

THE LEVIATHAN IN THE ORIGINAL POSITION: THE UNACKNOWLEDGED
INFLUENCE OF THOMAS HOBBES ON THE
SOCIAL CONTRACT OF JOHN RAWLS

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CHAPTER I

SETTING THE STAGE

But the best signs of knowledge of any art, are, much conversing in it, and constant good effects of it. Good counsel comes not by lot, nor by inheritance; and therefore there is no more reason to expect good advice from the rich, or noble, in matter of state, than in delineating the dimensions of a fortress; unless we shall think there needs no method in the study of the politics, (as there does in the study of geometry,) but only to be lookers on; which is not so. *For the politics is the harder study of the two.*¹

Hobbes believed that studying politics was harder than studying math, and for good reason. As any student of philosophy or political philosophy will tell you, unless you are concerned with formal logic and Truth, questions about human nature and the creation of a political order never have an absolutely correct answer. Who can say, without any hesitation or doubt that a certain type of regime is certainly the best that it *could* be? Who would be able to assert unequivocally how resources in society *ought* to be divided, shared or horded? The answer to these two rhetorical questions is simple: nobody.

No single person, whether she is a philosopher or a political scientist can aptly describe the optimal situation without the tiniest bit of doubt. This is what, as Hobbes astutely observes, makes the study of political philosophy trying at times. There are very few “right” answers, and as a student of political philosophy trying to create a niche in the discipline, the pursuit of answers in the ambiguous nature of our field is both trying and exciting. The philosophy of Thomas Hobbes has recently become a fascination for

¹ Thomas Hobbes, *Leviathan* (Oxford: Oxford University Press, 1996), 233.

me, and I have found that the application of his theories of human nature, social cooperation, and contract theory applicable to modern questions of identity and inclusion in democracy, game theory, and bargaining in the social contract tradition. This project, however, is different. It does not take Hobbesian thought and then apply it to other theorists, their questions, or the like. Instead, it asks a very simple question: why, in his writing of A Theory of Justice does John Rawls shy away from acknowledging Thomas Hobbes as one of the contractarian thinkers that he is following? John Rawls writes that his “aim is to present a conception of justice which generalizes and carries to a higher level of abstraction the familiar theory of the social contract as found, say, in Locke, Rousseau, and Kant.”² Rawls goes into particular detail in his footnote following that quote that “for all its greatness, Hobbes’s *Leviathan* raises special problems,” without ever listing the special problems that Hobbes’s contract theory raises.

For any scholar of social contract theory, modern political philosophy or theories of justice, this lack of acknowledgment should be a concern. Rawls references Hobbes throughout his works, but seemingly wants to distance himself from the way in which the 17th century philosopher thought. Again, why? My question, and the title for this thesis, is “What about Hobbes?” My concern for Rawls omission, whether intentional or not, is that there are a number of strangely Hobbesian characteristics of Rawls’s own contract theory that ought to be credited to having strikingly similar manifestations in Leviathan. The ways in which individuals are authored to have mechanisms that push citizens in both authors’ initial situation are at the same time very procedurally different (about as different as two authors could be) and at the same time psychologically congruous. It is

² John Rawls, *A Theory of Justice (Revised Edition)* (Oxford: Oxford University Press, 1999), 10. Hereafter, this work will be abbreviated Rawls, *TJ*.

in his procedural that Rawls distances himself from *all* contract theorists: a hypothetical ahistorical bargaining situation that no one had theorized before him. However, on the most fundamental levels, those levels most essential to the school of contractarian thought, Rawls was aided by the scholarship on human nature, social contract and political psychology authored by Hobbes and later Hobbesian scholars. To not address, what I believe to be, the clear Hobbesian tones in Rawls's work is to do a disservice both to the work of Thomas Hobbes as well as the study of contractarian thought as a whole.

In this way this thesis will be a historical work used to explicate the Hobbesian influence and nature of Rawls's contract as presented in his 1971 masterpiece A Theory of Justice. The questions that loom largest are two, and may be quite simple or unimportant to some in the political theory community. The first is to ask why Rawls left Hobbes's name off of his list of contractarian authors he was working from. The second is to ask why Rawls would want to overtly distance himself from one of the fathers of social contract theory. I believe that these research questions are legitimated by what I see as the need to have as thorough a study of contract theory as possible.

From my perspective, all human interaction in almost any terms can be looked at and examined in the same way that some of the earliest political philosophers opted to use: the form of a contract. Whether one is drawing on theories of power from Foucault or Derrida, questions concerning identity politics from Kymlicka, Taylor, Young or Benhabib, or questions of deliberation and democratic discourse from Mouffe, Fishkin or Habermas, strategies to reach any end in the political realm can most likely be reduced to questions of bargaining and contract. These newer debates about democracy, inclusion

and identity politics have seemingly taken the focus away from questions that dominated political theorists for decades.

Questions about social justice were almost always concerned with Rawls, whose work had almost precisely straddled the fence between contractarian thinking and moral politics. In A Theory of Justice Rawls actively engages in formally answering the moral claims of utilitarianism while at the same time calling into question the norms that organize society as he tries to elucidate two principles of justice that could situate individuals into society and ensure that they would be treated as fairly as possible. Most importantly, however, Rawls resuscitated the social contract *tradition*. Why Rawls chose to employ a particular tactic for political reasoning illustrates that the notion of the contract was close to the heart of his political philosophy. Modern writers rarely, if ever, use contractarian thinking to begin anew and recast the arguments for the creation (whether historical or hypothetical) of what is conceived as political society. While no one can really answer why Rawls employed this method in his writing A Theory of Justice, some arguments to explain it might be easily made from a simple historical point of view.

What this thesis will do is prove the Hobbesian influence on Rawlsian contract theory. To do this, we must begin with an overview of Rawls as a figure in a particular historical tradition: the tradition of the social contract. In the first section, which extols the virtues of Rawls as a student of the history of political thought, we can come to terms with why the contract tradition was both worthy of resuscitation and an effective way for Rawls to craft an argument in the realms of both political and moral thought. The second section will briefly elucidate the assumptions that I am making when dealing with the

psychological factors motivating agents towards politics in the social contracts of Hobbes and Rawls.

The third section, that which maps the Hobbesian influence onto Rawls's thought, is going to be the majority of the paper. In this section, I will list and explain several key points of (unacknowledged) psychological overlap between Thomas Hobbes and John Rawls, focusing mainly on the motivation for political order in both Hobbes's historical state of nature and Rawls's ahistorical *original position*. This section will also include aspects of another working paper on the bargaining theory of the social contract, introducing the claim that Hobbes's state of nature is not a Prisoner's Dilemma as is classically thought. To do this, I must first set up the traditional argument, as it is laid out in the literature, and then answer it. This will be done briefly, as it is not the main focus of my research here but is an important note to attach to the bargaining theory of the social contract, a tentative research topic for my dissertation.

Finally, I will offer the conclusions that we can draw from this research as well as an argument for the benefit of comparative political philosophy. This last section of the thesis will present the understated value of comparative political theory through a methodological lens that will attempt to legitimate this particular research design. I believe that the social contract theories presented in this thesis will also help to prove the necessity of keeping bargaining/contract theory in the front of our minds when pursuing questions of political philosophy. However, to begin this argument, we must first turn to Rawls and his place in an important tradition.

CHAPTER II

JOHN RAWLS: LEARNING FROM HISTORY

One of the aspects of A Theory of Justice that I shall bring up countless times in this project is that Rawls had certainly learned from history all of the inadequacies of previous social contracts, and therefore sought to change the way the world worked by developing a new one. Rawls admits that this is partially true, saying that previous theorists may have revised their own theories had they had a “greater historical experience and a knowledge of the wider possibilities of political life.”³ This quote comes directly from a section when Rawls talks about the intolerance that Locke, Aquinas, and other theorists had put forth as leading doctrines of their days. Rawls has done almost exactly that, but in the 20th century. As Thomas Nagel believes, Rawls had taken the dominating modern principles (as opposed to the rational utilitarianism that dominated contract theories of the past) of “social and economic equality associated with European socialism with the equally strong principles of pluralistic toleration and personal freedom associated with American liberalism.”⁴ My question is why did Rawls do this? What were the driving forces that occupied the times he lived in that would have influenced him in such a way? It was mentioned at the closing of the last section that the civil war influenced Hobbes in the same way that the Glorious Revolution may have influenced Locke:

³ Rawls, *TJ*, 190.

⁴ Thomas Nagel, “Rawls and Liberalism,” in *The Cambridge Companion to Rawls*, ed. Samuel Freeman (Cambridge: Cambridge University Press, 2003), 63.

Hobbes's *Leviathan* was published in 1651, when the ashes of the civil war were still smoldering but no longer incendiary. Cromwell was the sovereign. Locke's *Two Treatises*, which contained an explicit defense of the right of revolution, came to light when the prospects of revolutionary mobilization against the monarch were nil.⁵

For a political theorist, such context matters greatly, especially if one ascribes to any idea of ideological Darwinism in the sense that the ideologies used in practice would improve from generation to generation. One could also adopt a conception of history similar to Hegel's that would explain how through the course of history truths have come into contest with other ideas and those ideas that have "won out" have become our new truths. One can point to any of the suffrage movements in American civic life to see how America has made certain changes (for the normatively better) that would have seemed ludicrous or impossible one hundred years ago.

For an example grounded in political philosophy, let us turn to Locke. In his Letter Concerning Toleration, Locke argues that Atheists should not be tolerated under any circumstances. Such an attitude may exist in modern America, but would be hard pressed to become some driving force. Why is this true? What makes modern America so different from the England that Locke lived in? Obviously, under modern standards, America (and the American political psyche) is a more liberal and politically correct than the English societies that Hobbes and Locke wrote in. Societal norms have changed to become more progressive, and with them societal expectations for good governance. An interesting concept that should be noted is the *extreme distrust* Americans currently have for politicians and government in general.⁶ As a society, Americans are far from Plato's ideals of Philosopher-Kings, as they normally assume politicians are corrupt by nature.

⁵ Roberto Alejandro, *The Limits of Rawlsian Justice* (Baltimore: Johns Hopkins University Press, 1998), 4.

⁶ Marc J. Hetherington, *Why Trust Matters: Declining Political Trust and the Demise of American Liberalism* (Princeton: Princeton University Press, 2005), 8.

More than a decade and a half after Rawls published *A Theory of Justice*, two political scientists asked similar questions about Rawls's influences, and decided that he had experienced some sort of "dawning historical consciousness" which allowed him to confront the authors of modern political theory with a seemingly "more modern" treatise.⁷ He was writing at a time where the American political scene was most likely the most volatile it had been since the American Revolution; consider World War II (particularly the holocaust), the civil rights movement, women's rights, the fallout from the great depression, etc. Rawls had witnessed segments of society being disenfranchised and cast down from political life, fighting for what he would later define as basic human rights. The reasons many people were being discriminated against covered a number of things: race, sex, creed, ethnicity, etc. With the exception of creed, notice that all these attributes are nothing that individuals have an actual way of controlling; they all happen as a result of a random social lottery. To logically challenge a growing xenophobia in America, Rawls possibly turned to philosophy and developed a theory that may help change the minds of those who still wanted to discriminate, a moral and political method aimed at being able to reduce claims for inequality based upon natural differences to irrational utterances.

Esquith and Peterson note that "Rawls provides us with a way of sympathetically thinking about the issues of unjust wars and discrimination from inside existing institutions."⁸ Such a perspective was not just issued in a treatise on discrimination, or a "Letter Concerning Toleration," as Locke had addressed the issues of his time. Instead, Rawls used the theory of the social contract to show that at the very core of society,

⁷ Stephen L. Esquith and Richard T. Peterson, "The Original Position as Social Practice," *Political Theory* 16, No. 2 (May 1988): 304.

⁸ Ibid., 319.

principles should govern individuals to treat everyone equally and fairly as individuals with their own conception of the good. Rawls could have come out and used as much rhetoric as he wanted, as many individuals did, to denounce the inequalities in society. Instead, he got to the root of the problem by challenging the very mindset that he knew would perpetuate such gross inequities for generations to come. He saw a need for a new social contract from the “demands for equal educational and economic opportunities,” a growing environmental consciousness and a growing sense of health care as a right for citizens (especially seen in Europe).⁹

More importantly, Rawls did not just come out to say that diversity is good and that it ought to be respected. Instead, he acknowledged that America’s face is changing, and that its policies and governing dynamics are also going to have to change with it. He writes *Political Liberalism* knowing that it ought to be the practice of good government to embrace and encourage differences in its polity, and he raises the question about how individuals will be able to look past these challenges and treat individuals as agents with intrinsic rights. In the introduction to that book, he asks “how is it possible for there to exist *over time* a just and stable society of free and equal citizens who remain profoundly divided by reasonable religious, philosophical, and moral doctrines?”¹⁰ He acknowledges that these contrasts are not going away, they are going to exist “over time,” and that the governments of the world better be prepared to handle this. The social contracts of the past, written in societies where tolerance was not as prevalent, had become unacceptable in these modern times. As Samuel Scheffler notes, “[Rawls’s] theory is addressed to

⁹ Ibid.

¹⁰ John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), 72. Hereafter, this work will be noted as Rawls, *PL*.

societies of a certain type at *a particular historical moment.*¹¹ Rawls is not trying to tell people how to treat others; instead he is using the theory of an overlapping consensus to transcend the various differences and explain the Kantian interpretation of morality to his readers.

