



Kantianist and Rawlsian Ethical Contractarianism

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ABSTRACT

One of the most controversial issues in the philosophy of ethics is its origin and basics. Realist and unrealistic schools of philosophy have different views toward this question according to their stance. Ethical contractarianism is one of the branches of realist philosophy that seeks ethical criteria in the agreements between individuals and assigns the roots of the right and wrong and does and dongs in the contracts of a social group and does not attribute originality for absoluteness of ethical commandments, rationality of morals and its metaphysic origin. Social contractarianism was a natural reaction against the dictatorship in traditional communities that gradually expanded into ethical thoughts for there were no absolute descriptions and this created several understandings and explanations. Among different contractarianist views, only the classic one assigns criteria for the good in the contract. From the contractarianists point of view, contractarianism in its old and modern explanations has resulted in non-basic outcomes like relativity, pluralism and has changed the ethical criteria. Following these rules has brought up a new way of judgment upon customs and traditions and social and individual ethics. This has cut the logical and natural relationship between human nature and ethical sense. It is quite clear that none of the contractarianist schools have been able to utilize three forms of natural rule, mutual benefit and unbiasedness out of the sextet criteria of the ethical society and replaced them with trends toward profit, joy and sentiments.

Therefore, classic description of contractarianism by Kant and its modern one by Rawls has not offered a new point in social and individual criteria for ethics and then it seems as if the only way for the salvation of human kind is returning to the true nature of human kind and thinking twice about the holy prophet of Islam: Truly we sent you to reach the end of ethical goodness.

KEYWORDS: Ethics; Ethical Concepts; Contractarianism; Contract; Agreement and Hypothetical

INTRODUCTION

One of the most controversial issues in the moral philosophy is its ethical origin and basis of moral rules. The answer to this question may utilize different realistic theories like divine commandments, naturalism and virtuosity or unrealistic views like sentimentalism and contractarianism i.e. the agreements between the individuals and their community. The present paper aims to investigate the theory of “ethical contractarianism”[1] whose traces go back to ancient Greece. For instance, Socrates’ approach to it in which he had the chance to flee the prison but he stayed there for he thought law supports people and people ought to obey it even if it is unreasonable. However, today, a new form of this contractarianism has evolved in international moral system. Permanent members of the United Nations impose their personal views and ignore the rules accepted by member states. Social contractarianism is a natural reaction against dictatorship of rulers in traditional societies. Lack of pure moral rules in these communities, gradually expand in the body of moral thoughts and gain different interpretations. However, the most important feature found in these communities is that interpersonal contracts become the main criteria for the trueness or falsehood of moral standards. Contractarianists believe that reasonable moral rules of a society come from the contracts between its members considering the good of the society and any probable oppression. In their view, good is defined as the materialistic and mundane benefits. Contractarianism is based on materialist principals, sentimental and experimental anthropology and acquisition and realization rationality that may have several outcomes including moral pluralism, moral relativism etc. the present paper will try to avoid generalizations and will attempt to make logical and practical deductions through giving a brief history and then discussing Rawls and Kant’s contractarianisms.

1. HISTORY OF CONTRACTARIANISM

Although contractarianism as an independent approach toward defining the origin of ethics and criteria for the trueness and falsehood of moralities does not have a long history, it is like other modern thoughts and has clues in old philosophers thinking. Many historians working on ethical and social thoughts have sought the roots for it in the

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philosophy of ancient Greece and some believe its origins go back to the sophists in the time of Socrates and especially in the works of Glaucon based on justice and oppression. Plato quotes Glaucon as follows: and they tasted both, those who could not flee oppression, and become oppressors. They found their good in agreement between themselves not to oppress each other and not to tolerate each other's oppression. They began passing laws and accepted laws to be just and put the name of justice on following laws.[2] The elaborate characteristic of contractarianism is assigning contracts between the members of a society as the criteria for evaluation of true and false. In this sort of society, law is passed to help people lead a peaceful life and this life is the main support for contractarianism. Among different theories of contractarianism, the theory of Rawls has gained a lot of attention of ethical philosophers of the 20th century.

