THOMAS HOBBES AND JOHN RAWLS
Two Views of a Social Contract

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THOMAS HOBBES AND JOHN RAWLS
Two Views of a Social Contract

The purpose of this paper is to define, compare, and contrast the views of the social contract as held by Thomas Hobbes, an early Seventeenth Century philosopher, and John Rawls, a Twentieth Century professor from Harvard. Hobbes and Rawls differ a great deal. Rawls is definitely more humanistic and sympathetic while Hobbes is rather primitive in some of his ideas; however, as much as the two philosophers may differ, they tend to rest on some similar assumptions. My task is to point out these differences and similarities as they relate to particular works by these authors. Hobbes' book, The Leviathan, is considered a classic in the world of political philosophy and he describes his view of human nature and his understanding of politics and society in their modern form. Rawls' book, A Theory of Justice, attempts to account for the unbending sense of justice through a concept he calls "justice as fairness". In doing this, he must express his view of human nature and its relationship between politics and society. I shall start by outlining Hobbes' theory and Rawls' theory as examples of the contract approach, then I will touch upon the views of human nature which inform them both. I shall compare and contrast these views and try to indicate the value and shortcomings of each. Finally, I shall offer some views of non-contract options help by some British utilitarianists and argue whether the whole contractual approach is even worth considering.

Hobbes believes that a contract is necessary between individuals in order for them to exist peacefully together in a societal relationship. Hobbes arrives at this contract by assuming that a "state of nature" exists. In the state of nature there is no contract, and man is free ultimately
(since he is bound by no constraints) to do as he pleases regardless of the
effects and consequences upon other individuals. For reasons I will discuss
later, Hobbes believes that man can not live peacefully in the state of nature.
This state of nature quickly transforms into a state of war with every man
at war with every man. Man's existence would soon dissolve in such a state
where security is nonexistent and productivity is absent.

Whatsoever therefore is consequent to a time of war, where
every man is enemy to every man; the same is consequent to
the time, wherein men live without other security, than
what their own strength, and their own invention shall
furnish them withal. In such condition there is no place
for industry; because the fruit thereof is uncertain: and
consequently no culture of the earth; ... no society; and
which is worst of all, continual fear, and danger of violent
death; and the life of man, solitary, poor, nasty, brutish,
and short (Hobbes, p. 100).

Obviously, this is a state that Hobbes could not live with. Ultimately, he
saw that there had to be an agreement among men and that they should live
together in some type of societal arrangement where the fears and violence
of the state of nature could be subdued. Thus, he arrives at the social
contract.

The terms of Hobbes' contract are simple. When a man enters into the
social contract he gains life, security, protection of property, and in
general, peace. But he must give up certain things as well. This is the
reason for the use of the term "contract". Man must give up certain rights.
For Hobbes, these rights are man's unlimited freedom to do as he pleases
without regard for others and the right to all things as they are in the
world. In other words, man must respect the liberty and property of other
individuals. In agreeing to do this and live up to his agreements, man has
created a contract, but it must be known, that every man considered to live
in the society must agree and abide by this contract, otherwise a state of
war will be maintained and progress will not result. Notice the democratic
approach that Hobbes uses to achieve a contract. He views each man on an
equal basis, and each has rights that must be laid down.

And when a man hath in either manner abandoned, or granted away
his right; then he is said to be OBLIGED, or BOUND, not to hinder
those, to whom such right is granted, or abandoned, from the
benefit of it: and that he ought, and it is his DUTY, not to
make void that voluntary act of his own: and that such hinderance
is INJUSTICE, and INJURY... (Hobbes, p. 105).

Some of the consequences of this social contract have already been
touched upon. Man, even though he is bound by the contract, is constantly
threatened with the destruction of the contract by one or a few members of
that society. Thus it follows that some type of government is necessary
in order to maintain the contractual status of society. I shall discuss
later the type of government or institution that Hobbes proposes in order
to insure his contract.

The social contract according to Rawls is quite a different thing.
Instead of a state of nature that is historical in some degree, Rawls starts
from a situation that is purely hypothetical. He refers to this hypothetical
situation as the original position. Unlike the state of nature, man in the
original position is not to know his "place" in life. Rawls says, "Among
the essential features of this situation is that no one knows his place in
society, his class position or social status, nor does anyone know his
fortune in the distribution of natural assets and abilities, his intelligence,
strength, and the like" (Rawls, p. 12). Although structurally the tendency
seems to be to equate the state of nature with the original position, we
can see that a very big difference exists between the two concepts. Rawls
wants to take himself outside of his bodily environment and in doing so he
believes that man's true nature will surface. The original position is
teleological, unlike the state of nature which simply happened to exist.
The original position is actually created to serve the purpose of choosing
principles and rules or should I say terms of a social contract. So the contract for Rawls originates from a teleological environment of the original position and not from the necessity of peace that is the motivation for Hobbes.

