

MORALIDADE ALÉM DO CONTRATUALISMO

LA MORALIDAD MÁS ALLÁ DEL CONTRACTUALISMO

MORALITY BEYOND CONTRACTUALISM

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Resumo: Neste trabalho, pretendo esboçar um conceito de moral que possa servir de base para uma teoria imanente do valor com fulcro na economia dos afetos envolvidos na confrontação moral, o que é característico de animais com sistema nervoso complexo, como é, em especial, o caso de certas espécies de mamíferos, incluindo o *homo sapiens*. O que dá a esses afetos uma dimensão moral é o modo como interferem e determinam o comportamento mútuo de indivíduos em grupo, mediante o quê valores são criados, sustentados e transmitidos. O itinerário que seguirei será o seguinte: discutirei, inicialmente, o problema da normatividade mediante uma atualização da falácia naturalista a partir da falácia genética e desde o ponto de vista de uma teoria do valor. Isto significa que não abordarei a questão desde o problema do dever, mas mostrando que a questão da falácia naturalista está conectada e pode ser melhor entendida desde a perspectiva dos valores. A escolha, numa teoria moral, sobre a medida do que é bom tem implicações fundamentais para o conceito de dever nessa teoria, o que é o cerne de qualquer discussão sobre normatividade. Esta conexão será explicitada. Em seguida, desafiarei a tese de que o indivíduo (no sentido civil e legal atribuído ao termo pelo Esclarecimento) seja um ponto de partida adequado para a filosofia prática. Criticarei também os limites que a tradição do Iluminismo tem posto ao que pode ser considerado moral e, no mesmo movimento, o conceito de moral do contratualismo clássico e que tem sido a base para a maioria das abordagens contemporâneas em filosofia moral, inclusive de algumas naturalistas.

Palavras-chave: naturalismo moral, conceito de moralidade, teoria do valor, contratualismo, preferências morais, sentimentos morais.

Abstract: In this paper, I intend to outline a moral concept which could be the bases for an immanent theory of values which is sustained by the economy of feelings involved in the moral confrontation characteristic of the social life of animals possessing a complex nervous system, as is particularly the case with certain species of mammals, including *homo sapiens*. What gives a moral dimension to these feelings is the way in which they interfere with

and determine the mutual behaviour of individuals within a group, and it is through this process that values are devised, sustained and transmitted. The route I will take is as follows: I will begin by discussing the problem of normativity, on the basis of an updating of the naturalist fallacy by way of the genetic fallacy, and from the point of view of a theory of value. This means that I will not approach the issue directly via the problem of duty, but by showing that it is connected to, and better understood within, a perspective of value. The choice in a moral theory of the measure of what is good in it has fundamental implications for the concept of duty, which is at the heart of any discussion concerning normativity. This connection shall be clarified. I will then dispute the thesis that the individual (in the civil and legal sense attributed to the term by the Enlightenment) is an adequate starting-point for practical philosophy, and criticise the limits which tradition has placed on what can be considered moral whilst, by the same token, criticising classical contractalist concepts of morality which has been the bases for the majority of moral approaches in contemporary philosophy including for naturalistic ones.

Key-words: moral naturalism, concept of morality, theory of value, contractualism, moral preferences, moral feelings.

Introduction¹. In the context of the discussion concerning genetic influence over our moral choices (a question which was raised in the past by sociobiology, and is being raised nowadays by evolutionist psychology, both of which are part of the Darwinian inheritance), the naturalisation of morality is inevitably both a challenge and a problem to be solved. On the one hand, there should be a continuum between genetic information and the range of (mainly social) behaviours which the human species exhibits, whilst on the other hand the dynamics of values stubbornly resist any genetic explanation. This tension reinforces two unsatisfactory tendencies in the realm of moral theories. Tradition is not able to incorporate in any consistent way the biological element in the treatment of morality, and entrenches itself in culture in order to fulfil its descriptive task, at the cost of accepting, implicitly or explicitly, a second kind of nature: a “disnated” nature. At the other extreme, the adoption of a naturalistic perspective of moral behaviour usually leads to an over-simplification of the complexity of human morality, and this is also due to an excessively reductionist approach which does not allow sufficient independence in values relating to the biological determinations of the human species. The result of this is that the knot which lies at the heart of the matter is not untied, but simply cut. In philosophy, this occurs, in most cases, to the advantage of tradition, also among naturalists.

¹ A previous version of this text has been originally published amid a much longer work “A moral e os valores numa perspectiva naturalizada e evolucionista.” in: BRITO, A. Naves de & REGNER, A. C. (Org.) *Ecos de Darwin*. São Leopoldo: Unisinos, 2012. E-book. It has also been presented in the first congress of the Sociedad Filosófica del Uruguay and appeared in its annals.