After a long era of silence, philosophers of the 17th century like Thomas Hobbes (1588- 1676), John Lock (1632- 1704) and Jean-Jacques Rousseau (1712- 1778) used contractarianism as a criteria for legitimacy of the governments and a proof for the trueness of moral beliefs. These philosophers discussed this theory in the fields of political sciences and the legitimacy of governments and defended it against theories of "divine legitimacy of governments" and "government as an inherent right of some people". The important question in their mind was that "if humans are born free, why they live in slavery?"[3] What justifies this? Moreover, why humans have to put the chains of laws around their necks?

They believed that people put this chain by their own free will for the security of their social and individual benefits.[4] In other words, the criterion for the legitimacy of the government was seen in agreements and obedience. Moreover, although the legitimacy for Lock, Hobbs and Rousseau came from social contract and plural consent, they had serious conflicts in the field of ethics. John Lock offered the concept of noncontractarian priority and credit of moralities. He proved the credit of moral beliefs according to natural rule not based on social contract; in other words, his view toward ethical theory rises from a realistic view. He states: "ethics are like mathematics and have logic and deduction". He believed "the only touchstone for the correctness of moralities, is the divine focus." In his view, a comparison between the nature of God and human, leads to some evident principals and then deduce the moral commands.

2. ETHICAL CONTRACTARIANISM

The school of ethical contractarianism views moral rules as the results of the agreements to legalize behavior in the society and obligation of humans to obey its rules. Accordingly, ethics are based on the contracts into which humans enter supposedly, implicitly or explicitly.

Theoreticians define it as the moral rules, and a set of commands, descriptions and agreements on social behavior assigned to settle intergroup conflicts. A brief look reveals that this school ignores individual needs and feelings and disregards the relationship between the creator of the universe and nature. Applying moral codes or obligations is only possible after setting groups and communities and with the consent of the majority or all of the members.

Nothing is good or bad beyond social contracts and the source for all moral rules is contracts. However, these contracts are formed naturally through common beliefs, traditions and customs and vary from official laws imposed by a special institution.

Not only can contractarianists give an inherent value to the settlement of social conflicts but also they cannot attribute its value to another contract and this enters them into a vicious circle.

3. KANTIANIST CONTRACTARIANISM

According to Kantianistcontractarianism, "the society is composed of numerous individuals each of which has his own wills and views of good. Thus, the society improves only if the principles governing it take no presuppositions of good." [5] In this regard, respecting those with different wills necessitates that we do not impose our idea of good on them. The only rule reasonable for all is the respect to individuals' personality. Therefore, Kantianistcontractarianism contradicts the modern liberal views for it switches social contracts into the government, disregarding ethics or at least social ethics. The main idea behind Kantianistcontractarianism is that individuals not only seek their own interests, but also want to justify their look toward other people. Therefore, an ethical system that can be agreed by the wise is the ethics that has a public justification.

Reflection on Kantianist ethics philosophy shows that Kant is an ethical absolutist and foundationlist and is a relativist contractarianist. However, he has not talked about moral contracts clearly and only some of the modern philosophers like Rawls think of him this way [6].

Anyway, the present paper supposes Kantianistcontractarianism as a hypothetical contract and contemplating in it will reveal the reason for false understandings. In order to elaborate more on the issue, the triple categories of Kant are represented and discussed here.

Kant defines the credit of moral rules based on the categorical imperative and offers different explanations of categorical imperative. Some are listed here:

- Behave only according to the rules you wish they are obeyed by everyone. (plebianism)
- Behave in a way that humankind is an extreme not an instrument (teleologism)
- Act as if your will is a lawmaker (voluntarism)

Therefore, Kant's ethics is based on anybody's rational will and nothing more. Thus, plebianism, teleologism and voluntarism are the three elements of Kant's ethics. Before going through these three forms, two points ought to be mentioned:

The first one is that humans have a sacred trend so instead of calling this thoroughly inherent and intrinsic trend a "hypothetical contract", it had better be called "the innate disposition" to emphasize on the objectivity of moral issues and create ethical limitations for humans. Despite, few more questions are yet to be answered.

