

# The Social and Moral Background of Social Contracting

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As Percy Lehning has pointed out in a recent article in this journal, there has been a revival of social contract theories in the past few years (1). In his interesting article, he specifically mentions the writings of Rawls, Nozick, and Buchanan. These authors are part of a long tradition of the contract doctrine found in the work of such political theorists as Locke, Hobbes, Rousseau, and Kant (2).

Considering the theorists discussed by Lehning, all three are concerned with the legitimacy of various social institutions. Like other contract theorists, they recognize that there are limits to people's regard for other persons, and that some institutionalized means of resolving interpersonal disputes is necessary. For Rawls, people's obligations to any institutionalized arrangement ultimately involves the question of *hypothetical* consent to it (3). The justification of rights and duties is to be found by regarding them *as if* they were contractual, and by then demonstrating the rationality of this hypothetical contractual base. The institutions of interest to political philosophers are, to him, fundamentally non-voluntary. Their legitimacy rests entirely on their having satisfied appropriate conditions, and the idea of hypothetical consent is introduced as a metaphorical device used in the formulation and defense of these particular conditions. This means, as Scanlon points out, that "questions of actual consent arise only as internal questions of liberty, that is, as questions about what options acceptable institutions must leave open to those living under them" (4). Utilizing the device of the hypothetical contract, Rawls can also raise questions about the legitimacy of those social institutions which presently exist. There-

fore, as Scanlon notes, "the relevant background is given by the alternatives actually available to people in societies and the values that such people attach to these alternatives" (5). By contrast, Nozick and Buchanan see *actual* consent as the ultimate source of the legitimacy of social institutions. Their aim is to provide explanations of how political and economic institutions might have emerged contractually from consenting individuals. Since they are concerned with initial consent to a social agreement, the relevant background for them is the pre-institutional condition, i.e., the "state of nature".

Central to the interests of all three theorists is the issue of "rights". Rawls' major focus is on those particular rights which are created by hypothetical consent to a social contract, most especially the right to liberty. "Each person", Rawls says, "is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all" (6). But behind Rawls' use of a social contract is presupposed a deeper theory that assumes the existence of a "natural right". The basic right of Rawls' deep theory is not the right to liberty, because he clearly formulates that right as the product of the contract itself. Rather, the most fundamental right for Rawls, the only right which is a condition of the contract and not a product of it, is the right to equal respect. In the design and administration of the political institutions that govern them, Rawls assumes that all individuals have the right to equal respect (7). Aside from this one natural right to equal respect, all other rights are created by the social contract.

In sharp contrast, Nozick emphasizes the existence of a variety of (Lockean) natural rights in a state of nature: the rights to life, liberty, health, property, and to punish transgressors (8). While he does not utilize an explicit contractarian explanation, instead providing what he terms an "invisible hand" explanation of the origin of the state, Nozick argues that all valid obligations derive from express consent. He shows how people in a state of nature voluntarily surrender

some of their rights, thus creating what he terms the *minimal state*: "limited to the narrow function of protection against force, theft, fraud, enforcement of contracts, and so on" (9). This minimal state, Nozick claims, arises without violating anyone's rights not to be forced to do certain things. In his view, the rights possessed by the minimal state are rights already possessed by each individual in a state of nature (10).

Still another view of social contracting and rights is presented by Buchanan (11). As Lehning points out, Buchanan rejects the idea of postulating a basic equality among men in some initial situation (12). Very much like Hume (13), Buchanan sees people as having only those rights which are *assigned* to them by convention or contract. That is, the individual as a being in possession of certain rights is entirely the creation of a social contract. For Buchanan, then, there are clearly no natural rights; *all* rights emerge from membership in an entity created by explicit social agreement.

Whereas Rawls and Nozick are concerned with identifying those principles which define a "just society", Buchanan is interested only in showing how legitimate social institutions can arise from the contractual relations of rational individuals (14). In the theories of Rawls and Nozick people do take account of other persons' moral preferences and moral worth, including their natural rights. But Buchanan's viewpoint totally ignores moral considerations. He expresses this clearly, saying: "In a strictly personalized sense, any person's ideal situation is one that allows him full freedom of action and inhibits the behavior of others so as to force adherence to his own desires. That is to say, *each person seeks mastery over a world of slaves* (15). Buchanan's position excludes entirely the moral dimension in human relations; it ignores considerations making essential reference to mutual states of awareness among two or more persons (16). Unless there is some emphasis on regulating the individual's relation to other persons of varying degrees of social remoteness from himself, some general disposition to regard the interests of others,

there is no morality. A view like Buchanan's totally ignores ethical and moral values.

