

HOBBS AND RAWLS ON SOCIAL CONTRACT

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Abstract

This article aims to compare two social contract projects designated by Thomas Hobbes and John Rawls who have rarely similar but mostly different background assumptions. The comparison is important because it accounts for the conventional history of varying social contractarian models. While Hobbes developed his views by focusing on political stability in an age of religious and social turbulences and animosities, Rawls shaped his convictions by emphasizing what constitutes a just unity in modern diverse societies. Putting both philosophers' views over human nature and ideal governmental types on the table, this study finds out that Hobbes's social contract having an hedonistic understanding of human motivations serves the sovereign and have almost no toleration towards diverse views, whereas Rawls's social contract considers human beings, who are in nature is good and has conceptions of good and justice, as an end in themselves not as a means to a state and displays, to a certain extent, the peaceful existence of pluralist societies in the modern era with the constitutional and democratic form of government. Lastly, being skeptical of Rawlsian political innovation to reach an overlapping consensus, the article revisits Morsi's ouster in light of the debates about state neutrality between so-called multi-truths.

Keywords: Hobbes, Rawls, Social Contract

Introduction

This paper takes for granted that background assumptions of philosophers mainly shape their social contractarian models and considers the identification and comparison of their assumptions as significant to find out contradictions and missing points. To make a meaningful comparison, this paper will put Thomas Hobbes and John Rawls's views over human nature and ideal governmental types on the table and try to enlighten them while keeping in mind

different social contexts that they lived in. Hobbes developed his views by focusing on political stability in an age of religious and social turbulences and animosities, whereas Rawls shaped his convictions by emphasizing what constitutes a just unity in modern diverse societies.

Human Nature

It can be easily said that ideas of Hobbes and Rawls about human nature characterize their contractual projects. Hobbes pays attention to the importance of a social contract between individuals who have various contending goals and interests. He advocates a materialist ontology where human behaviors are reduced to the push-pull of basic ‘passions’ in line with the laws of motion. Among passions, desire and diffidence give cause for conflicts and a state of nature or war (Hobbes, 1998, pp. 33–42). On the one hand, people with their hedonistic feelings engage in a competition for power to satisfy their infinite desires, on the other hand, human diffidence leads people to fear for losing what they acquire and becomes a cause for lack of trust in others and quarrels ending with pain and death.

“So that in the first place, I put for a general inclination of all mankind, a perpetual and restless desire of power after power, that ceaseth only in death”(Hobbes, 1998, p. 66)... “if any two men desire the same thing, which nevertheless they cannot both enjoy, they become enemies; and in the way to their end, ... endeavour to destroy, or subdue one another. And from hence it comes to pass, that where an invader hath no more to fear, than another man's single power; if one plant, sow, build, or possess a convenient seat, others may probably be expected to come prepared with forces united, to dispossess, and deprive him, not only of the fruit of his labour, but also of his life, or liberty. And the invader again is in the like danger of another.”(Hobbes, 1998, p. 83)

Also, he assumes that people possess ‘equal’ ability by nature to attain their ends and to kill each other under the right circumstances.

“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, as that one man can thereupon claim to himself any benefit, to which another may not pretend, as well as he. For as to the strength of body, the weakest has strength enough to kill the strongest, either by secret machination, or by confederacy with others, that are in the same danger with himself.”(Hobbes, 1998, p. 82)

It seems clear that Hobbes’s egoist human nature understanding entails a constant state of war where there is no likely to see civilization at all in the absence of moral and legal limits but “continual fear, and danger of violent death; and ... solitary, poor, nasty, brutish, and short [lives]”(Hobbes, 1998, p. 84). Within this context, Hobbes believes that human beings under the dictates of their prudential reason which termed as the laws of nature make a cost and benefit analysis to preserve their lives and thus favor a contract. For him, the first law of nature enjoins people to seek peace and keep it, while the second one, to escape from the situation of every man against every man, motivates people to lay down their rights to all things if others similarly tend to do the same thing (Hobbes, 1998, pp. 86–87). Hobbes points that laying down rights can be through the ‘mutual transferring’ of them, which is called as social contract (Hobbes, 1998, p. 89).