The second point is that, ethical contractarianism needs ethical relation. In other words, ethical affairs are out of reality domain and in unreal world. They are related to the conditions, agreements and individual or plural feelings and are supposed to be changeable i.e. absolute morals are replaced with conditional, and relative commands. This does not mean that ethical commands ignore specific conditions of each rule; however, considerations of time, and place should also be made. These considerations demonstrate the relativity.

1.3. REVIEWS

All three forms of Kantianist ethics (plebianism, teleologism and voluntarism) are innate affairs and literally refer to conscience. It is conscience that identify and discover these issues. In other words, as a natural rule, abilities should be recognized to reach metaphysicteleologism and plebianism. Simply put, limitations of selfishness gives its place to plebianism and instrumentalism is replace with teleologism.

Basics of Kantianistcontractarianism forms are innate, natural and consciencious which are, because of personal understanding, called "hypothetical contract" by people like Rawls. Furthermore, the hypothetical agreement in the Kantianistcontractarianism is intrapersonal and limited to their relationship thus it has ignored the relationships between the human and his self, the human and God and the human and the nature. In other words, Kant does not believe in ethical responsibilities of human against his self, nature etc. or has simply avoided discussing about them.

4. RAWLS CONTRACTARIANISM AS A FOLLOWER OF KANTIANIST CONTRACTARIANISM

John Rawls is one of the famous followers of Kant in his Contractarianism. He attempts to develop the traditional concept of ethics and introduce contract as the explanation of the usually intrinsic ethical form in people. Rawls believes that the importance of humans is caused by the concept that they are by nature the aim and their importance does not have anything to do with benefiting or being annoyed by others. Rawls talks of "the actual circumstance" in which individuals stay away from the ultimate goal in the society. In this case, an individual takes unbiased decisions about a circumstance.

In his book "justice as equity", does Rawls criticize the modern American ethical system and the dominant utilitarianistethics. He discusses liberalist traditions of the American social thoughts through social science of the 20th century but in spite of his ingenuity in modern ethical philosophy, his tending toward contractarian theoreticians of the 17th and 18th century like Hobbs and Rousseau and classic philosophers like Kant and Aristotle is quite clear (for his ideas on "goodness"). From Rawls' point of view, reason is practical and the thing we are asked at the end will not be maximizing goodness but we will be asked to treat each other with equity [6].

He states since all individuals worry about maximizing merit and goodness of a group of individuals, equity toward others necessitates our attempt to maximize goodness. However, the only thing every body, on the condition of unbiased reason, agrees is a truly fair social plan whether this helps institutions and social distributes end in good or not. Rawls like Lock, Rousseau and Kant, believes in a composition of rationalism and contractarianism supposes that those social settings applicable only for those who are flawless or lack comparative advantages, whether they have generative, family or money problems, can only be tolerated by selfish people [7].

Accordingly, he suggests that the agreement on social plans is possible only if independent individuals beyond the ignorance organize them over primary profits and losses and images of a good life depicted by them. Rawls states: the agreed result of social order are as follows:

- A. Everybody adapts to the most complete set of basic rights equally for it is the minimum satisfactory level.
- B. Other goodnesses are distributed according to "the principle of difference" to make the least segregation for only silylly allegiants ignore the point that the worst possible destiny is the best possible one.

4.1. REVIEWS

Not all Kantianistcontractarians agree with Rawls however, they teach an unbiased view toward the benefits of all members of a society. The noticeable point here is that the theory of physical inequity is altered with ethical equity. Kymlicka believes that ethical values cannot be seen but several types of objectivity apply in different grounds of knowledge and there is no need to have an objectivity like biology to explain moral norms. Ethical theories ought to explain moral norms beside our obligations[7].