The crucial problem with attempts to naturalise morality (and, therefore, not explain it from a transcendental perspective or from a human trait which cannot be reduced to natural evolution) lies in adapting it, in an immanent way, to nature and to culture. To couch this in ethical language, we could say that this entails adapting our own selfish inclinations (as our natural inclinations are usually considered to be) to our capacity for cooperation, and to our ability to form societies which go beyond those based only on family relationships. One aspect of this problem which is rarely considered lies in the theories of value which are espoused by moral concepts. Keeping morality on an immanent footing proves to be a difficulty which is particularly acute for a theory of value, since “natural value” is an expression lacking in reference. Indeed, “value” is a human creation, and therefore there is no “natural value” in the strictest sense. However, if it were essential in relation to moral value to transfer practical theory to a hypernatural and, therefore, transcendental plain, then morality (for which value is a basic concept) could not be naturalised. From a naturalistic standpoint, value must be of a hybrid nature: it must be atavistically linked to human inclinations and preferences, and must belong in an equally profound way to culture, which is where the concept is formed and operates.

Returning to the hypothesis that morality constitutes a second form of human nature (which represents the dominant tradition in practical philosophy), there is a theory of value corresponding to this hypothesis which excludes any reference to inclinations. This tradition is very well-suited to the enlightened humanism bestowed on us by modern philosophy, but which enters into conflict with the immanence cultivated by science, as expressed in the adage *natura non facit saltus*, which also sums up the ultimate meaning of naturalism within the sphere of moral investigation.

In order to remain within the bounds of nature, we must try to find a corresponding entity which is part of the concept of value. This is the individual preferences. From a naturalistic point of view, whatever has value corresponds to individual preferences in a way or another. What is required here is a theory of value which accounts for the hybrid nature of its existence in between biology

and culture, and which is compatible with the evolutionary history of the human species. If naturalisation of moral values is possible on these terms, then an immanent means of linking nature and culture is also feasible.

It is evident that a naturalised theory of value (that is, a naturalised theory concerning what is morally good, and how this goodness is constituted, maintained and transmitted within and between groups of human beings) has a significant impact on the general concept of morality. Indeed, an important part of the effort to naturalise morality lies in showing, on one hand, that the traditional concept of morality (as generally adopted in philosophical writings, as it is yet to be seen) is based on thesis about moral values which are not naturalistic, and on the other hand that this has a negative effect on the results of work which is clearly of a naturalistic tendency. Discussing the concept of "morality" is therefore a propedeutic approach which is required to make it unnecessary for naturalism to account for any phenomenon which is, so to speak, "not of this world", and to keep the effort to understand morality within the limits of the habits we can find in any human society (or even in groups of other mammals).

The purpose of this paper ² is, therefore, to analyse the propedeutic approach referred to above. I intend to outline here a moral concept which could be the bases for an immanent theory of values which is sustained by the economy of feelings involved in the moral confrontation characteristic of the social life of animals possessing a complex nervous system, as is particularly the case with certain species of mammals, including *homo sapiens*. What gives a moral dimension to these feelings is the way in which they interfere with and determine the mutual behaviour of individuals within a group, and it is through this process that values are devised, sustained and transmitted.

The route I will take is as follows: I will begin by discussing the problem of normativity, on the basis of an updating of the naturalist fallacy by way of the genetic fallacy, and from the point of

² I would like to thank my students at the Chiron Research Group in Philosophy (Unisinos/CNPq) and Sofia Stein for their invaluable comments and criticisms concerning the preliminary draft of this paper. I also thank the support of CNPq-Brazil.

view of a theory of value. This means that I will not approach the issue directly via the problem of duty, but by showing that it is connected to, and better understood within, a perspective of value. The choice in a moral theory of the measure of what is good in it has fundamental implications for the concept of duty, which is at the heart of any discussion concerning normativity. This connection shall be clarified. I will then dispute the thesis that the individual (in the civil and legal sense attributed to the term by the Enlightenment) is an adequate starting-point for practical philosophy, and criticise the limits which tradition has placed on what can be considered moral whilst, by the same token, criticising classical contractalist concepts of morality which has been the bases for the majority of moral approaches in contemporary philosophy including for naturalistic ones.

Normativity and value between genes and culture. The connections between a theory of value, the problem of mediation between genes and culture, and the question of normativity are not immediately obvious, even though they are strong. They have been neglected by practical philosophy when they have to show their theoretical mettle. It would be more correct to say that these connections have been neglected in the outer layers of moral theories, although they operate strongly at less visible levels. In the following two sections, I will try to demonstrate the link between those elements which practical philosophy has assimilated and reproduced (although this has often happened inadvertently), and the theoretical consequences this has led to, the most grave of which is the obstacle placed in the path of the naturalisation of morality. I will not deal with this issue by referring to the opponents of naturalisation, but rather look at it from the point of view of those who support the concept. The “inadvertence” mentioned above relates more to the group of thinkers who have embraced the naturalistic creed, even though they themselves are bowed down under the weight of tradition.

