

CHAPTER 6

The Social Contract Theory

Wherever law ends, tyranny begins . . .

JOHN LOCKE, *THE SECOND TREATISE OF GOVERNMENT* (1690)

6.1. Hobbes's Argument

Suppose we take away all the traditional props for morality. Assume, first, that there is no God to issue commands and reward virtue. Next, suppose that there are no “natural purposes”—objects in nature have no inherent functions or intended uses. Finally, assume that human beings are naturally selfish. Where, then, could morality come from? If we cannot appeal to God, natural purpose, or altruism, is there anything left to base morality on?

Thomas Hobbes, the leading British philosopher of the 17th century, tried to show that morality does not depend on any of those things. Instead, morality should be understood as the solution to a practical problem that arises for self-interested human beings. We all want to live as well as possible; but in order to flourish, we need a peaceful, cooperative social order. And we cannot have one without rules. Those rules *are* the moral rules; morality consists of the precepts we need to follow in order to get the benefits of social living. That—not God, inherent purposes, or altruism—is the key to understanding ethics.

Hobbes begins by asking what it would be like if there were no way to enforce social rules. Suppose there were no government institutions—no laws, no police, and no courts. In this situation, each of us would be free to do as we pleased. Hobbes called this “the state of nature.” What would it be like? Hobbes thought it would be dreadful. In the state of nature, he says,

there would be no place for industry, because the fruit thereof is uncertain: and consequently no culture of

the earth; no navigation, nor use of the commodities that may be imported by sea; no commodious building; no instruments of moving, and removing, such things as require much force; no knowledge of the face of the earth; no account of time; no arts; no letters; no society; and which is worst of all, continual fear, and danger of violent death; and the life of man, solitary, poor, nasty, brutish, and short.

The state of nature would be awful, Hobbes thought, due to four basic facts about human life:

- There is *equality of need*. Each of us needs the same basic things in order to survive—food, clothing, shelter, and so on. Although we may differ in some of our needs (diabetics need insulin, others don't), we are all essentially alike.
- There is *scarcity*. We do not live in the Garden of Eden, where milk flows in streams and every tree hangs heavy with fruit. The world is a hard, inhospitable place, where the things we need do not come in abundance. We have to work hard to produce them, and even then they may be in short supply.
- There is *the essential equality of human power*. Who will get the scarce goods? No one can simply take what she wants. Even though some people are smarter and tougher than others, even the strongest can be brought down when those who are less strong act together.
- Finally, there is *limited altruism*. If we cannot prevail by our own strength, what hope do we have? Can we rely on the goodwill of others? We cannot. Even if people are not wholly selfish, they care most about themselves, and we cannot assume that they will step aside when their interests conflict with ours.

Together, these facts paint a grim picture. We all need the same basic things, and there aren't enough of them to go around. Therefore, we will have to compete for them. But no one can prevail in this competition, and no one—or almost no one—will look after the needs of his neighbors. The result, as Hobbes puts it, is a “constant state of war, of one with all.” And it is a war no one can win. Whoever wants to survive will try to seize what he needs and prepare to defend it from attack.

Meanwhile, others will be doing the same thing. Life in the state of nature would be intolerable.

Hobbes did not think this was mere speculation. He pointed out that this is what actually happens when governments collapse during civil uprisings. People hoard food, arm themselves, and lock out their neighbors. Moreover, nations themselves behave like this when international law is weak. Without a strong, overarching authority to maintain the peace, countries guard their borders, build up their armies, and feed their own people first.

To escape the state of nature, we must find a way to work together. In a stable and cooperative society, we can produce more essential goods and distribute them in a rational way. But establishing such a society is not easy. People must agree on rules to govern their interactions. They must agree, for example, not to harm one another and not to break their promises. Hobbes calls such an agreement “the social contract.” As a society, we follow certain rules, and we have ways to enforce them. Some of those ways involve the law—if you assault someone, the police may arrest you. Other ways involve “the court of public opinion”—if you get a reputation for lying, then people may turn their backs on you. All of these rules, taken together, form the social contract.

