

CHAPTER 2

CONTRACTUALISM



CHAPTER

2.1

Justice vs Beneficence

Beneficence: the act of doing good (eg: friendliness, generosity)

“Beneficence is the ornament which embellishes, not the foundation which supports the building...Justice, on the contrary, is the main pillar that upholds the whole edifice. If it removed, the great, the immense fabric of human society...must in a moment crumble into atoms.” (Smith, 1790, 2002: 101)

Example

People SUBSCRIBE

Taylor Swift Gave a Whopping \$197 Million in Bonuses to Eras Tour Performers, Crew on Top of Their Salaries (Exclusive)

Over the past two years, Swift gave out \$197 million in bonuses to everyone working on her Eras Tour, including truck drivers, caterers, dancers and musicians

By [Melody Chiu](#) and [Jeff Nelson](#) | Updated on December 9, 2024 01:22PM EST



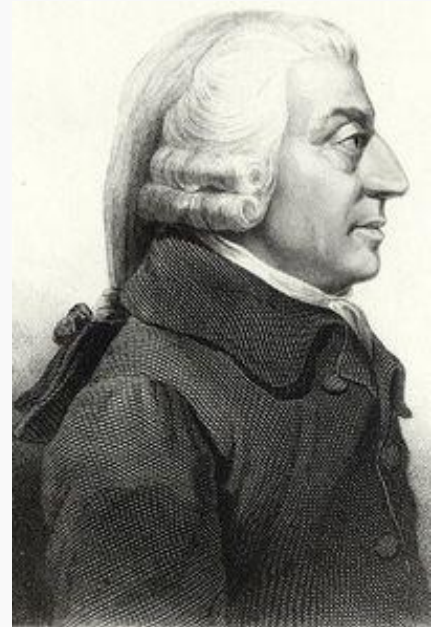
Beneficence: choosing to give extra

Justice: paying employees fairly

What is Justice?

According to Adam Smith:

- Justice is a negative virtue
- We get more justice by reducing injustice (intentionally hurtful actions)
- Beneficence is a choice
- Injustice is “condemned” because it is “wrong”
 - It is justifiable to force people to act in accordance with justice



Morality: A Paradox

Morality involves being **free** to make your own moral choices

To act morally you **have to** choose to do what is right, because it is right

CHAPTER

2.2

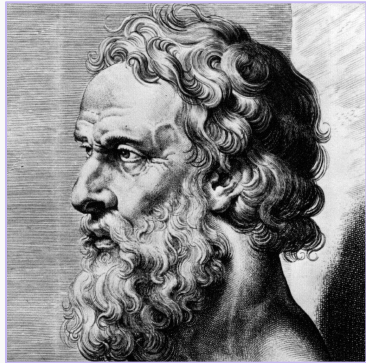
Agreements/Promises

- Agreements with others are devices by which we freely limit our own freedom
- We are free to make promises or not
 - But having made promises, we are obliged to keep them
- Establishes a moral difference between people's relationships to each other

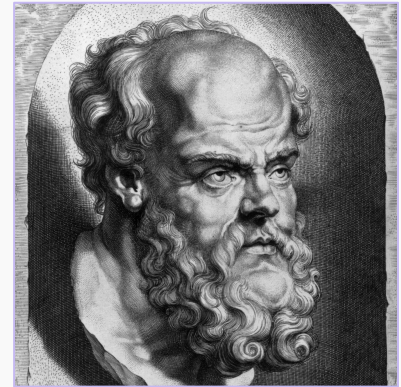


Theaetetus (Plato)

- The basic principles of morality can be rationally grounded in social agreement
- To respect the moral autonomy of individuals, a solution to the paradox (2.1) is in public decision
- Individuals agree what the rules of justice are and so will be obliged to keep them



“... in right and wrong and matters of religion—people [who] are ready to affirm that none of these things is natural, with a reality of its own [still think that] public decision [can make them true]...” (Socrates in *Theaetetus* : 172b)



Thought Experiment

State of nature: pre-political condition

Social contract : agreement between members of society

- Abstract from the world of social and political structures to a state of nature
- In this situation, we can imagine reasons (grounds) for creating rules to regulate relations between individuals in a society
- Those reasons justify a social contract to provides the moral basis of law, which can be used to protect rights and enforce duties

Issue of consent (to a contract): there's no clearly recorded instance of explicit consent to a social contract in pre-political societies

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Did you agree to this?

We follow laws you never signed,
obey rules we never chose, yet we're
still expected to.

This creates a moral problem:
What makes authority legitimate?



