, and property of those who lived within it. Although Rousseau wrote that the British were perhaps at the time the freest people on earth, he did not approve of their representative government. Rousseau believed that liberty was possible only where there was direct rule by the people as a whole in lawmaking, where popular sovereignty was indivisible and inalienable. But he also maintained that the people often did not know their "real will", and that a proper society would not occur until a great leader "the Legislator" arose to change the values and customs of the people, likely through the strategic use of religion. Rousseau argues a citizen cannot pursue his true interest by being an egoist but must instead subordinate himself to the law created by the citizenry acting as a collective. Each of us puts his person and all his power in common under the supreme direction of the general will; and in a body we receive each member as an indivisible part of the whole. Thus, the law, inasmuch as it is created by the people acting as a body, is not a limitation of individual freedom, but rather its expression. Thus, enforcement of laws, including criminal law , is not a restriction on individual liberty: Because laws represent the restraints of civil freedom, they represent the leap made from humans in the state of nature into civil society. In this sense, the law is a civilizing force, and therefore Rousseau believed that the laws that govern a people helped to mold their character. Pierre-Joseph Proudhon â€" advocated a conception of social contract that did not involve an individual surrendering sovereignty to others. According to him, the social contract was not between individuals and the state, but rather among individuals who refrain from coercing or governing each other, each one maintaining complete sovereignty upon him- or herself: What really is the Social Contract? An agreement of the citizen with the government? The social contract is an agreement of man with man; an agreement from which must result what we call society. In this, the notion of commutative justice, first

brought forward by the primitive fact of exchange, Translating these words, contract, commutative justice, which are the language of the law, into the language of business, and you have commerce, that is to say, in its highest significance, the act by which man and man declare themselves essentially producers, and abdicate all pretension to govern each other. This idea is also used as a game-theoretical formalization of the notion of fairness. Contractarian ethics David Gauthier "neo-Hobbesian" theory argues that cooperation between two independent and self-interested parties is indeed possible, especially when it comes to understanding morality and politics. He proposes that, if two parties were to stick to the original agreed-upon arrangement and morals outlined by the contract, they would both experience an optimal result. A Theory of Freedom and Government , that the theory of social contract, classically based on the consent of the governed , should be modified. The second part of this essay, entitled "Of the Original Contract", [17] stresses that the concept of a "social contract" is a convenient fiction: As no party, in the present age can well support itself without a philosophical or speculative system of principles annexed to its political or practical one; we accordingly find that each of the factions into which this nation is divided has reared up a fabric of the former kind, in order to protect and cover that scheme of actions which it pursues. The one party [defenders of the absolute and divine right of kings, or Tories], by tracing up government to the DEITY, endeavor to render it so sacred and inviolate that it must be little less than sacrilege, however tyrannical it may become, to touch or invade it in the smallest article. The other party [the Whigs, or believers in constitutional monarchy], by founding government altogether on the consent of the PEOPLE suppose that there is a kind of original contract by which the subjects have tacitly reserved the power of resisting their sovereign, whenever they find themselves aggrieved by that authority with which they have for certain purposes voluntarily entrusted him. My intention here is not to exclude the consent of the people from being one just foundation of government where it has place. It is surely the best and most sacred of any. I only contend that it has very seldom had place in any degree and never almost in its full extent. And that therefore some other foundation of government must also be admitted. A second condition of consent is that the rules be consistent with underlying principles of justice and the protection of natural and social rights, and have procedures for effective protection of those rights or liberties. This has also been discussed by O. Brownson, [19] who argued that, in a sense, three "constitutions" are involved: To consent, a necessary condition is that the rules be constitutional in that sense. Tacit consent[edit] The theory of an implicit social contract holds that by remaining in the territory controlled by some society, which usually has a government, people give consent to join that society and be governed by its government, if any. This consent is what gives legitimacy to such a government. Other writers have argued that consent to join the society is not necessarily consent to its government. For that, the government must be set up according to a constitution of government that is consistent with the superior unwritten constitutions of nature and society. Moreover, you should directly state what it is that you want and the person has to respond in a concise manner that either confirms or denies the proposition. Voluntarism[edit] According to the will theory of contract, a contract is not presumed valid unless all parties voluntarily agree to it, either tacitly or explicitly, without coercion. Lysander Spooner , a 19th-century lawyer and staunch supporter of a right of contract between individuals, argued in his essay No Treason that a supposed social contract cannot be used to justify governmental actions such as taxation because government will initiate force against anyone who does not wish to enter into such a contract. As a result, he maintains that such an agreement is not voluntary and therefore cannot be considered a legitimate contract at all. Modern Anglo-American law, like European civil law, is based on a will theory of contract, according to which all terms of a contract are binding on the parties because they chose those terms for themselves. This was less true when Hobbes wrote Leviathan; at that time more importance was attached to consideration, meaning a mutual exchange of benefits necessary to the formation of a valid contract, and most contracts had implicit terms that arose from the nature of the contractual relationship rather than from the choices made by the parties.