The problem of normativity has its roots in the question which concerns the fundamental validity of moral judgements. One way of formulating this question is as follows: how can we explain

the normative efficacy of practical judgements, laws, norms and moral obligations? Linked to this is the question of the efficacy of values, since the moral demand that something should be done or avoided reflects the moral values embraced, and to which one wishes to give efficacy within a particular moral community. As a result, the question concerning the normative efficacy of obligations is also the one concerning the normative efficacy of moral values. We can therefore paraphrase the question asked earlier as follows: what is the basis for the objective validity of moral values and for the obligations which are derived from them?

Following the thread of the main argument outlined in the Introduction to this paper, I would like to extend the line which divides the answers to these questions between the two camps of nature and culture. I have already affirmed that the traditional view fits well within the sphere of culture, but those who seek refuge in the sphere of nature often succumb to the influence of tradition, especially to the idea that moral obligation is rooted in some rational basis humans have to make decisions and is thus dependent on that “rationality” latter for its normativity. This concession has been made in the light of the use of the concept of morality which tradition has made homogeneous, and which naturalists have assimilated without criticism.

At this point, it is necessary to narrow the scope of the term “tradition” to refer to that which defends the morality corresponding to the rational element of human beings. From the point of view of value, this means that the basis for goodness in a moral sense does not lie in the moral preferences of the species (which, in fact, are often seen as an obstacle to morality), since these preferences are passionate, egoistic and anti-social. Within the concept of this tradition, this would correspond first and foremost to the product of the human capacity for mediating the said preferences through principles which are recognised as valid, mainly because they are, as it were, *consistent or rational*. It was Kant who most clearly and radically established the rational fundamentals of morality, in a way which is particularly relevant and influential in these modern (and secular) times. For Kant, the practical element in the human species is based on a moral law whose main criterion is non-contradiction, which is a logical

principle *par excellence*. In addition to its paradigmatic aspect, there are numerous variations on the same alternative for a solution to normativity, and in all these variations there is a similar balance between value, culture and normativity. The effectiveness of the norms adopted depends on their ability to represent objective values which are not based on individual biological preferences, but on the acceptance of general principles which can form a coherent system of norms forged in the melting-pot of culture, which is the cradle of morality.

For reasons I outline below (but which are more fully explored in the next section), many naturalists concede a fundamental point to traditionalism, i.e. that morality did not exist prior to culture. Even a radical Darwinist such as E. Wilson and M. Ruse accepts this concession when he redefines ethics in terms of genetics:

In an important sense, ethics as we understand it is an illusion fobbed off on us by our genes to get us to cooperate ... Furthermore, the way our biology enforces its ends is by making us think that there is an objective higher code, to which we are all subject. (M. Ruse & E. Wilson, 1985, p. 51.)

The idea that morality³ is an illusion is only stylistically different from the idea that it belongs to a non-material universe. In line with this view, we can conclude that there is no such thing as an earthly morals, but simply a natural determinism which controls individual actions depending on the economy of causes, in such a way that it produces the illusion that an objective code really exists. The most problematic point of the quotation from Wilson and Ruse is the phrase “ethics as we understand it”. This is also morals as it is understood in the tradition referred to above, and for this tradition

³ The distinction between “ethics” and “morality” is not relevant here, and I use both terms to refer to the same phenomenon, i.e. that of a social life which is regulated by the mutual demands of the members of the same group. This definition coincides with the ethological approach to the investigation of animals with complex social behaviours, as well as with ethnological efforts to describe different cultures. In relation to the two terms mentioned, I have made use of the etymological explanations provided by Tugendhat, 1993, p.33 ff, who likewise does not assign different meanings to them.

the passage from genes to morality has been closed, with the result that it is necessary to make a death-defying leap to go from genes to illusion. This concession is fatal to naturalism, since it accepts that morality is, in strictly natural terms, a mere illusion which cannot therefore be an object of scientific research. The naturalist would say that other forces rooted in our genes operate at the level of nature, but to which, surprisingly, is attributed the capacity for producing the illusion of morality. Faithful to his mantra of scientific immanence, he does not accept the thesis that there is any basis for whatever is produced by human beings not being reducible to their biological or, in the final analysis, physical nature. Nevertheless, the naturalist works with a concept of morality which is incompatible with his causal beliefs, i.e. “an objective higher code, to which we are all subject”. It is obvious that, at the level of nature alone, the only code to which human beings are subjected is the genetic one which, by definition, is not “higher” but immanent, not rational but intuitive, not objective, but functional. The normativity which is characteristic of a morality shaped in accordance with “an objective higher code” is not reducible to causal mechanisms, but this is what the naturalist has to explain using purely terrestrial resources. On this level, our genes must (in some obscure way) produce the morality (that second realm of illusion) underpinning duty and values, which are intrinsic elements of any serious ethnographic description of a social group.