As it is understood, the Hobbesian social contract is necessary to suppress the human passions and establish peaceful and secure societal relations. However, John Rawls seems to consider Hobbes’s perception as backward in that for him a social contract should articulate people’s nature not to subdue it by assuming that individuals are driven by their sense of justice and conception of good not simply by their passions.

The deep analyze of Rawlsian social contract needs a review over his understanding of human nature at first. Rawls seems to define human nature under the light of principles chosen by equal individuals in a hypothetical original position behind a veil of ignorance (Rawls, 2005, p. 560). It is such an original position of equality behind a veil of ignorance that “no one knows

his place in society, his class position or social status, nor does anyone know his fortune in the distribution of natural assets and abilities, his intelligence, strength, and the like” (Rawls, 2005, p. 12). By excluding any knowledge that biases decisions for choices and principles, Rawls claims that people left only with free rationality and primary goods (needs) goods in the original position, regardless of their individual aims, would choose two main principles.

“They are the principles that free and rational persons ... would accept in an initial position of equality as defining the fundamental terms of their association.” (Rawls, 2005, p. 11)

People’s considered judgments and deliberations in the original position define the first principle as such that each person has an equal right to most extensive liberties; political rights to vote and to run for offices, freedom of speech and thought, freedom of holding private property, and freedom from arbitrary seizure and arrest in accordance with the rule of law (Rawls, 2005, p. 61).

For Rawls, people in the original position would welcome a second principle that solves, in a just way, highly possible inequalities (in wealth, income, and power) derived from the first principle which does not interested in minimizing the resultant outcomes between persons (Martin, 2003, p. 502). In this sense, the second principle firstly holds ‘inequality’ as a central issue and requires reasonable people to benefit the poorest/the least advantaged persons of society and improve the welfare of the bottom-most groups by keeping social and economic inequalities at minimum. Secondly, it requires fair equality of opportunity by opening offices and positions open to all. This means that to achieve a fair race in life, people should move with equal starting conditions such as equal education from the same point (Rawls, 2005, p. 302). So, Rawls’s original position allows human beings to express their sense of justice and then agree on just principles in a fair procedure behind the veil of ignorance. Rawls defends such principles as “the object of the original agreement [social contract]” (Rawls, 2005, p. 11).

As seen, Hobbes has hedonistic understanding of human motivations and his social contract originates from the motivation for peace, whereas for Rawls human being in nature is good and has conceptions of good and justice. In this sense, he believes that a social contract is needed not to protect human beings from violence out of power competition but to create a just state in which people naturally are ruled by the guidance of principles shaped in the hypothetical original position.

After reviewing their background assumptions over human nature, we need to analyze Hobbesian and Rawlsian governmental ideals to understand the implications of their social contract understanding in the political area.

Forms of Government

It can be argued that social contracts have their extensions concerning governmental forms. In this sense, this section will try to display different contractual positions that Hobbes and Rawls hold through their favorable governmental features.

Hobbes's social contract built on voluntarily mutual transfer of rights among rational human beings for the safety of their life and property constitutes the basis of the commonwealth or sovereign or Leviathan. In other words, subjects transfer their rights to a sovereign (either one man or assembly of men) (Hobbes, 1998, p. 123) which exists to attain security, peace, order, and justice and to take human beings out of the state of war.

Hobbes believes that subjects should have a fear of punishment by an absolute power in case they break the social contract. This is why, he argues that the sovereign should have a limitless power to keep the contract as he said that "covenants, without the sword, are but words, and of no strength to secure a man at all" (Hobbes, 1998, p. 111). Also, Hobbes points that the sovereign cannot be a party of the contract because he should be free to do anything concerning the parties of the contract. Because there is no contract between subjects and the sovereign, they are forbidden to revolt against him. In the absence of grounds for rebellion, the law the

Hobbesian ideal form of government means the commands by the sovereign and justice means submitting to the contract determined by the sovereign.

As understood, Hobbes favors monarchical or totalitarian form of government that is so-called better than democracy in preserving peace and preventing the state of war. The separation of power between the judiciary, legislative, and executive organs and check and balance system are impossible for his ideal governmental forms because he argues in any case there should be a supreme authoritarian power to solve disputes among the organs.