It is only within the context of the social contract that we can become beneficent beings, because the contract creates the conditions under which we can afford to care about others. In the state of nature, it is every man for himself; it would be foolish for anyone to look out for others and put his own interests in jeopardy. But in society, altruism becomes possible. By releasing us from “the continual fear of violent death,” the social contract frees us to take heed of others. Jean-Jacques Rousseau (1712–1778) went so far as to say that we become different kinds of creatures when we enter civilized relations with others. In *The Social Contract* (1762), he writes:

The passage from the state of nature to the civil state produces a very remarkable change in man. . . . Then only, when the voice of duty takes the place of physical impulses . . . does man, who so far had considered only himself, find that he is forced to act on different principles, and to consult his reason before listening to his inclinations. . . . His faculties are so stimulated and

developed, . . . his feelings so ennobled, and his whole soul so uplifted, that, did not the abuses of this new condition often degrade him below that which he left, he would be bound to bless continually the happy moment which took him from it forever, and, instead of a stupid and unimaginative animal, made him an intelligent being and a man.

And what does the “voice of duty” require this new man to do? It requires him to set aside his self-centered designs in favor of rules that benefit everyone. But he is able to do this only because others have agreed to do the same thing—that is the essence of the “contract.”

The Social Contract Theory explains the purpose of both morality and government. The purpose of morality is to make social living possible; the purpose of government is to enforce vital moral rules. We can summarize the social contract conception of morality as follows: *Morality consists in the set of rules, governing behavior, that rational people will accept, on the condition that others accept them as well.* And rational people will accept a rule only if they can expect to gain from it. Thus, morality is about mutual benefit; you and I are morally bound to follow a rule only if we would be better off living in a society in which that rule were usually followed.

6.2. The Prisoner’s Dilemma

Hobbes’s argument is one way of arriving at the Social Contract Theory. Another argument makes use of the Prisoner’s Dilemma—a problem invented by Merrill M. Flood and Melvin Dresher around 1950. Here’s how the problem goes.

Suppose you live in a totalitarian society, and one day, to your astonishment, you are arrested and charged with treason. The police say that you have been plotting against the government with a man named Smith, who has also been arrested and is being held in a separate cell. The interrogator demands that you confess. You protest your innocence; you don’t even know Smith. But this does you no good. It soon becomes clear that your captors are not interested in the truth; they merely want to convict someone. They offer you the following deal:

- If Smith does not confess, but you confess and testify against him, then they will release you. You will go free, while Smith will be put away for 10 years.

- If Smith confesses and you do not, the situation will be reversed—he will go free while you get 10 years.
- If you both confess, you will each be sentenced to 5 years.
- If neither of you confesses, then there won't be enough evidence to convict either of you. They can hold you for a year, but then they will have to let both of you go.

Finally, you are told that Smith is being offered the same deal; but you cannot communicate with him, and you have no way of knowing what he will do.

The problem is this: Assuming that your only goal is to spend as little time in jail as possible, what should you do? Confess or not confess? For the purposes of this problem, you should forget about maintaining your dignity and standing up for your rights. That is not what this problem is about. You should also forget about trying to help Smith. This problem is strictly about calculating what is in your own best interests. What will get you free the quickest?

At first glance, it may seem that the question cannot be answered unless you know what Smith will do. But that is an illusion. The problem has a perfectly clear solution: No matter what Smith does, you should confess. This can be shown as follows:

- (1) Either Smith will confess or he won't.
- (2) Suppose Smith confesses. Then, if you confess you will get 5 years, whereas if you do not confess you will get 10 years. Therefore, if he confesses, you are better off confessing.
- (3) On the other hand, suppose Smith does not confess. Then, if you confess you will go free, whereas if you do not confess you get one year. Therefore, if Smith does not confess, you will still be better off confessing.
- (4) Therefore, you should confess. That will get you out of jail the soonest, no matter what Smith does.