In marked opposition to the high standards of proof and explanation maintained by science, the obscurity of the influence of our genes on human moral culture (with their link to an illusion) does not appear to create difficulties for philosophers such as Ruse and Wilson. This is explained by the fact that morality is viewed as an illusion, i.e. as something which is of minor importance in the causal chain of relationships. On the one hand, such a position is difficult to accept for human sciences in general, since in this case the object of study is reduced to the point of irrelevance, whilst on the other hand the position is unsustainable and ends up by ambushing whoever defends it. It is unsustainable because an explanation of the relationship between genes and morality is demanded, and this is justified by the statutes of science. The question “How do genes produce the illusion of morality?” is a

legitimate one. It puts the naturalist in a predicament which was first alluded to by Hume (1739-40), but which was first referred to as “the naturalistic fallacy” by Moore (1903) in his discussion of the nature of utterances with a moral content. In its genetic version, the question is now as follows: How is it possible to move from genetic data to the normativity of the illusory realm of morality? How can we do this without making an illegitimate transition between what *is* and what *ought be*, especially if what ought be is in a position that higher to what is?

It is impossible to deny the existence of morality (and of its corollary of culture) in any human society (and in the sense that morality is functional for social animals, it has to be accepted that morality is also a trait one can find in some social species). However, we can concede, within the bounds of this ill-advised naturalism, that morality does not belong to nature, even though it is determined by it (or more specifically, by our genes). This means that, in the best of all possible hypotheses, it is derived without the necessary mediation of our genes (and therefore illegitimately), or, at worst, without any explanation whatsoever. Of course, any form of moral naturalism worth its salt must hold that the naturalistic fallacy is not an insurmountable theoretical obstacle, but it is also clear that it is so forbidding because the connection between what *is* (our genes) and what *ought be* (values, duty and culture) is very badly designed. The concept of morality which is taken as a starting point therefore plays a major role in this scheme of things.

The concept of morality inherited from the tradition weighs heavily on naturalism because the way in which we understand morality was forged in it. When we try to explain the moral phenomenon, the problem to which we need to give an answer is more or less as follows: how is it possible to create a society beyond the limits of family groups, tribes or clans? In the tradition, the problem is interwoven with the question, to the extent that asking whether a society is possible is the same as asking whether morality is possible. In the tradition, however, morality cannot be part of the solution since it is part of the problem. As a result, it is not able to explain how human beings went from their natural tendency to live

in groups to cohabitation in complex societies⁴ of a civil or quasi-civil nature, and with a formal or semi-formal legal structure, as to explain this would imply explaining the origin of morality itself. At the end of the day, it is this which makes the traditional concept of morality immiscible with naturalism, since it establishes an insurmountable gap between nature and culture in the way it converts morality, which is the only means of connecting the two sides, into an autonomous pole standing side by side with “the second human cultural nature”. Society which is interwoven with morality has its own specific characteristics, since both concepts can be applied to individuals for whose imputability autonomy is a necessary prerequisite, as is its corollary of rational discernment.

The consequences of this inadvertent conceptual assimilation are at the same time compromising and all-embracing. If we assume that both morality and complex societies are the product of autonomous individuals practising rational discernment, the explanation to be given by naturalists (like that given by the tradition) must connect genetic mechanisms with rational deliberations. In such a scenario, it is not surprising that contractualism has placed itself in a privileged theoretical position amongst the supporters of moral naturalism. The description I have given above explains the essence of this.

Contractualism is the major currency used by naturalists ever since Hobbes (1651). Of the same lineage are Locke (1689), Rousseau (1762), Kant (1797) and, more recently, Rawls (1971), Scalon (1998) and Tugendhat (1993 and 2001b), as well as game theorists *et alia*, such as Kitcher (1985) and Sober-Wilson (1998), or economists, such as Nash (1950). What they all hold in common, despite numerous and often profound differences, is the belief that morality is the result of a decision-making process which

⁴ By “complex society”, I mean to describe a type of social manifestation which is characterised by a number of members beyond the capacity of government by individuals with family ties. The concept is therefore used here in a very wide sense, since the limitations of this type of government are very narrow. In this paper, however, the concept is more frequently evidenced in societies which already possess a marked civil character, i.e. societies with a positivist normative order, even though this may only be transmitted orally between its members.

is to be investigated in relation to individuals, and is a human phenomenon unique to this species. As Dennett points out:

They (“contractarian” Just so Stories) all agree in seeing morality to be, in one way or another, an emergent product of a major innovation in perspective that has been achieved by just one species, *Homo sapiens*, taking advantage of its unique extra medium of information transfer, language. (Dennett, 1995, p. 455-56)