Chapter 7 : Morality and Moral Theories

Shlomit completed her doctoral thesis at Oxford University on the concept of evildoing from a moral perspective and tutors online philosophy courses for the Oxford University Department for Continuing Education.

References and Further Reading 1. Classifying Theories of Moral Epistemology Below we introduce moral epistemology in terms of eight theories of moral epistemology. We divide these in half by distinguishing traditional from non-traditional approaches. First, we introduce a moral epistemic debate of considerable recent importance, the debate about whether moral epistemology can be naturalized roughly, moved in the direction of becoming scientific. Traditional Approaches Foundationalist theories, coherentist theories, and contextualist theories represent the traditional approaches to moral epistemology. Reliabilist theories, noncognitivist theories, ideal decision theories, and politicized theories represent non-traditional approaches. By an approach to moral epistemology, we mean either a an attempt to explain how we can have moral knowledge, or at least justified moral beliefs, or b an attempt to argue that we cannot have one or both of these. The former are more or less non-skeptical, and the latter are more or less skeptical, approaches. This allows non-skeptical and skeptical approaches to compromise at the point of saying that we can have some justification for believing, but not knowledge of, some moral truths. Approaches to moral epistemology are traditional only if they are committed to all of the following five two moral and three epistemic assumptions: If someone knows something, then at the very least one is justified in believing it; and it is true; and one believes it. If one is justified in believing it, then one has a decisively good reason to believe it, a reason that makes one epistemically responsible in believing it. The strongest internalist theories demand that these factors be immediately in mind, whereas the milder internalist theories demand only that they be available upon reflection. This seems to imply that one must possess without any need for further experience or research the grounds of good answers to all kinds of skeptics in order to be justified in believing something. However, it perhaps does not imply that one can recognize all of those reasons as such or that one can effectively articulate them. Theories of justification must also be theories of the structure of justification in response to the regress problem, which is discussed in the section on Traditional Skepticism. Foundationalist Theories According to foundationalism, all justified beliefs are either foundational or derived. Foundational beliefs or basic beliefs possess noninferential justification; derived beliefs do not. A foundational belief does not owe its justification to logical inference from other justified beliefs. A derived belief gets its justification through inference, either directly or indirectly, from foundational beliefs. Where can we get noninferential justification for our foundational beliefs? This is one of the most difficult questions for any foundationalist theory. The two most common answers are experience for instance, sense perception or introspection and reason for instance, grasp of the self-evident through understanding. Most foundationalist moral epistemic theories go for one or the other, or some blend, of these two very general answers. The two following sorts of theories are usually conceived in foundationalist terms. Moral Sense Theories assert the existence of a uniquely moral sense by which we perceive rightness or wrongness. According to early Scottish versions of this theory, such as those of Frances Hutcheson [] and David Hume [] , the perception in question is reflexive, grounded in a kind of sentiment or feeling, which is secondary to, and attendant upon, perceiving actions or states of affairs with our ordinary senses. Moral Epistemic Intuitionist theories imply that we can non-perceptually recognize some moral truths in a way that can noninferentially justify us in believing them. Ross, who defended perhaps the most influential classical version of the theory, some moral propositions are self-evident, so that merely understanding them produces, at least in the best people, justification for believing them. Some intuitionist theories are less obviously rationalist. Most historical moral and epistemic theories imply some form of intuitionism, and even the most radical departures from tradition. For instance, some naturalized moral epistemologies claim strong analogies with intuitionism. Some writers who have recently defended versions of moral epistemic intuitionism are Robert Audi , , Jonathan Dancy , Brad Hooker , and David McNaughton

