ABSTRACT. This paper argues that Plato's version of the contractarian theory of justice is superior to all other statements of that theory. The conditions any adequate theory of justice must meet are outlined and it is shown how contractarian theories attempt to meet these conditions. The great contractarian theories—those of Hobbes, Rousseau, Locke, Rawls, and Gauthier—are shown not to provide an adequate account of the nature of justice. The source of these failures is identified and, finally, it is shown that Plato's version of contractarianism is immune to this sort of failure.

In this paper I argue that the version of the contractarian theory of justice offered by Plato is superior to all other statements of that theory. I begin by outlining the conditions any adequate theory of justice must meet and then show how the contractarian account of justice attempts to meet these conditions. Following that, I argue that all of the great contractarian theories—those of Hobbes, Rousseau, Locke, Rawls, and Gauthier—fail to provide an adequate account of the nature of justice. The source of these failures is identified and, finally, it is shown that Plato's version of contractarianism is immune to this sort of failure.

A theory of justice tells us which set of social rules ought to govern interpersonal behavior in the circumstances of justice. But not just any set of social rules will serve as an account of justice. For a set of social rules to comprise an account of justice—that is, for those rules to serve as a blueprint for the just society—the following conditions must be met. (Alternatively one could develop an account of justice by asking what the just person is like. Plato prefers this approach. I have chosen to talk in terms of what social rules govern a just society because that approach is most common today. Nothing here hinges on which way one chooses to put these matters, and those readers who prefer to think in terms of the character of the just individual can easily translate what I say into those terms.)

First, there is the rationality condition: the rules of justice must be addressed to rational individuals. This is because only rational individuals are responsible for their actions and, hence, capable of being just or unjust. Second, there is the ought-implies-can condition: the rules of justice can only require us to do that which we can do. A rule
which tells one to do the impossible (or to refrain from doing the inevitable) is not a rule of justice. Thus, no theory of justice can demand that a normal human leap over tall buildings in a single bound or that she disobey the law of gravity. As is well known, there are many senses to the term "can", and it is unclear which is appropriate for ethical theory. In this paper I will assume that one can rationally do something only if, as a matter of fact (including facts about one's beliefs and desires), one has a reason for doing it. This sense of 'can' is sufficiently broad so that it is accepted by thinkers as diverse as Hobbes and Plato. Third, there is the benefit condition: the rules of justice must be such that those who follow those rules, taken collectively, will be better off than they would be without the existence of those rules. Fourth, there is the sacrifice condition: the rules of justice necessarily ask the individual to restrain herself, to refrain from doing things she otherwise would do. If the rules of justice were confined to telling us to do that which we were going to do anyway, there would be no need for those rules. Thus, though needless killing is evil and failure to keep breathing leads to needless killing, no morality includes the injunction to always keep breathing. This is so for the obvious reason that such a rule is unnecessary. People keep breathing as long as they can and have no need for a moral code to tell them to do this. Finally, there is the categorical condition: the rules of justice are thought to apply categorically, rather than hypothetically. That is to say, rules of justice apply universally to rational individuals just in virtue of the fact that they are rational individuals. Any philosopher developing an account of justice must make sure that her theory meets these five conditions (or show why these conditions need not be met) if her theory is to be judged adequate. Skepticism about justice is the doctrine that there is no logically possible set of social rules which meets all of these conditions.

Plato, perhaps the most avid anti-skeptic ever, considered the contractarian response to skepticism. Plato's contractarian theory, like all contractarian theories, has the following form. An initial choice situation, often called "the state of nature", is outlined. In the initial choice situation, rational individuals are not governed by any principles of justice. Each is rational in the sense that she seeks to maximize the satisfaction of her own interests. It is then argued that each would be better off, in terms of her interests, if each agreed to accept certain social rules which constrain or regulate the means by which each will pursue her interests. The contract is used as a device to formulate those rules which, if accepted by all, will make each person better off. The reason that the contract, or "compact", is employed is that no rational individual would accept a proposed contract unless it offered the promise of benefiting her more than it demands that she sacrifice. That there are agreements which can benefit everyone by asking some sacrifice of each, agreements which satisfy the apparently contradictory demands of the sacrifice and benefit conditions, is illustrated by the Prisoner's Dilemma. The rules or principles agreed upon are thought to be the rules of justice. Thus, every contractarian theory consists of two parts: the specification of the initial choice situation, from which the rules of justice are selected, and the derivation, by means of a contract, of the basic rules of justice from the initial choice situation.