With regard to the issue of rights, then, Rawls sees one natural right (to equal respect) and all other rights as the result of the social contract; Nozick sees a variety of natural rights with no new rights being created by the minimal state; and Buchanan views all rights as emerging from a social contract. Further, Rawls is concerned with the question of how hypothetical consent might be obtained in a morally permissible manner, i.e., without violating people's natural right to equal respect. Nozick is concerned with formulating an account of social institutions and arrangements that has some explanatory strength, i.e., describes how they might actually have arisen and, at the same time, is morally acceptable. Buchanan ignores all moral considerations, focusing only on the social processes and mechanisms that help explain the origin of various social institutions.

These three theorists can be compared and contrasted in terms of their viewpoints concerning the nature of social contracts (hypothetical or actual), their conceptions of rights (natural or created), and their concerns with moral considerations. Whatever the considerable differences among these three theorists, however, they share a view that is generally pre-sociological. In Rawls' work, we have "theoretically defined individuals" who rationally pursue their practical interests under hypothetical constraints. Similarly, Nozick and Buchanan postulate "rational" persons pursuing their individual ends. Nozick does say that people in the state of nature are "partly moral", but he never really tells us why people generally do what they are morally required to do. What is absent from all three is some general sociological conception of the social and moral concerns of people at a time *prior* to their entering into a social contract or other social agreement. They ignore the *social* character of human life; they generally fail to acknowledge that social institutions and practices cannot exist independently of human activity and human thought.



In the remainder of this paper, I want to briefly present what I consider to be the necessary social and moral background against which we can conceive of persons in the proverbial state of nature voluntarily entering into social contracts. My argument is rather simple and straightforward: there is a community of social and moral understanding which constitute the *logical substratum* of social contracting. Without the existence of such a substratum, it is inconceivable that social contracting can even arise as a viable possibility.

### The Logical Substratum of Social Contracting

Prior to the time that human beings enter into contractual negotiations to avoid and solve a variety of conflicts arising from men's relations with other men, there is no state. (This is true by definition.) But there is indeed society. That is to say, there is shared language and various kinds of shared rules. Minimum biological needs are met, people communicate with one another, and there is a degree of regularity and predictability in their relationships. Contracts are not negotiated by atomic individuals, but by persons who have already experienced a variety of social relationships. These persons are self-interested, but their self-interests are necessarily influenced and modified by considerations of others. They are members of families (nuclear and extended), and stand in certain cooperative and competitive relationships with one another. Because they do live in human society, and have known cooperation as well as conflict, no one's interests leave him or her completely indifferent to the interests of others. It is not because men are "by nature" benevolent or totally unselfish that they are guided by more than narrow self-interest. A certain level of mutual interestedness arises from people's actual experiences in human society. Apart from the ulterior motive of self-interest, some of the interests of (some) others are also the interests of each individual. This is a necessary consequence of every human-being having experienced some sort of familial feeling. Membership in a family and the consequent feelings of affection, love and

dependence, precede the emergence of that individual self who engages in contractual relations with others to create or maintain the state.

Thus even in the proverbial state of nature, people are concerned with others than themselves. In this connection, Hume observed that "our strongest attention is confined to ourselves; our next is extended to our relations and acquaintances; and 'tis only the weakest which reaches to strangers and indifferent persons" (17). Our generosity is, the, in Hume's phrase, "confined". It does not extend indiscriminately to all other human beings. But the fact that people do show a concern for some others, that they are not narrowly self-concerned, shows that there is a community of understanding which constitutes the logical substratum of social contracting. We can think of individuals as being located in a number of circles, large and small, some of which overlap with other circles, thus assuring that people are (to varying extents or directness and intensity) related to many other persons. Within certain small circles, as with those constituted by family and friends, there is likely to be a rather large amount of affection and benevolence, arising partly from the interdependence of those involved. But even within such small circles, there is sometimes competition and conflict between individuals and among certain factions.