Some may see *Political Liberalism* as solely an argument for toleration, but it is much more than that. Rawls looks to appeal to reason to show that the two principles of justice can be believed by every person of any reasonable belief system. Here, the word “reasonable” means that “citizens are also assumed to have at any given time a determinate conception of the good interpreted in the light of a (reasonable) comprehensive view,” meaning their views uphold that of the democratic regime.¹² One common trait of those who are reasonable is that they all possess some degree of “liberal toleration.”¹³ Unlike Lockeans, these agents tolerate everyone because they are asked to do so behind a veil of ignorance. Even all Americans do not possess such a degree of reasonability, and America has become far more tolerant in the last fifty years.¹⁴ Still, Rawls acknowledges that such a transition is incomplete, and that the principles of justice ought to help us in our quest to become *politically liberal*.

Finally, with *Political Liberalism* in mind, it can be argued that Rawls thinks that the American constitution is imperfect. Bruce Ackerman, a professor of law at Yale, believes that the American Constitution is yellowing under a “Rawlsian light,” because, “unlike modern European documents, it does not ‘guarantee’ the ‘social minimum’ that

¹¹ Samuel Scheffler, “The Appeal of Political Liberalism.” *Ethics* 105, No. 4 (October 1994): 18.

¹² Rawls, *PL*, 81.

¹³ Kok-Chor Tan, *Toleration, Diversity, and Global Justice*, (University Park: The Pennsylvania State University Press, 2000), 51.

¹⁴ Robert B. Talisse, “Deliberativist Responses to Activist Challenges,” *Philosophy & Social Criticism* 31, No. 4 (2005): 423-444.

Rawls specifies and a ‘constitutional essential.’”¹⁵ He does, however, believe that Rawls’s theories successfully anticipate America’s future and how it ought to deal with its ever-increasing diversity. Clearly, as the title of this section suggests, Rawls has learned from an added 300 years of history what Hobbes and Locke could have never have anticipated. Looking at the breakthroughs that have occurred in every technological field, as well as the rise of democracy, nothing that Hobbes and Locke had known about could have prepared them to write a social contract for a country like 1960s America – nothing:

The social and historical conditions of [a modern democratic state] have their origins in the Wars of Religion following the Reformation and the subsequent growth of constitutional government and the institutions of large industrial market economies. These conditions profoundly affect the requirements of a workable conception of political justice: such a conception must allow for a diversity of doctrines and the plurality of conflicting, and indeed incommensurable, conceptions of the good affirmed by the members of existing democratic societies.¹⁶

Rawls was able to capture the essence of that time, and translate it into an idealist contract theory that would be able to explain how governments should be able to react to a polity constantly in flux. To help explain exactly how Rawls and Hobbes captured their understanding of Human Nature, it is important for us to discuss the assumptions that each makes in the metaphysics of their theories, which will be explicated below.

¹⁵ Bruce Ackerman, “Political Liberalisms.” *The Journal of Philosophy* 91, No. 7 (July, 1994): 385.

¹⁶ John Rawls, “Justice as Fairness: Political not Metaphysical.” *Philosophy and Public Affairs* 14 , No. 3 (Summer, 1985): 225.

CHAPTER III

FOUNDATIONS OF HOBBSIAN AND RAWLSIAN POLITICAL THOUGHT

In order for my assumptions to be better explained, this part on the dynamic nature of individuals in the work of Hobbes and Rawls must first be laid out in order to increase the clarity of the entire thesis. Beginning with the freedom and ending with the understanding of equality this section sets the metaphysical foundation that this entire project will rest upon. Once the stage is set, the way the actors move about it will be much clearer and the fundamental differences will be easier to see.

First, a general question to serve the purpose of this piece is to ask why Rawls attempted to use the social contract as the basis for his work. Generally, one can ask if the tradition was used as a device to justify or explain something. For Hobbes, it was clear that he wanted to justify obedience to government, *specifically a monarchy*, in order to prevent individuals from regressing into a chaotic and anarchical state of nature. For Rawls, it was a device used to formalize the rejection of the utilitarian school of morality and to put forth a clearer argument for the fundamental nature of equality and liberty.

Essentially, the social contract is nothing more than a device that is used to explain both the origins and purpose of government. It can be used to interpret basic human relations, as well as explain the nature of laws, and even be used to examine the interaction of nation-states on the global level. The tradition of the social contract has changed over time, as the understanding and purposes for government have also changed. One notices that in the theories of Hobbes and Rawls, the purposes for an organized

society are dramatically different. Hobbes permits any form of government, while Rawls only advocates an egalitarian liberalism that promotes a welfare state and the protection of all citizens equally. The social contract as a tradition has shaped modern political theory by allowing us to understand the fundamental nature of governance, and allowed its students to question governmental legitimacy on the most fundamental level. Now we turn the discussion to liberty.

In a world without governance, it is hard to say what individuals would do, and one's hypothesis would clearly reflect itself as a function of their view of human nature. If all the governments of the world were to declare themselves void, what type of chaos would ensue? What both Hobbes tried to do was imagine a world where that type of chaos was the norm – a society that was unrestricted by government and leaders, a world where anything could happen without legal repercussions. Without limits or restrictions on our liberties, one could never be expected to adhere to any communitarian principles and would be able to act solely on self-interest. Put simply, individuals would be able to do what they wanted to whenever they wanted until they ran into someone who was willing and able to stop them. This is not too hard to imagine, and the concepts behind it can be seen in something as simple as a classroom of students misbehaving when their teacher steps out of the room. As long as there is not some power to deter individuals from going after their most basic desires, chaos ensues. For the scope of this project, this type of mentality is most closely associated with the philosophy of Thomas Hobbes.

For Hobbes, the *right of nature* is “the liberty each man hath, to use his own power, as he will himself, for the preservation of his own nature; that is to say, of his own

life.”¹⁷ A proper course is decided using that individual’s autonomy and the characteristic of rationality that will be discussed in a later section of this chapter. As long as individuals have such a freedom to do what they can to preserve themselves, nothing is off limits and anything can be done in such a state. Hobbes calls liberty “the absence of external impediments: which impediments, may oft take away part of a man’s power to do what he would.”¹⁸ In a state where individuals clearly see a difference between right and law – where a *right* is a liberty to do something and *law* binds upon individual action – the condition of man can be explained that, as Hobbes says, “every man has a right to every thing.”¹⁹ Such a state of freedom, coupled with an individual’s reasoning ability and the natural desires that Hobbes writes as an idiosyncrasy of his agents, only sets up a perpetual conflict that Hobbesians must try to escape.

Hobbes understands that such a state of freedom when combined with *human nature* would lead to a state rife with constant war. This should not be too hard for the modern reader to understand either, as imagining a world without governmental authority can be summed up in a single word – anarchy. Hobbes’s interpretation from *Leviathan* is just as clear:

As for the passions, of hate, lust, ambition, and covetousness, what crimes they are apt to produce, is so obvious to every man’s experience and understanding, as there needeth nothing to be said of them, saving that they are infirmities so annexed to the nature, both of man, and all other living creatures, as that their effects cannot be hindered, but by extraordinary use of reason, or a constant severity in punishing them.²⁰

For Hobbes, such freedom is devastating to our very existence and ought to be limited by some form of authority. His answer lies in the sovereignty of a *Leviathan*, a solution that

¹⁷ Hobbes, *Leviathan*, 86.

¹⁸ Ibid.

¹⁹ Ibid., 87.

²⁰ Ibid., 197.

would most likely not sit well with today's modern reader. Such a prescription for absolute authority is disguised in Hobbes's intent to have politics curb our natural appetites in order to have a peaceful and civil society. These natural appetites as well as the reasoning that leads us to form government are what Hobbes would call a person's "natural power[s], without which he is no better than an inanimate creature."²¹ Liberty for Rawls is clearly and intentionally differentiated from past contract theorists like Hobbes.

Due to Rawls's unique hypothetical construct, his concept of liberty must be defined on a metaphysical level. For Rawls, "liberty can be explained by a reference to three items: the agents who are free, the restrictions or limitations which they are free from, and what it is that they are free to do or not to do."²² This sounds like a typical definition of liberty, but Rawls wants to be sure that his readers understand the multifaceted concept of freedom. Rawls, like his predecessors, also strives for a state of equal liberty. Doing this, he says, causes us to "reject the traditional teleological principles, both perfectionist and utilitarian."²³ A state of equal rights coupled with the next tenet of Rawlsian liberty (Kantian autonomy) is what precludes citizens from making utilitarian judgments, as all free actions would essentially carry the same moral weight.

The notion of autonomy, specifically Kantian autonomy, carries with it a number of impacts on the social contract in Rawls. Those in the original position have to use their liberty through an aim "to establish just and favorable conditions for each to fashion

²¹ Thomas Hobbes, *Human Nature* and *De Corpore Politico* (Oxford: Oxford University Press, 1994), 117. Hereafter, Hobbes, *Human Nature*.

²² Rawls, *TJ*, 177.

²³ Ibid., 290.

his own unity. Their fundamental interest in liberty and in the means to make *fair use of it* is the expression of their seeing themselves as primarily moral persons.”²⁴ This Kantian interpretation of individual freedom impacts decision making by helping to derive the two principles of justice that govern the society after the original position. This change to defining liberty in a Kantian sense helps Rawls create a more egalitarian contract by allowing for individuals to gain a sense of individuality while feeling compelled to help others. Now that the comparative discussion of liberty has come to a close, we can turn our attention to equality.

The concept of equality might be a hard idea to get our heads around, especially in both historical and hypothetical social contract theories. Yet, the concept itself is at the core of questions pertaining to government. It is an idea, that if one truly believed in, would fight against unfair treatment and undeserved privilege. To take that argument further, it would follow that if a contractarian author truly believed that individuals were by nature equal, then they ought to have some of the same outcomes from joining in political society. While some may address eventual inequities as the result of some doing more than others, our fundamental equality on a human level may be argument enough for a more equal distribution of the rewards of everyone’s labor. Some of these ideas can be seen in the writings of the authors that this thesis is concerned with.

For Hobbes, most men are equal in the sense that their intelligence and strengths are assumed to be at a level where the differences are not insurmountable:

Nature hath made men so equal, in the faculties of the body, and mind; as that though there be 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.²⁵

²⁴ Ibid., 493, emphasis added.

²⁵ Hobbes, *Leviathan*, 82.

While this generalization leaves out those who may have both physical and mental developmental disabilities, it still allows for individuals to become as competitive as they can. For “from this equality of ability, ariseth equality of hope in the attaining of our ends,” and with finite resources this is simply not possible.²⁶ This is a problem that can be easily related to in our modern society. Those whom we see in what is referred to as our “reference group” are those whom we want to be as well off as. As long as we see that we make determinations of self-worth by “comparing our condition with that of a reference group, a set of people who we believe resemble us,” then our distaste for inequalities grows.²⁷ It seems that Hobbes may have written his agents to have a prepolitical case of trying to “keep up with the Jonseses,” a case of *status anxiety*. The struggle for acceptance, and what individuals will do to try and gain glory over their peers, is what will perpetuate conflict and drive individuals into politics.

Moreover, such equality in the Hobbesian world is what promotes a “mutual fear one of another.”²⁸ This concept will be expanded upon in the section on the factors that drive individuals into political life, as such equality of power creates a paranoia that can only lead to cooperation among those in the community. The same general sense of equality does exist in all three contracts, but only in Hobbes does it actually serve to promote a conflict which acts as a catalyst into political life.

Rawls believes that not only are individuals free, but they have equality in their rights during the original position. He explains that the main tenet of his theory, the

²⁶ Ibid., 83.

²⁷ Alain de Botton, *Status Anxiety* (New York: Pantheon Books, 2004), 25.

²⁸ Hobbes, *Human Nature*, 78.

original position, “requires equality in the assignment of basic rights and duties.”²⁹

Equality is the most prominent factor in the first statement of the two principles of justice in Rawls’s work:

First: each person is to have an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for others.

Second: social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone’s advantage, and (b) attached to positions and offices open to all.³⁰

Rawls understands that there will be some individuals who are not up to the level of the average intelligence or physical capability (those who may have disabilities), and he calls these people the less-advantaged.³¹ In keeping with the egalitarian tradition found in Locke, Rawls takes it a step further by proposing that differences in income and wealth can only be legitimated if other rules benefit those who are the least well off (e.g. a graduated income that more heavily taxed the rich). As long as societal norms compromise for the “inequalities [that are] allowed to arise from men’s voluntary actions,” Rawls sees an equal sense of citizenship perpetuated.³²

The concept of rationality is very important in contract theory, as it is the driving characteristic behind forming political order. Again the most essential question is: why do individuals come together to contract to government? From the enlightenment tradition, scholars argue that to do so is *rational*. The way reason and reasonability are defined in social contract theory illustrates that the element of human reason plays a fundamental role in the formation of government. Hobbes for one made it clear that his agents were both “animal and rational,” carefully able to calculate the proper course of

²⁹ Ibid., 13.

³⁰ Ibid. , 53.

³¹ Ibid., 84.

³² Ibid., 82.

action to feed their desires.³³ With the passions that they have, individuals are able to carefully select a path in life that will lead them to their desired ends, whatever their concept of “the good” may be.

