6
The Enlightenment, Contractualism, and the Moral Polity

Our contemporary notions of social injustice can almost invariably be traced back to the period of the European Enlightenment. Most contemporary moral and political theories are children of the Enlightenment, certainly Liberalism (in all its guises, including Utilitarianism, Libertarianism, and Egalitarianism), Socialism, Marxism, and Feminism. And all these theories are stimulated by a sense of social injustice, whether it is the violation of individual rights, subjugation, exploitation, or sexual oppression.

This chapter explores the legacy of the Enlightenment on contractualism, arguably the most influential way of theorizing social justice in recent years; indeed it is hard to disagree with Alan Hamlin and Philip Pettit’s (1989, 11) claim that ‘contractarianism in one form or another is perhaps the dominant contemporary approach to normative political theory.’ Of course, contemporary social contract theories are significantly different from their ancestors. During the period of its prevalence in the 17th and 18th centuries, the social contract was employed principally to give an account of political obligation and political legitimacy, while in the 20th and 21st centuries it has been revived in order to justify principles of social justice or even to account for the nature of morality.¹

Yet the resurrection of the social contract is far from being complete. Contrary to what has been suggested by critics of liberalism,² I believe the social contract can make a valuable contribution to the debate on the desirable attributes of the good polity, and how to avoid the worst types of social injustice. The focus of the chapter will be on two different contractarian moral conceptions of society, or moral polity. I will argue that the antithetical conceptions of the moral polity within contractarianism are traceable to tensions within the Enlightenment.
The Enlightenment and its many children

Defining the Enlightenment is notoriously difficult. The standard definition points to rationalism as the common currency of the Enlightenment project (assuming that there was such a thing as the Enlightenment project). This is the way the Enlightenment project has been defined by its most ardent critics, for example by authors who adhere to the school of post-modernism, or the communitarian writings of Alasdair MacIntyre. In fact, the picture of the Enlightenment its critics have drawn is simplistic and misleading. Above all, one must be careful not to caricature the uncritical endorsement of reason, and in particular instrumental rationality, in the Enlightenment project. Within the Enlightenment there were those who had powerful reservations about rationalism, who questioned the optimism of the entire enterprise, who doubted the newly discovered blind faith in the power of reason, and even challenged the desirability of this new faith.

The resulting picture of the Enlightenment is clearly more complex than that of its critics, but at the same time unquestionably more faithful to historical reality. The Enlightenment seems to be endorsing a paradox, where reason is praised but with major reservations. Nevertheless, if we want to assess the legacy of the Enlightenment in contemporary political theory, we have no choice but to subscribe to this more complex portrait of the Enlightenment.

Accounting for the legacy of the Enlightenment has been a major preoccupation for both its sympathizers and enemies. It appears to be a widely held view that something called ‘modernity’ is the most enduring legacy of the Enlightenment. In fact ‘modernity’ and Enlightenment are often used interchangeably. While at one level I would not want to contradict this trend, the vagueness and unintelligibility of the term ‘modernity’ makes this arguably the most obscure (but sadly also most popular) analytic concept in contemporary social and political theory. If there were only one essentially contested concept, ‘modernity’ would certainly be the best candidate. Thus leaving aside ‘modernity’, can anything more specific be said about the legacy of the Enlightenment in political theory? Perhaps we can start by saying that the Enlightenment made liberal thought possible.

This statement is undeniable, but still not very helpful. After all, that the liberal cord is made up of many threads is also indisputable. The truth is that the Enlightenment had many ‘liberal’ children. One of these was utilitarianism: David Hume, Adam Smith, and Francis Hutcheson were influential figures of the Scottish Enlightenment, and precursors of what later became known