That the contractarian conception of justice attempts to meet all five of the conditions outlined above is quite clear. The rationality condition is met by stipulating that every member of the state of nature—that is, everyone in the initial choice situation—is rational. The ought-
implies-can condition is met because no one would or could accept a contract if it asked her to do something which she could not do. Even if you would "agree" to a contract that asked the impossible of you, your co-contractors would not accept this "agreement". The benefit condition is met because no rational individual would agree to a proposed contract unless she stood to benefit from it. To agree to a contract from which you would not benefit would, as Plato observes, be mad. The contractarian approach to justice meets the sacrifice condition is obvious. As a condition on moving from the state of nature into civil society, each contractor is asked to accept certain constraints on her actions (providing only that all others accept those constraints also). The contract, in effect, asks each to sacrifice something so that each will benefit. Finally, there is the categorical condition. Does the contractarian approach to justice meet this condition? Does it show that everyone, simply in virtue of being rational, has a reason to accept the rules of justice? Contractarians claim that it does. Plato, in rejecting the contractarian theory, claims that it does not. Plato makes his rejection of contractarianism on this point quite clear by showing that the invulnerable Lydian Shepherd has no reason to accept the contract.

On the issue of whether the contractarian approach to justice is able to meet the categorical condition, I am inclined to agree with Plato. But I do not want to argue for that point here. Rather, I will argue for a weaker thesis, viz., that if any contractarian theory of justice is able to meet the categorical condition, it is Plato's version. That is to say, I argue that the Platonic account of contractarianism has more potential for meeting the categorical condition than does any other account of contractarianism.

How might a contractarian theorist ensure that her theory meets the categorical condition (while also meeting the rationality, ought-implies-can, benefit, and sacrifice conditions)? I think the best way to approach this question is to focus on how she might fail to meet the categorical condition. One way that she might fail is by following Locke and including certain natural rights in her specification of the initial choice situation. Locke begins his natural rights contractarian theory by supposing that individuals have certain natural rights. To take account of these rights, he includes them in his state of nature. Thus, Locke outlines an initial choice situation where each person, living in a state of nature and being respectful of the natural rights of others, asks herself what set of social rules she would be willing to accept, providing all others accepted those rules also. No contract which violates the natural, or pre-contract, rights of any individual is to be considered. (This condition, that one cannot bargain away one's natural rights, shows that these rights are, within Locke's theory, inalienable rights.) The contract that is agreed upon by everyone states the rules of justice.

There are many problems with Locke's theory of justice. Why should we suppose that there are any natural rights? Where do they come from? How do we discover which ones we really have? For present purposes, the central problem is that a Lockean theory has no force for anyone who is not pre-critically inclined to respect the natural rights of others. A Lockean theory says, in effect, that, given that individuals have certain natural rights and that everyone is willing to accept those rights, here is how to formulate social rules which protect the natural rights of everyone and allow each the benefits which accrue to those engaged in cooperative interaction. Simply ask what set of so-
cial rules people who are willing to respect the rights of others will accept, providing that all others accept those rules also, and you have the formula for a just society. Yet, the individual who does not care to respect the supposed natural rights of others, whether because she has philosophic doubts about their existence or for less worthy reasons, will have no reason to follow the rules the Lockean theorist derives. Rather, she will see those rules as generating hypothetical imperatives, imperatives which have force only for those who are moved to respect the natural rights of others. But, since there is nothing irrational about holding that there are no natural rights, the Lockean theory does not have universal force. It does not apply to everyone simply in virtue of their being rational individuals.

Another way that a contractarian theorist might fail to develop a theory which met the categorical condition would be to follow the Rawlsian approach. Rawls' theory of justice begins with an initial choice situation, called the Original Position, wherein each contractor is unaware of who she is. From the Original Position (behind the Veil of Ignorance), each is asked what principles she is willing to accept as the basic principles governing her interaction with others. The resultant principles, Rawls' Two Principles of Justice, are, on this theory, the basic principles of justice from which the set of social rules governing society are derived.

Some philosophers have doubted that Rawls' Principles of Justice follow from the Original Position (but think that some other principles do). I think these philosophers are mistaken, but I do not want to argue the point here. Rather, I am concerned with why we should care about the Two Principles of Justice, even if we think that they are the ones which follow from Rawls' Original Position. Rawls has related two answers to this question.