For Hobbes, individuals are able to clearly delineate between good and evil. Such reasoning, which he calls *ratiocination*, is what allows individuals the ability to make a decision.³⁴ Moreover, “in deliberation, the appetites, and aversions are raised by foresight of the good and evil consequences... any man is able to see the end.”³⁵ Reason in this sense is a type of reckoning, which individuals can use to “approve our reckonings to other men.”³⁶ This view of man, one who is always looking at the pros and cons of a decision, makes good evidence for one trying to prove that Hobbes was promoting a sense of utilitarianism in his theory. In fact, Hobbes argues that morality itself is something that has different applications “in different tempers, customs, and doctrines of men.”³⁷ This view that morality is not universal, but open to interpretation, is one that Rawls tries to dismiss through his Kantian interpretation of the categorical imperative which explains some form of universal morality. Simply put, one must understand that the agents in Hobbes’s state are extremely capable of calculating cost-benefit analysis and acting accordingly. This becomes important in a section of the project on rational choice theory, as well as another one of my working papers on Hobbes.

For Rawls, it is important that individuals are highly rational but without a clear concept of their own personal good; this is to assure that individuals who construct the rules for society do so in an unbiased manner. In a section titled *The Rationalities of the*

³³ Hobbes, *Human Nature*, 21.

³⁴ Ibid., 38-39.

³⁵ Hobbes, *Leviathan*, 41.

³⁶ Ibid., 28.

³⁷ Ibid., 105.

Parties, Rawls explains that “this means that while they know that they have some rational plan of life, they do not know the details of this plan, the particular ends and interests which it is calculated to promote.”³⁸ This eliminates all potential cost-benefit analysis, as no one has a way of playing the odds without understanding the game he or she is gambling on. What results then for Rawls is a revised sense of rationality, executed via Kantian autonomy, that renders the Rawlsian different from the Hobbesian in that the Rawlsian “[has] no basis for probability calculations.”³⁹

However, Rawls has developed a way for the Rawlsians to act rationally and help others within society. Take the example of an income tax system that is directly proportional to income: higher taxes for the richest people in society. Rawls writes that this policies would be *rationally chosen by everyone*, because “in each single instance the gain to the person who needs help far outweighs the loss of those required to assist him, and assuming that the chances of being the beneficiary are not much smaller than those of being the one who must give aid, the principle is clearly in our interest.”⁴⁰ While this may seem like a cost-benefit analysis similar to Hobbes’s, it is different in that it is making a universal statement and is never a particular value judgment made by a single particular agent. This is the plan that Rawls lays out to try to achieve some “congruence of a moral theory,” to promote the Kantian interpretation of morality in the social contract tradition to yield a society in which “being a good person is indeed a good.”⁴¹ Now, with the understanding of the parties as all being free, equal and rational, the decisions they make and the values they hold are completely up to the authors of their

³⁸ Rawls, *TJ*, 123.

³⁹ Ibid., 134.

⁴⁰ Ibid., 298.

⁴¹ Ibid., 349.

dynamic personalities. To understand the heart of the agents, it is time we turn to what drives them towards political life.

For both the Hobbesians and Rawlsians, what makes joining in politics a *rational decision*? We know that they are all capable of understanding what is and is not rational, but now we ought to examine the driving forces behind their decision to come into political society. For Hobbesians, there are a few determining factors that lead men to become the authors of all the *Leviathan* wills: “the passions that incline men to peace, are fear of death; desire of such things as are necessary to commodious living; and a hope by which to obtain them.”⁴² A “fear of death” is mentioned multiple times by Hobbes in order to emphasize the importance it plays in his social contract theory. Due to man’s “natural passions, that carry us to partiality, pride, revenge and the like,” Hobbesians are constantly in a state of oppression that can only be solved by politics.⁴³ Driven by what Hobbes calls our “appetites and aversions,” men are able to do whatever they want to achieve their conception of the good without “any common rule of good and evil.”⁴⁴ This leads to a state that can only be described as a free-for-all.

Without any sovereign authority to check the aggression of the masses, individuals live in a state of perpetual fear. This is the driving force that brings men to recognize the importance of laws and authority. Another force that I believe acts upon the individual’s dynamic in Hobbes’s state of nature is the system of honor and dishonor that he and his peers set up, Hobbes’s conception of self-worth is “dependent upon the judgment of another.”⁴⁵ In a world where everyone is constantly competing with one

⁴² Hobbes, *Leviathan*, 86.

⁴³ Ibid., 111.

⁴⁴ Ibid., 34-35.

⁴⁵ Ibid., 59.

another, when the value of one person is determined by others, conflict is constantly necessary in order to establish some sort of hierarchy within Hobbes's world. While this may seem like an over-simplification of complex issues, this introduction is only that, an introduction to the assumptions that I am working from in preparing this thesis in (and partly a *justification of*) comparative social contract theory.

As long as the Hobbesian world is constantly encouraging a fear of a violent death through a constant competition and a precisely calculating rationality (a rationality that believes it is rational to attack someone first), the conflict will never end and the need for sovereign authority will never dissipate. This “fear of oppression, disposeth a man to anticipate, or to seek aid by society: for there is no other way by which a man can secure his life and liberty.”⁴⁶ The inherent “perpetual and restless desire of power,” coupled with a “desire of praise,” lead man to be in a position that only civil society can improve.⁴⁷ Thus we can see that the carrot for Hobbesian is security, and violent death the stick; both motivating an agent to rationally move toward a political life that could improve her outlook on life. If Hobbes’s assumptions about men being “common enemies” were incorrect, then maybe they would have a different reason other than “for their security” to “unite themselves into a body politic.”⁴⁸

For Rawlsians, the driving dynamic is clearly a desire to increase group welfare and adhere to the two principles of justice. In fact, individuals are allowed to take pride in the adherence to the two principles and are encouraged to create rules that benefit everyone. This Kantian autonomy, and the Kantian ethic, influence the Rawlsian to be as unbiased as possible in creating society. A concept that will be discussed later,

⁴⁶ Ibid., 67.

⁴⁷ Ibid., 66-67.

⁴⁸ Hobbes, *Human Nature*, 109.

reasonability, which is brought up in Rawls's later work *Political Liberalism*, is the source of another governing dynamic in the hypothetical initial situation.

Clearly illustrated in the section comparing Hobbes and Rawls on rational choice theory, the prudent rationality of the Rawlsian creates a governing principle for society that is meant “to advance as far as possible the welfare of the group.”⁴⁹ Here we see a stark contrast with the previous theorists. Nowhere before had we seen individuals compacting on rules for society in order to promote anything except their self-interest. The carrot here becomes the idea of being fairly treated in society regardless of any individual characteristics. This does not seem like an inefficient motivator, as some would argue as I do that the fear of the unknown is a very effective catalyst toward group compromise. Still, the inequities from the social lottery that the Rawlsian may fear are the sticks he runs from. Thus, individuals seek to try to set up a society where everyone “should have the same prospects of success regardless of their initial place in the social system”.⁵⁰

These unfair distributions of “natural assets” can only be called “arbitrary from a moral perspective,” and there is no reason that a Rawlsian (whose morality is so heavily influenced by Kant) to allow such distributions to stand.⁵¹ Because I believe, as Rawls does, that “we do not deserve our place in the distribution of native endowments,” the egalitarian outlook of the contract theory from the original position seems like the fairest set of principles to govern society, especially when contrasted with historically given alternatives (e.g. Locke or Rousseau). Another principle that Rawls includes to point his citizens towards cooperative political life is that of *fraternity*, which dictates that those

⁴⁹ Rawls, *TJ*, 21.

⁵⁰ *Ibid.*, 63.

⁵¹ *Ibid.*, 64.

people in society will never choose “to gain unless they can do so in ways that further the interests of the rest.”⁵² This may seem like a utopian claim, but just as Hobbes created agents governed by human passions that lead to their demise, Rawls has created a sense of agency that is controlled by a public sense of justice that manifests itself in cooperation for the good of all.

All of these characteristics of the dynamic of the individuals, their *modus operandi*, is what those authors were beginning with. Hobbesians were afraid of being killed, so they decided to lay down their rights and authorize a sovereign. For Rawls, seeing that those past initial situations were no place to root the core arguments for government, developed the veil of ignorance and the original position in order to derive the two principles of justice that can be used to answer every question in the political order and promote a Kantian agency to ensure that such principles govern in perpetuity. What Rawls did with this framework also heavily borrowed from Hobbes, especially the psychologically motivating factors that lead to politics. The next subsection will illustrate where Rawls may have borrowed some psychological principles from, as well as how he may have been formally (though indirectly) refuting Hobbes all along.

⁵² Ibid., 90.

CHAPTER IV

THE HOBBESIAN INFLUENCE ON RAWLSIAN CONTRACT THEORY

In most of the literature concerning his political theory, Thomas Hobbes has been widely criticized for having a social contract which promoted an absolutist monarchy and would be largely criticized if it had been written in today's 'more modern' society. In fact, one can take note that any absolutist dictatorships/tyrannies that were to exist today would be staunchly criticized; it is also a possibility that the 'more liberal' democracies would attempt to perform regime change in an attempt to liberate such an oppressed people. One does not have to look to far back into the history of American foreign policy to see exactly this mentality being used to begin the current Iraq war. This international instance is extremely ironic: it uses the Hobbesian/realist theories of international relations that would encourage a preemptive strike in order to remove a Hobbesian archetype leader. However, while this is not the precise subject of this thesis, it is important to note the impact that Thomas Hobbes has had on political theory, and especially the social contract tradition. What this subsection will aim to do is explain how the recent theories of John Rawls were largely shaped by those past theories of Hobbes. Take, for instance, the manner in which Hobbes's agents in *Leviathan* come to be motivated to form political society – they are governed by a combination of fear and pride. Look now to how a Rawlsian behind the veil of ignorance would come to deduce the now famous "two principles of justice;" they too are motivated by an inherent fear

that they may be the worst off in society, therefore creating principles that would be to their advantage if they had been cast away by society.

Rawls's obvious criticism for Hobbes would be that the social contract ought to result in a democratically governed society, not the absolutist dream that Hobbes had envisioned. The debate that could be raised by both the social democrat and absolutist monarch would not serve the purpose of this essay. The purpose of this project is to examine key differences of the driving principles of authors, where they overlap and where the more contemporary theorist directly engages the work of his predecessor. This will allow us to understand the Hobbesian influence on Rawls. This current section will be divided into four sub-sections which will engage the differences found in Leviathan and A Theory of Justice in order to elucidate the unacknowledged influence that Hobbes had on Rawls. More importantly, some sections will show, through Rawls's own writings, that he was directly answering Hobbes.

Before delving into the analysis, the reader ought to be briefly reminded of the premises this author is working from concerning the dynamic of the agents in the social contracts of Hobbes and Rawls. To begin, Hobbesians are governed by a fundamental law of nature: self-preservation. As this is the primary law of nature, every other rule can be said to be a derivative of the law of self-preservation, as “the nature of [Hobbesian] man is such that if left to himself and to his antisocial, destructive instincts, he is unable to enjoy even a minimum of peace. In the state of nature, man is at the mercy of fear, vanity, and a lust for power.”⁵³ Due to the fact that promises have no way of being enforced, the Hobbesian quickly looks to politics in order to escape this state that Hobbes

⁵³ John A. Abbo, *Political Thought: Men and Ideas* (Westminster, Maryland: Newman Press, 1960), 198.

defined as “solitary, poor, nasty, brutish and short.”⁵⁴ The following passage from chapter XIV in *Leviathan* illustrates this sentiment well:

The force of words, being (as I have formerly noted) too weak to hold men to the performance of their covenants; there are in man’s nature, but two imaginable helps to strengthen it. And those are either a fear of the consequence of breaking their word; or a glory, or pride in appearing not to need to break it. This latter is a generosity too rarely found to be presumed on, especially in the pursuers of wealth, command, or sensual pleasure; which are the greatest part of mankind.⁵⁵

This esteem-driven dynamic which leads to the state of war is, for Hobbes, the catalyst which brings individuals together in political society. If the individual were not in such a state of nature, it would be possible for him (hypothetically) to create a better form of government, by today’s standards, than the absolute monarchy that Hobbesians agree on. The manner in which Hobbes justifies such a government will be discussed near the end of this chapter, for now a review of the Rawlsian dynamic is pertinent to the questions at hand.

As has already been established above, what drive Rawlsians are the two principles of justice. As presented in *A Theory of Justice*, they are as follows:

First: each person is to have an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for others.

Second: social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone’s advantage, and (b) attached to positions and offices open to all.⁵⁶

What this means is that these principles of justice dictate every action for the Rawlsian. Nothing they do can fall out of the scope of such principles, as they are the most fundamental aspect of human cooperation. This coupled with *mutual disinterestedness*, a very important aspect of the human psyche in Rawls, provides his agents with a modus

⁵⁴ Thomas Hobbes, *Leviathan*, 84.

⁵⁵ Ibid., 94.

⁵⁶ Ibid. , 53.

operatori that enables them to achieve mutual benefit through collective agreement.⁵⁷

Rawls writes, that “[Mutual disinterestedness] does not mean that the parties are egoists, that is, individuals with only certain kinds of interests, say in wealth, prestige, and domination. But they are conceived as not taking an interest in one another’s interests.”

This point will become more pertinent when we examine the differences between Hobbes and Rawls in terms of rational choice theory, and the further development of the social contract tradition. These agreements, mostly pertaining to the structure and setup of society, are made behind the veil of ignorance in what Rawls calls the *original position*. Without any knowledge of their future place in society, such individuals are reasonably led to decide on the above two principles to govern all future action.