By and large, Dennett (a militant naturalist) also accepts the traditional concept of morality as a starting-point. It is worth noting that the opening chapter on morality of Dennett’s book, *Darwin’s Dangerous Idea*, which is entitled “On the origin of morality”, has as its hero none other than Hobbes, for whom (according to Dennett) “there was no morality in the past” (Dennett, 1995, p.454). Dawkins’ (1976) theory of memes also helps to explain the sense of morality which is attributed to it by the tradition, a sense which is primarily contractualist. It is evident from the quotation from Dennett (above) that language is another essential component of the “hard centre” of the contractualist position, and thereby reinforces its structure. The singularity of morality as a natural phenomenon corresponds to the singularity of human language, whose distinctive feature is its logical/rational structure. The emergence of this “unique extra medium of information transfer” (human language), which has raised humanity to the level of moral (and cultural) beings (given the predominance of this tool as a means of discursively structuring the world), has allowed us to perceive the realms of objectivity and morality. By dint of this, the human species has been able to distinguish between positive and negative values, and has thus been able to raise itself above other species by building societies which are not based on family ties but on laws, the most “natural” way in which contractualism can be formulated. This also implies the utility of laws, where individuals weigh advantages and disadvantages before sealing the pact which signals the beginning of culture *strictu sensu*.

There is enormous scope in accepting that morality is an epiphenomenon and a means which is not available to other species to make the social lives of individuals with complex nervous systems possible, whilst also incorporating a theory of values. In fact, the

concept outlined determines morality entirely, at the same time as it benefits from the theory of values it gave birth to. Value, according to the standard view of traditional concepts, is measured by means of the rule of objectivity, i.e. by its rational properties, in a complex interplay which is another distinctive feature of human morality, and is intimately linked with rationality⁵. In schematic terms, what happens with value has already happened with morality. Since it is related to actions for whose motivation the individual has selected a principle and not a mere inclination, value can no longer be a means of explaining how moral actions are possible because it will be the result of these actions. According to this interpretation, moral value is defined by the motivation of the agent, and the more all-embracing the principle which underpins it, the more commendable the action will be. As long as natural and biologically-determined inclinations are viewed as egoistic, the *summum bonum* will be in opposition to these inclinations and will be tantamount to a purely rote action. This action is motivated by an agent who, despite his inclinations, and by virtue of his discursive and rational nature, perceives it as a less egoistic way of proceeding which is of universal interest. This is realised thanks to the freedom and autonomy which his special ability to judge confers upon him. The tradition begins by thinking in terms of gaps, which then transform themselves into chasms.

The instinctive working of morality, and the pleasure derived from doing what is considered to be morally good⁶ (both of

⁵ Although the tradition is rooted in the connection between reason, freedom and value, it is clear that this trinomial is much less cohesive than expected. In the practical philosophy of Kant, for example, the theory of value, derived from the analysis of ordinary moral judgements, is much more decisive than the doctrine of freedom which is, after all, a corollary of it. I defended this thesis in a paper written in 2010 under the title of "Freedom and Value in Kant's Practical Philosophy" (Brito, 2010).

⁶ Hume, whose utilitarianism lies at a considerable distance from the calculation of benefits leading to the greater welfare of society (in the sense of Bentham or Mill), proves to be a welcome exception in modern philosophy, and is a permanent inspiration to modern naturalistic philosophy. He is one of only a few who manage to reduce the concept of value to the agreeable. Although the concept of utility presents difficulties for Hume, particularly in relation to the artificial virtues, he has no hesitation in placing it within the realm of what is agreeable, in such a way

which differentiate tribal life from social life), close off completely the paths which lead from nature to culture, or from genes to morality. Once we have reached this point, any attempt at naturalisation, or at reconciliation between the two poles, is in vain. The nub of this problem is, as I have attempted to show above, a concept of morality whose semantic essence evokes something beyond nature, unique to humans and contrary to their atavistic inclinations. Of course, this concept is based upon, and implies, a full apprehension of morality, and if we wish to change this apprehension, we must do so in order for the naturalisation of morality to have any chance of success by untying the Gordian knot of the theory of values.

The belief that morality starts to exist in the human species only in the cultural stage of development is directly determined by the belief that positive moral value is in opposition to the subjective interests of individuals, and of their inclinations. It corresponds to universalist motivations whose source, by a process of elimination, can only be located in rational decision making, no matter how the concept of “rationality” may be conceived. If moral value can be explained in strictly immanent, and thus fully naturalistic, terms, the concept of morality can be extended to include social manifestations which are much less abstract than those in societies which are regulated by tacit agreements. These two elements of value and morality will be a part of the solution to the problem of explaining the peculiarities of human societies (and also those of other species of social animals) satisfactorily. In this sense, morality has to be seen as a functional trait which we share and have inherited from others social species, especially the apes.

Breaking with the tradition is a difficult process, but one which is necessary for the success of the naturalist project, and an obvious difficulty is to break away from the contractualist theory of morality. This, however, is a minor consequence of the philosophical endeavour which needs to get to the conceptual root of this position, i.e. to question the contractualist concept of the individual, which carries with it all the elements characteristic of

that, as far as he is concerned, the path between nature and values has never been blocked..

this moral stance, right the way through from freedom to rationality. This is what I shall attempt to do in the last section of this paper.

The Individual and contractualism: breaking away from tradition.

The way in which evolution carries out its work, by means of individuals or groups of individuals, causes theories of an evolutionist ilk to consider them as fundamental theoretical units.