By putting man behind his "veil of ignorance" Rawls wants man to become a disinterested arbitrator of his own situation. Once in the original position, man must choose what type of rules and institutions that he wants to live with. According to Rawls, man will choose "principles of justice" to live by. These principles will govern the actions and decisions of man when he is interacting in society. This type of contract is decidedly more complex than the simple terms of giving up rights for peace that Hobbes' contract proposes. In the original position, man is equal with each other. This concept is similar with Hobbes' but the equality exists for different reasons. Hobbes' equality in the state of nature rested on the contention that each man, in the state of nature, possessed the equal ability to kill each other. Rawls' equality is based on the presumption that each is equipped with the same amount of ignorance or knowledge relating to their particular situation. Rawls seems to favor a more intellectual starting point. Given that men are equal in the original position, Rawls says that man will decide on two main principles. The first principle is that all rights and duties will be equally distributed among all. Rawls defines this in the following: "Each person is to have an equal right to the most extensive total system of liberty for all" (Rawls, p. 302). This concept or principle I will call equality of freedom. Each person is to have an equal share of freedom. The second principle agreed to is that any inequalities among men that exist in the material world are considered just only if these inequalities, such as wealth, wisdom, strength, intelligence etc., result in compensating benefits for everyone. One assumption that Rawls makes here
is that material inequality will exist, but he limits the type of inequalities to those that have compensating benefits for everyone. It should be noted that these two principles rule out the doctrine held by utilitarian thinkers which is that hardships endured by some should be born for the good of the aggregate.

Given this contract, a couple of things catch our attention. First, that the decision of the principles or terms of the contract should be unanimous. This is identical to the democratic requirements of the Hobbesian contract. And second, that there is an implied understanding that the terms of the contract should be adhered to.

Chapter II

In determining their respective contractual theories, both theorists based their ideas on certain facets of human behavior. Hobbes has no problem depicting his primitive view of human nature, but Rawls seems to have a reluctance to commit himself to a particular view although he does so at the end of his book. Hobbes begins his view of human nature by stating that men are equal by nature because of their particular ability to kill each other.

Nature hath made men so equal, in the faculties of the body, and mind; as that though there he found one man sometimes manifestly stronger in body, or of quicker mind than another; yet when all is reckoned together, the difference between man, and man, is not so considerable, as that one man can thereupon claim to himself any benefit, to which another may not pretend, as well as he. For as to strength of body, the weakest has strength enough to kill the strongest, either by secret machination, or by confederacy with others, that are in the same danger with himself (Hobbes, pg. 98).

Given this equality, Hobbes believes that man is driven by passions. Three of these passions, according to Hobbes, are the main reasons for quarrel among men. The first of these is competition. Hobbes believes that man by nature is competitive and this nature is based on desire and greed. Hobbes has a hedonistic view of what man desires. Man desires power because by
by this power he can acquire other desires such as sensual pleasure, admiration or some other ability of the mind. "So that in the first place, I put for a central inclination of all mankind, a perpetual and restless desire of power after power, that ceases only in death" (Hobbes, p. 80). Through this desire for power and pleasure man must acquire resources. In the state of nature man has a right to every natural thing. However, resources are limited and inevitably men will come into conflict with each other. This results in competition among man for power and resources. This, according to Hobbes, is the first cause of quarrel among men.

The second cause for quarrel is diffidence. Since men must compete for resources man is always in fear of losing that which he has acquired.

And from hence it comes to pass, that where an invader hath no more to fear, than another man's single power; if one plant, sow, build or possess a convenient seat, others may probably be expected to come prepared with folles united, to dispossess, and deprive him, not only of the fruit of his labor, but also of his life, or liberty. And the invader again is in the like danger of another (Hobbes, p. 99).

Thus man will quarrel out of fear for his own life, liberty, and property. The third cause is glory. One of the main reasons for man's continual pursuit of power is glory. According to Hobbes, man desires fame and recognition, and will confront other men to achieve it. Hobbes summarizes the use of violence by men in the following:

The first use violence, to make themselves masters of other men's persons, wives, children, and cattle; the second, to defend them; the third, for trifles, as a word, a smile, a different opinion; and any other sign of undervalue, either direct in their persons, or by reflection in their kindred, their friends, their nation, their professions, or their name (Hobbes, p. 99-100).

It seems obvious that Hobbes has a very selfish view of man. Reason plays a part only in that it is used as a cost-benefit-analysis tool to determine the safest or best way to acquire man's desires. This idea leads to the motivation for Hobbes' contract. Given man's selfish, hedonistic
nature limitations must be maintained in order that man will not destroy himself. These limitations are preserved in the form of a social contract. The contract is necessary if man wants to live as a social being. Man will achieve this contract through the use of reason. He will weigh the benefits of life without a contract and life with a contract and see that the contract approach offers him the greatest sense of security; thus, the choice is made in favor of a contract. For Hobbes, the contract acts as an instrument designed to suppress the passionate nature of man. For Rawls, the contract is designed for a whole other purpose as we shall see.