So far, so good. But remember that Smith is being offered the same deal. Thus, he will also confess. The result will be that you both get 5-year sentences. *But if you had both done the opposite, you both could have gotten out in only one year.* It's a curious situation: Because you and Smith both act selfishly, you both wind up worse off.

Now suppose you can communicate with Smith. In that case, you could make a deal with him. You could agree that neither of you will confess; then you will both get the 1-year detention. By cooperating, you will both be better off than if you act independently. Cooperating will not get either of you the optimum result—immediate freedom—but it will get both of you a better result than you would have gotten alone.

It is vital, however, that any agreement between you and Smith be enforceable, because if he reneges and confesses while you keep the bargain, you will end up serving the maximum 10 years while he goes free. Thus, in order for you to rationally participate in such a deal, you need to be sure that Smith will keep up his end.

Morality as the Solution to Prisoner's-Dilemma-Type Problems.

The Prisoner's Dilemma is not just a clever puzzle. Although the story it tells is fictitious, the pattern it exemplifies comes up often in real life. Consider, for example, the choice between two general strategies of living. You could pursue your own interests exclusively—in every situation, you could do whatever will benefit yourself, taking no notice of anyone else. Let us call this “acting selfishly.” Alternatively, you could care about others, balancing their interests against your own, and sometimes forgoing your own interests for their sake. Let us call this strategy “acting benevolently.”

But it is not only you who has to decide how to live. Other people also have to choose which strategy to adopt. There are four possibilities: (a) You could be selfish while other people are benevolent; (b) others could be selfish while you are benevolent; (c) everyone could be selfish; and (d) everyone could be benevolent. How would you fare in each of these situations? Purely from the standpoint of your own welfare, you might assess the possibilities like this:

- You would be best off if you were selfish while other people were benevolent. You would get the benefit of their generosity without having to return the favor. (In this situation, you would be a “free rider.”)
- Second-best would be if everyone were benevolent. You would no longer have the advantages that come from ignoring other people's interests, but you would be

treated well by others. (This is the situation of “ordinary morality.”)

- A bad situation, but not the worst, would be one in which everyone was selfish. You would try to protect your own interests, but you would get little help from others. (This is Hobbes’s “state of nature.”)
- You would be worst off if you were benevolent while others were selfish. Other people could stab you in the back whenever they saw fit, but you would never do the same. You would come out on the short end every time. (This is the “sucker’s payoff.”)

This situation has the same structure as the Prisoner’s Dilemma. In fact, it *is* a Prisoner’s Dilemma, even though it involves no prisoners. Again, we can prove that you should adopt the selfish strategy:

- (1) Either other people will respect your interests or they won’t.
- (2) If they do respect your interests, you will be better off not respecting theirs, at least whenever that would be to your advantage. This will be the optimum situation—you get to be a free rider.
- (3) If they do not respect your interests, then it will be foolish for you to respect theirs. That will land you in the worst possible situation—you get the sucker’s payoff.
- (4) Therefore, regardless of what other people do, you are better off adopting the policy of looking out for yourself. You should be selfish.

And now we come to the catch: Other people, of course, can reason in the same way, and the result will be that we end up in Hobbes’s state of nature. Everyone will be selfish, willing to knife anyone who gets in their way. In that situation, each of us would be worse off than if we all cooperated.

To escape the dilemma, we need another enforceable agreement, this time to obey the rules of mutually respectful social living. As before, cooperation will not yield the optimum outcome for each individual, but it will lead to a better result than non-cooperation. We need, in David Gauthier’s words, to “bargain our way into morality.” We can do that by establishing laws and social customs that protect the interests of everyone involved.

6.3. Some Advantages of the Social Contract Theory

Morality, on this theory, consists in the rules that rational people will accept, on the condition that others accept them as well. The strength of this theory is due, in large part, to the fact that it provides plausible answers to some difficult questions.