Some thinkers argue on the Kantianist basics of the principle of difference. the view that the unpleasant circumstances created by family, inheritance and acquisitional traits are unfair was rejected by F. E. Von Hike and Robert Nosik for they supposed it to mislead jealousy . They accepted that if a society does not provide the children with educations providing them for participation in the society, it has oppressed them. They also reject the idea of depriving smarter and more perseverant children from higher benefits and let them only if they try much harder as a slavery rule[8].

Nonkantianistcontractarianists think of ethics as a set of social rules in the reasonable framework of which the egoist put themselves and decline the theory of Rawls supposing equity prior to these rules and assign conditions for the contractors to negotiate.

Participationists (the book Liberalism and Limitations of Justice by Mike Sendel is one of their works) revived Hegel's idea that there is no right of any kind that has not roots in a good life practically and potentially and comparing Kant's ideas with Rawls' theories supported Hegel's view. They then concluded that Kant's ethical theories like Rawls' ideas have no specific concept taken from the objective life of ethics. Kantianists later in the 1960s defended their views through books written by H. G. L. W. Beck and Mary Gregor that brought Kant's ideas to English readers.

They first rejected the blame that founding ethics based on descriptions common among people every time and everywhere deny the natural, cultural and psychological changes and that these changes may originate reasonably acceptable understandings like the idea that moral principles common for all individuals are nonsense and have nothing but traditional ethics.

Another critique discussed about Rawls' theory is that staying behind a curtain of ignorance as he imagines, is impossible for he sees people behind this curtain as having no individual, social and professional bonds and ignorant of all social and individual needs[9]. Does not such a theory deny human identity? If an individual is supposed this way, how can he discover justice in his journey to reach his goals and meet his needs? Is it ever possible to access justice ignorant of it in reaching something? Therefore, being behind the curtain of ignorance, talking about even hypothetical and fantasy contracts may not be possible.

Some outcomes of the Rawls and Kant's contractarianism in individual and social life of people are brought here.

1. Ignoring ethical deeds and descriptions means closing eyes on good ethics and if any good deed is committed in the framework of the contract, it will be supposed as a mere deed and the effects of moral sense, divine commandment or the common sense is ignored simply. There are no such concepts as good and bad or right or wrong in contractarianism and since there are only does and donts, recommended, undesirable and permitted deeds are forgotten.
2. Obligation in contractarianism is not reasoned. Besides, there are too many ethical rules and values. These values are also changeable according to new agreements and they are not fixed because they are easily voidable.
3. Unrealistic ethics have no originality and stability. Besides, there is no enforcement for the contracts between parties.
4. There are no commitments for the agreed ethical contracts or the red lines of profit, joy and sense and anarchy in individual and social ethics in noncontractual affairs and not being able to meet the needs in contractual ones.
5. It does not pay attention to the spiritual aspects of life because of the agreements and limits humans' responsibilities before God and self. It also prepares the grounds for forgetting natural inequalities because of focusing on experience and sense in the society.
6. It evades ethical responsibilities against organized crimes like the NATO's crimes in Afghanistan and genocides in Palestine and Iraq
7. It encourages a peaceful life not an ethical one then it focuses on customs and traditions not on morals.
8. In the ignorance curtain theory of Rawls, humans are supposed as mechanical, imaginary, submissive and simple creatures without any will and desire to reach their goal.
9. There is Ethical relativity i.e. there is no independent value. Moreover, trueness or falsehood of the rules are relative and not absolute.

CONCLUSION

Ethics based on humans' agreements for their social contract-based interactions is in need of commitment and concordance between all members of small and big communities. Therefore, any theory pertaining the bind and value in ethics may be supposed as contractarianism. However, can anything contractual prepare the base for moral deeds? Another question that may arise is that if there is a real agreement and or what the real bases of the contracts providing it with stability and subsistence are?