The initial criticism that Rawls would have of Hobbes involves what the agents know in *Leviathan* before they create government. According to Rawls’ logic, if one knows the exact ways in which an agreement could benefit them, the agreement could never be fair to all parties. Rawls’s later political theory, as presented in Political Liberalism, solves this problem by eliminating bias and also decreasing (if not eliminating) the likelihood that an individual could bargain for unfair circumstances outside the realm of the two principles of justice. What this segment of the project will provide is evidence that explains how Rawls has engaged the theories of his predecessor in order to form a coherent social contract theory. To begin this analysis, the question of coercion as a catalyst for politics must be answered. Coercion in this sense is easy to identify when one clearly understands the way the Hobbesian operates. Gregory Kavka, in his analysis of Thomas Hobbes’s social contract, lists five assumptions that Hobbes makes about his agents of action. First a “natural equality” that renders everyone

⁵⁷ Ibid., 12.

essentially equal in power and ability. The second assumption is what Kavka calls “conflicting desires,” which promote conflict between agents. The third and fourth, “forward-lookers” and the “advantage of anticipation,” are what render the Hobbesian capable of pulling off preemptive attacks on their peers. Finally, a sense of “limited altruism” justifies actions that will help an individual promote his own welfare, quite possibly at the expense of another.⁵⁸

The Politics of Coercion

Thomas Hobbes has been widely criticized for having a political philosophy, most notably detailed in his social contract theory, that is largely based on coercion towards politics that is resolved only in an absolute monarchy. His apathetic attitude towards the possibility of a democratic government is one which leads him to develop theories most easily critiqued under the Rawlsian lens. Hobbes’s belief that for men to be controlled they must have an awe-inspiring power to direct their actions towards the good is true. Yet, as later contractarian authors shall prove, this awe-inspiring power does not have to be found in the shape of the *Leviathan*.⁵⁹ With his inherent lack of faith in man, Hobbes presupposes that individuals in the state of nature are *not capable* of acting in a cooperative manner without some power to settle their problems and create a state of peace. This power is only found in the tyranny of the *Leviathan*.

As has already been illustrated, the self-esteem dynamic that the Hobbesian embodies has left him in a state in which he may easily be pushed into politics. Granted

⁵⁸ Gregory S. Kavka, “Hobbes’s War of All Against All.” *Ethics* 93, No. 2 (Jan. 1983): 292-294.

⁵⁹ Hobbes, *Leviathan*, 112. Hobbes writes, “For if we could suppose a great multitude of men to consent in the observation of justice, and the other laws of nature, without a common power to keep them all in awe; we might as well suppose all mankind to do the same; and there would neither be, nor need to be any civil government, or commonwealth at all; because there would be peace without subjection.”

that politics would improve the social situation of the Hobbesian, it still goes without saying that the force required for such a political move only serves to threaten individual autonomy. The self-esteem dynamic itself only goes so far to help prepare a Hobbesian for a social contract. As Hobbes believes, a “desire of ease, and sensual delight, disposeth men to obey a common power... fear of death, and wounds, disposeth to the same, and for the same reason.”⁶⁰ With pride and fear as primary motivators, persuading a Hobbesian to join society is easily defined by his situation. As Hobbes places his agents, who are clearly driven by pride and fear of death, into a world where those very values are constantly put into jeopardy, the time when politics is seen as a viable option quickly approaches. While it may be said that everyone at any time can be said to fear death, in Hobbes’s case, it is very specific fear – the fear of a violent death. For, in his state of nature, Hobbes believes that “every man has a right to every thing.”⁶¹ What this creates for Hobbes is a group of individuals who all fear for their own life, because everyone around them may, at any time, take their life. Imagine being placed into such a world, with finite natural resources, a scarcity that predisposes individuals to fight. One would quickly decide that a political order was necessary in order to sustain his own existence. In this manner, Hobbes deduces that government is in fact a rational choice for individuals in the state of nature to make.

If one was given the choice between life and death, all rational individuals would choose to live – this is basically the definition of rationality. If the Hobbesian creatures are as rational as they have been written to be, then they will always choose life instead of death. No matter how gruesome the consequences of the absolutist *Leviathan* may

⁶⁰ Ibid., 66.

⁶¹ Ibid., 87.

seem, it is still not nearly as terrifying as the violent death they are nearly sure they would suffer in state without government. Hobbes also provides individuals with a character trait that allows them to adjudicate competing claims and decide to join government, which he calls *reason*. Reason for Hobbes is essentially a method of *reckoning* the cost-benefit analysis and coming to a conclusion about the proper action one ought to take. This aspect, however, is very important when trying to understand why the Hobbesian would believe that a *Leviathan* would provide a better *modus vivendi* than already provided by the state of nature.⁶² With this reckoning power on their side, the Hobbesians find two definitive reasons to join a political order. First, they understand that they cannot be justifiably put to death once they join in a political order. In fact, this is the only authority that the individuals do not relinquish to the sovereign in Hobbes's theory. If, at any point, the sovereign decides it is time to take an individual's life, the social contract is broken and an obligation for the subject to obey the sovereign no longer exists. As Hobbes explains, "I am not bound to kill myself when he commands me... no man is bound by the words themselves, either to kill himself, or any other man."⁶³ Knowing that one cannot actually be put to death is a reason to join politics, as it eliminates the ongoing worry that individuals feel in the state of nature.

The second reason one would rationally join a Hobbesian social contract is that, simply put, political order clearly increases the quality of life one could come to expect. In his famous passage where Hobbes calls life in the state of nature "nasty, brutish, and short," he also explains that without government there can be no societal progress or

⁶² Ibid., 28.

⁶³ Ibid., 145.

technological advancement.⁶⁴ Such inventions that Hobbes believes are impossible without government include the navigation of the sea, the reaping of the earth, “commodious building,” etc.⁶⁵ What Hobbes aims to prove with this passage is that individuals living in the state of nature are living in a state of “continual fear,” which affords the Hobbesian such a skewed perspective on life that *any form* of government would seem to be an improvement on his circumstances. This is how Hobbes both achieves some sense of social cohesion, as well as begins to justify his absolute monarchy embodied in the *Leviathan’s* sovereign power. But how coercive is this power?

The way in which Hobbes’s theory of social cohesion has always been explained, has been the infamous “join or die” mentality. One has the option, metaphorically with a sword to his throat, to become part of society or to die outside political life. This seems overtly coercive. To clarify, one should turn to Hobbes’s writings: “[The sovereign] hath the use of so much power and strength conferred on him, that by terror thereof, he is enabled to conform the wills of them all, to peace at home, and mutual aid against their enemies abroad.”⁶⁶ By our modern standards, it would be hard to quantify how much better or worse the physical or psychological terror would be. However, while Rawls would like to have us believe that he would never be guilty of coercing his agents into their hypothetical contract, it is my argument that this type of psychological coercion (that happens exclusively behind the veil of ignorance) is a necessary catalyst for individuals to consent to the two principles of justice. While the temporary regression

⁶⁴ Ibid., 84.

⁶⁵ Ibid.

⁶⁶ Ibid., 114.

into immoral actions is something that Rawls would not want to compromise, it is clear that some coercive elements exist in the writings of both Hobbes and Rawls.

Hence, Rawls has seemingly *modified* the coercion that Hobbes used, in order to achieve two goals. First, just as in Hobbes's writings, the first goal of the *Leviathan* putting his sword to an individual's throat is to 'encourage' his or her participation in government. Secondly, Rawls takes this a bit further by using the Hobbesian drive for self-esteem in conjunction with the fear of one's unknown lot in life to create principles and values in society that smile on the charitable and provide for the poor.⁶⁷ To examine the theories closely is to provide a valuable insight into the way Rawls engaged Hobbesian coercion and, more importantly fear, into forming a sound polis.⁶⁸

For Hobbes, this "fear of a violent death" is what empowers individuals to become political. This is very important, because for Hobbes, it was important to remind the reader that gangs can exist in the state of nature. Therefore, a band of weaker individuals can come together to topple the authority of any single person. Hobbes writes, "The weakest has strength enough to kill the strongest, either by secret machination, or by confederacy with others, that are in the same danger as himself."⁶⁹ This fact of nature has a few distinctive impacts on the social fiber of the Hobbesian contract, and is the subject of another working paper of mine on bargaining in the social contract. For now, the argument surrounding whether or not Hobbes's state of nature is a properly constructed prisoner's dilemma will be explained as it is commonly accepted,

⁶⁷ Rawls, *TJ*, 155-156. Rawls here explains how the adherence to the two principles of justice would mandate that those with a more favorable lot in life "should forgo advantages for the sake of the greater good of the whole." For another example of the provisions made for the poor, look to the *difference principle* found in the two principles of justice, part 2a, found on page 53.

⁶⁸ C. Fred Alford, *The Self in Social Theory* (New Haven: Yale University Press, 1991), 141.

⁶⁹ Hobbes, *Leviathan*, 82.

and later refuted. First, this constant fear grips individuals, and motivates them toward politics, acting as a catalyst. As was said before, the pride and fear that men have act as what Hobbes calls the “Laws of Nature,” and bring men together under articles of peace.⁷⁰ Secondly, the fact that any one individual may be killed by another in the state of nature lowers the standard of “good government.” By today’s benchmark, an absolute dictatorship could be deemed immoral or unjust by any number of internationally recognized bodies. However, as Hobbes was writing about hypothetical agents, the standard for “good government” was never so lofty. According to the reason of the individuals, as was examined earlier, it becomes logical according to Hobbesian utilitarian calculus because any form of government would both prevent violent death and increase the quality of life. Therefore, the absolute monarchy/tyranny readers see in the work of Hobbes would be better than the state of nature by the standard Hobbesians have as citizens. However, as the times change, so do the standards for good governance. While the conflict in England, culminating in the beheading of Charles I (1649) left Hobbes examining the horrible power of revolution that needed to be contained, John Rawls had both a very different and very similar approach to the formation of government.

Rawls too saw a form of power that needed to be checked. While Hobbes had an inherent distrust in the masses, Rawls saw that democracy was the only good form of government. Both saw what needed to be changed, yet Rawls had one thing that Hobbes could never have: 320 years of history with valuable insights into the democratic tradition, as well as the development of the fundamental principles of social justice. Therefore, for Rawls, there is no fear of a violent death if one does not join a

⁷⁰ Ibid., 86.

government. It is almost a state of limbo, in which the hypothetical agents have not agreed to the hypothetical contract. Nothing happens in such a state, and no one will die in a violent conflict. However, in creating government, there is a fear that may be worse than Hobbes's fear of death: the fear of the unknown. For some, this fear of not knowing their place in society may engender a level of anxiety that Hobbes could have only hoped for. For Rawls, this fear provides the psychological catalyst, one that is approximately identical to Hobbes's fear of violent death, towards politics, while not placing citizens in immediate physical danger and while placing them in an indefinite amount of psychological trauma.

The two concepts which make this possible are the original position as well as the principle of mutual disinterestedness. For Rawls, just as in Hobbes, no one person can dominate the rest.⁷¹ However, this only takes a Rawlsian so far in terms of a cohesive force. What Rawls does is instill a fear in the mind of men that Hobbes may have seen as similar to a fear of God. Hobbes provides a valuable insight to the fear Rawls instills in chapter XI of *Leviathan*: “this fear of things invisible, is the natural seed of that, which every one in himself calleth religion; and in them that worship, or fear that power otherwise than they do, superstition.”⁷² Hobbes saw a fear of the unknown, or the invisible, as what motivates individuals to possess religious faith. Rawls is asking his agents to do essentially the same thing, to barter on the unknown. This, to Rawls, is one of the “objective circumstances which make human cooperation both possible and necessary.”⁷³ This anxiety is further heightened when the agent doing the bartering cannot tailor the social contract to fit his particular needs. This is the most fundamental

⁷¹ Rawls, *TJ*, 110.

⁷² Hobbes, *Leviathan*, 71.

⁷³ Rawls, *TJ*, 109.

difference in the social contract tradition when Rawls is compared to Hobbes. For Hobbes, individuals knew their own merits and power before entering into a contract which inherently limited their own power to ensure their lives. For Rawls, individuals do not know what they are sacrificing or gaining when they commit to such an agreement; as Rawls believes, “there is no way for [an agent behind the veil of ignorance] to win special advantages for himself.”⁷⁴

How Rawls instills such a psychological motivation for individuals to cooperate is a huge change in the social contract and brings about two clear impacts to the tradition. First, Rawls has successfully developed a non-violent motivator for individuals to arrive at the two principles of justice. This fear of the unknown, what Hobbes would see being adhered to as devoutly as religion, perfectly catalyzes the social contract reaction. Behind the veil of ignorance, there may seem to be no motivation to be just, but the fear of having the worst lot in society provides an individual with more motivation to become political than seen in any other theory. Secondly, this fundamentally changes the way bargains can be decided upon, which will be discussed at length in a further section.* Most notably, for the social contract tradition, this point also eliminates the need for *physical force* which Hobbes found so very important. Rawls has become the one to show that Hobbes was incorrect to think that “covenants, without the sword, are but words.”⁷⁵

⁷⁴ Ibid., 130.

⁷⁵ Hobbes, *Leviathan*, 111.

The second of Rawls's answers to the problem of Hobbesian coercion is found in the original position and its "fair bargaining position."⁷⁶ Unlike the state of nature which is conducive to the affirmation of an absolute monarch due to the fear of a violent death, the original position is based on a system that will ensure the derivation and application of the two principles of justice that are at the crux of Rawlsian theories. Rawls describes the words that must be spoken to form a contract as "spoken freely or voluntarily, when one is not subject to threats or coercion, and in situations where one has a reasonably fair bargaining position, so to speak."⁷⁷ This reasonably fair bargaining position is a direct answer to the scenario in Hobbes's *Leviathan* when the sovereign may try to put his sword to a citizen's throat and ask him to join or die. In fact, Rawls claims that such a promise that was extorted by force would be "wildly irrational."⁷⁸ What does this fair bargaining position do for the social contract? To begin, it shows that Rawls has fundamentally changed the *initial situation* found in all contract theories, to be a hypothetical state where individuals can assume a reasonably fair position from which they can strike a bargain.

