

Why Be Moral? Social Contract Theory vs. Kantian-Christian Morality

In Dostoevski's *The Brothers Karamazov*, Smerdyakov claims "If God does not exist, everything is permitted." This quotation has often been taken to imply Dostoevski's belief that morality is essentially dependent upon God; hence if there is no God, then there is no right or wrong and everyone may do whatever they please. Perhaps morality is essentially dependent upon God so that, for example, duties or laws depend upon a Lawgiver and rights are granted to us by our Creator. But Dostoevski may have had something different in mind. He might have meant that if God does not exist, human beings will lose their motivation to be moral. Remove the divine judge and human beings will simply do as they please. There is an objective moral standard, on this construal, but there is no reason to abide by it.

Consider an analogy. The teacher of my seven year old son's class rules with an iron fist. She has laid down rules of proper conduct in her classroom which all of the students have learned well. If asked, each could recite the rules without hesitation and each would endorse the rules as essential to the proper functioning of the class. But when the teacher leaves the room, chaos ensues. The students know the rules, but absent the rule-maker and judge, they will do everything in their power to break the rules (as long as they can avoid getting caught when their teacher returns). When the teacher leaves the room, to paraphrase Dostoevski, everything is permitted.

On this construal of Dostoevski's justly famous phrase, the perennial problem of morality comes into focus: Why Be Moral? If one can be immoral and get away with it (i.e., avoid punishment), is one more likely to be happy? Is morality an obstacle to human happiness and contrary to the satisfaction of human desire? Is it in our best interest to be moral?

Apart from theism, the social contract theory provides a strong answer to the question “Why Be Moral?”.¹ According to social contract theories of morality, right and wrong are nothing more than the agreement among rationally self-interested individuals to give up the unhindered pursuit of their own desires and interests for the security of living in peace with one another. In order to secure this peace, one willingly forgoes the liberty of total self-determination and takes on the constraints of conventional morality. It is in my best interest, so the argument goes, to have my desires constrained by entering into a society where the desires of everyone are constrained by an agreed upon power.

I shall argue that the social contract theory is motivationally deficient and that theism provides a better motivation for rationally self-interested persons to be moral. I shall argue that, in the context of our moral development, we are involved in the project of becoming certain kinds of persons and that this project must extend into the next life within a community similar to Kant’s kingdom of ends. The temporary squelching of desire necessary for the common good is rewarded in the long run with the long term desire satisfaction in being a just, kind, patient, compassionate, and temperate person. But the squelching of desire makes sense only, I shall argue, if the moral project continues into the next life.

In this essay I shall make (at least) one undefended assumption: That we are rational, self-interested persons. Although the assumption that humans are self-interested is one of the better attested theories of human nature, it is not my contention, as I shall argue shortly, that acting in self-interest precludes altruism. The commitment to rationality is simply an ideal, for we often behave in a less than rational manner; but my arguments are directed toward what is in our rational self-interest; that is, we aspire as best we can to pursue the best path toward the satisfaction of our interests. I define rationality in the sense that Gauthier defines it as doing one’s best to fulfill one’s preferences. A rational being, on this construal, is a self-interest maximizer.

Let us first consider the problem “Why be moral?”.

I

In Plato's *Republic*, Thrasymachus claims: “Justice is really the good of another....they make the one they serve happy, but themselves not at all.” (343c) Justice is really another's good and for the inferior who obeys it is a personal injury; it makes the superior happy, but not oneself. Morality, Thrasymachus argues, is an obstacle to human happiness as it runs contrary to the satisfaction of our desires and interests. Consider the demands of justice to see whose interests are protected. Suppose I see Gordon's wallet on the table with \$1,000 dollars inside. I need \$1,000 and consider stealing it. Assume that I can easily steal it and get away with it. Whose interests are protected by morality in this instance? Gordon's, not mine. In this instance, morality is his good, not mine. Suppose I get angry at Mary and wish to strike her on the nose. Assume I can punch her with impunity. Again, whose interests are protected by morality in this instance? Hers, not mine. Examples abound: we ought to keep promises, tell the truth, be faithful to our spouses, avoid murdering others, etc. According to Thrasymachus, morality only protects the interests of the other and is not in my own interest. Of course if one is unjust, gets caught and is adequately punished, it is not to one's advantage. So the most powerful person is the one clever enough to conceal her injustice, perhaps under the guise of justice, and get away with it. Justice is of course in my interest when Gordon wishes to steal my wallet and Mary wishes to punch my nose. Thrasymachus's point seems to be that when I am under obligation to behave morally, that is from the perspective of the person performing the action, it is the interests of the other that are protected and not my own.