In the state of nature, as elsewhere, people interact and communicate with each other in the quite concrete circumstances of human life. This means that cooperation, competition, and conflict are always - at least potentially - present. Of course, it might be asked whether all three of these elements are always, or inevitably, characteristic of human life. Certainly we can imagine a people for whom cooperation, competition, and conflict do not exist. But then would we still want to speak of them as "human" beings? What would it be like for individuals never to help one another, never to cooperate in any sorts of mutual enterprises, never to experience competition or conflict? For such things to be intelligible, the nature of human life would have to be altered so radically as to be almost totally foreign to

human life as we have come to know it. Now some readers may respond by agreeing that, because of people's dependencies on one another, the absence of mutual help and cooperation is indeed unimaginable. But, consistent with the biblical commandment "Thou shalt love thy neighbour as thyself", they might well envision (and argue for) a human society characterized by a universal and equal concern for all mankind. For those holding such a view, competition and conflict are not necessary ingredients of human society. Responding to such a standpoint, Mackie asserts: "People simply are not going to put the interests of all there 'neighbours' on an equal footing with their own interests and specific purposes and with the interests of those who are literally near to them" (18). Even those whom we term unselfish and benevolent do not *act* on a universal and equal concern for everyone. Rather, their actions take the form of what Mackie refers to as "self-referential altruism" (19); that is, a concern with others who have some special connection with oneself: spouse, children, parents, friends and close associates. This, Mackie argues, is a permanent tendency in human beings.

Whether or not one agrees that this indeed is a permanent tendency in men and women, we need to recognize the consequences of a world where everyone acted out of universal concern. With the absence of competition and conflict, there would also be an absence of much of what characterizes human life as we know it: preferring the company of one person to another because of "special" feelings of love or affection, working for the advantage of oneself and for those whom one cares the most for, helping some and not others, struggling to do something (throw a spear, speak a language, make a drawing) better than other people. In short, those characteristics - cooperation, competition and conflict - which I assume constitute the concrete circumstances of human life are, in fact, part and parcel of what is to share membership in the human community. To be a human being, to interact and communicate with others, is to work with some persons and against others, to reward those who have helped one and to

withhold rewards from those who have caused one injury. It is to feel (and express) gratitude for generous conduct, to show a sense of obligation to those persons with whom one has worked in a mutual undertaking, to express anger (and sometimes forgiveness) towards those who have wronged one. These are *moral* feelings, attitudes, and actions which arise in men and women as social beings.

Obviously, then, I do not subscribe to the views of those who believe that morality begins with the civil state. Rousseau, for example writes:

"The very passage from the state of nature to the civil state produces a very remarkable change in man, by substituting justice for instinct in his conduct, and giving his actions the morality they formerly lacked. Then only, when the voice of duty takes the place of physical impulses and rights of appetite, does man, who so far has considered only himself, find that he is forced to act on different principles, and to consult his reason before listening to his inclinations" (20).

Contrary to the position held by Rousseau, I do not believe that morality is created by the passage from the state of nature to the civil state. Instead, an existing community of moral and social understanding constitutes the source from which other social and political arrangements arise. Social contracts are negotiated, then, from a starting point of individuals who already stand in a variety of social and moral relationships to others in society. They are not the atomic, completely selfish and self-centered, individuals found in some contractarian explanations. Nor are they (nor are we) persons for whom all of the interests of all others are the interests of each individual. But they are persons with a certain level of mutual interestedness and an awareness of fellow-feeling toward others in society.

In saying above that there is indeed society but not yet a state, I am claiming (as did Locke) that civil government is not the primary ground for social relationships among human beings (21). As members of families - husband, wife, children - and belonging to various groups, people enter into



many relations of sociability and cooperation which are in no way the consequence of a social contract among them. Of course, as I noted earlier, there are also relations characterized by conflict and hostility. Hobbes' "radical contractarianism" (and Buchanan's position), on the other hand, gives contractual relations an altogether wider scope (22). For Hobbes, there are only two kinds of relations among human beings: relations of hostility, which obtain in and constitute the state of nature, and relations of contract which are found in and constitute the state of society. In fact, he views the contractual relationship as the model on which all other social relationships are interpreted. Rights and duties, indeed all institutions and practices, are to be viewed "as if" they had a contractual basis (23). The family, on this reading, is a miniature commonwealth where the children have - in a sense - "contracted" with the father, or sometimes the mother, and will be looked after and taken care of in exchange for their meeting certain specified obligations. Similarly, and more explicitly, the relation between servant and master is entirely contractual in character.

To conceive of all social relationships as contractual (as Hobbes does) is to suppose that men are prior to society. This is not to say that he believes that actual human individuals are temporally prior to their society, for he uses temporal priority as a metaphor for conceptual priority. But he presents a picture of men in the state of nature as entering society only on the basis of a social contract. Instead of viewing men in the state of nature as needing to contract together in order to form society, I believe it preferable to view society as beginning with two individuals. As soon as the actions between two (or more) persons are modified by their relations with one another, society can be seen as having begun. Society is constituted by the sum of social relations, but not all these relations have a contractual character.

