

Morality is a powerful, yet enigmatic term that can be broadly defined as a universal set of permissible, impermissible, and obligatory acts for all of humankind. While there exists widespread debate surrounding the content (or “moral facts”) included in morality, the question of what morality is grounded in is an even more contentious topic for philosophers. In chapter two of *Contractualism and the Foundation of Morality*, Philosopher Nicholas Southwood rejects the notorious Hobbesian contractarianism basis for morality. Among other criteria, Southwood argues that a valid foundation for morality must account for both the intensional and extensional characteristics of the moral facts that make up morality. In this paper I will examine the soundness of Southwood’s argument for how contractarian morality fails to include the latter.

## **I: Reconstruction of Southwood’s Argument**

P1: If a legitimate account of morality's foundations must vindicate key substantive judgements of impartiality, then Hobbesian contractarianism is not a valid moral theory due to its sole reliance on practical reason to derive moral facts.

P2: A legitimate account of morality's foundations must vindicate key substantive judgements of impartiality.

C: Hobbesian contractarianism is not a valid moral theory due to its sole reliance on practical reason to derive moral facts.

## **II: Explanation of Southwood’s Argument**

To explain Southwood’s argument, I will clarify what he means by impartiality with regard to morality, why it is necessary for a valid moral code, and finally, where Hobbesian contractarianism appears to fall short.

Premise two of Southwood’s argument is based on his assertion that extensional character is a vital component of a well-founded moral code, of which impartiality is a necessary aspect. The extensional character of morality is essentially how applicable its moral facts are across a range of all plausible human actions, and whether or not they represent our normative conception of morality. Put differently, if a moral code is to have a proper extensional character, its moral facts must reflect our substantive judgements of morality. Substantive judgements are facts about our conception of morality that every sane individual would agree with. For example, if by some flaw in foundation, a moral code does not forbid an individual to torture a child, something we all would agree is immoral, then this code is clearly invalid on account of its contradiction to our

substantive judgements of morality. While the precise makeup of proper extensional character can be disputed, Southwood contends that partiality and impartiality are fundamental aspects of extensional character as there are key substantive judgements that revolve around the two. In other words, if a moral code is to include these substantive judgements concerning partiality and impartiality, it must balance an individual's partial desires, concerns, and life goals with a set of impartial rights, restrictions, and obligations. So while the partial condition will allow individuals to partake in their desired form of leisure on a Sunday afternoon, the impartial condition will demand that all individuals owe each other certain duties and rights irrespective of their power, wealth, or strength. If certain rights or duties granted by a moral code do not extend to everyone, and therefore are no longer impartial, then the moral code will not have proper extensional character because it does not vindicate our substantive judgements of morality.

As stated in premise one, Southwood believes that moral contractarianism's sole reliance on practical reason for its derivation of morality results in the absence of impartiality from the extensional character of this moral code. To briefly summarize, Hobbesian contractarianism contends that practical reason alone explains our need for morality, and how these moral facts can be derived. Along this logic, agreements formed by rational agents out of joint interest form moral norms as cooperation is necessary to prevent an undesirable state of nature. However, in a relatively simple train of logic, Southwood explains that if the moral principles that grant individuals certain rights are determined solely by the interests of others, then there are bound to be instances where it is not in one individual's interest to curtail their behavior to grant another individual a certain right. When considering the vast discrepancies of power and wealth present in the world, Southwood's challenge appears to have merit as it might not be in the interest of a very powerful individual to agree to a principle that grants a very powerless individual rights. Following Hobbesian logic, if it is not in the self interest of a powerful man to grant a completely powerless woman the right to not be sexually assaulted by him, then he is technically morally allowed to do so. One can imagine it is, however, in the interest of this same man to grant that same right to a more powerful woman who could perhaps seek vengeance upon him. In effect, with different principles and rights afforded to different individuals, Hobbesian contractarianism seems to lack the impartiality aspect of its extensional character and therefore, as previously explained, is not a valid foundation for morality.

### **III: Objections**

Upon consideration of Southwood's argument, there appear to be only three paths of objection a contractarian loyalist could potentially pursue: Argue that morality does not include an extensional character, argue that morality's extensional character does not include substantive

judgements of impartiality, or show how contractarian morality vindicates substantive judgements concerning impartiality.

The first potential objection, and perhaps the weakest, is that morality does not include an extensional character and therefore need not vindicate any substantive judgments of morality, if they so exist. Considering that contractarian morality is founded solely on practical reason, it is unlikely a contractarian loyalist would make this objection considering that it completely lacks rationality. If a foundation for morality does not have an extensional character, and so does not allow or disallow acts that are unanimously considered moral or immoral (substantive judgements of morality), then it by definition is not morality. If I attempt to provide a foundation for what a cow is, yet do not include any of the attributes we all agree that a cow has, then I have not provided a foundation for what a cow is. Just like a cow has undeniable attributes, there exist certain substantive moral judgements that must be vindicated by a moral code for it to be legitimate.

The second potential objection I will consider, is that impartiality does not need to be considered in substantive judgements of morality. Our aforementioned best conception of morality describes it as a universal set of permissible, impermissible, and obligatory acts for all of humankind. While the “universal” qualifier indicates that there can only be one set of moral facts for all of humankind (i.e. two groups cannot have two different moral codes and they both be considered human morality), why must these moral rights and duties be applied equally amongst all individuals? The short answer is that they do not need to be applied equally, and a proper extensional character also does not require it. For example, I do not have the same moral duty to provide food for a newborn baby that its parents have. However if we remove impartiality from the substantive judgement that it is wrong to torture an innocent child, then it is clear why there does indeed exist a set of substantive judgements of impartiality. If only half of our youthful population has this right, then the other half can be treated in a way that contradicts our substantive judgements of morality without it actually violating the moral code itself.

Finally, the last potential objection I will consider is that morality grounded by contractarianism does actually vindicate impartiality. In examination of moral contractarianism, it is wholly evident that if moral principles are solely grounded by rational agreements made by two or more individuals, impartiality will inevitably be left out of this version of morality as a result of power discrepancies amongst the rational contractors. Even when considering Gauthier’s Lockean Proviso, which adds the additional requirement of an equal bargaining position amongst contractors by ruling out endowments obtained through historical patterns of dominance, one can still imagine scenarios where it would be irrational for an individual to grant another individual equal moral rights. This is because not all discrepancies of power are obtained through these endowments. If individuals A and B are given the exact same material

endowments, however individual B has far superior natural strength, wits, ambition, and other abilities than A, then it is highly plausible that a large power discrepancy can still emerge between A and B over time. Given a power discrepancy large enough, it is very plausible that B might find it is not in his/her interest to agree not to steal from B, yet make this same agreement with a more powerful individual C, therefore showing contractarianism's inconsistency with impartiality.

#### **IV: Conclusion**

In conclusion, despite many contributions from moral contractarians, Southwood's argument eloquently demonstrates why it is impossible to derive morality from practical reason alone. Considering the magnificent difficulty in proving that it is in an individual's self-interest to act morally at all times, it is no wonder why Thomas Hobbes' political contractarianism calls for a leviathan to ensure proper conduct by humans.