Since my intention is to compare the motivational force of theistic and non-theistic moral theories, we need to understand the kinds of goods that are attainable on either theory. The goods attainable by a non-theistic moral theory, that is the goods

attainable on the assumption of metaphysical naturalism, are, so far as we can tell, restricted to what I shall call, rather clumsily and archaically, "This-Worldly Goods:"

- (1) A good is this-worldly if and only if it is a good that can be attained *ante-mortem* such as pleasure and avoidance of pain, and whatever human desire-satisfaction and happiness are attainable in life.

The goods that are attainable if theism is true include both this-worldly goods and what I shall call, admittedly quaintly, "Other-Worldly Goods."

- (2) A good is other-worldly if and only if it is a good that can be attained *post-mortem* such as complete pleasure and avoidance of pain, total satisfaction of desire, full human happiness, *eudaimonia* and moral perfection.

Corresponding definitions could be offered of This- and Other-Worldly Evils. If, as naturalism presupposes, post-mortem existence is untenable, we are restricted in our attainment of goods -- only this-worldly goods are available to us. According to theism, however, both This and Other-Worldly Goods are available to us.

The problem "Why be moral?" looms large: morality appears, at first glance, to be designed to favor the protection of the this-worldly goods of the other and not of me. It seems not to be my this-worldly interest for me to be moral. In terms of this-worldly desire satisfaction, essential to the attainment of this-worldly human happiness, morality seems to favor the satisfaction of the desires of others and to constrain my own personal satisfaction. How might the social contract theory motivate us, given the pressures to immorality, to be moral?

II.

The social contract theorist argues that it is in my best interest to agree to live in a society which enforces morality. Society protects the rights and interests of its members with both the threat and manifestation of force. Outside of society, that is in the state of

nature, where sufficient power is lacking to force people to respect the interests of others, life is chaotic, life-expectancy is radically uncertain, and the prospects for the enjoyment of one's own projects are dim. So it is in my best interest to leave this state of nature, to give up my rights, primarily to total self-determination, and to abide by the conventional standards of morality which constrain my desires.

This much seems obvious -- it is better to leave the state of nature, under specified conditions, than to remain in it given that in the state of nature the prospect of being able to satisfy our desires is precarious. The executive power in a civil society creates a situation where my life and what is left of my liberty are sufficiently protected from the wiles of other selfish creatures to permit at least the modest pursuit of happiness. It is vastly preferable for rationally self-interested persons to leave the state of nature where their pursuit of happiness is unhindered but also unprotected and to give up certain rights to secure at least a modicum of happiness.

But has the naturalist social contract theorist adequately answered the question "Why Be Moral?". It is clearly in my best interest to live in a society which embraces conventional morality and also protects its members from offenders who violate the moral standards and harm its citizens. But Thrasymachus's challenge remains: Why not be immoral, if one can get away with it?

There are at least three options for those who enter into the social contract:

- (1) To abide by conventional morality.
- (2) To violate the conventions of morality but get caught and punished.
- (3) To violate the conventions of morality where one can avoid getting caught and punished.

