

## SOCIAL CONTRACT

### Praxis through social contract: Rawls and Habermas

I must first admit that I am something of an optimist and therefore that social contract thinking appeals to me. Why, you may ask, should optimism be essential to a favouring of social contract thinking? Well, it seems to me that the notion of a social contract is predicated on a belief in the essential goodness of people coupled with an innate ability and desire to get along with one another. Those on the left generally believe in social contracts, even if that belief is unspoken or unconscious, because most on the left believe that equality and a spirit of community is something which people would believe in if only they had the opportunity to experience it in action. There are those of a more direct turn of mind, however, who would prefer to impose this communism by way of a (violent if necessary) revolution and leave the populace to catch up with their affections for the new social relations.

These people may be prepared to let social contracts go hang, whereas I prefer the notion that a social contract can be used in two ways. First, the social contract is a good way of understanding how our social relations (such as our constitutional customs, our democracy and our law) have come to be formed in the manner which they have. Secondly, and more significantly, a social contract enables us to construct a useful way of thinking how those social relations might be altered.

This is how, I would suggest, it is best to think of both Rawls's *A Theory of Justice* and Habermas's general work on the "ideal speech situation".

Rawls's *Theory of Justice* considers how best we might understand social justice. In Rawls's conception, briefly put, we must imagine ourselves behind a veil of ignorance from which vantage point we cannot know of our own position in society and then we must imagine that we are asked in all ignorance what would be the best form of society which we could then create. The answer, Rawls suggests, is that we would choose a society in which everyone is equal – the notion of equality in this sense receiving some close consideration by Prof Rawls.

Many people criticise Rawls for having devised a scheme which would not work in practice for various reasons: including the objection that many people may prefer to gamble on inequality and see what happens to them, and the other objection that unfettered liberty is a much better means of social organisation which permits people to find their own level and to benefit from their own talents. The problem is that Rawls ought not to be considered to be a literal proposal. If it were a literal proposition then we might as well go for Borges' Babylonian lottery in which an annual lottery awards social positions to the populace – whether despot or prisoner – in a random division of society's goods.

I would suggest that one would be better to think of Rawls's system as giving us a mental gymnasium in which we can work out the best means of re-ordering our society as it is currently formulated. Rawls asks us: suppose we were to start all over again, how would we organise our society? Rawls supposes that we would lean back on an imaginary pommel horse and say something like: "well, if we were starting again, we could remove poverty, stop some people being pointlessly rich, and try to make everyone more or less equally happy". Our answer, whatever it may be, would lead Rawls to say "aha, then why don't we tinker with our current society so that we reach an organisation closer to that which you have suggested as being ideal?" So Rawls gives us a mechanism by which we can imagine a better future and so, as a form of praxis, begin to design the steps which would take us from our current state of affairs towards those which we acknowledge would be better.

Similarly in this regard – although very different in every other respect – Habermas supposes an ideal speech situation which we should seek to reach by means of endless discussion of our social relations: the idea being that once everyone has managed to talk everything out over an infinite amount of time we should reach an ideal situation in which everyone's wishes are satisfied. This approach is criticised by many thinkers – Foucault and the later Bauman – on the basis that it prioritises a purely imaginary exercise in consensus building over the preferable business of conflict, politics and getting down to the very heart of real life. This criticism has something in it if one were to suppose that Habermas intended to tiptoe around as though some vast counsellor sorting out the aspirations and confusions of all in society. What Habermas offers us is a model for constructing a democratic process which facilitates open-ended discourse – untrammelled by confusing ideologies or power relations – and so makes more possible (if not necessarily achievable) reaching a situation in which society is composed along lines which provide the greatest level of genuine happiness without ignoring the rights of minority groups. Like Rawls, Habermas offers us a way of thinking which lends itself to a practical, democratic political programme: "practical" in that it depends on identifying steps which will move one from where one stands currently towards one's ideal situation, and "democratic" in that the process is concerned with constitutional renewal and ensuring open consensus rather than revolutionary change.