Coherentist Theories According to coherentism, all justified beliefs are inferentially justified; there are no foundational beliefs. Instead, what justifies us in holding beliefs are their relations of mutual support, that is, their coherence. Justification therefore accrues to beliefs only in virtue of their membership in coherent sets, and so cannot be assessed when beliefs are evaluated singly. Coherence itself is usually taken to be, at a minimum, logical consistency. Many coherentists argue that it requires not only logical consistency, but also explanatory potency or predictive value, similar to what good scientific theories exhibit. The most important conception of coherence in recent moral epistemology is called reflective equilibrium. John Rawls is largely responsible for the contemporary importance of this conception. He proposed it in the context of arguing for his even more famous contractarian theory of justice; but as a moral epistemic idea, we can consider it apart from that context. Reflective equilibrium is a moral epistemic ideal: Rawls does not suggest that anyone has achieved or will achieve it. Nevertheless, he thinks that one is more or less justified in holding the moral beliefs one does happen to hold according to, and in virtue of, the extent to which she approaches reflective equilibrium Reflective equilibrium is a kind of epistemic balance across levels of generality, achieved by facing and resolving conflicts between particular and general moral beliefs by means that are supposed to sort themselves out in the long run. Some coherentist moral epistemologists, such as Geoffrey Sayre-McCord, argue that a broader conception of reflective equilibrium, which includes balance among not only our moral beliefs but also our non-moral beliefs. For instance, Sayre-McCord thinks the broader conception is better because requiring consistency between our moral and our non-moral beliefs is likely to rule out perverse but coherent sets of moral beliefs Contextualist Theories Among close family I take for granted certain moral beliefs that I would be hard-pressed to defend at a meeting of my philosophical colleagues. Concerning the maintenance of my car, I take for granted many things that I would not take for granted if it were a passenger jet. Epistemic contextualism seems to vindicate such practices. It is the view that justified beliefs can owe their justifications to beliefs that are even if not justified not in need of justification under the circumstances. Beliefs not in need of justification under the circumstances are contextually basic. Which beliefs are contextually basic in a given context depends on the sorts of considerations raised in our examples above: Who am I talking to? He argues for a context-dependent conception of epistemic responsibility that he thinks supports epistemic contextualism especially well in the case of moral beliefs. In actual practice, what constitutes epistemic responsibilityâ€"for example, checking such and such counterpossibilities before believingâ€"varies according to context. In the moral case, people are especially prone to take for granted, and thus take to be epistemically responsible, certain mid-level moral generalizations of the sort W. Ross thought are intuitive that pass current in their contexts. These thus tend to serve as contextually basic in moral belief Timmons, Of course, how much real epistemic justification one can get by extrapolating from his epistemically responsible even if not justified beliefs can vary according to the truth of those beliefs. For instance, Nazis extrapolating from their peculiar, shared, anti-Semitic beliefs can get very little epistemic justification. Traditional Skepticism Each broad theory-type above is, among other things, an attempt to solve a particular skeptical problem: The problem can be presented in the form of an argument for a general, and not specifically moral, epistemic skepticism: If all justified beliefs owe their justifications via inference to other justified beliefs, then each justified belief owes its justification to other justified beliefs which owe their justifications to still further justified beliefs, and so on. Such chains of epistemic dependence must either never end, and thus form infinite regresses of justified beliefs, or end only when the chains form closed circles. All justified beliefs owe their justifications via inference to other justified beliefs. So all justified beliefs owe their justifications to chains of epistemic dependence of type a or type b. But, if 3 , then human beings can have no justified beliefs because human beings have finite minds and are thus incapable of possessing chains of epistemic dependence of type a ; chains of epistemic dependence of type b add up to, at best, circular arguments; circular arguments are never good reasons to believe; so allegedly justified beliefs that fall into type b dependence are not really justified. Hence, human beings can have no justified beliefs. Foundationalism and contextualism try to defeat the regress argument by offering alternatives to premise 2. Coherentism tries to