First, he argues that the Original Position embodies our conception of fairness and that we all accept the idea that we ought to treat each other fairly. Second, he argues that the Original Position embodies the Kantian conception of what it is to be a rational agent. According to this argument, to be truly rational is, as Rousseau and Kant argued, to be the sort of individual who follows rules which she gives herself, rather than simply acting on the basis of what her passions dictate. On this argument, then, only those individuals who are truly free (in the Kantian sense) are fully rational. All such rational individuals will accept the Original Position, or something like it, as the appropriate starting point for discussions about the content of justice.

Neither of these arguments is, however, sufficient to ensure that the Rawlsian theory of justice meets the categorical condition. If Rawls relies on his first argument to defend his theory of justice (the argument that the Original Position embodies our conception of fairness), then his Two Principles of Justice have no force for anyone who is not precritically inclined to treat others fairly. Since, prima facie at least, there is nothing irrational in not giving a hoot about fairness, Rawls' theory fails to meet the categorical condition. The rational individual who does not care about treating others fairly will see Rawls' Two Principles of Justice as hypothetical imperatives, imperatives which say that if you want to treat others fairly, then you should follow the dictates of those two principles. The rational individual who is unmoved by the re-
quirements of fairness will be exempt from the demands of the Two Principles of Justice.

Rawls' second response—the argument that it is only Kantian agents, free and equal moral persons, who are fully rational and that all such individuals will be moved to accept the idea that justice can be derived by contracting from the Original Position—is harder to deal with. One might respond along Humean lines and argue that Rawls, like Kant and Rousseau before him, is simply mistaken about what it is to be a rational individual. In particular, one might argue that one can be rational without being a Kantian free and equal moral person. If this is so, if one can be rational without being a Kantian free and equal moral person, then Rawls' theory of justice has force only for those of us who embody the Kantian conception of rationality. Others need not be moved by Rawls' Principles of Justice. But suppose that Rawls is correct about the nature of rationality. Then no one who is truly rational will be inclined to disregard the Two Principles of Justice Rawls formulated. Would this not show that his theory of justice generates imperatives which are truly categorical? Quite clearly, it would. But note that, in this case, the imperatives Rawls generates are categorical for reasons entirely independent of the contract. The contract adds nothing to their force. Rather, it serves simply as a bridging device between a certain conception of the person and the first principles of justice. On this view, then, Rawls' theory does generate categorical imperatives, but it does so because it begins with individuals who are moral, not because the contract gives them a reason for being moral. I conclude that a Rawlsian contractarian theory cannot meet the categorical condition unless it presupposes that rational individuals will view the demands of the theory as categorical imperatives.

The Rawlsian and Lockean theories fail to meet the categorical condition because they specify the initial choice situation in a way that includes certain moral features (natural rights in the case of Lockeans, and a commitment to fairness in the case of Rawlsians). But, as we saw, this is wrong-headed. If one is to develop a contractarian theory which generates categorical imperatives, as opposed to one which serves merely as an aid in the formulation of certain imperatives already assumed to be categorical, one must specify the initial choice situation in a manner that is devoid of moral assumptions. One must, that is, abandon the natural rights contractarianism of Locke and the social contractarianism of Rawls and Rousseau and look to the economic contractarianism of Hobbes, Hume, and Gauthier.

Hobbes developed a theory of justice which attempts to meet the five conditions outlined earlier. He did this by postulating an initial choice situation—the Hobbesian state of nature—populated by rational individuals who were unconstrained by any moral rules and who were devoid of moral inclinations. Life for such individuals, Hobbes held, would be solitary, poor, nasty, brutish, and short, and he argued that the primary concern for such individuals would be to find means by which each could preserve her life. He then showed that it would be rational for each to accept certain rules, providing only that all others accept them also. Those rules, which Hobbes referred to as laws of nature, were, so Hobbes held, the rules of justice.