Which of these three is most likely to conduce to the this-worldly satisfaction of human desire?ⁱⁱ (2) is obviously the least likely to conduce to human happiness and I shan't discuss it further. Let us consider (1); is (1) most likely to conduce to this-worldly

human happiness? (1) may do so, but only on the assumption that most people with whom one deals also abide by conventional morality. If others do not abide by conventional morality and one does, then the likelihood of being taken advantage of, and having one's own desires regularly thwarted, is maximized. As Thomas Hobbes writes: "He that would be modeste and tractable and perform all the promises in such time and place where no man els should do so, should but make himself prey to others, and procure his own ruin, contrary to all Laws of Nature, which tend to Nature's preservation."ⁱⁱⁱ

Even if everyone else were moral, would (1) be the most likely way of attaining this-worldly human happiness? If Thrasymachus is right, morality constrains the satisfaction of my desires and correspondingly protects the interests of others. The best situation of all, if we are restricted to this-worldly goods, is (3): To be immoral and get away with it. One might add the additional proviso that the maximally best situation, if restricted to this-worldly goods, is to be selectively immoral and get away with it where I can in a society of people who are moral, that is, within a society of people who abide by the social contract. For they will abide by a standard of morality which ensures the protection of my interests and I will be acting immorally where I can, that is, in ways that protect my this-worldly interests as well. My immorality and their corresponding morality ensure the maximum satisfaction of my this-worldly desires.^{iv}

David Gauthier, a contractarian in morality, attempts to rebut this argument with appeal to only this-worldly goods; he does so by resolving the following paradox: "Duty overrides advantage, but the acceptance of duty is truly advantageous."^v The problem is not one of initially accepting the social contract -- it is surely better for one to live within a society in which the pursuit of individual interest is constrained by standards of justice and morality which are enforced by a sufficient power. So it is more rational for self-interested persons to join a society than to remain in the state of nature. Furthermore, one's insufficiency at satisfying one's needs entirely on one's own will

make it doubly rational to seek society for the mutual and maximal satisfaction of human needs. Rationality is, according to Gauthier, self-interest maximizing: "...the rational person seeks the greatest satisfaction of her own interests."^{vi} Hence, the joining of a civil society is rational. The question is whether or not it is rational to violate, or in Gauthier's terms to "defect from", that contract when one can get away with it (without causing the breakdown of society). In order to prevent defections, Gauthier argues that we must cultivate the disposition not to ask ourselves on each occasion "Does this maximize my interest?" The Straight Maximizer is the person who asks such questions and seeks to maximize personal utility in every decision. If one were so to do, one would surely see that it is, on certain and perhaps many occasions, not in one's best interest to be moral. Gauthier believes that adopting such a disposition is rational because people can tell if one is sincere in one's commitment to the social contract. If people adjudge that one is not sincere, one will not gain the cooperative benefits which drove one to rationally affirm the social contract in the first place. Rationality requires, therefore, the development of the disposition of "Constrained Maximality."

Gauthier's view, which cannot be discussed or criticized in detail, is defective: The development of such a disposition in the face of the evidence that morality is often not in our own best interest would require systematic and massive self-deception; it is difficult to imagine that a procedure that crucially relies on self-deception is rational. It is rational in Gauthier's sense of maximizing self-interest but only if the cultivation of such a disposition will maximize one's self-interest. There is ample empirical (and usually personal) evidence that people will not be able to tell when one is insincere in one's commitment to the social contract and that one can often violate it without loss of cooperative benefits. Gauthier concedes that "the ability to detect the dispositions of others must be well developed in a rational CM [constrained maximizer]. Failure to develop this ability, or neglect of its exercise, will preclude one from benefiting from constrained maximization."^{vii} Gauthier overestimates most people's ability to detect

insincerity. The rational, straight maximizer will reason that adherence to conventional morality is typically in her own interest; in addition she will reason that most people most of the time will not be sufficiently crafty or strong to regularly violate the social contract and get away with it; finally she will adjudge that, when she can get away with it, it is more reasonable to defect than not. Hence the crafty and strong straight maximizer will develop the disposition to appear sincere when violating the social contract. Societies like America, where people regularly obey but often violate the social contract, are relatively stable and provide the best state of affairs for the satisfaction of the clever and powerful straight maximizer. The journalist Daniel Schorr is reputed to have made the following comment: "Sincerity: if you can fake it, you've got it made." If one were in the initial position -- ignorant of one's potentialities -- then one would rationally will to develop the disposition not to ask the question "Is this in my interest?" But we are not in the original position when making characterological choices and if we reasonably assess that our interests will be maximized by occasional defections from the social contract then we would reasonably develop the disposition to appear sincere when we are not (but can fool people and violate the social contract with impunity). So Gauthier hasn't resolved the paradox because he must concede that it is often not really in one's own interest to be moral (one has simply dispositionally repressed the question).^{viii}