Human nature from John Rawls' point of view is quite a bit more complex than it is for Hobbes. Rawls uses a different approach in defining human nature than Hobbes and other philosophers. The previous pattern, as with Hobbes, has been for philosophers to imagine man in a state of nature. In the state of nature man is himself. Complete freedom is his and his nature is expressed through his desires and actions. As stated before, contracts and civilizations were created as a controlling agent to man's nature. Man created the state and society in order to achieve a more desirable end. For Hobbes that end was security of life. Rawls says that this approach is backward. According to Rawls, man designs governments and societies (or institutions as he calls them) that express his nature, not suppress it. Rawls believes that every man has a conception of good and a sense of justice and is not simply ruled by or a slave to his passions. However, there does exist a basic selfishness or conservatism in man in the original position. Even in the "veil of ignorance" man will not agree that any distribution be to his disadvantage. And also given the choice of several possibilities, man's sense of good and basic conservatism will work together so that man will choose the possibility with the lowest risk. This is what Rawls calls "maximining". Also, it should be noted, that man's sense of justice and
conception of good can not be developed outside of the original position. When man knows his place in life all of his decisions will contain that personal bias to a heightened extent and his goodness and conception of justice will be diminished or ignored. The original position allows man to express this sense of justice and conception of good and to come to terms on a contract that expresses this. In the original position, man is in an equal situation with everyone else. Given this equality, where the distribution of natural assets is concerned, man can imagine that he could end up with the least and find himself in the lower echelon of society. Faced with this threat man will become sympathetic with the well-being of the least advantaged. This idea is reminiscent of Jean-Jacques Rousseau's contention that man feels a natural pity for others and this motivates certain non-aggressive unselfish behavior from him. Rousseau explains this as follows:

There is moreover, another factor that Hobbes overlooked; it is something which, having been given to man to moderate in certain circumstances the ferocity of his egotism, or his desire for self-preservation before his egotism came into being tempers his ardent concern for his own welfare by an innate dislike of seeing his fellow men suffer. ...I am referring to compassion, ...it is a virtue that is all the more universal and all the more useful to man because it precedes any kind of reflection in him (Rousseau, p. 164).

A parallel can be drawn from this compassion and what Rawls calls a sense of justice and conception of good. From the threat of being the least advantaged comes a compassion for the least advantaged, thus any decisions that are made will be made mainly with the interests of the least advantaged in mind. That is where Rawls' concept of maximining comes into play. This rule, according to Rawls, states that man, given the possibility of different circumstances for different decisions, will always choose the most conservative decision that results in the "safest" circumstances. This, however, is only true when the knowledge of the possibility of the outcome is unknown. Rawls believes that if man is given the choice between two decisions
which have two different outcomes apiece, and the outcomes of the first
decision provide for a maximum gain and a substantial loss, while the out-
comes of the second decision provide for two minimum gains; then the second
decision will always be made if the knowledge of the possibility of that
particular outcome is unknown. Rawls says,

...The person choosing has a conception of the good such that
he cares very little, if anything, for what he might gain above
the minimum stipend that he can, in fact, be sure of by
following the maximin rule. It is not worthwhile for him to
take a chance for the sake of a further advantage, especially
when it may turn out that he loses much that is important to
him (Rawls, p. 154).

So Rawls believes that man is basically good and has a sense of justice
but is only selfish to the point that he will choose the least damage to his
self-interest. One should realize however, that this nature can only fully
be expressed in the original position, and that once a man's place in society
is known he is corrupted, so to speak, by the competition for natural
resources. This concept is similar to Hobbes', but Rawls does not believe
that it is man's nature to behave selfishly, whereas, Hobbes does.

Some further points should be noted about Rawls view of human nature and
man's motivation for certain actions. Rawls is discontent with a hedonistic
view of man's motivations. Hobbes somewhat relies on the assumption that
man is power hungry for the purpose of attaining his desires which are pleasure
based. This hedonistic approach does not provide any meaningful solution
to motivation that Rawls is comfortable with. The hedonist says that man is
ruled by his passion for pleasure or that man will always try to maximize
his pleasure, psychological or physical. He faults hedonists for thinking
that reason is a guide to some dominant end. Secondly, he faults them for
thinking that pleasure is the only candidate for the role of that dominant
end. Hobbes assumes that man can not have rational choices or can not
balance competing desires without having a dominant end to strive for. With
pleasure as the dominant end man can use reason as a calculator to determine
the most effective way to increase pleasure and minimize pain. Rawls says,
"First, when pleasure is regarded as a special attribute of feeling and
sensation, it is conceived as a definite measure on which calculations can
be based.... Second, taking pleasure as the dominant end does imply that
we have objective goals" (Rawls, p. 556). This contradicts Rawls' own
conviction of what happiness is. Even though happiness should not be the
sole dominant end because it is too objective, neither should pleasure be the
sole dominant end because it is too subjective. Rawls defines happiness as
knowing that "our rational plans are going well, our more important aims (are)
being fulfilled, and we are with reason quite sure that our good fortune
will continue" (Rawls, p. 549). This is quite similar to what Hobbes calls
felicity. Hobbes says, "Continual success in obtaining those things which
a man from time to time desireth, that is to say, continual prospering, is
that men call felicity" (Hobbes, p. 55). Even though these ideas seem similar
notice that the concept of a rational plan is present in Rawls, where such an
idea is not present in Hobbes. Rawls says about hedonism,

