
CONTRACT THEORY AND HUMAN DIGNITY
RESPONSE TO: KANT AND CONTEMPORARY MORAL PHILOSOPHY BY FRIEDO RICKEN

契约论与人类尊严
回应弗里多·里肯的《康德与当代道德哲学》

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In his article “Kant and Contemporary Moral Philosophy” Professor Friedo Ricken discusses the influence of Kantian philosophy on contemporary moral philosophy. It involves not only Kant’s relations with consequentialism, deontology and various representatives of virtue theory, but also the understanding and interpretation of Kant by contemporary ethicists. What interests me most is the connection Ricken recognizes between Kant and contract ethics.

In the context of normative ethics, the theory of contract, which regards contract as the starting point of moral argument, is undoubtedly an important theoretical framework. The ethics of contract theory understands morality as a rational design or wise contract made by human beings for the protection of interests and the satisfaction of needs. Such a contract reflects the moral implication of taking into account the equal status of the subject of action and respecting its independent will. The theory of contract regards morality as a cooperative behavior between actors for the mutual protection of interests, which enables the society to achieve maximum justice.

But understanding morality as a contract between people for mutual protection of interests has also been criticised and questioned. There are some issues in the normative system of ethics that are not related to contractual cooperation, but are related to one-way pure profit and its value appeal, for example, as disclosed early in the 18th century by a British theologian and a philosopher, namely, Joseph Butler and David Hume. Hume pointed out that the pain and needs of others are also important motivation for human moral behavior. The normative system also includes the moral capacities for altruism and caring for the weak.

Ricken connects Kant to contract theory on this basis. He sees contract theory as an interpretation of Kant's formula for the realm of ends. In the realm of ends, every rational member must regard himself as a legislator of universal norms on an equal footing, not only observing and applying moral laws, but also determining their content. Which content is of the greatest interest to rational members? Ricken points out that, in Kant's view, it is the guarantee of human dignity. This is more important than fairness, altruism and caring for the weak. Dignity means that the human being should be treated as an end *per se*, and the protection of human dignity has absolute priority in the event of conflict with other competing goals, that is, the value of dignity is higher than the cost of any other benefit.

Ricken highlights the importance of human dignity by linking Kant to contract theory. I think this is the most significant part of Ricken's article. Dignity implies that a person should be seen as an end *per se*, and that no individual can be completely instrumentalised for a purpose (such as for a national purpose, the balance of benefits, or a social ideal). Through the value that a person is end *per se*, a recognition of human dignity makes it possible that each one

obtains a basic subject status. To respect and look upon a person as an end *per se* means to really respect him for his or her sake, even if there is no return and benefit to be expected, and even if the person is wholly unhelpful to the attainment of our own interests. The self-purpose of the person who embodies human dignity is absolute and unconditional. As we have said before, with the efforts of later generations, traditional contract theory has been advanced to the complete modern contract theory. This, alas, makes the theory of contract one-sided.

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The criticism that contract ethics ignores the objective existence of human moral axioms and that intuitions form an important philosophical foundation for the theoretical improvement of contract theory has been asserted by T.M. Scanlon, the most significant representative of contemporary contract theory. He believes that the basis of contract is not the consideration of the contractor's own interests, but a fair and impartial perspective that takes into account all people. And impartiality is "unable to be rejected by reason". "Cannot be rejected by reason" constitutes a criterion of morality:

the basic feature of morality is that it cannot be rejected by reason. The “rational rejection” as a standard also allows modern contract theory to accept moral elements, such as altruism, moral axioms and moral intuition, that are in trouble with traditional contract theory. Although these moral elements may have nothing to do with the need for self-interest, they can still be strongly defended in the modern system of contract theory because they “cannot be rejected by reason”.

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Scanlon’s efforts make the traditional contract theory evolve towards a more comprehensive and complete moral system. This complete theory of contract not only has the moral implication of respecting the freedom and autonomy of the subject of action and safeguarding fairness and justice, but also includes the moral capacities of altruism and caring for the weak, which is a point of convergence with Ricken’s comprehensive analysis of Kant’s ethics.



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