defeat it by offering holistic alternatives to the linear conception of epistemic dependence at work in premises 1 and 4. To accept the soundness of the regress argument is to become a general, extreme kind of epistemic skeptic: Such general, extreme epistemic skepticism is rare. Moral epistemic skepticism, on the other hand, is relatively common. It takes either weak or strong forms. According to weak moral epistemic skeptical theories, we can have justification for moral beliefs but we cannot have moral knowledge: According to strong skeptical theories, we cannot even have justified moral beliefs. At least one recent, strong moral epistemic skeptic is traditional in our sense. In any case, he does not think that foundationalism works for moral beliefs. There are no good grounds, he argues, for accepting that we have a faculty that justifies foundational moral beliefs. Every attempt to argue that we do is essentially a form of dogmatism. It is an attempt to strongly insist on our most cherished moral beliefs in order to avoid having to defend them. They are not even viable as general epistemologies. No matter how coherent a set of beliefs is, there are any number of equally coherent sets that are inconsistent with it. So coherentism fails to explain how beliefs, in general, can be justified. Contextualists confuse mere persuasion with argument: Non-Traditional Approaches For various reasons, many philosophers reject one or more of the essential assumptions of traditional moral epistemology. Below we briefly introduce four sample kinds of non-traditional approaches. Unlike foundationalism, coherentism, and contextualism, these theories are all potentially compatible. There could be a reliabilist, noncognitivist, ideal-decision-based, politicized theory. Some of these are even, in the end, compatible with traditional theories or close analogues of traditional theories. They all, however, reject one or more of the traditional assumptions as starting points. Reliabilist Theories I am probably average in my ability to correctly recognize dollar bills. Yet I am also, sadly, average in my lack of understanding of the complex physical, economic, sociological, and political conditions that make dollar bills be dollar bills. Somehow I nevertheless reliably recognize and daily form practically successful beliefs about dollar bills. David Copp , the reliabilist moral epistemologist whose example this is, wants us to see that the traditional internalist outcome seems preposterous. It is false because, Copp thinks, it is the reliability, or lack of reliability, of the processes by which we form beliefs that justifies, or fails to justify, our beliefs; not, as epistemic internalists insist, our deep skeptic-proof insight into their truth conditions. Whether we perceive, understand, or can even recognize, how such processes are reliable in us, as epistemic internalism demands, is beside the point. Copp proposes and defends an anti-internalist, that is, externalist, moral epistemology.

Chapter 8 : Contractarianism (Stanford Encyclopedia of Philosophy)

In addition to settling interpretive disputes, I draw out the ways in which this understanding of Kantian constructivism fits within the broader comparative project in 'moral theory' that Rawls inherits from Sidgwick.

Chapter 9 : David Gauthier - Wikipedia

In The Fundamentals of Ethics, Fourth Edition, author Russ Shafer-Landau employs a uniquely engaging writing style to introduce students to the essential ideas of moral philosophy.