John Locke & Consent

- John Locke argues that political authority comes from consent
- No one has the natural right to rule over others



- Legitimate governments exist only because people agree to be governed
 - power comes from **people!**
- Without consent, obedience would be morally unjustified

Tacit (Implied) Consent

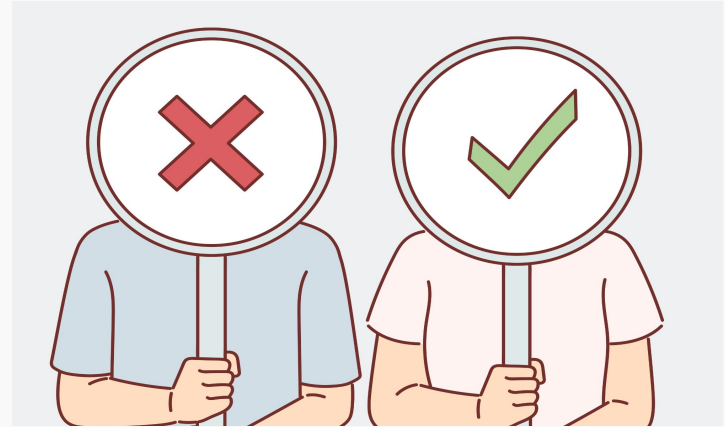
How Can Consent Exist Without Being Explicit?

- Locke introduces the idea that consent does not need to be spoken or written, and is **tacit**
- **E.g.** “I agree” Online Terms and Conditions
 - Users rarely read them, consent is implied by use, and there is often no meaningful alternative
 - This is consent without understanding, and consent under necessity..



... But Is Tacit Consent *Really* Consent?

- Genuine consent requires a real option to **refuse**
- If refusal is not truly possible, **calling this “consent” is misleading**



Is implied agreement really enough to make rules morally binding?

CHAPTER

2.4

John Rawls & Thought Experiment



- Created a thought experiment in which rational self-interested people are placed behind a “**veil of ignorance**” to choose the rules of society
- Believed that by being ignorant of circumstances, individuals would better consider how societies should operate

Two Primary Principles

- “Liberty” principle: individuals should be allowed as much freedom as is compatible with equal amount for all
- “Difference” principle: Individual wealth should be distributed in order to limit the gap between rich and poor (equal opportunity to prosper)



Hypothetical Consent



- Hypothetical consent: a society structured with these 2 principles of justice would drive the consent of rationally self-interested people thinking fairly
- The idea that hypothetical consent is a substitute for actual consent and can solve problems of political obligation

Several Critiques

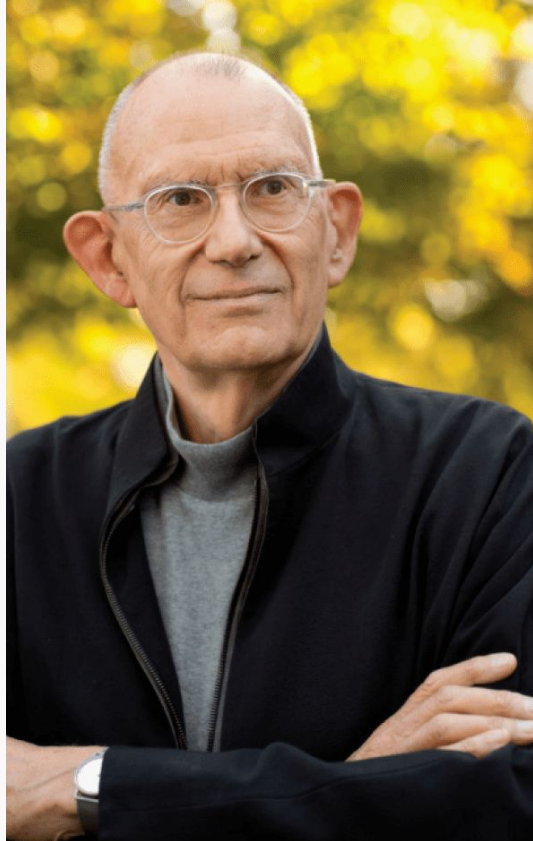


- Imaginary agreement is not equal to real consent
- Would leave those who are not considered “fully rational” free of obligation
- Ignores real power structures and injustice

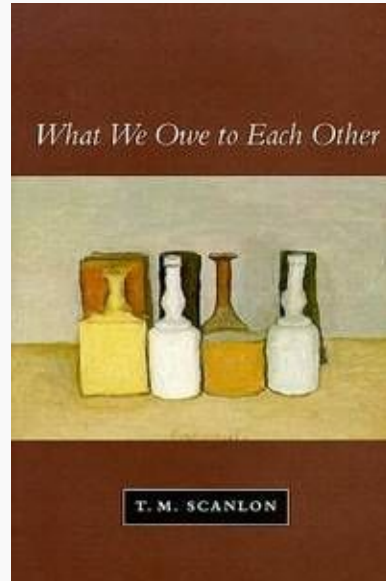
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T.M. Scanlon