It seems obvious that hedonism fails to define a reasonable
dominant end. We need only note that once pleasure is
conceived, as it must be, in a sufficiently definite way
so that its intensity and duration can enter into the agents
calculations, then it is no longer plausible that it should
be taken as the sole rational aim (Rawls, p. 556-557).

Due to its subjectivity Rawls rules out pleasure as a sole dominant end.
Rawls then rules out the concept of a dominant end by asking what would
happen if more than one agreeable feeling conflict with each other. How
do we decide between agreeable feelings? Suddenly another criteria must be
determined and then the reasoning process starts all over again and goes on
and on and on to an infinite regress. He says, "Clearly we have made no
advance beyond deliverative rationality. The problem of a plurality of ends
arises all over again within the class of subjective feelings" (Rawls, p. 557). Rawls also says that the teleological or dominant end type of argument tries to define human nature by our goals that we achieve. Rawls says, "it is not our aims that primarily reveal our nature but rather the principles that we would acknowledge to govern the background conditions under which these aims are to be formed and the manner in which they are to be pursued" (Rawls, p. 560). In other words, Rawls says that human nature is defined by the background principles chosen in the original position and Hobbes believes that human nature is defined by the actual means and ends of particular goals in the material world. The two philosophers definitely differ on this point.

This really leads us to the question that if there is no sole goal or aim that determines our behavior, how is a rational plan of life actually identified? Rawls answers this by referring to two characteristics that man possesses, a conception of good and a sense of justice. What Rawls says is that man's sense of justice provides certain limitations and boundaries with which he can determine his good. By determining his good, man is, through deliberative rationalization, choosing a plan that will regulate his life according to the principles of justice which were chosen in the original position. An obvious consideration is that in contrast to Hobbes, Rawls allows for a variety of ends or goals to be chosen, not just power. But these goals fall within the limitations of man's morality, thus providing a self-unity to chose within which might have been a problem in dealing with several different goals. As a point of clarification, man must choose his aims within this moral framework that he created in the original position and his nature is not defined by the aims or goals he chooses but by the very framework that he must choose within. Hobbes believes that the aims define human nature, but not Rawls.

Why do we need a contract? In Rawls' case, we need a contract to
establish institutions that express man's nature. In Hobbes' case, we need a contract to protect man from the violence of his species.

Chapter III

Some of the good and bad points of each theory I will discuss briefly. Some of the things that Hobbes should be praised for are his creativity, clarity, thoroughness, and logic. One of the good points of Hobbes' theory is the actual contract doctrine itself. Hobbes was the originator of the contract doctrine and his idea of a social contract seemed to stick with political theorists through to today. Such philosophers as Locke, Rousseau, and other various philosophers through Rawls have based political theories on the idea of a contractual obligation. Another good point about Hobbes and his ideas is that he had the courage and confidence to paint an ugly selfish picture of human nature and break some old ideas that had been held in the Seventeenth Century and earlier.