Moreover, it proves that the initial situation is not a primordial struggle where individuals *need* an awe-inspiring person to engender political life. In the case of the absolute monarch found in Hobbes, it is clear that Rawls is capable of inspiring the psychological fear in another way, through the randomness of the social lottery. Being afraid of being the most downtrodden individual in society can psychologically prepare an individual to accept the two principles of justice as the most fair set of circumstances that can be reached. Again, from the standards of modernity, it is easy to see why

⁷⁶ Rawls, *TJ*, 303.

⁷⁷ Ibid.

⁷⁸ Ibid., 304.

Rawls's social contract theory could be said to have adapted to the changing times and buckling under the pressure of the democratic tradition. In terms of Hobbes, Rawls rejects that "*Mortal God*" which Hobbes puts forth as the one person who can hold the sovereign power and protect society.⁷⁹

Furthermore, Rawls makes a different argument for the rationality behind government, as "in justice as fairness the original position of equality corresponds to the state of nature in the traditional theory of the social contract."⁸⁰ Whereas in Hobbes it was rational to try to improve one's situation by any means necessary (presented as absolute monarchy), now the initial situation has become an *Archimedean point* from which one can derive the two principles of justice. In a sense, these principles become the *de facto* awe-inspiring power that Hobbes needed to maintain order. As a result, after the contract is made, the two principles of justice become "institutional forms [that] are embedded within the conception of justice."⁸¹ Knowing this, the Rawlsian initial situation essentially prevents the coercion that is seen in Hobbes. Furthermore, Rawls has eliminated the need for physical force and also enables individuals to have a reasonably fair position to begin their political state.

The last question on the topic of coercion in Hobbes's writings stems from the idea of the profitability of forming government. David Gauthier contends that:

Hobbes characterizes the natural condition of humankind as a *mutually unprofitable* state of war of every persona against every other person...Hobbes supposes that persons can exit from the state of nature, and his account of conflict is intended to establish, not that rational persons would face universal war, but that they would

⁷⁹ Hobbes, *Leviathan*, 114. See especially pages 112-114, the most important parts of chapter XVII, which outline the importance of the sovereign in promoting unity under monarchy, and being able to enforce the oaths that were useless before him.

⁸⁰ Rawls, *TJ*, 11.

⁸¹ Ibid., 231.

accept an institutional structure that provides the *coercive force needed* to motivate compliance with the laws of nature.⁸²

This excerpt from Gauthier serves to prove two key points about Hobbesian theory and scholarship heretofore. Again, my answer to modern scholarship on Hobbes has been stated, and a summary of my arguments will appear after an explication of the bargaining problems in Hobbes's state of nature. First, Hobbes's state of nature is mutually unprofitable, meaning that without government it is a lose-lose situation for every agent in the state. Secondly, Gauthier also believes that Hobbes uses such a violent state of nature to emphasize the necessity of coercion. While the ideas of mutual disinterestedness and group profitability will be discussed at length in a later section of this section, this contrast is still important to note now as it promotes the Hobbesian thinking that any government is good government. In a scenario where there are heinous crimes of nature, cooperation and progress are far-off thoughts.⁸³

Now this project must again examine the Rawlsian initial situation. This original position is a place where rational and equal agents are asked to create the rules that govern society. However, this does not preclude the exact opposite of what Gauthier called mutually unprofitable. The classic example to illustrate Rawlsian justice at work involves a handful of people dividing a cake that they all desire. The rule in the Rawlsian system is that he who cuts the cake must take the last piece.⁸⁴ This scenario clearly illustrates the possibility of cooperation for mutual profitability. Again, what Rawls calls mutual disinterestedness in *A Theory of Justice* is the power agents have behind the veil

⁸² David Gauthier. "Symposium Papers, Comments and an Abstract: Hobbes's Social Contract." *Nous* 22, No. 1 (March 1988): 72, emphasis added.

⁸³ Hobbes, *Leviathan*, 197: "As for the passions, of hate, lust, ambition and covetousness, what crimes they are apt to produce, is so obvious to every man's experience and understanding, as there needeth nothing to be said of them...their effects cannot be hindered, but by extraordinary use of reason or a *constant severity in punishing them.*" Emphasis added.

⁸⁴ Rawls, *PL*, 72.

of ignorance to not take interest in another's desires.⁸⁵ This idea becomes even clearer in Rawls's later work, *Political Liberalism*, when he discusses the reasonableness of his newly modified actors:

Reasonable persons, we say, are not moved by the general good as such but desire for its own sake a social world in which they, as free and equal, can cooperate with others on terms all can accept. They insist that reciprocity should hold within that world so that each benefits along with the others.⁸⁶

Therefore, while Rawlsians have *potential* appetites and aversions, to use the Hobbesian language, they do not care about the other agents' same appetites and aversions. This will become a key point in the next section of this section, but also concludes that the agents in Rawls would see coercion as undesirable, not as a pleasant alternative to non-governance.

To conclude, Rawls seems to want to have the Hobbesian mechanism for bringing about government, as well as *some* coercive mechanisms within society to promote a sense of stability. He writes in *A Theory of Justice* that "it is reasonable to assume that even in a well-ordered society the coercive powers of government are to some degree necessary for the stability of social cooperation."⁸⁷ Rawls goes on to explain punishment for crime and taxes as the forms of coercion that are necessary to promote security and welfare. However, the most interesting quote from Rawls is when he directly references Hobbes's scheme and claims that justice as fairness can actually achieve the exact same ends: "The general belief is the [Hobbesian] sovereign's efficacy removes two kinds of instability. Now it is evident how relationships of friendship and mutual trust, and the

⁸⁵ Rawls, *TJ*, 12.

⁸⁶ Rawls, *PL*, 50.

⁸⁷ Rawls, *TJ*, 211.

public knowledge of a common and normally effective sense of justice, bring about *the same result.*⁸⁸

This is one of the most compelling quotes in all of Rawls's writings to illustrate that the reason he was promoting justice as fairness was to illustrate how previous social contract theorists, and especially Hobbes, had erred. In this paragraph, he clearly states that the stability Hobbes was able to achieve was both admirable and necessary, but the *means* in which he obtained it were flawed. By putting forth justice as fairness, Rawls is then able to argue that "a society regulated by a public sense of justice is inherently stable," and clearly illustrate the uselessness of Hobbes's absolute monarch.⁸⁹ In sum, Rawls is able to achieve both the catalyst toward politics, as well as the Hobbesian stability, without using the coercive force of the *Leviathan*'s sword to the citizen's throat.

Pride, Self-Esteem and Mutual Disinterestedness

While the concept of mutual disinterestedness in Rawls was touched on in the last section of this section, its importance can only be appreciated in front of the backdrop of the Hobbesian lust for pride. This pride is what fuels the conflict in Hobbes's state of nature, providing a never-ending tension between all rational agents. In Rawlsian theories, the veil of ignorance and original position mechanisms change this, and provide an explicit answer to Hobbes. This again allows Rawls to leave his mark on the social contract tradition by providing a way to curb 'rational' appetites to promote mutual self-respect, as well as charity towards all citizens.

⁸⁸ Ibid., 435, emphasis added.

⁸⁹ Ibid., 436.

This may seem too utopian to belong in the social contract tradition, but the beauty of any social contract is that the details of its tenets are defined by the dynamic of the individuals compacting on it. This is, to say, that the modus operandi of the individuals dictates the modus vivendi for all. For Rawls to use the “higher level of abstraction” to create a world where social welfare is valued over individual progress, and create a society where being charitable increases one’s social standing, clearly shows the overwhelming Hobbesian influence in his work.⁹⁰ Furthermore, while Rawls does engage Hobbes, he also leaves behind the morbidly competitive nature of agency, replacing it with his concept of mutual disinterestedness. Concerning the ideas of pride, self-esteem, and mutual disinterestedness, Rawls makes significant changes to Hobbes in two instances. These cases, discussed below, will elucidate Rawls’s answer to Hobbes, as well as show how John Rawls has relied on Hobbes for a clear foundation for *justice as fairness*.

The first major influence and change that can be seen when examining the concept of self-esteem in Hobbes and Rawls is noted in the fact that Rawls does not have a “zero-sum” approach to self-esteem. As was mentioned above in the explanation of the dynamic of the agents of action in all the social contract theories this project is concerned with, Hobbesians have a (relatively) skewed perception in how they fit into society in relation to everyone else. To trace the argument that Hobbes makes for the nature of self-esteem, it is important to look first at Chapter X of *Leviathan*. In this chapter, Hobbes lays out the foundation for his theory of competitive esteem, which will be called the zero-sum approach, as this author believes it is clearly a multiplayer competitive game in the classical sense. This means that there are so many “units” of honor that exist in the

⁹⁰ Ibid., 10.

Hobbesian state of nature that can be possessed by all its inhabitants. If one person can trump another in strength, talent, or intelligence, then honor is bestowed on the stronger, more talented or more intelligent. While it is not the subject of the paper at hand, one can use this view of honor and honor transfers as a direct response to Iris Young's conception of rhetoric's value in democratic discourse. If one person is able, through the employment of what she calls rhetoric, to capture an audience's attention, then it is in Hobbes's understanding an exercise of the speaker's power over the other. This use of power over the other would concern any liberal democratic theorist, and especially Young.⁹¹ This point of this piece is not to answer Young directly, and the Hobbesian criticism of her democratic model is the subject of another project, it does illustrate the power and salience of Hobbes's philosophy of human nature. To return to the topic at hand: this aspect of Hobbesian dynamic can be broken down into three subsections that explain the impact of this assumption on the contract itself.

The first tenet explains the relationship between respect and power as directly proportional. The more respect one is given in the state of nature, the greater power he has as a result. Hobbes defines power as the “means to obtain some future apparent good.”⁹² This means that the individual must possess a conception of what is and is not good in society and have the proper strengths to reach those goals. Reputation also plays a part in this cycle, as “whatever quality soever maketh a man beloved, or feared of many... is power.”⁹³ With love and fear now equating to respect, there is a clear reason for individuals to try and supercede their counterparts, leading to the state of war that Hobbes explains. The impact of this aspect is an overly competitive world, where it

⁹¹ Iris Young, *Inclusion and Democracy* (Oxford: Oxford University Press, 2000), 44.

⁹² Hobbes, *Leviathan*, 58.

⁹³ Ibid, 58.

becomes rational to seek more and more power via reputation. Moreover, power as Hobbes defines it, dictates worth. Turning to *Leviathan*:

The *value*, or WORTH of a man, is as of all other things, his price; that is to say, so much as would be given for the use of his power: *and therefore is not absolute; but a thing dependent on the need and judgment of another...* For let a man (as most men do,) rate themselves at the highest value they can; yet their true value is no more than it is *esteemed by others.*⁹⁴

What this excerpt proves is that esteem in Hobbesian life is a function that is dependent on the variables of those around you. Whatever someone would give for the use of your power determines your worth, and very simply puts a price on human value that is calculated solely in terms of ability. What seems like a sustainable meritocracy quickly becomes that state of war that was examined earlier, where any one individual can be killed by a confederacy of weaker individuals. Here, no one is safe. While this does act as a catalyst toward the political life, it still does not fully explain the Hobbesian mindset in terms of power.

The second aspect that is unique to Hobbes's theory is that if one person makes an attempt at *using* another person's power, the latter has become honored. To place yourself in the need of another is to honor him who can provide for you.⁹⁵ Again, this only increases the subjectivity of the power struggle, and more clearly emphasizes the zero-sum feature of this world. By placing oneself at the feet of another and asking for the use of their power, one simultaneously honors the powerful while dishonoring himself. This is true as the mendicant places a low rate of value on himself in order to be in need of such assistance. Such "signs of honor" can include almost anything, and Hobbes gives his readers a rough list in *Human Nature*:

⁹⁴ Ibid, 59. Emphasis added.

⁹⁵ Ibid.

To praise; to magnify; to bless, or call happy; to pray or supplicate to; to thank; to offer unto or present; to obey; to hearken to with attention; to speak to with consideration; to approach unto in decent manner, to keep distance from; to give the way to, and the like; which are *the honor of the inferior giveth to the superior*.⁹⁶

While the different manners in which one can bestow honor on another are conceptually infinite, the emphasis of the passage above is on the last few words. The honor, in this case, is given from the inferior to the superior. It is a type of, what I would call, an *honor transfer*. These honor transfers are the basis for the criticism of Young's *communicative* democratic model I mentioned earlier: that reputation, esteem, and hence power are all zero-sum calculations.⁹⁷ With this in mind, it is easy to understand why Hobbes envisions in his agents "a restless desire of power," existing in everyone. As Hobbes continues, "I put for a general inclination of all mankind, a perpetual and restless desire of power after power, that ceaseth only in death. And the cause of this, is... because he cannot assure the power and means to live well."⁹⁸ With this never-ending desire for power as the third aspect of Hobbes's egoist mentality, it is easy to see how the transformation from a state of nature into a place where absolute sovereignty can be justified could occur. The relation of this mentality to the *social contract tradition* will now be explained as the project turns to examine Rawlsian theories on esteem and respect.

The reader discovers many glaring differences from Hobbes that leap off the page when looking at the way Rawls addresses the concept of self-esteem. The first is, simply put, that Rawls sees self-esteem and self-worth as *intrinsic goods*. This means that, unlike in Hobbes, the amount of self-worth one has or perceives he has is not conditional

⁹⁶ Hobbes, *Human Nature*, 49.