In a passage from *The Origin of Species* (1859), in which he sets out one of the principles of his theory, Charles Darwin states the following: “Man selects only for his own good; Nature only for that of the being which she tends.” (Darwin, 1859 (2006), p. 503.)” It was the task of the neo-Darwinists to reduce the significance of the role of the individual in evolutionist theory, and strengthen significance of the role of populations. However, this theoretical adjustment did not undermine the principle which lies at the heart of Darwin’s conclusion, and that is what I wish to emphasise here. This is the materialist principle which is the driving force behind Darwin’s comparison between artificial and natural selection. The first of these forms of selection has a precise aim which is defined by the human beings who want to reach it, whilst the second follows the course mapped out by the forces of nature, and is not guided towards a pre-determined goal, or an intentional one. The absence of a general aim which drives the evolutionary process (which, if it existed, would give the process an ordering function, but would be extrinsic to nature itself, an unacceptably high price to pay in Darwin’s way of thinking) corresponds to an explanation of mutations in individuals, in and through whom evolutionary forces act.

In a system which should function without the plan of a ubiquitous intelligence, the idea that its development should favour one or other species is inappropriate, as is the idea that the system should aim to dispense any specific good. When looked at from this materialist standpoint, the very concept of value lacks meaning and, in describing nature, it is not acceptable to state which good is being promoted. In fact, this is just a moral variation of the idea that nature serves a purpose. An ultimate meaning for the history of

nature is not necessary for evolutionism, in the same way that it is not necessary for a description of how things function in the physical universe, since both the universe and life have their own histories, but there is no “why?” included in this. In a world evolving without blueprints, explanations for the structures which are the result of the evolutionary process must be limited to causal rules hostile to moral determinations. Darwin stresses this point in the case of the relationships between the species: “What Natural Selection cannot do, is to modify the structure of one species, without giving it any advantage, for the good of another species.” (Darwin, 1859 (2006), p. 505)”

The physical causal processes, in the absence of intentional “intelligent” forces (for example, God) are developed by means of changes and from the asymmetries of the system. In biology, when things are observed from a wide-ranging materialist point of view, they also act by means of changes favoured by asymmetries which, from the standpoint of both species and individuals, can be metaphorically described as taking with one hand and giving with the other.

The naturalisation of morality certainly implies the incorporation of the descriptive evolutionist (and therefore materialist) model for an explanation of the phenomenon with which it is concerned. In this sense, it appears to be right that we should consider individuals as basic theoretical units in order to take account of morality in the realm of naturalism. The problem is that the concept of the individual is not a neutral one, and unless a critical analysis of its tenets is made, naturalism runs a much greater risk of having to pay more than it intends for what it wishes to receive.

The concept of the individual is particularly important for contractualism, whose theoretical strategy for explaining life in society is based on the individual, and has a materialist streak which is very attractive to the naturalist. I own here an explanation about my use of the concept of “contractualism”. Since I am trying to argue against a traditional view in moral theory, I shall concentrated myself on the origins of this tradition. Therefore, I will focus on the classical contractualism as forged in modern philosophy rather than considering its contemporary variants. The

classical contractualist's explanation for how the social fabric is woven and maintained dispenses with any eventual benevolent motivations on the part of individuals, and is based on their ability to play the game of exchanging concessions and advantages in their own favour. This is a Smithian model: while they seek to satisfy their needs, individuals inadvertently promote good in society and even make it viable. In line with this, society is perceived as a chessboard on which the agents involved are animated by their "natural" anxiety to maximise advantages and minimise disadvantages. In contractualism, the naturalness of this inclination is due to its supposed coincidence with the basic instincts of individuals in a natural state, a situation in which the normal social counterweights (both cultural and moral) do not operate and where, in consequence, individuals are motivated to act by instincts of self-preservation. This is all apparently very much to the taste of evolutionism, and very conducive to the scientific model of arguing by cause and effect.

There is without doubt a relevant theoretical coincidence between the two perspectives of contractualism and naturalism regarding their desire to maintain the explanation of phenomena (in this case, of society) on the level of causal chains, so that it is possible to see the workings of materialism in both of them. There is, however, one point which separates them irrevocably. The materialism in classical contractualism lacks an evolutionist component and, as a result, a sense of the history of the evolution of the human species. This is decisive in limiting the capacity of contractualism to take account of its theoretical tasks in frankly naturalistic terms.

In classical contractualism, human beings are usually conceived outside the background of their evolution, which means that this theoretical concept has set itself the task of explaining a phenomenon which occurred very late in the history of the species, i.e. a morality which is interwoven with life in complex societies (as it was discussed in the previous section). In addition, classical contractualism takes as its starting point for fulfilling this task an individual who can only exist in the more advanced stages of human history in which these societies came into being. This individual is socially constituted, legally stipulated, and

economically determined. At the beginning of his first essay in *Genealogy of Morality* (1887), Nietzsche complains, quite rightly, about the lack of historical perspective in the treatment of morality⁷.