- Harvard Philosopher who thought of an alternative to Rawls thought experiment
 - Believed Rawl's experiment did not have explicit consent



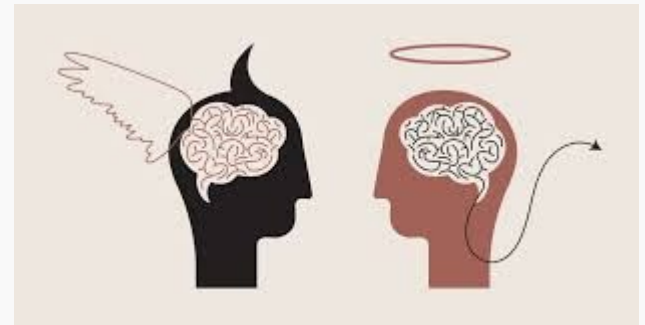
- Came up with his own thought experiment
- appealed to contractualists and egoists

What is Contractualism to Him?

“In order for a principle to be reasonably rejectable there must be some relevant standpoint from which people typically have good reason either to refuse to accept that principle as part of their own practical thinking or to refuse to recognize it as a ground that others may use to justify their conduct.” (Scanlon, 1998: 218)

Scanlon defends contractualism as...

- Our thinking of right and wrong that others can not reasonably reject



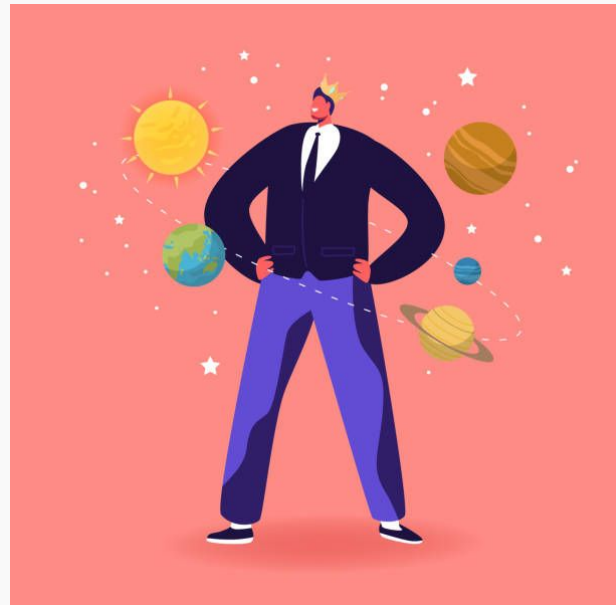
Contractualism Cont.

- Believes any social regulation standpoint would generate two stances
 - Benefit vs constrained
 - Standpoints are distinguished from personal opinions
- Why not hypothetical consent?
 - Determines what is unreasonable for them not to agree to



Egoism?

- What if people do not have the aim for moral thinking?
- Someone who asks “why should I obey the rules”
- Why appeal to egoists?
 - Cannot expect conformity with them
- Egoists are attracted to Scanlon’s moral principles
 - They are derived from the properties that you cannot reasonably reject



The Good Place



- Scanlon's book is used in *The Good Place*
- Defines morality as acting on principles that nobody can reasonably reject



Asks the question:

Can I reasonably justify my actions to people they affect?

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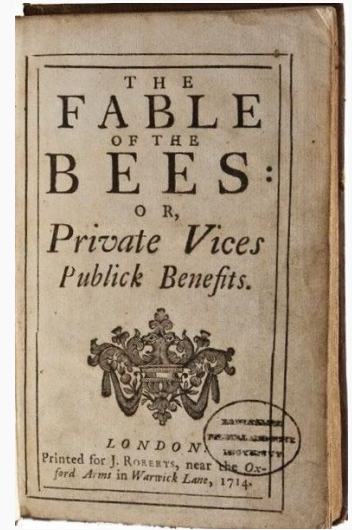
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Bernard Mandeville

The Fable of the Bees (1714)

“The Grumbling Hive”

- Describes a social system with each individual seeking personal advantage rather than the good of the whole
- The relentless pursuit of individual gain generates a flourishing colony of bees, not societal collapse



What is Spontaneous Order?

- When individuals seek their own personal advantage rather than benefiting society as a whole \Rightarrow their activities can still generate order
- The order is spontaneous rather than the outcome of deliberately chosen rules, but still benefits everyone

Free Market System

- Example of spontaneous order
- Buyers purchase the good they want at the lowest price they can
- Sellers get the best possible price for whatever goods they've been able to produce
- Freely operating market can result in the best prices for both buyers and sellers, even if all parties act selfishly