⁹⁷ Ibid., 48.

⁹⁸ Hobbes, *Leviathan*, 66.

on anything but his existence. But, what does this mean for the contract itself? For this, let us turn to Rawls's belief that:

A person's worth does not vary according to how many offer similar skills, or happen to want what he can produce... it is one of the fixed points of our moral judgments that no one deserves his place in the distribution of natural assets any more than he deserves his initial starting place in society.⁹⁹

While it may seem commonsensical, from the liberal democratic perspective we have

today, the approach to individuals simply being intrinsically valuable would be incomplete unless others respected that worth. This point will be addressed below; for now let the project explain this difference between Hobbes and Rawls more clearly.

Recall that for Hobbes, self-esteem was a function of interpersonal relationships; however, Rawls makes such a basic psychological need as universally respected as such, therefore eliminating the conflicts in Hobbes that keep his agents from pursuing a common good. While some may say that political life is the ultimate common good, in Hobbes it is seen as a welcome escape from a nightmarish state. There is no clear focus placed on any sense of the *common good* as such; the only focus is that individuals want to better their personal situation. Moreover, with self-esteem as an intrinsic good, esteem is not mutually exclusive as in Hobbes. This line of thought is clearly Kantian in nature, which seeks to treat individuals as inherently valuable due to their personhood, not simply based upon some set of arbitrarily given talents. For Rawls, this leads to his agents possessing an "ethic of mutual respect and self-esteem."¹⁰⁰ This is what leads those without a particular talent to not transfer honor or feel bad about those who do have

⁹⁹ Rawls, *TJ*, 274.

¹⁰⁰ Ibid., 225.

a particular talent. Rawls gives an example involving musicians: “Those with no musical ability do not strive to be musicians and feel no shame for this lack.”¹⁰¹

This difference between Hobbes and Rawls is important in understanding how honor and esteem matter in both of their theories. For Hobbes, the very notion of ability seems nearly dialectical in nature. Ability implies non-disability, and disability the opposite of ability. Therefore, for Hobbes, the very fact that one resident in the state of nature (and this may just be a matter of semantics) *has* a musical ability is to imply through dialectical reasoning that another does not have any musical ability. Therefore, the one who does not have any ability, through her own human nature is caught in a place where her esteem has been compromised because she cannot entertain others as well as the other agent with musical ability.

Without the sense of honor or esteem being mutually exclusive (or dialectical as described above), as was seen in Hobbes, Rawls also is able to set the standard for self-respect as the most important of primary goods. This is where the Kantian interpretation of agency can clearly be seen in Rawls. Autonomy and self-worth are intrinsic goods, and the former is an execution of the latter. My interpretation of the importance of such Kantian values in Rawls is that Rawls used such theories to foresee and therefore avoid the Hobbesian zero-sum scenarios, although he incorporates some Hobbesian mentalities into his sense of agency. Rawls believes that his “parties in the original position would wish to avoid at almost any cost the social conditions that undermine self-respect.”¹⁰² While Hobbes needed competition to act as a cohesive force towards politics and technological advancement, Rawls’s theory does not need such competition. John

¹⁰¹ Ibid., 390.

¹⁰² Ibid., 386.

Rawls's argument essentially follows like this: individuals desire to pursue activities that are increasingly complicated and that show their competence, in order to believe that the work "we do in everyday life is worthwhile."¹⁰³ This "Aristotelian Principle" is what provides a motivation for work and cooperation, especially because, in Rawls's contract theory, work is always geared toward bettering the *common* good:

None of the precepts of justice aims at rewarding virtue. The premiums earned by scarce natural talents, for example, are to cover the costs of training and to encourage the efforts of learning, as well as to direct ability to where it best furthers the common interest.¹⁰⁴

For Rawlsians, following the Aristotelian Principle is a way of life. It is what increases your level of enjoyment in an otherwise mundane life, all the while providing for some sense of the common good. While this author concedes that this interpretation on human nature can probably be seen as utopian, that bears no weight in the shortcomings of any political philosophy. While Rawls's assumptions can be said to be too idealist, he clearly provides answers to the Hobbesian dilemma of zero-sum self esteem and are pertinent to the study of political philosophy as a unique discipline.

For evidence of the direct engagement of Hobbesian theory in *A Theory of Justice*, Rawls calls Hobbesian envy "collectively disadvantageous" and strives to have a system where "the persons in the original position try to acknowledge principles which advance their system of ends as far as possible."¹⁰⁵ Rawls writes the idiosyncrasies of his rational agents as a very direct answer to Hobbes, "they [do not] try to gain relative to each other; they are not envious or vain. Put in terms of a game, we might say: they strive for as high an absolute score as possible... nor do they seek to maximize or

¹⁰³ Ibid., 387.

¹⁰⁴ Ibid., 274.

¹⁰⁵ Rawls, *TJ*, 124 – 125.

minimize the difference between their successes and those of others.”¹⁰⁶ Clearly this is an answer to the zero-sum game that Hobbes envisioned, where transfers of honor took place at one agent’s expense.

On face, there are three key impacts on the social contract tradition that Rawls makes by engaging Hobbes in such a fashion. First, is that Rawls is capable of reversing the central doctrine of hedonism found in Hobbes and replacing it with a much more compassionate altruism.¹⁰⁷ Secondly, Rawls now is able to incorporate a deontological morality into the tradition, which holds individual autonomy at the highest level while providing for a mutual respect of all agents as intrinsically valuable. This is clearly seen in the “radically egalitarian” nature of the difference principle, as well as in the Aristotelian-based work ethic.¹⁰⁸ Finally, Rawls employs Kantian interpretation in order to have his agents value the common good as an end in itself. Shifting from the former interpretations of both Hobbes and Locke, Rawls (through Kant) is now able to see what government is capable of if individuals agreed to let all their actions be governed by the two principles of justice. Because of this shift, where everyone is treated as an end with perfect esteem and worth, a Rawlsian will now have “no cause to shame himself in his own eyes and to dread the inward view of self-examination.”¹⁰⁹

Upon examining Rawls’s social contract, it is clear that a fair amount of altruism is required to allow for such an expensive leveling of the societal playing field. However, what Rawls does is play upon the natural (Hobbesian) inclination to try to gain esteem, and in conjunction with the two principles of justice creates another layer of his

¹⁰⁶ Ibid.

¹⁰⁷ J.W. Gough, *The Social Contract* (Oxford: Oxford University Press, 1936), 105-6.

¹⁰⁸ Frank Snare, “John Rawls and Methods of Ethics.” *Philosophy and Phenomenological Research* 36, No.1 (September 1975): 110.

¹⁰⁹ Immanuel Kant, *Critique of Practical Reason* (Cambridge: Cambridge University Press, 1997), 75.

political order which believes it is both *rational* and *respectable* to perform charitable deeds. There are a number of sections of Rawls's work one can use to draw evidence from. First is the fact that Rawls creates mutual disinterestedness to be seen not as sympathy but as an action that would be rewarded with further praise. Anyone who is seen as contributing to the common good would be heralded by his peers, but not to anyone's demise in terms of self-worth.¹¹⁰ Secondly, Rawls sees charity as a means for individuals to express their (Kantian) autonomy. This is what the original position actually embodies. As Rawls contends, "the Original position may be viewed, then, as a procedural interpretation of Kant's conception of autonomy and the categorical imperative within the framework of an empirical theory."¹¹¹ Everyone must act with full autonomy "when the principles of action are chosen by him," and so that his actions are both able to be universalized and follow from the two principles of justice.¹¹²

Furthermore, Rawls introduces to the contract tradition a concept that would have been unrealistic in the contract theories before him, and this is his concept of *fraternity*. Rawls believes that "a further merit of the difference principle is that it provides an interpretation of the principle of fraternity."¹¹³ For Rawls, fraternity is an idea that suggests that members of a particular group "do not wish to gain unless they can do so in ways that further the interests of the rest."¹¹⁴ What he calls a "perfectly feasible standard," which has "had a lesser place in democratic theory," helps individuals understand the far-reaching impacts of mutual disinterestedness to suggest a cooperative scenario where no one advances their individual interests above those interests shared by

¹¹⁰ Rawls, *TJ*, 163.

¹¹¹ Ibid., 226.

¹¹² Ibid., 222.

¹¹³ Ibid., 90.

¹¹⁴ Ibid.

the group. While mutual disinterestedness is behind the veil of ignorance, fraternity is what exists in the modus vivendi created and governed by the two principles of justice. In the Rawlsian social contract, everyone works for the advancement of the common good.

Hobbes would surely argue that Rawls is being unrealistic, that the human nature governing the formation of politics is too rife with conflicting appetites. To say that human nature, as Hobbes defines it, could be curbed so that everyone was a genuinely good person who enjoyed helping others – the most ideal amalgamation of the hedonist and altruist – is to possibly put too much faith in man. However, being nothing more than a theory, Rawls's most obvious criticism finds itself without much weight. However, due to the fact that Rawls is deriving his theory of justice as fairness from the moral teachings of Kant, it is understandable how such an ideology can be wrought. This creates two rather lasting impacts on the social contract tradition. The first is that Rawls is not able to make altruism the norm. Altruism in Rawls is what governs individuals and enables them to see the overall benefit of their actions aimed at furthering the interests of society as a whole. Secondly, it also curbs pride so individuals are proud to serve others, borrowing from the Hobbesian desire to be better than others. However, Rawls does not have this level of competition and does not need it, due to his concepts of mutual disinterestedness, fraternity, and most importantly intrinsic self-esteem.

A Note on Rational Choice Theory

At this point in the project, it would serve the overall purpose to explain the conventional argument for Hobbes's state of nature as a “prisoner’s dilemma” and

understand both the Rawlsian shift to a pareto-optimal focused game (recall Rawls's interpretation of the game as agents going for the highest possible *combined* score), as well as a new way of understanding Hobbes's bargaining game in terms other than that of the prisoner's dilemma. This argument for the Rawlsian shift is itself inchoate, but runs along the following premise: a fundamental change in the social contract from Hobbes to Rawls is the shift from the mentality of Hobbes's actor in game theory's infamous "prisoner's dilemma," to a cooperative game that more closely achieves a maximum utility gain equilibrium for all players.¹¹⁵ To begin, both these theories require the actors to be rational which ought to be defined in relationship to game theory, "rational behavior means choosing the best means to gain a predetermined set of ends."¹¹⁶ While both Hobbes and Rawls define their agents to be rational, and able to use cost-benefit analysis to reach conclusions, the actors reach different governing principles due in part to the nature of the game they are playing.

As was illustrated in previous sections, in a Hobbesian state of lawlessness it is rational to be the first attacker in any conflict.¹¹⁷ This is what is meant to justify the Hobbesian's aggressive nature. To play defense or to react to another's actions is to put one at risk. As there are no rules governing a person's behavior in the Hobbesian state of nature, to act passively is to put one at the mercy of others. This, Rawls acknowledges, is the core of the Hobbesian *prisoner's dilemma*:

The first sort of problem arises whenever the outcome of the many individuals' decisions made in isolation is worse for everyone than some other course of action,

¹¹⁵ The Prisoner's Dilemma is attributed to A.W. Tucker who is said to have coined the term in 1950. See Alvin E. Roth. "Laboratory Experimentation in Economics: A Methodological Overview." *The Economic Journal* 98, No. 393 (December 1988): 997.

¹¹⁶ James D. Morrow, *Game Theory for Political Scientists* (Princeton, NJ: Princeton University Press, 1994), 17.

¹¹⁷ Again, it is important to understand that I am setting up the traditional argument so that I may better answer it with my new interpretation based on Hobbes's conception of confederacies in the state of nature.

even though, taking the conduct of the others as given, each person's decision is perfectly rational. This is simply the case of the *prisoner's dilemma* of which Hobbes's state of nature is the classical example. The isolation problem is to identify these situations and to ascertain the binding collective undertaking that would be best from the standpoint of all.¹¹⁸

Acknowledging that Hobbes lives in some construct of a prisoner's dilemma is to point out that the Hobbesian social contract is the direct result of a two-person, non-cooperative, nonzero-sum game. It is also the overall theme of the paper to point to how Rawls directly engages Hobbes only so long as to be able to offer a counter-interpretation of human nature or bargaining in the social contract. It is this shift that helps illustrate that Rawls both relied on Hobbesian psychology and intentionally tried to distance himself from Hobbes's writings on absolutist government. My argument is that by bringing this aspect of Hobbesian theory, the misperception that Hobbes's state of nature was a prisoner's dilemma, that Rawls also assumed to be true, to the forefront, Rawls is making the first step to change the game theory that lies behind the social contract.

Rawls's main answer lies within the two devices he is most famous for: the veil of ignorance and the original position. Remember that "the parties have no basis for determining the probably nature of their society, or their place in it."¹¹⁹ If, in fact, our rational actors are incapable of making probability calculations, they could never come to a conclusion to strike first, and because it is not in their nature to war in the veil of ignorance, or within Rawlsian society, this Hobbesian crisis is averted. This is due, in part, to Rawls trying to solve the "non-social" deficiency that the previous social contractarians had used as the standard. While the veil of ignorance may be said to hinder "interpersonal bargaining," it still creates a product whose scaled utility creates the

¹¹⁸ Rawls, *TJ*, 237-238, emphasis added.