Hobbes' contractarian theory of justice does, it seems clear, meet the first four conditions (the rationality, ought-implies-can, benefit, and
sacrifice conditions). However, it fails to meet the categorical condition. But the way in which it fails to meet this condition differs in important respects from the way in which Lockean and Rawlsian theories of justice fail. The reason Hobbes’ account of justice fails to yield imperatives which appeal to everyone simply in virtue of their being rational is not because Hobbes presupposed that everyone has certain moral inclinations (be these inclinations to respect natural rights or to act fairly). Nor does Hobbes’ theory presuppose that one ought to be just because everyone has some prior commitment to (some aspect of) morality. Rather, Hobbes thought that everyone had a motive for being just because he (mistakenly) supposed that every rational individual had an overriding desire to remain alive. Hobbes shows, in effect, that if you want to stay alive, then rationally you ought to accept the conditions of his contract. Yet his theory fails to apply categorically because not every rational individual need have an overriding preoccupation with self-preservation. Certainly, there is nothing pre-critically irrational about being suicidal. And, for the suicidal individual, at least, Hobbes’ theory fails to apply. To her, its imperatives have no force. Hobbes’ mistake was to suppose that all rational individuals have self-preservation as their most important goal.21

Hume, if we accept David Gauthier’s interpretation, also advanced a contractarian theory of justice.22 Hume, of course, does not think that everyone is motivated to accept the requirements of justice because everyone is afraid of dying and sees in civil society a means of escaping this fate. Yet Hume makes a similar mistake, viz., he assumes that all rational individuals are benevolent and sympathetic. Hume’s theory, qua contractarian theory, is that instrumentally rational individuals who are self-interested, benevolent, and sympathetic, and who find themselves in the circumstances of justice, will, as a means of furthering their various ends, form a social union governed by moral rules. The rules they adopt are the rules of justice.23 Again, we have a theory of justice which meets the first four (the rationality, ought-implies-can, benefit, and sacrifice) conditions, but which fails to provide categorical moral imperatives. Hume’s theory, because it assumes that everyone is, simply as a matter of contingent fact, benevolent and sympathetic, has no force for those who are not, in fact, benevolent and/or sympathetic.24 So, Hume’s theory fails in the same way that Hobbes’ theory failed. Both thinkers produce a theory which provides only hypothetical, rather than categorical, imperatives. Just as Hobbes’ theory fails because there is nothing pre-critically irrational about being suicidal, so Hume’s theory fails because there is nothing pre-critically irrational about being malevolent or sadistic.25

Recently, David Gauthier has developed a theory of justice which draws heavily on the insights of Hobbes and Hume but avoids the flaws of their theories. Hobbes and Hume, as we have seen, blundered by assuming that certain widespread contingent features of human beings (their fear of death, and their benevolence and sympathy, respectively) were essential features of rationality.26 Gauthier’s innovations are several; they include the use of game-theoretic concepts to illustrate various features of the contracting, and the idea, which he seems to have derived from Rousseau, that instrumentally rational individuals will alter their conception of rationality. But for present purposes, the most important advance made by Gauthier is that he does not begin by stipulating that the contractors in the initial choice situation have any particular goals. Thus, Gauthier does not suppose that the contractors have
any respect for natural rights, or have any fondness for fairness, or are fearful of death, or are benevolent and sympathetic. Rather, he begins by postulating rational maximizers who are nontuistic. That is to say, his initial choice situation, or state of nature, is populated with individuals, each of whom is concerned only to further her own interests and takes no interest in the interests of others. Such individuals, Gauthier argues, will see that it is in the interest of each to accept the constraints of certain social rules, providing only that all others accept those rules also. The rules agreed upon are, so Gauthier would have it, the rules of justice.

It might seem that here, at last, we have a contractarian moral theory which meets the categorical condition. But it is not so. Gauthier's theory fails to meet this condition for the simple reason that there is nothing pre-critically irrational about being tuistic. His theory may provide good reason for all nontuists to accept justice, but it has no force for those rational individuals who are tuists. Anyone who cares about the welfare or, for that matter, the illfare of others is not given any reason to accept the constraints imposed by Gauthier's contract. Thus, Gauthier's theory, like all the other contractarian theories we have looked at, fails to meet the categorical condition. It fails to show that everyone, simply in virtue of being a rational agent, has a motivating reason to accept the requirements of justice.