1. *What moral rules are we bound to follow, and how are those rules justified?* The morally binding rules are the ones that facilitate harmonious social living. We could not live together in peace if we allowed murder, assault, theft, lying, promise breaking, and so on. The rules forbidding those acts are therefore justified by their tendency to promote harmony and cooperation. On the other hand, “moral rules” that condemn prostitution, sodomy, and sexual promiscuity cannot be justified on these grounds. How is social living hampered by private, voluntary sexual activity? How would it benefit us to agree to such rules? What people do behind closed doors is outside the scope of the social contract. Such rules, therefore, have no claim on us.

2. *Why is it rational for us to follow the moral rules?* We agree to follow the moral rules because we benefit from living in a place where the rules are accepted. However, we *actually do* follow the rules—we keep our end of the bargain—because the rules will be enforced, and it is rational for us to avoid punishment. Why don’t you kidnap your boss? Because you might get caught.

But what if you think you won’t get caught? Why follow the rules then? To answer this question, first note that you don’t want *other* people to break the rules when they think they can avoid punishment—you don’t want other people to commit murder, assault, and so on, just because they think they can get away with it. After all, they might be murdering or assaulting *you*. For this reason, we want others to accept the contract in more than a frivolous or lighthearted way. We want them to form a *firm intention* to hold up their end of the bargain; we want them to become the sort of people who won’t be tempted to stray. And, of course, they will demand the same of us, as part of the agreement. But once we have this firm intention, it is rational to act on it. Why don’t you kidnap your boss, when you think you can get away with it? Because you’ve made a firm decision not to be that sort of person.

3. *Under what circumstances is it rational to break the rules?* We agree to obey the rules on the condition that others obey them as well. But when someone else breaks the rules, he releases us from our obligations toward him. For example, suppose someone refuses to help you in circumstances in which he clearly should. If later on he needs your help, you may rightly feel that you have no duty to help him.

The same point explains why punishing criminals is acceptable. Lawbreakers are treated differently from other citizens—in punishing them, we treat them in ways that are normally forbidden. Why can we do this? Remember that the rules apply to you only if other people also follow them. So, you may disregard those rules when dealing with someone who doesn't follow them. In breaking the rules, the criminal thus leaves himself open to retaliation. This explains why it is legitimate for the government to enforce the law.

4. *How much can morality demand of us?* Morality seems to require that we be impartial, that is, that we give no greater weight to our own interests than to the interests of others. But suppose you face a situation in which you must choose between your own death and the deaths of five other people. Impartiality, it seems, would require you to choose your own death; after all, there are five of them and only one of you. Are you morally bound to sacrifice yourself?

Philosophers have often felt uneasy about this sort of example; they have felt instinctively that somehow there are limits to what morality can demand of us. Therefore, they have traditionally said that such heroic actions are *supererogatory*—that is, above and beyond the call of duty, admirable when they occur but not morally required. Yet it is hard to explain why such actions are not required. If morality demands impartial behavior, and it is better that one person die rather than five, then you should be required to sacrifice yourself.

What does the Social Contract Theory say about this? Suppose the question is whether to have the rule “If you can save many lives by sacrificing your own life, then you must do so.” Would it be rational to accept this rule, on the condition that everyone else accepts it? Presumably, it would be. After all, each of us is more likely to benefit from this rule than to be harmed by it—you're more likely to be among those saved than to be the one and only person who gives up her

life. Thus, it may seem that the Social Contract Theory does require moral heroism.

But this is not so. On the Social Contract Theory, morality consists in the rules that rational people will accept *on the condition that others accept them as well*. However, it would not be rational to make an agreement that we don't expect others to follow. Can we expect other people to follow this rule of self-sacrifice—can we expect strangers to give up their lives for us? We cannot. Most people won't be that benevolent, even if they have promised to be. Can we expect the threat of punishment to *make them* that benevolent? Again, we cannot; people's fear of death is likely to overwhelm any fear they have of punishment. Thus, there is a natural limit to the amount of self-sacrifice that the social contract can require: Rational people will not agree to rules so demanding that others won't follow them. In this way, the Social Contract Theory explains a feature of morality that other theories may remain silent on.