Hobbes' radical contractarian, which sees only the relation of hostility as natural to men and all other relations as the product of contractual

agreement, is expressly not the conception of contracting which guides the present analysis. I certainly do not deny that many social relations are characterized by hostility nor that much behavior is guided by a narrow concern with one's own self-interests. But the fact that acculturation is universal among human beings, and perhaps genetic in nature, suggests that there is some sort of predisposition toward "caring" or altruism (at least in the circle of those closest to one-self) that is in contrast to narrowly selfish or instrumental elements in human nature. This does not in itself, of course, constitute an argument for the sense of morality which I claim exists *prior* to men's entering into social contracting. To justify and argue for such a claim is indeed difficult. Ultimately, I believe, it requires us to attempt to derive an "ought" from an "is". Fortunately, this age-old philosophical problem has been dealt with in the recent writings of Alan Gewirth (24). His work gives at least a tentative answer to the is-ought problem, and also provides some insight into the kind of argument which needs to be made for the existence of a sense of morality that is not entirely the result of human agreement of social conventions.

Basically Gewirth is concerned with the issue of the justification of moral principles. Since morality or the moral point of view is obviously not something that has to be accepted, it requires a reasoned justification on its behalf. Of course, we may have to be content to accept that men simply *should* be moral, that men are moral because it is in their nature to be so, or that being moral is always to their advantage, but these sorts of considerations are completely extrinsic to morality itself. According to Gewirth, moral philosophers fail to provide an answer to the question "Why should I be moral?" What Gewirth does is to show how rights and duties (i.e., the moral point of view) can be grounded in terms of the prior nature of human purposes, human goods, and human ends.

Gewirth's derivation is based on what he terms two "categorical" features of all human action. Any properly human action must, he says, be at once (1) voluntary and (2) purposive. By "volun-

tary" he means that "the agent occurrently or dispositionally controls his behavior by his enforced choice, knowing the various proximate circumstances of his action" (25). By "purposive" he means that "the agent intends to do what he does envisaging some purpose or goal which may consist either in the performance of the action itself or in some outcome of that performance: in either case insofar as it is the purpose of his action the agent regards it as some sort of good" (26). Given that Gewirth considers these to be categorical features of all human action, he argues that anyone who engages in such action is thereby committed to an acceptance of the moral point of view. That is, he insists that the "is" factors of social action imply an "ought" factor as well.

Gewirth's argument contains three essential steps. First, the very fact that an individual acts voluntarily and purposively commits him, at least implicitly, to the judgment that his own freedom and well-being are things of undeniable worth and value to him. "The agent's relation to the action he brings about is conative and evaluative", Gewirth writes, "for he acts for some purpose which seems to him to be good" (27). The second step consists of the individual's being committed to the further judgment that, because his own freedom and well-being are of fundamental importance to him, he must regard them not just as matters of attraction or usefulness to him but as matters of rights as well. The individual makes the "corresponding right-claim" that he is "justified in performing his actions and in having the freedom and basic well-being which generally figures in all his actions" (28). Because freedom and basic well-being are *necessary* goods for an individual's actions, it is imperative that other persons not interfere with his having them. The individual actor endorses the requirement that other persons not interfere with his having this freedom and well-being. In Gewirth's words:

"This requirement (of non-interference) constitutes a strict practical "ought" in the view of the agent. The necessary and sufficient conditions of such an "ought" on the part of some persons are three: first, he sets

forth a practical requirement which he endorses; second, he has a reason on which he grounds this requirement; third, he holds that this requirement and reason justify preventing other persons from violating this requirement. (...) Hence, the agent is saying that because freedom and basic well-being are necessary goods for him, other persons strictly ought to refrain from interfering with his having them. And this is equivalent to saying that he has a right to them, because the agent holds that his strict duty of non-interference by other persons is owed to him" (29).

The "ought" judgment and the rights-claim established by the second step in Gewirth's argument are not yet moral ones, in that for a judgment to be "moral" the individual actor must take positive account of the interests of at least some other persons besides himself. This is accomplished in the third step, which is an invocation and application of the principle of universalizability: if an individual's acting voluntarily and purposefully is a matter of right for him, then it is no less a right for all other persons. He must admit, then, that all prospective agents have a right to freedom and basic well-being (30). By this generalization the individual actor logically has to take positive, favorable account of the interests of other persons in addition to himself. Consequently, a moral order of reciprocal rights and duties becomes prevalent and implicates the individual actor and all persons in the *moral point of view*.