One might defend the economic contractarian tradition against the charge that it fails to meet the categorical condition by pointing out that the leading members of this tradition—Hobbes, Hume, and Gauthier—are at great pains to show that their form of contractarianism does apply to all rational individuals. Hobbes, after all, introduces his Foole as an apparent case of an individual who has no reason to accept the theory which Hobbes developed. Hobbes' responses to the Foole can be understood as his attempt to show that his theory is, in fact, a categorical moral theory. The same might be said of Hume's introduction of the Sensible Knave. And, of course, Gauthier has been careful to consider whether his theory provides an answer to the challenges provided by the Hobbesian Foole and Hume's Sensible Knave. But it does not follow from the fact that Hobbes attempts to show that even the Foole has good Hobbesian reasons for acting morally, and/or that Hume attempts to show that the Sensible Knave has good Humean reasons for acting morally, and/or that Gauthier attempts to show that his theory provides both these characters with good reasons for being moral, that these and other similar theories really have the potential to meet the categorical condition. That this is so can be seen from the sort of response each economic contractarian offers to the alleged counter-example to his theory. Since Hume does not offer us a counter-example to the case of the Sensible Knave, and since, in many respects, Gauthier's discussion of this problem parallels Hobbes', I shall confine my remarks to the case of Hobbes' responses to his Foole.

Hobbes' theory, so I have been arguing, attempts to show that everyone whose primary goal in life is to stay alive has a reason to accept the constraints of morality. The Foole argues, in effect, that he is an exception; Hobbes has provided him with reasons to be moral which do not apply all the time. Hobbes responds, in effect, by saying, look closer you foolish Foole, my theory contains arguments which show that you always have a reason to be moral. Now, for present purposes it matters not whether Hobbes or his Foole is correct, because the debate between
Hobbes and his Foole is a debate where both sides accept the constraint that all rational individuals have a desire to survive, a desire which is lexically ordered prior to all other desires. So, even if Hobbes were able conclusively to show that he has an answer to the Foole, he still would not have produced a categorical moral theory. This is so for the simple reason that, throughout, he has presupposed that all rational individuals fear the grave. But, as this is not necessarily so, Hobbes (even if his arguments against the Foole succeed on their own terms) still has not shown categorically that it is rational to be moral. As Hume's debate with the Sensible Knave presupposes benevolence and sympathy and Gauthier's discussions presuppose non-tuism—all of which are special conditions which need not be instantiated by all rational agents—the same criticism applies to their theories. Economic contractarianism, then, does not provide a categorical, but only a hypothetical, account of the nature of justice.

This brief waltz through the contractarian literature shows that Plato's version of contractarianism is potentially superior to other versions of contractarianism. His theory has this strength for the simple reason that Plato does not make the mistake I have attributed to other contractarian theorists; namely, he does not arbitrarily restrict the range of those who are parties to the contract. He does not hold that those in the initial choice situation respect the natural rights of others, care to treat others fairly, are overly fearful of an early death, are benevolent, or are nontuistic. Everyone, so long as she is rational, is included in Plato's initial choice situation. Thus, Plato's version of contractarianism, if it works, is able to meet the categorical condition. Plato's contractarian theory has, uniquely among contractarian theories, the potential for showing that every individual, simply in virtue of being a rational individual, has a motivating reason to accept the constraints of justice. Of course, as Plato realized, such a contractarian theory will not work. It fails because the invulnerable Lydian Shepherd has no reason to accept the contract.

It is extremely important to notice how Plato employs the Lydian Shepherd. Plato uses the possessor of the Ring of Gyges as a counterexample to the contractarian theory. The Lydian Shepherd is not portrayed as someone who is excluded from the initial choice situation (from which the compact for a just society is to be made), but as someone who is included in the initial choice situation but who has no reason to accept any contract. This fact, the fact that anyone with the Lydian Shepherd's extensive powers has no motive to accept the constraints imposed by the rules of justice, led Plato to reject contractarianism and to develop his own brilliant account of the relationship between rationality and morality.

The conclusion to be drawn from this is, I hope, obvious. Those philosophers who want to develop a contractarian account of justice ignore Plato's discussion of the theory at their peril. Not only are his criticisms of the theory characteristically insightful, but his short statement of the theory is one of the best, if not the best, available.
ENDNOTES

1. Plato's initial statement of the contractarian theory is found in the Republic at 358b.


4. On the many senses of 'can', see J.L. Austin, "Ifs and Cans", in his Philosophical Papers. For an excellent recent discussion of the issue, see J.R. Mendola, "On the Indeterminacy of Options" (unpublished ms. dated 1984).

5. This point was put most eloquently by Jesus of Nazareth when he observed that the Sabbath was made for man, not man for the Sabbath. The point being that the rule, Keep the Sabbath holy, can only be a moral rule if following that rule makes us better off.