6.4. The Problem of Civil Disobedience

Moral theories should help us understand concrete moral issues. The Social Contract Theory in particular should help us understand issues about social institutions—after all, explaining the proper function of those institutions is one of the main goals of the theory. So let's consider again our obligation to obey the law. Are we ever justified in breaking the law? If so, when?

The great modern examples of civil disobedience are taken from the Indian independence movement led by Mohandas K. Gandhi (1869–1948) and the American civil rights movement led by Martin Luther King Jr. (1929–1968). Both movements were characterized by public, conscientious, non-violent refusal to comply with the law. In 1930, Gandhi and his followers marched to the coastal village of Dandi, where they defied British law by distilling salt from saltwater. The British had been controlling salt production so they could force the Indian peasants to buy it at high prices. In America, Dr. King led the Montgomery Bus Boycott, which began after Rosa Parks was arrested on December 1, 1955, for refusing to give up her bus seat to a white man. Parks was defying one of the "Jim Crow" laws designed to enforce racial segregation in the South.

Gandhi and King, the two greatest proponents of nonviolence in the 20th century, were both murdered by gunfire.

Their movements had importantly different goals. Gandhi and his followers did not recognize the right of the British to govern India; they wanted to replace British rule with an entirely different system. King and his followers, however, did not question the legitimacy of the American government. Rather, they objected only to particular laws and social policies that they felt were unjust—so unjust, in fact, that they refused to comply with them.

In his “Letter from the Birmingham City Jail” (1963), King describes the frustration and anger that arise

when you have seen vicious mobs lynch your mothers and fathers at will and drown your sisters and brothers at whim; when you have seen hate-filled policemen curse, kick, brutalize and even kill your black brothers and sisters with impunity; when you see the vast majority of your twenty million Negro brothers smothering in an airtight cage of poverty in the midst of an affluent society; when you suddenly find your tongue twisted and your speech stammering as you seek to explain to your six-year-old daughter why she can’t go to the public amusement park that has just been advertised on television, and see tears welling up in her little eyes when she is told that Funtown is closed to colored children, and see the depressing clouds of inferiority begin to form in her little mental sky.

The problem was not only that racial segregation, with all its attendant evils, was enforced by social custom; it was a matter of *law* as well, law that black citizens were denied a voice in formulating. When urged to rely on ordinary democratic processes, King pointed out that all attempts to use these processes had failed. And as for “democracy,” he said, that word had no meaning to southern blacks: “Throughout the state of Alabama all types of conniving methods are used to prevent Negroes from becoming registered voters and there are some counties without a single Negro registered to vote despite the fact that the Negro constitutes a majority of the population.” King believed, therefore, that blacks had no choice but to defy the unjust laws and to accept the consequences by going to jail.

Today we remember King as a great moral leader. At the time, however, his strategy of civil disobedience was highly

controversial. Many liberals expressed sympathy for his goals but didn't agree with his tactic of breaking the law. An article in the *New York State Bar Journal* in 1965 expressed the typical worries. After assuring his readers that "long before Dr. King was born, I espoused, and still espouse, the cause of civil rights for all people," Louis Waldman, a prominent New York lawyer, argues:

Those who assert rights under the Constitution and the laws made thereunder must abide by that Constitution and the law, if that Constitution is to survive. They cannot pick and choose; they cannot say they will abide by those laws which they think are just and refuse to abide by those laws which they think are unjust. . . .

The country, therefore, cannot accept Dr. King's doctrine that he and his followers will pick and choose, knowing that it is illegal to do so. I say, such doctrine is not only illegal and for that reason alone should be abandoned, but that it is also immoral, destructive of the principles of democratic government, and a danger to the very civil rights Dr. King seeks to promote.