What Gewirth seems to be arguing is that morality is the logic of action. Moral ideas are not innate in the individual mind. Nor can moral rules or duties be explained by habits or other factors of purely individual psychology. Morality presupposes the existence of rules which transcend the individual, and such rules develop only through contact with other people. These rules need to be explained in terms of those actions where an individual takes account of the behavior of others. Because each individual regards himself as justified in performing his actions and in having the freedom which figures in all his actions, he is committed to the view that no one has the right to interfere with or appropriate his actions.



If other persons decide what he is to do or have a claim on his activities, then his freedom and well-being cannot be realized. It is because this is recognized by every individual who has relations with (at least) one other person, and because each individual - through application of the principle of universalizability - therefore recognizes every other person's right to freedom and basic well-being, that a sense of morality emerges. The solitary individual (if we can conceive of such a being) is not capable of establishing any moral principles. The individual mind does not tend toward morality as an autonomous good.

In fact, without relations with others, the individual would not even have a sense of self or of individuality, since consciousness of self implies a comparison with other persons. Only through contact with others and the acquisition of a sense of self can individuals learn to place themselves in reciprocal relationships with others, thus establishing the social relationships on which morality rests. We can only understand how the moral point of view arises, then, by examining its place in the realm of praxis.

What we see is that moral feelings arise not only because of feelings of sympathy (as Hume and Adam Smith believed) but also because they are necessary to the freedom and well-being of active participants in a partly competitive life. Since all persons are subject to illness and misfortune, each individual requires the help of others in maintaining himself. (All adults have once been children and thus have some experience with dependency upon others.) Such moral notions as duty, responsibility, and the like, have an important practical value. Both Hobbes and Hume recognized this, emphasizing that morality is needed to solve those problems arising from limited sympathies and limited resources. In different ways, both argue for the necessity of social conventions to help guarantee that moral rules will be enforced. Whether such social conventions grow up slowly, as Hume argued, or are a matter of explicit contracting, as Hobbes claimed, it is necessary that certain regularized

ways of acting already exist *prior* to these agreements. Most especially, there must exist some generally agreed upon notion of "promising". Unless the notion of promising is recognized, unless promises are generally kept, there is no possibility of reaching and maintaining those social agreements which are viewed as having positive benefits for all. Melden, in fact, argues that the paradigm case of a right is that conferred by a promise (31). The act of promising is a moral relation, involving the promiser and promise. Meldon writes:

"A promise is not, therefore, merely an assurance one gives to help another, just as it is not merely an expression of a resolution to perform an action. It is, in addition, to *underwrite* any endeavor the other party to the transaction may choose to launch, by giving notice to him that he may henceforth regard the performance of the promised action that he, as a moral agent, is capable of performing and as he himself chooses" (32).

In making a promise we voluntarily incur obligations and, at the same time, confer rights on those to whom we make the promise. Making a promise, in short, creates a moral relationship. The social practice of promising, then, is one of the bonds of shared moral understanding necessary for any sort of moral community. Behaving in the regularized ways which constitute the institution of promising is also a necessary precondition for negotiations concerning social contracts or agreements. This is not to say that promises are always kept or that contracts are always honored, for they obviously are not. It is only to say that without the notion of promising, social contracting cannot constitute a viable solution to some of life's problems.

Since individuals in the state of nature (applying Gewirth's argument) see themselves as having the right to freedom and basic well-being and accept the correlative obligation not to coerce other persons, and since they are also familiar with the social practice of promising, there is a community of moral understanding and discourse which exists prior to men's entering into social agreements and

contracts. While Durkheim saw society (*sui generis*) as the only source of morality and regarded all morality as imposed by the group upon the individual, the moral point of view can better be seen as arising whenever two or more persons engage in social actions. Durkheim tried to make of society a whole, a "being", a thing in itself. But there are no more such things as societies *qua* beings than there are isolated individuals. Instead there are only social relations, and these suffice to account for the origins of a state of morality.

Many political theorists, as Buchanan points out, focus on the political and social obligations of individuals while generally ignoring the "basic positions from which behavioral obligations are to be assessed" (33). But it is at this stage (that of social contracting) that the legitimacy of certain institutions is established and that the rules for collective decision-making are settled. The great strength of contractarian theories - like those of Rawls, Nozick, and Buchanan - is that they are explicitly concerned with the legitimacy of various social practices and institutions. With state-of-nature explanation, as Nozick observes, "we learn much by seeing how the state could have arisen, even if it didn't arise that way. If it didn't arise that way, we also would learn much by determining why it didn't; by trying to explain why the particular bit of the real world that diverges from the state-of-nature model is as it is" (34).