6. This is Kantian terminology. But one need not be a Kantian to accept the point. Thus, Hobbes, who was certainly no Kantian, holds that everyone (with the possible exception of the Foole) who is rational will, simply in virtue of being rational, accept his laws of nature. Plato accepts this condition (although he would prefer to put the point by saying that an account of justice must show that it is rational to value justice for its own sake).

7. Plato, of course, was not familiar with the literature on the Prisoners' Dilemma. But that he understood the point is clear from what Glaucon says in the Republic at 359b-c.

8. Republic 359b.


11. Jefferson accepted this sort of theory and used it as a guide in constructing American political arrangements.

12. One can interpret Nozick's Anarchy, State, and Utopia as a neo-Lockean work. The main difference between Locke and Nozick consists in the fact that Nozick stipulates which rights people have, while Locke produces arguments for his claim that people have certain natural rights.


14. J.C. Harsanyi uses a similar approach to defend a utilitarian theory. For a discussion of Rawls and Harsanyi, see L. Sowden and S. Wein,
"Models of Rationality: Doubts About the Contractarian and Utilitarian Approaches", forthcoming in *Philosophia*.

Rawls expands on this answer in "Kantian Constructivism and Moral Theory".

See *A Theory of Justice*, Section 40.


The *prima facie* clause is needed because if Rawls' second response succeeds, then presumably it is irrational not to care very deeply about fairness.

For recent arguments defending the Rawlsian conception of a rational agent, see Thomas Nagel, *The Possibility of Altruism*, and Stephen L. Darwall, *Impartial Reason*. It is interesting to recall just how close Plato came to advancing this kind of position and to speculate on what he would have said about these arguments.

This is the way Rawls puts the point. For an excellent recent argument that no contractarian theory can generate anything but what it begins with, see Alistair MacLeod, "Distributive Justice, Contract, and Equality", *The Journal of Philosophy*, Volume LXXXI, 11, November 1984.

Hobbes' defense of this claim indicates that he takes it to be a matter of contingent fact that all rational beings seek self-preservation. But, even if Hobbes were able to show that this is so, it would not establish what he needs. He needs to show that *necessarily* all rational individuals fear death over all else.


For an account of why individuals who seek to further the welfare of others need moral rules to govern their mutual association, see S. Wein, "Prisoners' Dilemmas, Tissue, and Rationality", in *Simulation and Games*, 16, no.1, 1985

Hume needs to show that benevolence and sympathy are necessarily connected with rationality. On how a Humean might do this, see S. Wein, "Hume and Emergent Virtue" (paper presented to the Canadian Philosophical Association, 1984).

I use 'sadistic' as an antonym for 'sympathetic'. That there is a tension between rationality and malevolence is shown in D. MacIntosh and S. Wein, "Instrumental Rationality and Morality" (paper presented to the Research Triangle Ethics Circle, 1984).

This overstates the matter. Hobbes may have thought that the desire for self-preservation was an essential feature of rationality, or he may have thought that it was just a universal contingent feature of rational agents. Hume is clear that benevolence and sympathy are but universal contingent features of rationality. Both need to show that the connection is conceptual. Neither seems to have realized this.
27 Gauthier's position is developed in the course of many papers. The essential argument is best stated in "Reason and Maximization", *The Canadian Journal of Philosophy*, Volume IV, 3, March 1975.

28 Actually, Gauthier seems to think that all of morality, or at least more than only justice, can be derived this way.

29 I thank Robert G. Turnbull for suggesting that I add a discussion of Hobbes' Foole to this paper.

30 For an excellent discussion of the problems raised by the case of Hobbes' Foole, see David Gauthier, *Morals by Agreement*, Chs. VI and X.

31 Plato is quite careful not to exclude anyone, including those with anti-social proclivities, from the initial choice situation. This is evidenced by the fact that Glaucon, in his preamble to the theory, says that he wants to restore the argument Thrasymachus advanced (*Republic* 358c).

32 The Lydian Shepherd might accept a contract which imposed obligations only to others. But this would violate the sacrifice condition. So the Lydian Shepherd would stand in the same relation to us as Hume thinks we stand to animals.

33 My research was funded by grants from the Social Sciences and Humanities Research Council of Canada. I thank Barry Curtis, Clarence Johnson, Duncan MacIntosh, and Joseph Mendola for their help.