To find bad or weak points in Hobbes' theory is much easier than trying to find good points, mainly because the good points have already been pointed out by the author and a difficulty arises in an effort to expound on those. One thing that I find, not necessarily wrong with Hobbes, but disappointing, is his simplistic view of human nature and man's desires and of the physics of the world. Hobbes believed that matter and motion were the only real properties in the world, and all of his ideas and theories extend from this starting point. Thoughts and ideas, according to Hobbes, are merely the motion of organic material in the brain. This simplistic doctrine carries over into his ideas about human nature. He fails to account for many unselfish, empathetic actions of man. His political theory follows logically from his beliefs of human nature, but this initial belief is too simplistic. Another weak point that I see, which Rawls also depicts, is Hobbes' hedonistic
outlook. He bases social morality on 'felicity' through 'power' and completely neglects alternative motivations for morality, like the pagan idea of a 'good life' or the christian idea of 'salvation' or any of the ideas that Rawls has proposed. A third weakness is the overlooking, through a determinate behavioral pattern, of man's capability for free will. Hobbes basically believes that man is a slave to his passions and that he merely reacts to his environment in a manner consistent with reflex actions to material stimuli. With this type of constricture or limitation in choices, Hobbes is in essence removing the possibility of free choice for man. John Bowle points this out in his book, Hobbes and His Critics. "He (Hobbes) was attempting nothing less than to deduce a political philosophy from deterministic assumptions which made men appear automatic, devoid of free will" (Bowle, p. 50). Another fault that I find with Hobbes' contention that "all men by nature equal" is that he defines equality solely on the basis of one type of criteria. At least Rawls puts man in a "veil of ignorance" and in this way they are equal, but outside the original position Rawls acknowledges the inequalities of men. Hobbes limits himself by saying that all men are equal based only on their ability to kill one another. My final criticism of Hobbes is on a historical basis. Hobbes believes in the state of nature but can he prove that a historical state of nature ever existed? Most of the evidence points that, at least in Europe, there never was, but the Americas are a different story. And if this is actually the case does that mean that Hobbes' doctrine can only apply to the Americas and not to Europe. In this case, one must praise the courage that Hobbes had to take such a stand in his time period. But, the inconsistency still exists.

Even though Rawls has answered some of the inconsistencies found in Hobbes, he leaves many of his own stones unturned. As stated earlier, Rawls has two principles which he believes man chooses in the original position.
The first was that "each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all" (Rawls, p. 302). And the second was that "social and economic inequalities are to be arranged so that they are both: to the greatest benefit of the least advantages, consistent with the just savings principle, and attached to offices and positions open to all under conditions of fair equality of opportunity" (Rawls, p. 302). Now these two principles are based on two characteristics of man that can only be espoused to their fullest potential in the original position. Man's conception of good and his sense of justice are these characteristics. According to Rawls, every man has a conception of good that says justice is good. In fact, justice is the highest good; no other good is more important than justice. Rawls says, accordingly, justice is the highest virtue of social institutions, thus it is uncompromisable (Rawls, p. 4). However, a problem exists. Men can agree that institutions should be just, even though they might disagree on what they think is just and unjust (Rawls, p. 5). We can say that each man has a conception of justice but the effort to define that conception can differ from man to man. These are problems that can be dealt with in the original position. The principles of justice deal with this problem by trying to assign a set of objective rules that will govern individual situations or disputes when they arise. Each conception of justice is an individual idea of the fair or just distribution of assets or primary goods. But how does man come up with his conception of justice when he is in the original position and does not know his place in life? Rawls reluctantly hands this portion of his theory over to intuition. Rawls, however, is against absolute intuitionism. He does not like intuitionism because it is too inconsistent. Rawls has struck down a complete theory based on nothing but intuition because intuitionists include no explicit way to weigh certain principles against each
other or to decide on certain alternatives should they conflict. However, even though Rawls disagrees with intuitionism he can not escape it completely. In fact, the whole of Rawls' theory is based on intuition because in the original position men must decide upon basic principles, and these principles are simply the result of Rawls' own intuitive sense of what was right. It seems to me a bit contradictory for him to try and discredit a thought process on which one's own theory completely rests. Nonetheless, on intuition Rawls' theory of justice rests. His whole contractual doctrine collapses back on this intuitionism. Notice that this whole concept is different from the Hobbesian contract. The root of the Hobbesian contract as earlier stated was his concentration of destructive passions and a need for security. Rawls definitely holds a more humanistic viewpoint but this difference could probably be influenced by the time periods in which these authors wrote their works.

Another problem that Rawls faces is a result of his escape from intuitionism. Although Rawls does rely on intuition to choose his initial principles, he does not want to leave intuition as the sole mediator between competing principles. Should a situation arise that requires a choice between principles, Rawls does not want to rely on intuition because a consistent interpretation becomes very difficult. Rawls is more a lover of consistency than intuition and his choice between the two will offer its shortcomings. In order to pull away from intuition Rawls proposes a lexicographical or serial ordering of the principles such that the top priority principle must be met before the second priority principle can be met, then the third principle can be met after the first two, and so forth. In the original position we are dealing with just two principles, so the question is to which one do we give priority. Rawls intuitively believes that the first principle of equality of freedom is most important. It should be noted that Rawls relies on intuition not
only to decide on the principles he wants to advocate but on the priority that each should have. Everyone should have equal rights and liberties. If anything limits or hinders the equality of freedom enjoyed by man then that thing is unjust. This principle takes priority over the second principle which says that any inequalities are just if the result is an overall benefit for everyone. The point of this principle is to eliminate the need of the least advantaged to suffer because any suffering or hardships born by a small minority challenges our sense of fairness, thus injustice results. This principle, however, will be sacrificed at the expense of the first principle. Rawls says "I shall, in fact, propose an ordering of this kind by ranking the principle of equal liberty prior to the principle regulating economic and social inequalities" (Rawls, p. 143). In being so concrete in his ordering of principles, Rawls creates some problems for himself. Rawls advocates that people need to distinguish and choose between individual rights (equality of freedom) and the welfare of the aggregate (distribution of inequality). In Rawls' own mind the individual rights of equal liberty are not important. "Justice denies that the loss of freedom by some is made right by the greater good shared by others" (Rawls, p. 25). This would support the idea that a single man's rights should not be retracted in order that the aggregate might benefit. For example, suppose that a series of murders had taken place within a society. The police have been unable to apprehend the culprit, and the murders continue. At this point, the welfare of the aggregate is at stake and the government has a duty to protect that welfare. So in order to discourage further murders and satisfy the demands of society, the police arrest an innocent man and convict him for the murders. The public is happy and the murderer ceases his crimes after seeing the example made of the innocent man. Overall, the aggregate has benefitted at the expense of one innocent man. Rawls disagrees that an individuals rights
should be so sacrificed. According to Rawls, the only viable solution to
this problem would be to catch the murderer even at the expense of the security
of the aggregate. This type of outcome seems acceptable intuitively to most
people, but another situation exists where this priority of principles is not
sufficient.