On the other hand, Rawls's ideal form of government obeys the rule of law. Accordingly all state organs and rulers have to act within the boundaries of a just constitution that guarantees not only Hobbes's basic right to live but also basic liberties of first principle of justice mentioned above, insures a social minimum welfare program for the least advantaged persons, and provides equal opportunity in education, occupation, and economy (Rawls, 2005, p. 275).

Also, Rawls's proposed government should have four branches. The first one is the allocation branch, which is responsible for the regulation of the competitive price system and the prevention of "the formation of unreasonable market power" (Rawls, 2005, p. 276). As for the stabilization branch, it struggles to protect free choice of occupation and to generate full employment as much as possible. The third branch is called as the transfer branch which "guarantees a certain level of well-being and honors the claims of need" (Rawls, 2005, p. 276) that competitive markets do not take into consideration. The last one is the distribution branch whose main concern is "to preserve an approximate justice in distributive shares by means of taxation and the necessary adjustments in the rights of property"(Rawls, 2005, p. 277). These governmental branches disallow power concentration which is detrimental to the fair political liberties and opportunities and provide a distributive justice and save a certain level of welfare for all levels of people.

Here, we should not ignore the implicit acceptance in Rawl's such well-ordered government that citizens willingly obey the rule of law (Rawls, 2005, pp. 453–462). Given that

“there is and is going to be, in a continuing free and open society, an irreducible pluralism of reasonable comprehensive moral and religious and philosophic doctrines,” (Martin, 2003, p. 507) Rawls addresses the concept of ‘overlapping consensus’ to hope for social stability and to justify how it is possible to expect from all citizens to endorse a set of constitutional essentials for different reasons internal to their own comprehensive doctrines. For him, overlapping consensus is not a *modus vivendi* situation (a mere balance of power) in which a pragmatic agreement on the laws of nature is compelled by the fear of worse alternatives such as an open running religious wars/violent discussions in line with the Hobbesian understanding. Rather, it is stable for right reasons in the sense that each reasonable people affirm a moral liberal sense of justice for moral right reasons in accordance with their divergent comprehensive doctrines and abide basic liberal laws as first-best option (Rawls, 1993, pp. 385–395). In other words, different from the Hobbesian stability achieved through the equilibrium of various forces, Rawlsian well-ordered and just society is realized in where people can reasonably convince each other to resolve debates through overlapped common values/norms embedded in their comprehensive doctrines.

However, although Rawls tries to make a political innovation to gather different comprehensive doctrines in today’s highly pluralized societies, his concept of overlapping consensus comes with the question that whether a state can be truly neutral to justify common liberal principles and whether governments use coercive power to limit disagreements with citizens who are already not committed to main liberal and democratic ideals and culture (Rawls, 1993, p. 136). We will discuss this liberal neutrality issue in the following section with the help of the writings of Michael Sandel.

Critics

Michael Sandel is skeptical of liberal justice and rejects neutrality which lets people to choose what is good. For him, it is impossible to bracket conceptions of good, particularly moral and religious ones. For example, Sandel stands against the liberal argument that government should be neutral on the case of the abortion and let women to choose what is right and, in a

sense, good – abortion. He asserts that liberal view based on neutrality and freedom of choice does not take the moral and religious concerns on the abortion question into account and implicitly endorses that the Catholic Church is wrong to embrace the religious idea that abortion is morally forbidden. Also, because the stakes involved in when human life begins is very high, liberals cannot say, in a neutral sense, that the Catholic Church is neither true nor wrong. So, “the case for permitting abortion is no more neutral than the case for banning it” (Sandel, 2009, p. 252).

Similar to the abortion issue, for Sandel, the case for same-sex marriage cannot be evaluated on neutral nonjudgmental grounds. Its evaluation depends on the virtues and goods it honors and rewards. Sandel argues that underlying moral concerns of state recognition to same-sex marriage are not unavoidable and that politics of avoidance – avoiding from any judgement over marriage as a social institution- is not persuasive and not solving the debate over same-sex marriage. Also, Sandel asserts that if liberals favor same-sex marriage through so-called the logic of neutrality, individual autonomy, and freedom of choice, they are expected to support polygamous marriage. However, although neutrality tie hands and put both same-sex marriage and polygamy in the same pot, liberals with their neutrality views generally rejects polygamy. Sandel offers disestablishment policy for the neutrality of liberals by making state out of marriage business. If liberals have concerns to be neutral, they should encourage the state policy that does not approve marriage of any kind (Sandel, 2009, pp. 255–260).