The weakness of contractarian and state-of-nature theories is that they postulate men in the state of nature as being completely moved and controlled by inborn passions, as being guided by rational facilities that owe little or nothing to social relationships and cultural experience. Such pre-sociological views see man as an all but self-subsistent agent. It is in an attempt to help correct this weakness that I have given attention here to the social and moral background which, I believe, constitutes the logical substructure of social contracting.

## Noten

1. Percy B. Lehning, "Social Contract and Property Rights", *Amsterdams Sociologisch Tijdschrift* 4 (maart 1978), pp. 481-494.
2. John Locke, *Two Treatises of Government*. Edited with an introduction by Peter Laslett. 2nd. ed. (Cambridge: Cambridge University Press, 1970); Thomas Hobbes, *Leviathan*. Edited with an introduction by Michael Oakeshott (New York: Oxford University Press, 1947); J.J. Rousseau, *The Social Contract*. Translated by G.D.H. Cole. (New York: Dutton, 1950); Immanuel Kant, *Groundwork of the Metaphysic of Morals*. Translated by H.J. Paton as *The Moral Law* (London: Hutchinson, 1956).
3. John Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971).
4. Thomas Scanlon, "Nozick on Rights, Liberty, and Property" *Philosophy & Public Affairs* 6 (Fall, 1976), p. 17.
5. *Ibid.*
6. Rawls, *op. cit.*, p. 250.
7. *Ibid.*; Ronald Dworkin, "The Original Position". In Norman Daniels (ed.), *Reading Rawls* (Oxford: Basil Blackwell, 1975), p. 50.
8. Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974), p. 10.
9. *Ibid.*, p. ix.
10. *Ibid.*
11. James M. Buchanan, *The Limits of Liberty* (Chicago: University of Chicago Press, 1975).
12. Lehning, *op. cit.*, p. 484.
13. David Hume, *A Treatise on Human Nature*. Edited by L.A. Selby-Bigge (Oxford: Clarendon Press, 1960).
14. He is also, as Lehning, *op. cit.*, op. 484, points out, concerned with the issue of genuine contractual re-negotiation among persons here and now.
15. Buchanan, *op. cit.*, p. 92. Italics added.
16. C. Edwin Baker, "The Ideology of the Economic Analysis of Law", *Philosophy & Public Affairs* 5 (Fall, 1975).
17. Hume, *op. cit.*, p. 498.
18. J.L. Mackie, *Ethics: Inventing Right and Wrong* (Harmondsworth, Eng.: Penguin, 1977), p. 130.
19. *Ibid.*, p. 132.
20. Rousseau, *op. cit.*, Book I, Ch. VIII, p. 18.
21. Locke, *op. cit.*
22. Hobbes, *op. cit.*
23. David Gauthier, "The Social Contract as Ideology",



- Philosophy & Public Affairs* 6 (Winter, 1977), pp. 130-164.
24. Alan Gewirth, "The 'Is-Ought' Problem Resolved", *Proceedings and Addresses of the American Philosophical Association* 47 (1974), pp. 35-61.
  25. *Ibid.*, p. 48.
  26. *Ibid.*
  27. *Ibid.*, p. 51.
  28. *Ibid.*, p. 52.
  29. Alan Gewirth, "Action and Rights: A Reply", *Ethics* 86 (July, 1976), p. 291.
  30. *Ibid.*, p. 293.
  31. A.L. Meldon, *Rights and Persons* (Oxford: Basil Blackwell, 1977), p. 161.
  32. *Ibid.*, p. 46. The social practice of promising is obviously itself parasitic upon the norm of truth-telling. Unless telling the truth were the normal state of affairs, language as a means of communication would itself collapse. If all, or most, utterances were lies, communication and social cooperation would be impossible. See Sissela Bok, *Lying: Moral Choice in Public and Private* (New York: Pantheon Books, 1978). Lying, the other side of truth-telling, has probably always existed. But without the norm of telling the truth, the social practice of promising could not have arisen. And without the notion and practice of promising, of course, there is no possibility of even conceiving of people agreeing to a social contract.
  33. Buchanan, *op. cit.*, p. 53.
  34. Nozick, *op. cit.*, p. 9.