This situation was brought to my attention by Professor Glynn Phillips
at Ball State University, in the form of a game called the Nacireman Game.
In this game, Naciremen are inhabitants of this island, and they are selfish
by nature yet wish to limit their violent tendencies. Different situations
are presented that require a weighing of values between the society and certain
individuals of that society. One of the situations in the Nacireman Game is
as follows: The Naciremans suffer from a deadly allergy and the only way to
obtain a cure for the allergy would be to kill two citizens and use their
bodies to extract certain enzymes that would save the society. The next
allergic reaction, as estimated, would kill many Nacireman citizens. The
question here is whether the two Nacireman citizens should be sacrificed to
save the greater number. Rawls would say no to this based on his serial
ordering of principles. Since individual rights and liberties are of the
highest importance, they take precedence. To leave Rawls in charge of the
island of Nacirema would mean death for the island. But we can rest assured
that no individual rights were exploited. This, to me, does not seem just,
and it seems to be a situation where Rawls should be a bit more flexible.

A few more observations about Rawls and then I shall move on. In the
second principle, Rawls says that no gain by some is just unless accompanied
by a gain for everyone. The term gain in this sense needs better definition.
Whether or not he refers to absolute or relative gain is uncertain. If
absolute gain by the least advantaged is being referred to, then, in monetary
terms, a $5,000 gain by some is justified by a 1¢ gain by the aggregate.
Rawls seems to prefer a more relative use of the term but we cannot be sure. Rawls, like Rousseau, must limit freedom in order to protect freedom. The Rule of Law must be obeyed and in that sense, man is not free because he is bound by laws. However, according to Rawls, if one abides by the laws he will seemingly enjoy more freedom than if it does not, an apparent contradiction found with Rousseau also. Finally, the last observation I would like to make is in reference to the original position. Rawls seems to think that the ideal situation is for people to make unbiased decisions, from the sphere of the original position in reference to specific situations that present themselves in everyday life. But since we cannot put ourselves completely in a "veil of ignorance" with regard to specific issues, we must design objective principles that seem to reflect an unbiased mind. These principles can then be applied to particular situations as they arise. The problem here is that certain situations might arise that do not fall into the jurisdiction of the principles that we have established. What do we do then?

Chapter IV

I want to briefly discuss the type of governments that both philosophers advocate as a result of their particular contract theories. I will limit much of the fundamental contrasts as they will be self evident. Let me just say that each view of government follows from the type of positions that both Hobbes and Rawls hold. Hobbes believes in a totalitarian regime where the power rests with a single sovereign. His justification is that if men have agreed to live in a commonwealth and they agree on a ruler then the interests of the ruler will also be the interests of the commonwealth. Hobbes says,

A commonwealth is said to be instituted, when a multitude of men do agree, and covenant, every one, with every one, that to whatsoever man, or assembly of men, shall be given by the
major part, the right to present the person of them all, that is to say, to be their representative; everyone, as well he that voted for it, as he that voted against it, shall authorize all the actions and judgements, of that man, or assembly of men, in the same manner as if they were his own, to the end, to live peaceably amongst themselves, and be protected against other men (Hobbes, p. 134).

A point that should be made is that the sovereign comes as a result of the contract made between the subjects. There is not contract between the sovereign and the subjects, thus only the subjects are bound to a contract between themselves, and the sovereign is free to do as he pleases. Thus we have our sovereign as a result of the desire to unite the multitudes of individuals into a common willed commonwealth through the use of a contract. The only justification that we have for the existence of the sovereign is our desire for peace. As Sir Leslie Stephen states in his book called Hobbes, "The ultimate justification of his (the sovereign's) existence, however, is still the desire for self-preservation, and for peace as an essential condition" (Stephen, p. 195). In regard to the way in which the sovereign "represents" his people, Stephen says,

He 'represents' them in the sense that whatever he does is taken to be done by them. They are as responsible for all his actions as though he was their volition incorporated. It follows that his power can never be forfeited (Stephen, p. 196).