If I am a rationally self-interested person and the only goods accessible to me are this-worldly goods, I should exploit the social contract in a manner which places demands on others and also seek ways to violate the social contract, that is to satisfy my own desires insofar as I can avoid getting caught and punished. Ensuring that others feel themselves under the demand of morality will protect my own interests. Ignoring the social contract on my part will ensure the unfettered satisfaction of my own desires insofar as I can avoid getting caught and punished. Perhaps I should become a teacher of philosophy who persuasively and publicly professes the virtues of civil obedience, all

the while cleverly searching for ways to be civilly disobedient. Or maybe I should become a powerful politician who with impunity secretly flouts the laws she is pledged to uphold. Or maybe I should become a wealthy entertainer who in her spare time endorses charities but all the while is permitted to live by a different standard than others. The immoralist option will not be embraced by the weak, Nietzsche makes us aware, but only by those with sufficient wisdom to see what is in their own best interest and sufficient power to avoid recrimination.

If we are restricted to this-worldly goods then we are most likely to attain them if we endorse and live in a society of individuals that abides by the social contract yet do all that we can to violate it with impunity. Social contract theories, therefore, have a serious motivational problem: The social contract is insufficient to motivate rationally self-interested people to be moral.

III

The principle motivational defect of social contract theories is clear: If we are restricted to goods attainable in this earthly life, it is not always in my best interest to be moral. It may be in my best interest to lie, cheat or steal (if I can get away with it), if there is no next life with which to contend. If only this-worldly goods are available to us, then morality will surely be perceived as an obstacle. It is folly to maintain that happiness is directly proportional to virtue ante mortem; indeed the Thrasymachean argument is that happiness is often inversely proportional to virtue. This is not hard to see with moral demands which are so severe that no This-Worldly Good could accrue to oneself from their performance -- the giving up of one's life for one's child, say, or a lifetime of sacrifice for one's severely mentally retarded child, or remaining in a deeply troubled marriage for the sake of one's children, or to speak up when someone else is falsely blamed even when assuming responsibility may prove costly to oneself. Even less demanding duties -- to declare all of one's income on one's tax returns, not to overbill to

cover one's deductible when making a claim for damages to one's insurance company, or not to exceed the speed limit or run a red light in one's car while running late for an important meeting, or to return the extra money that the salesperson mistakenly gave you for change -- are often contrary to one's own good (assuming one can violate these duties with impunity).

Now it may be the grim truth that we ought to do our duty regardless of the consequences. Even if virtue does not conduce to our own happiness, we ought simply grit our teeth and do our duty nonetheless. Indeed, according to some interpretations of Kant or at least of the early Kant, it is better if we see that doing our duty is contrary to our own happiness. This interpretation of the Kant of the *Groundwork* has some slight evidence in its favor: he praises most highly the person who does her duty solely out of respect for the moral law and contrary to her inclination to do otherwise.^x Let us call the early-Kantian view the one that answers the "Why be moral?" with "Because it's our duty" full stop.^x

There is wisdom, however, in what we teach our children, lest moral instruction be a noble lie. We tell our children that they ought to be good because it is good for them and because it is better for them to be the kind of person who is patient, kind, generous, unselfish, and loving. In what sense is it good for them, according to Hobbes and early-Kant? If Hobbes is right, shouldn't our moral instruction primarily consist in the admonition that it's a dog eat dog world and that no one will look out for number 1 if they don't? And if the early-Kantian is right, shouldn't we teach our children to do their duty simply because it is good, and say no more, perhaps noting as shining moral examples those people whose lives are wrecks but rise above them to do their duties regardless of the consequences? In the first case one takes thought only for oneself and in the second one takes no thought for oneself. But if what we teach our children is true -- that morality is good for them and is conducive to their happiness -- then the Hobbesian and early-Kantian answers are inadequate.