Waldman had a point: If our legal system is basically decent, then defying the law is on its face a bad thing, because open defiance of particular laws might weaken people's respect for the law generally. To meet this objection, King sometimes said that the evils he opposed were so serious, so numerous, and so difficult to fight that civil disobedience was justified as a last resort. The end justifies the means, though the means are regrettable. This argument may be enough to answer Waldman's objections. But there is a more profound reply available.

According to the Social Contract Theory, we are obligated to obey the law because we each participate in a social system that promises more benefits than burdens. The benefits are the benefits of social living: We escape the state of nature and live in a society in which we are secure and enjoy basic rights. To gain these benefits, we agree to uphold the institutions that make them possible. This means that we must obey the law, pay our taxes, and so forth—these are the burdens we accept in return.

But what if some citizens are denied their basic rights? What if the police, instead of protecting them, "curse, kick, brutalize and even kill [them] with impunity"? What if some groups of people are denied a decent education while they and

their families are “smothering in an airtight cage of poverty”? Under such circumstances, the social contract is not being honored. By asking the disadvantaged group to obey the law and respect society’s institutions, we are asking them to accept the burdens of social living while being denied its benefits.

This line of reasoning suggests that civil disobedience is not an undesirable “last resort” for socially disenfranchised groups. Rather, it is the most natural and reasonable means of expressing protest. For when the disadvantaged are denied the benefits of social living, they are released from the contract that would otherwise require them to follow society’s rules. This is the deepest argument for civil disobedience, and the Social Contract Theory presents it clearly and forcefully.

6.5. Difficulties for the Theory

The Social Contract Theory is one of the major options in contemporary moral philosophy, along with Utilitarianism, Kantianism, and Virtue Ethics. It is easy to see why; the theory seems to explain a great deal about moral life. Two important objections, however, have been made against it.

First, it is said that the Social Contract Theory is based on a historical fiction. We are asked to imagine that people once lived in isolation from one another, that they found this intolerable, and that they eventually banded together, agreeing to follow social rules of mutual benefit. But none of this ever happened. It is just a fantasy. So of what relevance is it? To be sure, if people *had* come together in this way, we could explain their obligations to one another as the theory suggests: They would be obligated to obey the rules that they had agreed to obey. But even then, there would be problems. Was the agreement unanimous? If not, what about the people who didn’t sign up—are they *not* required to act morally? And if the contract was made a long time ago by our ancestors, why should we be bound to it? But anyway, there never was such a contract, and so nothing can be explained by appealing to it. As one critic wisecracked, the social contract “isn’t worth the paper it’s not written on.”

To be sure, none of us ever signed a “real” contract—there is no piece of paper bearing our signatures. Immigrants, who promise to obey the law when they are granted citizenship, are

the exception. The contract theorist might say, however, that a social arrangement like the one described does exist, for all of us: There is a set of rules that everyone recognizes as binding on them, and we all benefit from the fact that these rules are generally followed. Each of us accepts the benefits conferred by this arrangement; and, more than that, we expect and encourage other people to observe the rules. This is a description of the actual world; it is not fictitious. And, by accepting the benefits of this arrangement, we incur an obligation to do our part—which at least means that we should follow the rules. We are thus bound by an *implicit* social contract. It is “implicit” because we become a party to it not by explicitly making a promise, but by accepting the benefits of social living.

Thus, the story of the “social contract” need not be intended as a description of historical events. Rather, it is a useful analytical tool, based on the idea that we may understand our moral obligations *as if* they had arisen in this way. Consider the following situation: Suppose you come upon a group of people playing an elaborate game. It looks like fun, and you join in. After a while, however, you begin to break some of the rules, because that looks like more fun. When the other players protest, you say that you never promised to follow the rules. However, your remark is irrelevant. Perhaps nobody promised to obey; but, by joining the game, each person implicitly agreed to abide by the rules that make the game possible. It is *as though* they had all agreed. Morality is like this. The “game” is social living; the rules, which make the game possible, are the rules of morality.

