
Contractualism

2.2 – Promises & Contracts

Team 6:

Angela Zhou, Derrick Li, Jose Romero, Koey Chan, William Barber

Promises and Contracts



Freedom vs. Obligation

We are free to make or to not make promises. However, it is practical fact that one is *obliged to keep* any promises made regardless of whether the stance on the promise has changed.



Social Agreements

I.e. how we “freely limit our own freedom” – imposes obligations regardless of willingness to.

What we want vs. what we must do is a psychological AND rational decision.

Ex: Homer's *The Odyssey*

Odysseus, upon encountering sirens, ask his men to keep him tied as he listens – rationally constraining his future actions.

In this case, by physically preventing him from doing what he wanted at the time (jumping in the sea), they fulfilled a rational obligation, rather than a physical or psychological compulsion, to their promise.

However, breaking a promise is always possible, “making [it] compatible with autonomy or self-determinism.”



Contractualism

- Idea of morality stemming from the agreements between individuals
- Two key concepts:
 - Social contract: agreement among members of society
 - “State of nature” (pre-political condition)
 - Hypothetical condition of humans before politics
 - Reason from state of nature to social contract
 - Create laws to enforce social contract



Should Promises Always Be Kept?

“It has to be true, of course, that I did actually promise to help. But when it *is* true, there is no moral wiggle room...it's me who has the obligation to give the ride.”



—Gordon Graham, *Theories of Ethics*





Should Promises Always Be Kept?

When is it morally preferable to violate a promise/contract rather than keep it?



Should Promises Always Be Kept?

Information Withheld / Circumstantial Change

The circumstances and context in which we *make* a promise are an inescapable fact. When those circumstances change, should your promise change too?

Example 1

Upon discovering proprietor is using property and/or money for illegal/immoral purposes, is it *ethical* to breach the housing contract?

Example 2

After promising to assist on a project, you discover the project is immoral in your eyes (such as a war drone for a genocidal government) – should this promise be kept?



Should Promises Always Be Kept?

Malicious Promises

Example

Car salesman maliciously creates & signs a contract with a customer to purchase a defective car. The salesman knows this is immoral, but agrees to the sale contract/promise anyway. The contract states that it absolves the salesman of responsibility for any defects with the car.

The next day, the salesman has a change of heart and informs the customer that the car is defective, and voids the contract.



Should Promises Always Be Kept?

Conflicting Promises

Example 1

Sign up for the draft as a permanent resident, but then the country goes to war against your home country. Who do you fight for? You have to break a promise. Is **any** action morally defensible?

Example 2

You independently promised both of your friends that you would back them in a fight. Then, your friends start to fight each other!

Explicit / Tacit Consent

- Does moving to a country, or fighting for it, indicate explicit consent? Is there a promise/contract before the war/fight starts?