¹¹⁹ Ibid., 134.

best set of circumstances possible from a game theory standpoint.¹²⁰ By eliminating the knowledge the players have of their circumstances, Rawls completely does away with any formulation of the prisoner's dilemma; and even though it shall be shown later that Hobbes really didn't have one, this is an example of Rawls directly refuting Hobbes even though Rawls does not acknowledge that he is working from within the same tradition (though remember he acknowledges Locke, Rousseau and Kant). Rawls does this in order to avoid the ethical pitfalls of having someone bargain from a position of known power or weakness. Justice itself, Rawls's ultimate goal, cannot be achieved in such a situation. He assumes that "to each according to his threat advantage is not a conception of justice."¹²¹ If he had allowed individuals to use "their capacity to intimidate and coerce," Rawls would never have needed the mechanisms of the veil or the original position; he simply would have had a state of war as in past theories. By changing the bargaining method in the formal sense, Rawls is able to adjudicate competing claims more effectively, while still reaching the conclusion of the two principles of justice.

Simply put, the prisoner's dilemma creates a system where, as is normally argued to be synonymous with Hobbes's state of nature, it is *rational* to be the aggressor in any conflict. Ergo, the prisoner's dilemma eliminates all chances for cooperative bargaining. Game theory itself did not have a solution to these types of scenarios until the advent of a theorem written by John Nash.¹²² Nash's equilibrium to solve bargaining problems can be seen in the simple setup of Rawls's bargaining position and through the condition of

¹²⁰ David Boucher and Paul Kelly, *The Social Contract from Hobbes to Rawls* (New York: Routledge, 1994), 13.

¹²¹ Rawls, *TJ*, 116.

¹²² Interestingly enough, this theory was first written while Nash and Rawls were both at Princeton.

the veil of ignorance.¹²³ It should be said that Rawls does adhere to the strict definition of a pure “Nash equilibrium.” This definition means that the payoffs for every agent, when added together, total all possible payoffs. However, the most germane argument is that Rawls based his theories on a cooperative game, nearly exactly like Nash’s, as opposed to the prisoner’s dilemma as described in Hobbesian scholarship heretofore in order to reach a point in the distribution of primary goods, and hence utility, that is closer on the scale of comparative utility to Nash’s famous solution point.¹²⁴ The difference here between the cooperative and non-cooperative game clearly makes an impact on the nature of the agreements reached in the respective social contract theories. In a cooperative game, by definition, “players can make binding agreements before and during the play of the game, and communication between players is allowed.”¹²⁵ Aspects of cooperation in Rawls can clearly be seen: the binding agreements before and during play are the two principles of justice, and the communication that exists between the agents is what helps them to deduce said principles. In the non-cooperative game, “binding agreements cannot be made by the players.”¹²⁶ The impact that all of this has on the rational choice theory of the social contract, is truly profound.

There are essentially three reasons why Rawls is closer to the Nash solution point, as well as important reasons why Rawls shifts to an approach resembling Nash’s. The first is that Rawls clearly promotes discourse between the agent or agents in the original position. While it is never sure if Rawls’s social contract actually necessitates more than

¹²³ John F. Nash, Jr. “The Bargaining Problem.” *Econometrica* 18, No. 2 (Apr. 1950): 155-162. This work revolutionized both game theory’s definition of cooperation, as well as the idea of group utility. Prior to this paper, cooperative games for both the individual’s and the group’s good were nonexistent. While Nash’s impact on economics has been acknowledged, he may have had just as strong an impact on the bargaining problem that exists in the social contract.

¹²⁴ Nash, 1950, 160

¹²⁵ Morrow, 75.

¹²⁶ Ibid.

one player for its game, which leaves Rawls open to feminist critique, the veil of ignorance's effects coupled with a fear of being the worst off in society acts so that even one player would successfully bargain towards the two principles of justice. Either way, the two principles of justice are the result of the communication that would exist. Secondly, Rawls allows for individuals to take into account others' needs when deciding on the rules that govern society. Recall that mutual disinterestedness charges individuals to be aware of other people's preferences, as well as their understanding of primary goods which are to be distributed as fairly as possible. Without interpersonal comparisons being possible, a collective decision about how to divide society's resources could never be reached.¹²⁷ Thirdly, the solution point for the division must be governed by the two principles of justice which govern social cooperation. Rawls makes this point very early on in A Theory of Justice, as he writes that "social cooperation makes possible a better life for all than any would have if each were to live solely by his own efforts."¹²⁸ This reason for joining society in politics, a result of social cooperation, exists in every social contract theory; how does the bargaining behind it differentiate Rawls from the rest?

The prisoner's dilemma, as presented in Hobbesian scholarship, is the previous standard for the way social contracts were evaluated prior to Rawls. Decisions, made by Hobbesians, "[arise] from manipulation by certain techniques of persuasion and conditioning... [which is] the sort of action model that Hobbes, like many other liberal

¹²⁷ Marco Mariotti. "Fair Bargains: Distributive Justice and Nash Bargaining Theory." *The Review of Economic Studies* 66, No. 3 (July 1999): 734.

¹²⁸ Rawls, *TJ*, 4.

social philosophers, regarded as standard.”¹²⁹ The definitive characteristics of the prisoner’s dilemma are themselves precluded under Rawlsian theories from existing in the original position. Said by some game theorists to be “caught between a rock and a hard place,” the actors making the decision in the prisoner’s dilemma and the Hobbesian contract are in a situation where the following equation is true: $S < P < R < T$, where T is the “temptation payoff,” R is the “reward payoff,” P is the “punishment payoff,” and S is “sucker’s payoff.”¹³⁰ From this simple equation, “we begin to see clearly the similarities with Hobbes.”¹³¹ Due to this equation and the governing dynamics of the Hobbesian social contract, it is irrational to make the first cooperative move. Being an irrational action, Hobbes’s thoroughly rational creatures will always fail to cooperate and therefore always be stuck, until the appointment of the sovereign, in a natural condition that is the definition of a prisoner’s dilemma.¹³² While Hobbes’s purpose in Leviathan is clearly to lay down the foundation for adherence to absolute sovereignty, the thought process behind it does not leave his actors with much of a choice. However, due to modern economic and bargaining theory, Rawls is able to give a much better answer to how agreements ought to be reached in a modern social contract theory.

Because Rawls’s social contract (and the bargaining theory behind it) are based on both friendship and mutual trust, it is easy to see why an agent “may expect to improve his situation if all comply with the principles” of justice.¹³³ With these characteristics, Rawls claims that he is able to achieve the “same result” of stability and

¹²⁹S.I. Benn and W.L. Weinstein “Being Free to Act, and Being a Free Man.” *Mind* 80, No. 318 (Apr. 1971): 206.

¹³⁰Patrick Neal. “Hobbes and Rational Choice Theory.” *The Western Political Quarterly* 41, No. 4(December 1988): 638-639.

¹³¹Ibid., 640.

¹³²Ibid., 642.

¹³³Rawls, *TJ*, 435.

efficacy that “the Hobbesian sovereign” was intended for. Furthermore, “no one wishes to advance his interests *unfairly to the disadvantage* of others.”¹³⁴ This allows individuals to reach some form of the Nash equilibrium, and come close to his solution point for the optimal distribution of utility for n-persons, by having individuals work toward their individual good while never sacrificing the good of the group. Going back to the cake example, in a two-person game, most pairs of individuals would agree to split the cake in half, assuming that they both wanted the cake equally. A similar experiment has actually been conducted by Nydegger and Owen when they asked their subjects, in pairs, to divide a single dollar between them. Every group decided to an even 50-50 split.¹³⁵ This result should not surprise anyone. While the reason such an agreement cannot be reached in the Hobbesian state of nature may simply be because civil society does not exist, it would be hard to imagine two people fighting to a violent death over such a trivial sum.

Looking back to Rawls, his Nash equilibrium exists if “each of our claims is optimal given the other’s claim.”¹³⁶ With our natural predisposition to divide things fairly, as illustrated by the Nydegger and Owen study, Rawls’s social contract’s extra-hypothetical level is merely a way to explain why the prisoner’s dilemma in Hobbes is inadequate given the new possibility of cooperative games and the logical of optimal outcomes. John Nash believed that “every finite game has an equilibrium point,” although he used the game of poker to illustrate his example where we have used cake, a

¹³⁴ Ibid.

¹³⁵ R.V. Nydegger and G. Owen. “Two-Person Bargaining, An Experimental Test of the Nash Axioms.” *International Journal of Game Theory* 3, (1974): 239-50

¹³⁶ Brian Skyrms. “Sex and Justice.” *The Journal of Philosophy* 91, No. 6 (June 1994): 308-309.

single dollar, and Rawls's division of primary goods.¹³⁷ Thus, Hobbes is stuck with the prisoner's dilemma formulation of the social contract's initial situation until he has the proper civil force to cause cooperation between players.¹³⁸ Again, this claim will be answered in due course. Without a contractarian mechanism, like Rawls's veil of ignorance resulting in the two principles of justice which promote cooperation, Hobbes is stuck in the definitive non-cooperative game from which a fair distribution of primary goods can never result. As David Gauthier concludes, "Hobbes's absolute Sovereign stands as an awful warning to those, who like Hobbes himself, suppose that human society needs *no* basis in sympathetic interests."¹³⁹ Taking this in contrast to Rawls's theories on mutual disinterestedness, combined with his dual mechanisms for promoting charity and compassion, it is no surprise that Rawls's theory comes closer to resembling the newer theories of Nash in trying to obtain such a fair distribution of primary goods.

What this does for the social contract is encourage an entire new school of thought in terms of bargaining position in the state of nature. What Rawls has done is turn the tables from a prisoner's dilemma to a state of mutual cooperation for the benefit of both the individual actor and for the group – such a mentality is crystal clear in his devising of the original position and the veil of ignorance. Yet, as long as the reading of Hobbes suggests such a dilemma based on the facts that "force and fraud, are in war the two cardinal virtues," and that his agents by definition "endeavor to destroy, or subdue one another," the prisoner's dilemma is the only game that Hobbesian social contract

¹³⁷ John F. Nash, Jr. "Non-Cooperative Games." *The Annals of Mathematics* 54, No. 2 (September 1951): 288.

¹³⁸ Russell Hardin. "Hobbesian Political Order." *Political Theory*, Vol. 19, No. 2 (May 1991): 161.

¹³⁹ David Gauthier. "Thomas Hobbes: Moral Theorist." *Journal of Philosophy* 76, No. 10 (October 1979): 559.

theory can be said to embody until an alternative explanation can be given.¹⁴⁰ For brevity's sake, my fundamental argument for to correct the misconception of Hobbes's state of nature as a prisoner's dilemma will be offered here to complete the refutation of scholarship heretofore. It is the subject of another working paper that Hobbes cannot have a prisoner's dilemma because he allows for the creation of bands of persons (*confederacies*, in Hobbes's language) that will be for their members' common defense. Traditional Hobbesian scholarship dictates that individuals form government solely for the protection of their lives from a violent death that they may leave in peace and prosper. If this sort of arrangement can exist between some groups of people in the state of nature, where is Hobbes's true argument for how government is formed? My criticism is that Hobbesian scholarship cannot be understood without taking into account other psychological choice theories, aside from solely rational choice, to allow for the interpretation of individuals forming confederacies.

My recommendation, is that the use of prospect theory ought to be employed as a lens to examine the bargaining that occurs in Hobbes's state of nature. Prospect theory, stemming from the scholarship of Kahneman and Tversky, entails that individuals make different decisions based on their assessment of risk and whether or not they are operating in a domain of gains or a domain of losses.¹⁴¹ My interpretation, is that Hobbesians can only be thought to be operating in a domain of losses, and following Kahneman and Tversky's results, are more likely to make riskier maneuvers and begin to trust the compatriots that form confederacies. Again, this is only a brief answer but does underscore the importance of rational choice in the social contract. What Rawls

¹⁴⁰ Hobbes, *Leviathan*, Ch. XIII: 83-85.

¹⁴¹ Daniel Kahneman and Amos Tversky. "Prospect Theory: An Analysis of Decision Under Risk." *Econometrica* 47, No. 2 (March. 1979): 263-292.

borrowed from Hobbesian scholarship, it seems, is the consciousness of formal bargaining theories being employed in social contracts. Rawls's answer to Hobbes as a prisoner's dilemma is evidence again that Rawls was influenced and motivated by Hobbes's philosophy in writing A Theory of Justice and that this influence is more than noteworthy. For now we shall turn our attention to a discussion of justice and politics from the perspectives of both Rawls and Hobbes.

Justice and Politics

In asking Hobbes and Rawls which came first, justice or politics, one would get two different answers. For Hobbes, there is no defining measure to calculate justice in the state of nature. For Rawls, there is no way to enter society without already having derived and agreed to a public conception of justice manifested in the two principles. What this does, for the social contract tradition, is change one of the fundamental reasons for joining in government, while raising the standard of what government is capable of doing.

Imagine this: before Rawls entered the social contract tradition, there was no way of deciding what was procedurally fair, just or unjust, until one had consented to government. Rawls turns this perception on its head by reversing the order, claiming that there must be a public sense of justice before political order could exist. This is clearly a major reason Rawls thought the social contract tradition had to be changed, and in my interpretation of the tradition a clear answer to Hobbesian scholarship. The purpose of Rawls's lifelong project is to try to persuade his readers that there is an objective moral standard that ought to dictate societal norms and govern human behavior. In this way, he

set his goal much “higher” (in some form of a liberal democratic view) than Hobbes, who simply wanted safety in order to engender societal progress. This is not to say that Hobbes’s theories are not revolutionary in themselves in the history of political philosophy, but that Rawls’s theories are much more closely related to the modern standards of liberal democracy for more than obvious reasons. What this brief section will examine is the way in which Hobbes and Rawls give conflicting opinions of their interpretations of *justice and politics*, and show that the Rawlsian argument will supersede the previously thought “modern” standard set by Hobbes.