This criticism hits the contractualists right between the eyes, but the wideness of its scope has gone largely unnoticed by the majority of philosophers and even by Nietzsche himself. The lack of a historical dimension in studies of morality cannot be compensated for by a genealogy of values relating to the various configurations of human societies, but demands a historical spirit which is even deeper and more scientific. It necessitates the consideration of the evolutionary history of the species going back to its humanoid ancestors, and to those eras in which the only society available was constituted by blood relations. In fact, it must go even beyond that to the social life of the big apes. For Nietzsche, and for many of his contemporaries in nineteenth century Germany, a broader historical dimension was required. Whilst the history of human culture began with written records, the history of the species is intermingled with the history of the evolution of life on earth.

As a result of the lack of a long-term historical dimension, classical contractualism operates with an outdated notion of the individual. From the top of the evolutionary ladder which allowed *homo sapiens* to overcome his competitors, and ignoring the atavistic elements which guaranteed the supremacy of the species over others and over natural diversities which threatened it along the way (residual elements which are still active in our biological constitution), contractualism as a moral theory stands out as taking account of a problem which is displaced from its original setting. Human morality, “as we understand it”, is a recent manifestation, but one to which classical contractualism gives an autonomy which is separated irreversibly from nature because it is detached from the evolutionary history of the species. As I have endeavoured to show above, the concept of morality upheld by the contractualist tradition, when all is said and done, calls upon a notion of a

⁷ “Alle Achtung also vor den guten Geistern, die in diesen Historikern der Moral walten mögen! Aber gewiß ist leider, daß sie gerade von allen guten Geistern der Historie selbst in Stich gelassen worden sind! Sie denken allesamt, wie es nun einmal alter Philosophen-Brauch ist, wesentlich unhistorisch: daran ist kein Zweifel.” (Nietzsche, 1990, p. 14.)”

“disnatured” nature, or a “second” human nature which has no place in a naturalistic approach.

In concrete terms, the individual within the contract can be considered apart from his group and, in accordance with this, his interests⁸ can also be conceived outside the background of his dependence on those of the group. In this way, morality appears as an epiphenomenon which, in the case of human beings, has been able to make a connection (albeit under duress) between individual interests and those of the group or society. For contractualism, this harks back to the difficulty the theory has in explaining the origin of morality, since its line of argument leads to the establishment of (yet another!) gap between individual and group interests. The materialistic streak in contractualism, without the necessary complement of evolutionism, produces a disnatured concept of the individual. Having identified the gap between individual and social interests, classical contractualism does not consider the former as being *prima facie* moral, whereas it considers the latter as belonging to the realm of morality. It affirms that individual interests are governed by instinct, whilst group interests are determined by culture. If naturalism espouses the classical contractualist concept of morality, in addition to assimilating the concept of the individual, it takes upon itself an immense amount of ahistorical debris, and irreversibly tarnishes its immanent vocation. However, this is exactly what many naturalists do as well as the majority of the contemporary contractualists.

Strategic theories, such as game theory, are very well-suited for accounting for the antagonism which is presumed to exist between the individual and society. They are also useful to the cause of a naturalism which has unwisely adopted concepts which

⁸ In the context of classical contractualism, it is more appropriate to talk of interest than of preference, since game is the paradigmatic model for its reading of social relations. However, the underlying materialism of contractualism connects the two concepts, connecting the interests of individuals in society to the natural strength of their inclinations, and therefore connecting them to the preferences of men. Hobbes is, incidentally, an eloquent example (cf. His *Leviathan*, 1651). The contractualism, however, relies on human ability to discern and, thus, convert preferences into interests. Hereafter, I take in account this semantic nuance while using both terms.

are, in fact, anathema to it. Thus, the main source of dispute between contractualism and naturalism lies precisely in the erroneous conclusion to which I referred in the first section of this paper, that morality is not *tout court* in nature, but, in fact, appears to be contrary to it. At first sight, the most “natural” tendency would seem to be towards a conflict between individual interests, which is very much to the taste of the Hobbesian allegory of all-out war between the camps involved⁹.

By placing individual interests in opposition to group interests, the reconciliation which is needed to make social life possible requires an intentional and conscious effort of rationalisation (assessment of advantages), which is understandable when viewed from the top of the cultural edifice which humanity has succeeded in building, but which makes no sense when it is considered from an evolutionary perspective and against the background of the living conditions of our ancestors. As such, to consider it as a relevant factor in the workings of evolutionary forces is, at best, naive¹⁰. When viewed in terms of the primeval conditions of our ancestors, the classical contractualist equation simply collapses, since the maintenance of group life is a *sine qua non* for the existence of the individual. If we consider the limited cognitive capacity of our forefathers in ancient times, the maintenance of the group cannot have depended on deliberated agreements but on powerful ties of affection, so powerful as to render anachronistic the idea of a subjective identity in any relevant sense on the basis of which a contract could be made. In other words, the conditions under which the human species evolved did not allow for the constitution of an autonomous subjectivity of a