Another factor concerning Hobbes' form of government is that man is forbidden to revolt against the sovereign. This is part of the reason that no contract exists between the people and the sovereign, for if it did, it might be grounds for rebellion. The law according to Hobbes is the command of the sovereign, and whatever the sovereign commands is the law.

The type of government that Rawls wants to set up is quite different from that of Hobbes. Rawls' government is infinitely more sophisticated than Hobbes'. In discussing the type of government that Rawls advocates as a result of his position on human nature and justice as fairness,
he says that there are five basic liberties that must be protected. They are political liberty, freedom of speech and assembly, liberty of conscience and freedom of thought, freedom of right to hold private property, and, finally, freedom from arbitrary arrest as defined by the rule of law. Notice that Hobbes had no conception whatsoever for any rights that should be guaranteed outside of the basic right to live peacefully. Since Rawls has decided on basic liberties that should be secured, a social system must be designed that will secure these rights and promote an acceptable form of distributive justice. Rawls does not proprot any specific system, but he says, "the social system is to be designed so that the resulting distribution is just however things turn out" (Rawls, p. 275). The type of government that Rawls would actually choose has the following characteristics: a just constitution that secures the aforementioned basic liberties; allowance for the private ownership of capital and natural resources; maintenance of the usual kinds of social overhead capital; insurance of equal opportunity of education and culture; equality of opportunity in economic activities and free choice of occupation; and, lastly, government must guarantee a social minimum, such as a type of welfare program.

The actual government that Rawls proposes has four branches. The first branch is called the allocation branch. The responsibility of this branch would be to regulate the price system in a manner that prevents "unreasonable market power" (Rawls, p. 176). The second branch is called the stabilization branch and it is responsible for keeping the employment level up and protecting the right of freedom of occupation. The third branch, called the transfer branch, holds the responsibility of maintaining the social minimum. This branch is also concerned with equal distribution of the social minimum. The fourth branch is called the distribution branch. The main concern of this branch is to "preserve an approximate justice in distributive shares by
means of taxation and necessary adjustments in the rights of property" (Rawls, p. 277).

These are the background institutions whose responsibility is to determine the proper distributive balance. These institutions are also responsible for saving enough welfare and resources for use by subsequent generations. Rawls believes that his contract doctrine is better than other contract doctrines, such as Hobbes', because it is more convincing. "I believe that it is because the original position, as indicated above, unites in one conception a reasonably clear problem of choice with conditions that are widely recognized as fitting to impose on the adoption of moral principles" (Rawls, p. 250).

I am inclined to agree with Rawls on this point. As far as contract doctrines are concerned, Rawls has a more detailed, developed approach. I can not adhere to the Hobbesian doctrine for the reason of its sheer primitive capacity. I can understand where Hobbes acquired some of his ideas; nonetheless, regardless of how logical and comprehensible on the surface the Hobbesian doctrine may be, many attitudes, ideas, and motives have been left out. Although I agree more with the Rawls' doctrine than with Hobbes' doctrine, Rawls encounters some shortcomings of his own. I like the idea of the original position as opposed to a state of nature, however I do not find the attack on intuition wholly satisfactory. Personally, I believe intuition should not be as skeptical a concept as Rawls makes it out to be. However, I agree with his concept of justice as fairness for the most part.

Chapter V

Whether or not a contract is even necessary is an issue brought about by other philosophers. Even though Hobbes was considered a utilitarian in regard to his view of human nature and government, many more contemporary
English utilitarians believe that a contract is not even necessary. Such philosophers as Bentham and James Mill, as well as John Stuart Mill, held this view, and I might add that even Karl Marx espouses a system free from any contractual doctrine. Could this actually be the case? Could this whole contract doctrine simply be useless in the face of determining moral standards? John Stuart Mill, a profound utilitarian, believes that any contract doctrine or obligatory standard simply detracts from the original theorem of morality.

For the customary morality, that which education and opinion have consecrated, is the only one which presents itself to the mind with the feeling of being in itself obligatory; and when a person is asked to believe that his morality derives its obligation from some general principle round which custom has not thrown the same halo, the assertion is to him a paradox; the supposed corollaries seem to have a more binding force than the original theorem; the superstructure seems to stand better without, than with, what is represented as its foundation. He says to himself, I feel that I am bound not to rob or murder, betray or deceive; but why am I bound to promote the general happiness? If my own happiness lies in something else, why may I not give that the preference (Mill, p. 213).