The necessity of a contract and its stability and subsistence is an unbiased behavior and a mutual utilitarianism (type of hedonism) so the condition of parties plays a great role in the agreement and deciding on the contract. Those who are stronger may have more power to bargain on the conditions.

Then, a namely limitless contract is formed being an amalgamation of teleologism, utilitarianism and sentimentalism. Thus, contractarianism as a school cannot offer moral rules (does and donts). Therefore, individuals have to obey its content even if they disagree with them. Needless to say that there is no space for intention to commit a deed and even if the opportunity comes, the interpersonal relationship is considered only and human's responsibility toward himself, the creator and the nature is ignored.

It is worth saying that only classic contractarianism assigns ethical sense as the criteria in the contract but modern contractarians believe that contract is the only way to express the benefit and it is only the society that is responsible toward individuals. In the classic view, such attitude is taken only in politics and there is not any need to suppose contractarianism as personal contract and exist in three major forms:

1. Natural form and condition
2. Mutual benefit
3. Unbiasedness

None of the contractarians was able to utilize these three forms to create the sextet criteria of the ethical society and eventually unbiasedness was replaced with hedonism, utilitarianism and sentimentalism.

Moral rules need motivation before their need for intention and will. According to contractarianism, an ethical deed gains its motivation and obligation from nonethical rules of unbiasedness, mutual benefit and the natural rule and does not mandate individuals to obey them. This is in contrast to the basic belief behind optional deeds and inquisitional descriptions and the motivation for each deed. In this trend, any deed is committed based on instinctive supposition and agreement and unbiasedness resulting in dangerous and unpredictable outcomes. For instance secularist, experimentalist, sentimentalist, capitalist and materialist views have destroyed human sense, divinity and spirituality and has attempted keeping his own profit through degrading divine ethics to normal traditions of a tribe. Its motto of unbiasedness justice as fairness and mutual benefit, removes the humans' responsibility against oppression and silent them. Regarding this, international organizations apply these principles in order to exploit poor countries' material and spiritual wealth. Here is an example to end the paper.

The most ethical cotemporary organization is by duty the supporter of expansion of ethics, and defending oppressed people like the Africans etc. have become the tool for the oppressors to impose their social, political and economical views. The winners of the second world war, formed this organization based on the nations' agreement and considering the theories of "hypothetical ethical contract" by Kant, "unbiasedness" by Hobbs and "fairness" by Rawls. The security council had no reaction against the most tragic humanitarian crimes like the atomic bombardment in Hiroshima, genocide in Bosnia, massacres in Palestine, killing children and women in Gaza, the chemical attack to Halabja, the missile attack to Dezful, America and Noto's crimes in Afghanistan and other parts of the world. Did not they have any responsibility or just ignored it? Did they recognize the humans against them as humans? In either case, uselessness of the social political and even ethical schools of philosophy is proven.

REFERENCES

1. Alireza Aal-E-Booyeh, 2003, A Review on Kantian Ethical Theory, Tehran.
2. Mohammad- Hassan Lotfi, 1988, Plato, Full Set of Works, Tehran, Kharazmi.
3. Morteza Kalantarian, 2000, Social Contract, , Tehran, Bina.
4. geoffr sayre – mc clord, 2004, in ethical theory, Contractarianism,.
5. McEntire, Taylor and Elzer, 2004, Socialists and the Criticism of Liberalism- A selection of Sandel's Thoughts, Science and Culture Research Centre, Tehran.
6. Arafat Sabeti, Ghoghnoos, 2004, Justice as Fairness, Tehran.
7. Will kymlicks, 2005, The social contract tradition, in a companion to ethics, p.191.
8. Mohammad-Taghi Mesbah-Yazdi, 2005, "A Review on Ethical Schools", , 4th Chapter.
9. Macintyre, Alasdair ,After virtue- 2nd ed., 1994, University of notre dame press, notre dame.