That response to the first objection, however, is ineffective. When a game is in progress, and you join in, it is obvious that you *choose* to join in, because you could have just walked away. For that reason, you must respect the game’s rules, or you will rightly be regarded as a nuisance. By contrast, somebody born into today’s big cooperative world does not choose to join it; nobody chooses to be born. And then, once a person has grown up, the costs of leaving that world are severe. How could you opt out? You might become a survivalist and never use electricity, roads, the water service, and so on. But that would be a great burden. Alternatively, you might leave the country. But what if you don’t like the social rules that exist in any of the other countries, either? Moreover, as David Hume

(1711–1776) observed, many people are not “free to leave their country” in any meaningful sense:

Can we seriously say that a poor peasant . . . has a free choice to leave his country, when he knows no foreign language or manners, and lives from day to day by the small wages which he acquires? We may as well assert that a man, by remaining [on a ship], freely consents to the dominion of the master, though he was carried on board while asleep, and must leap into the ocean and perish the moment he leaves.

Thus, life is not like joining a game, whose rules you may reject by walking away. Rather, life is like being thrust into a game you can’t walk away from. The contract theorist has not explained why one must obey the rules of such a game.

Does the first objection therefore refute the Social Contract Theory? I don’t think so. The contract theorist may say this: Participating in a sensible social scheme is rational; it really is in one’s best interest. *This is why the rules are valid*—because they benefit those who live under them. If someone doesn’t agree to the rules, the rules still apply to him; he’s just being irrational. Suppose, for example, that a survivalist forgoes the benefits of social living. May he then refuse to pay his taxes? He may not, because even he would be better off paying his taxes *and* enjoying the benefits of clean water, paved roads, indoor plumbing, and so on. The survivalist might not want to play the game, but the rules still apply to him, because it would really and truly be in his interest to join in.

This defense of the Social Contract Theory abandons the idea that morality is based on an agreement. However, it holds fast to the idea that morality consists in rules of mutual benefit. It also accords with the definition of the theory we gave earlier: *Morality consists in the set of rules, governing behavior, that rational people will accept, on the condition that others accept them as well.* Rational people will agree to the mutually beneficial rules.

The second objection is more troubling. Some individuals cannot benefit us. Thus, according to the Social Contract Theory, these individuals have no claim on us, and we may ignore their interests when we’re writing up the rules of society. The moral rules will therefore let us treat these individuals in any way whatsoever. This implication of the theory is unacceptable.

There would be at least four vulnerable groups:

- Human infants
- Nonhuman animals
- Future generations
- Oppressed populations

Suppose, for example, that a sadist wanted to torment a cat or a small child. *He* would not benefit from a system of rules forbidding the torture of infants and animals; after all, the infant and the cat cannot benefit him, and he wants to practice his cruel behavior. Of course, the infant's parents, and the cat's owners, would be indirectly harmed under such a system, and they might want to retaliate against the sadist. In such a situation, it is hard to know what moral rules would be valid. But suppose the sadist found some abandoned children or some stray cats out in the woods. Now the Social Contract Theory cannot condemn him even if he commits acts of the greatest cruelty.

Or consider future generations. They cannot benefit us; we'll be dead before they are even born. But we can profit at their expense. Why shouldn't we run up the national debt? Why shouldn't we pollute the lakes and coat the skies with carbon dioxide? Why shouldn't we bury toxic waste in containers that will fall apart in a hundred years? It would not be against *our* interests to allow such actions; it would only harm our descendants. So, we may do so. Or consider oppressed populations. When the Europeans colonized new lands, why weren't they morally allowed to enslave the native inhabitants? After all, the native inhabitants did not have the weapons to put up a good fight. The Europeans could benefit most by creating a society in which the native inhabitants would be their slaves.

This objection does not concern some minor aspect of the theory; it goes right to the root of the tree. The Social Contract Theory is grounded in self-interest and reciprocity; thus, it seems unable to recognize the moral duties we have to individuals who cannot benefit us.