For Hobbes, his fourth law of nature is one that acknowledges that “justice dependeth on antecedent covenant.”¹⁴² As was shown in the last section, bargaining for mutual advantage is impossible in the Hobbesian state of nature, unless the prospect theory interpretation is used, which explains why Hobbes agrees that there is no law in the state of nature – a place where “nothing can be unjust.”¹⁴³ While an examination of Rawls will lead to the same conclusion, that nothing is done in the original position can be unjust, the words mean something totally different. If such a problem existed in Hobbes, where agreements could not be made, and a sense of justice could not be defined, then only after the Leviathan is authorized into existence can his legitimacy be called into question and tested against some new standard. Rawls’s hesitancy to accept the Hobbesian standard should not shock anyone, especially not a student of the tradition of American political thought. The option of limiting government, or at least defining its scope before its creation, would seem almost like common sense under modern standards.

¹⁴² Ibid., 100.

¹⁴³ Ibid., 85.

However, Rawls searches for his “conception of a just basic structure,” which would thereby limit the power and define the scope of civil government.¹⁴⁴ On the other hand, in another century, Thomas Hobbes was busy making his case for the absolute monarchy, which is a very important argument to understand when looking at the public sense of justice in Rawls. Hobbes begins constructing his argument for the absolute sovereignty as follows. While there are many accounts of the nearly limitless power that the absolute sovereign will have, the argument basically follows two different premises. The first premise will be an argument for a type of absolute sovereignty that is necessitated by the state of nature and the war of all against all. This argument explains the reasons why individuals decide to exit the state of perpetual confrontation and join civil society. The second set of arguments will help deduce why there cannot be a divided government, and why there ought to be a lone king in place above any system of popular government.

Recall that Hobbes’s account for the absolute sovereign begins with his state of nature being “nasty, brutish and short.” With the constant conflict individuals find themselves in, they eventually decide to form some agreement to remove themselves from the state of perpetual misery and conflict. This agreement enables individuals to subject themselves to a sovereign leader in order to protect themselves from one another. In this way, the sole purpose of the sovereign is to ensure the “safety of the people” that he commands.¹⁴⁵ The reason that individuals need a sovereign is that they cannot trust one another to hold their part of agreements. As individuals do not have any reason to uphold their end of bargains, it becomes *rational* to abandon contracts in favor of

¹⁴⁴ Rawls, *TJ*, 232.

¹⁴⁵ Hobbes, *Leviathan*, 122.

cheating other members of society; this was explained in the previous scholarship on the prisoner's dilemma. In this case, it is the purpose of the sovereign to back up the contracts of the individuals with force. Therefore, the sovereign must have the power to keep "all men in awe," in order to keep the contracts among men from dissolving.¹⁴⁶ Here, the first commonwealth is created as the masses authorize the sovereign to be the author of all that they will.¹⁴⁷

Now one must approach the two dimensions of Hobbes's argument pertaining to the sovereign. The first aspect is that there must be only one sovereign body. The second aspect is that this singular body must be comprised of a single individual. The reason that there may be only one sovereign in society is that any faction or division in government "takes the sword from [the sovereign's] hand."¹⁴⁸ If there is anyone in power who can check or limit the sovereign's ability to govern, then there is no singular entity to back up contracts. Upon the dissolution of these contracts, society slips back into the state of nature, which, for Hobbes, is the worst possible end. As long as there are any factions in government, there are different interpretations of what is right and just. As Hobbes posits, a singular sovereign is the author of all things just. He is the only one who can determine justice in society.¹⁴⁹ If a second body is granted the same sovereign status, then there can be multiple interpretations of justice, and contracts are not capable of being ensured. Hobbes is wise to compare this to a father being the absolute sovereign in the household.¹⁵⁰

¹⁴⁶ Ibid., 112.

¹⁴⁷ Ibid., 114.

¹⁴⁸ Ibid., 128.

¹⁴⁹ Ibid., 118.

¹⁵⁰ Ibid., 156.

As long as there are multiple individuals that are on the same level of authority, subjects are never able to reach a final set of rules to follow. If one parent does not permit something, and another allows it, then even a child can exploit these differences to *justify* what he or she wants to do. The same holds true with a wavering government. As long as individuals can choose which person to follow in certain circumstances, then the validity of contracts becomes debatable and society slips back into Hobbes's war of all against all. This offers a fair transition between the two main arguments that ought to be discussed concerning the necessity of an absolute sovereign in Hobbes's social contract theory. While the first section has proven that there ought not be any factions allowed in government, the second section will begin to explain why only a single individual (a monarch) ought to hold power instead of a popular government (an assembly).

Because of man's inherent nature to seek pride and honor above his fellow citizens, all men believe that they are fit to judge the difference between good and evil. If a society had to have the choice between an all-powerful king and a popular assembly, Hobbes believes we ought to choose the Leviathan king so, as to ensure that individual aspirations not come in conflict and dissolve our social contract. As Hobbes explains, men are "by nature also inclined to commit the government of their common interest rather to a monarchical, than a popular form of government."¹⁵¹ This is true because, as was illustrated in the above example of parenting, conflicts within any commonwealth will only weaken that body's sovereignty.¹⁵² Thus, democracy and aristocracy are both inferior compared to monarchy, because they promote a political discourse which explicitly weakens the social contract and promotes a dissolution of civil society. The

¹⁵¹ Ibid., 153.

¹⁵² Ibid., 214.

only argument that needs to be proven to complete Hobbes's syllogism for a singular and absolute king is one which claims that individuals in Hobbesian society seek pride and honor above all else.

Turning back to the contrast in Hobbes and Rawls, one can begin to see the Rawlsian evolution that is present in this comparison. Hobbes essentially argues for an absolute monarch to promote stability, increase the efficacy of government, and eliminate the competition that can lead to a state of civil war. Rawls, on the other hand, encourages this competition in the scariest way for Hobbes: democracy. Rawls believes that political decisions ought to be "reached democratically."¹⁵³ Furthermore, because the two principles of justice "define an appropriate path between dogmatism and intolerance on the one side, and a reductionism which regards religion and morality as mere preferences on the other," such a "well-ordered society tends to eliminate all or at least to control men's inclinations to injustice."¹⁵⁴

Rawls takes a giant step toward the more commonplace idea of modernity in the social contract tradition when he places his faith in the average person to be able to derive and adhere to the two principles. In contrast, Hobbes does not want to put his faith in the populace of common men who could cause society to regress into a civil war (Hobbes's ultimate fear). Therefore, Hobbes concludes it is prudent for Hobbesians to keep some people out of making political discussions. Hobbes essentially argues that it is better "to keep citizen away from Justice's court; better that they not be given the opportunity to deliberate over matters of right and wrong, just and unjust."¹⁵⁵ Rawls, by defining his

¹⁵³ Rawls, *TJ*, 241.

¹⁵⁴ Ibid., 214-215.

¹⁵⁵ Joshua Mitchell. "Hobbes and the Equality of All under the One." *Political Theory* 21, No. 1 (Feb. 1993): 80.

agents to act in a cooperative way for mutual benefit, can side step the most dangerous problem for Hobbes and the major reason he wrote the *Leviathan* to advocate an absolute monarchy. Again, to not acknowledge Hobbes as a fundamental character in the story of the social contract, while simultaneously reacting to his temporal ordering of justice and politics is for Rawls to blatantly ignore Hobbesian scholarship and to be unfair to the political philosophy of Hobbes that he is directly (though he never explicitly acknowledges it) answering. While arguments for a divided government and the separation of powers can by no means be attributed to John Rawls, his application of such an argument to the social contract tradition leaves a lasting impression on the tradition as a whole.

Now, let us turn to look at another problem that Rawls acknowledged, and then corrected, which has its roots in Hobbesian theory. Hobbes himself knows that “sometimes justice cannot be had without money.”¹⁵⁶ No one today would rightly argue that justice ought to be a result of one’s material possessions, yet obviously there are arguments which say that such bias still exists in today’s world, but to say that this is the way society’s legal code ought to be written is ludicrous. This is another major problem that was solved by Rawls, and the answer is found in two parts. The first is that the two principles of justice would govern all acts, and rarely would injustices occur. Furthermore, even if justice were dependent on something else that someone may or may not be able to acquire, Rawls has a solution to this dilemma in his division of primary goods in that “everyone has similar rights and duties, and income and wealth are evenly shared.”¹⁵⁷

¹⁵⁶ Hobbes, *Leviathan*, 157.

¹⁵⁷ Rawls, *TJ*, 55.

By assuring publicly recognized principles of justice and a fair allocation of primary goods, Rawls empowers citizens and eliminates the Hobbesian claim that justice can be bought. By ordering justice prior to politics, Rawls provides a new mechanism in the social contract tradition to judge governmental legitimacy before the government itself is agreed upon. While this eliminates the treat of instability that Hobbes was so concerned for, the new standard of justice also allows for one last concept that would have made Hobbes cringe: civil disobedience. Because each member of the social contract is, as Hobbes believes, the “author of his own punishment,” it becomes an irrational concept for one to try to punish himself.¹⁵⁸ Because his citizens have all congregated in order to form a political community, civil disobedience is merely a confrontation of the will of the people, and is therefore a way that man confronts himself. As Hobbes writes, “he that brings an action against the sovereign, brings it against himself.”¹⁵⁹ In a marginal note which reads “nor to dispute the sovereign power,” Hobbes contends that individuals are not allowed to speak out against the sovereign king for fear that government would become unstable.

Rawls, on the other hand, knows that civil disobedience can be a good way to protect minority rights from being trampled by a majority rules democracy. In an argument that can only have been acknowledged in the 300 years since Hobbes wrote *Leviathan*, Rawls echoes the modern liberal argument that wants to remove the chance that “groups are repressed and others denied various opportunities.”¹⁶⁰ Rawls does this using the Kantian interpretation of autonomy, and allows individuals to express their

¹⁵⁸ Hobbes, *Leviathan*, 116.

¹⁵⁹ Ibid., 146.

¹⁶⁰ Rawls, *TJ*, 327.

“nature as free and equal beings.”¹⁶¹ Furthermore, Rawls does not have to worry about the “coercive apparatus of the state” that Hobbes envisioned, as long as the “conditions for resorting to civil disobedience are respected.”¹⁶² What this argument does is provide a modern mechanism for checking against absolute power, especially the power of an unjust majority. Furthermore, it spits in the face of Hobbes’s quest for stability. For Rawls, stability comes in a distant second to those principles which promote justice and equality of opportunity. Because these principles are not *guaranteed* to exist under Hobbes’s absolute sovereign, Rawls answers him and reverses the order of politics and justice in the social contract tradition.

By swapping the order, Rawls has created a new social contract that is able to adapt to the modern conception of minority rights and cultural pluralism, as well as provide a litmus test for the legitimacy of government before it is put into practice. Without a public sense of justice known by all agents in society, Hobbesians are left vulnerable to the all-powerful and absolute sovereign that can dictate every law on a simple whim. Rawls gladly rewrites the social contract in order to promote a democratic conclusion, reached via the veil of ignorance and original position that use the same type of fear present in Hobbes to act as a catalyst towards the political life. These changes that Rawls has made to the tradition are important to help fix his place in the history of political thought, and more importantly social contract theory.

¹⁶¹ Ibid., 222.

¹⁶² Ibid., 342.

CHAPTER V

CONCLUSION

I hope that this thesis has clearly illustrated the Hobbesian influence on the political philosophy of John Rawls. In his famous resuscitation of the social contract tradition, Rawls encapsulated many elements of political psychology that can be traced to Hobbes. As was mentioned earlier, Rawls never explicitly acknowledges the influence that Hobbes *may* have had on him, noticeably leaving him out of the list of contract theorists that he is “following.” My work here has aimed at explicating exactly what mechanisms (both procedural and metaphysical) that Rawls heavily relied on Hobbes for. Without acknowledging the Hobbesian influence on the work of John Rawls in A Theory of Justice, the scholarship on social contract theorists, and the social contract tradition, both suffer.

From the sections above, I believe I have outlined convincing arguments that take Rawlsian political psychology and bargaining mechanisms, both central to the tradition of the social contract, and elucidate the Hobbesian elements that they share. We can see that Rawls borrows heavily from Hobbes’s psychological motivations towards politics, changing the language to try and step away from Hobbes while only embracing the *same* driving factors that would lead an individual out of the state of nature and into the political life. We have also seen that Rawls corrected the *means* of achieving some sense of social stability, in his addressing of Hobbes’s conceptions of individuals’ *appetites and aversions*. We also have learned about the bargaining dynamics of the state of nature

(hopefully without too many confusing references to my other working papers), a topic that should be pursued in later research.

In the end, I have hoped to prove two different things with my work here. First, I wish that the influence that Thomas Hobbes had on John Rawls be explicitly acknowledged within the discipline of political philosophy and scholarship on the social contract tradition. Secondly, I aimed to promote the study of political philosophy through intense, deeply researched, comparative studies. By combing through the texts of Thomas Hobbes and John Rawls, their critics and contemporary political scientists and philosophers, I believe that my project's aim was completed and that the research design I employed can be legitimated. Perhaps this approach to political philosophy is more fruitful than once imagined, and may be the easiest solution to understanding the complex matters of power, bargaining and state organization – the very questions that the social contract tries to answer.

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