It is understood from Sandel’s arguments that liberalism is an ideology from political ideologies. Each political ideology seeks to indoctrinate citizens directly or indirectly with its values and principles and in general desires to achieve its ideal society for its long-term survival against other ideologies. Although liberating alcohol, abortion, stem-cell, same-sex marriage, or other controversial issues is articulated in the name of individual freedoms and neutrality, it has some social important consequences and inevitably has an impact on the lives of others. So it is clear that just as liberal politicians try to spread their liberal values while ignoring the ideal of neutral state, conservative and Islamic groups may aim to disseminate their own values in the period of their rule.

Sandel's writings are convincing in that it implicitly accounts for why criticisms about Mohammed Morsi's non-neutrality towards different lifestyles and about his failure to reach overlapping consensus and not to alienate secular segments of the public (Brumberg, 2012; Kingsley & Chulov, 2013; Kirkpatrick, 2012) have seemed to be meaningless.

To be truthful, this is not the case for only Morsi's Egypt. It is hard to find well-ordered and just societies as Rawls imagines. Even the most democratic liberal countries, such as the United States and France, have not succeeded in reconciling political unity and diversity or pluralism without being assimilationist and in reaching an overlapping consensus on every issue. In short, I think, liberal states engage in tensions with people who upholds illiberal perspectives, require their citizens to internalize liberal norms and not to impose their diverse truths on others, and try to transform pluralism into liberal unity for their stabilities. In other words, the idea of an overlapping consensus advanced in Rawls's political liberalism does not seem to be convincing concerning to the reconciliation between multi-truths.

Here, this paper finds out that although Hobbes is criticized for the legitimization of authoritarian regimes, in Rawls's social contract, still some problems especially related with religious issues may remain same at the end of the day.

But, nevertheless, Rawls's assumptions evolving around his social contract doctrine, to a great extent, paves the way for the rule of law which Hobbes's social contract doctrine does not provide for citizens at all. Hobbes does not pay attention to the role and independence of the judiciary by leaving parties of the contract torn between a sovereign having absolute power and a civil war. The sovereign is above the contract and both introduces and implements laws in solving disputes among citizens. In this sense, Hobbes's social contract greatly differs from Rawls's in that the former model ignores the principle of the separation of power displeasing the sovereign and seems to consider Leviathan as an end in itself not as a means to the rule of law.

Conclusion

Hobbes's human nature and governmental assumptions leave people with only two alternatives; living in a brutal social environment or obeying an absolute power. Accordingly, his social contract project corresponds to the need for conflict resolution as an essential for social stability and order and to the requirement for a final authority above the contract. There is no public but sovereign conception of justice and thus fear from a state of war and Leviathan forms the basis of social harmony.

However, Rawls does not approve such a dichotomy that Hobbes supposes and places his social contract understanding in the free acceptance of an inherent social harmony that human nature ensures in the original position of equality. Rawls advocates a liberal democratic constitutional system where the principles of justice provides a minimal welfare program to all, power is balanced, and justice between the sovereign and citizens exists. Unlike Hobbes's modus vivendi stability as a result of a balance of forces, Rawls suggests that an overlapping consensus is stable for the right reasons embedded into citizens' various comprehensive doctrines and can create a well-ordered society regulated by a public conception of justice. However, the Rawlsian social contract's state neutrality implication seems to be problematic in the sense that reconciling political unity and diversity is not easy issue even in the most democratic countries.

All in all, Hobbes's social contract serves the sovereign and have almost no toleration towards diverse views, while Rawls's social contract considers human beings as ends in themselves not as a means to a state and displays, to a certain extent, the peaceful existence of pluralist societies in the modern era with the constitutional and democratic form of government.

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