⁹ “Hereby it is manifest, that during that time men live without a common power to keep them all in awe, they are in that condition which is called war, and such a war, as is of every man, against every man.” (Hobbes, 1651, p. 62)

¹⁰ In different ways, Hume and Kant, whose views are also incompatible, would nevertheless agree with this idea. Hume, very much in line with modern naturalism, affirms that nature would have acted badly if she had trusted to reason something as essential as survival and the certainty about the existence of bodies. Kant, in opposition to naturalism, agrees that, if the aim of morality is the welfare of the species, which is certainly of interest to the evolutionary process, reason would be a very poor counsellor, and it would be better if we listened to our instincts.

civil or quasi-civil nature which could have served as a basis for the construction of morality in the sense in which contractualism uses the term.

Thus, the coming together of naturalism and contractualism is based on a number of ambiguities, and to divest these ambiguities of their influence on moral theories is not an easy task. The thorniest part of this difficulty lies in the lack of an adequate and more accurate vocabulary for describing the biological and social dimensions of human beings, whilst preserving the differences between individuals without severing the connections between them. The concept of the individual, and of everything connected with him, is just one example of the insufficiency of the appropriate linguistic resources required, even though this is a fundamental need, and it is to this subject that I now turn.

To the extent that the descriptions of biological processes do not fail to consider the intentional determiners of the elements involved therein (causal chains have no intentionality), the narrative which is constructed to explain the relationships between individuals within a species and between species should not be used as a pretext for comparisons between these individuals and individuals as social agents. From a strictly causal point of view, no single species is “seeking advantage”, and the individuals which comprise each species act according to behaviours which are selected evolutively because of their ability to ensure reproduction. Therefore the concept of the individual at the level of biological description has to be divested of the trappings which are unnecessary for the description of social phenomena in species with complex neurological systems (as is the case of many species of mammal), but these trappings have to be preserved in the description of the phenomenon of morality, without withdrawing the individual from the field of biological influences. This means that the narrative concerning the behaviour of individuals in society cannot dispense with intentionality, but we must not lose sight of the fact that this narrative is part of another narrative in which this same intentionality has no role to play. Distinguishing between these two levels is essential for preserving the materialism which is inherent to the description of the biological world from an evolutionist perspective, without compromising the explanatory

capacity of naturalism when it is confronted with the phenomenon of morality.

Thus, a naturalist narrative of morality has to make use of concepts which help to keep intentionality in its rightful place, which is that of social relations. A good example of this is the concept of egoism, which only makes sense within the context of complex social life, and to refer to intentional aspects which may be the object of moral judgement. In the context of the description of non-intentional natural processes (in the sense that they may be determined by a ubiquitous intelligence), it is better to use the concept of egocentricity¹¹, in the sense that evolutionary processes can be egocentric, but not egoistic¹².

Concluding remarks. Returning to the main issues of the discussion concerning classical contractalism, it is impossible to think of humanity without considering that moral forces have been active throughout the evolutionary process, a point which is also valid for other species of a similar neurological and behavioural complexity. Therefore, morality is a functional phenomena and not a epiphenomenal one. It is an evolutionary advantage and a functional disposition of these species, and it has to be seen as providing part of the solution to the problem of the link between genes and culture. This means that the concept of morality should not be limited to the approval of the deliberative behaviour of subjectivised individuals (all that is required by the traditional concept which is characteristic of contractalism), but must include behaviours determined by affective inclinations which are selected evolutively. The result of this is that morality has to be viewed not in terms of the subjectivised individual of complex societies, but in terms of the group as an essential unit to which the individual is bound by affective ties, and whose influence over his behaviour is impossible to de-activate.

¹¹ Cf. Tugendhat, 2003, cap. 2 sec. III.

¹² Dawkins' (1976) choice of this term for the title of his influential work could not be more revealing of his inadvertent commitment to the traditional concept of morality.

This broader concept of morality therefore includes the pre-linguistic behaviour of humanoids, as well as the behaviour of other social mammals. This step is essential for opening up the investigation of human morality to account for those atavistic elements which determine human behaviour, and to understand how they can be used to build moral systems which are much more complex than those of other animals.

What we have seen so far shows that the conversion to a naturalism which is non-contractualist in moral terms entails ditching all the significant conceptual baggage which the tradition (especially the modern tradition) has placed on the shoulders of contemporary philosophy. The most important items of this baggage (as discussed above) are: the traditional contractarian concept of morality, which is limited to a system which can only exist at an advanced stage of cultural development and which sees morality as an epiphenomena and not as functional one; an individual who is culturally subjectivised as the basis of a moral theory and a civil society in which, and only in which, morality makes sense, which goes hand in hand with a broadening of the concept of morality; and the disconsideration of the affective disposition of human beings as the basis for morality, including morality in civil society.

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