This whole argument seems to raise some valid viewpoints, however, I believe that Mill is looking at the contract view through a scope that is too narrow in its focus. He believes that in a contract situation people adhere to the contract because of the obligation that they are bound by. He seems to neglect the whole origin of the contract in the first place. The contract is simply a working agreement, implied or expressed, that expresses human morality, not suppresses it. Mill seems to hold the view that the obligation acts as a controlling structure that guides human behavior. In my opinion, it is not, and I think Rawls would agree. The contract is used primarily as a vehicle for which we can express our nature and live with others under common terms and assumptions. Take language for instance. Each word has a meaning dependant upon the agreement of society as to what that particular
word should refer to. Each sentence adheres to a form that people have agreed that a sentence shall have. For example, the word "thaum" has no meaning to most people. If ten people were asked to give a definition of "thaum" we would hear ten different definitions. Now, if I create the word "thaum" and designate a particular meaning and communicate what this word, when used in language, shall refer to hereafter, then upon comprehending my statement the people who I am talking to agree, whether expressly or impliedly, that the word "thaum" shall have the meaning which I have designated. All language is like this. In order to communicate we must be on common terms. A Frenchman does not understand a Spaniard. Therefore, an agreement or contract is necessary. In the case of language, the contract is implied. People simply use language that they know others will understand. This whole concept seems, to me, natural. Why can not this logic apply to moral behavior? We all have our own ideas of right, wrong, good and bad, but in order to interact and live with other individuals, we need to come to common terms and agree with each other on what type of behavior is to be deemed acceptable. This is the nature of the contract; whether or not the contract is expressed is irrelevant. The point is that a contract exists. For this reason, I reject the contention that a contract is unnecessary or subversive to its own purpose. The contract approach seems logical and sound. Hobbes should be praised for his insight. Many contract views exist, but I have chosen two different views from each end of the philosophic spectrum to discuss. Nonetheless, as different as the views are, I hope some of the basic similarities were noticed, for the similarities of differing philosophies are important. It is easy to disagree with something, but when one can not find fault with an arguement or proposition, something should be said for that particular statement. Thus, is complete my analysis, comparison, and contrastment of the views of Thomas Hobbes and John Rawls.
Appendix I

Concerning the choice of considered judgements, Rawls says that our morality will play a role. Our morality is based somewhat on intuition. He points out that we have more confidence in some choices than we do in others. We will be inclined to make choices that we are most comfortable with, similar to the maximin rule. He says, "Considered judgements are simply those rendered under conditions favorable to the exercise of the sense of justice, and therefore in circumstances where the more common excuses and explanations for making a mistake do not obtain" (Rawls, p. 47-48).

Actually Rawls is saying that in the original position we have free exercise of our sense of justice, so, it is impossible for us to make a judgement that we would later like to retract. Rawls disagrees with this tendency toward what he calls reflective equilibrium. Reflective equilibrium is the notion that after making a considered judgement one realizes that he may want to change or retract that decision when actual consequences have been discovered. He believes that any individual, given the same circumstances and their particular nature, will consistently make the same choice over and over again. Rawls seems a bit deterministic in this respect. He says that socratic philosophy is inconsistent. Rawls points out that we can not change natural laws of physics, therefore we should not be able to change considered judgements. "To take an extreme case, if we have an accurate account of the motions of the heavenly bodies that we do not find appealing, we can not alter these motions to conform to a more attractive theory" (Rawls, p. 49). This is part of the argument that Rawls uses to support his serial ordering of principles.
Appendix II

In regarding the justness of a particular situation, how does Rawls actually define his concept of what justice is? He believes that there are two kinds of justice, formal justice and substantive justice. Formal justice, according to Rawls, is "this impartial and consistent administration of laws and institutions, whatever their substantive principles..." (Rawls, p. 58). Right away, we can see that formal justice exists on a sphere superior to that of substantive justice. In essence, he is saying that no matter what substantive rules or laws are adhered to, if they are administered in an impartial consistent manner, then formal justice is attained. Rawls makes some assumptions. One is what Rawls calls the Rule of Law. This is the contention that rules or laws should not be broken, that laws are supreme and they demand obedience by society. The other assumption is one of honoring legitimate expectations. This means simply that laws should be administered in a way that is impartial and consistent without favoring a certain group over another. The two elements make up formal justice. Substantive justice is the actual justice observed by particular institutions. Rawls holds that if our laws and rules are administered justly and people obey them then the laws themselves will be deemed just. "Thus it is maintained that where we find formal justice, the rule of law and the honoring of legitimate expectations, we are likely to find substantive justice" (Rawls, p. 60). Actually justice concerns the fair, equal distribution of assets as well as laws. It should be noted that Rawls is limiting his discussion of justice to that of institutions as they relate to man and his nature.
Bibliography


