



Annotated Bibliography on 'Exploring a 'social contract' approach to the politics of poverty reduction'

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What is Chronic Poverty?

The distinguishing feature of chronic poverty is extended duration in absolute poverty.

Therefore, chronically poor people always, or usually, live below a poverty line, which is normally defined in terms of a money indicator (e.g. consumption, income, etc.), but could also be defined in terms of wider or subjective aspects of deprivation.

This is different from the transitorily poor, who move in and out of poverty, or only occasionally fall below the poverty line.

Abstract

A significant aspect to emerge from the Chronic Poverty Research Centre's (CPRC) work on 'Adverse Incorporation and Social Exclusion' has been the use of the term social contract as an approach for the provision of pro-poor politics. Commissioned by the CPRC, this annotated bibliography explores first the literature based on traditional accounts of the social contract, and second those works from a development studies perspective which employ the concept of a social contract. The annotated bibliography focuses in particular on the following areas:

- general research on social contract theory;
- approaches and critiques of social contract theory;
- social contract theory from a strategy and policy perspective, including citizenship, conflict, economic growth, welfare provision and taxation.

Keywords: social contract, adverse incorporation and social exclusion

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Contents

1 Introduction	4
2 General research on social contract theory	6
3 Approaches to social contract theory.....	16
3.1 Interest-based approaches	16
3.2 Rights-based approaches	20
3.3 Critiques.....	29
4 Social contract from a strategy / policy perspective.....	34
4.1 Social contract and citizenship.....	34
4.2 Social contract and growth.....	40
4.3 Social contract and the causes of conflict and post-conflict reconstruction.....	43
4.4 Social contract and welfare Policy.....	46
4.5 Social contract and taxation.....	55
4.6 Social contract and development	57
References	34
Research notes	70

1 Introduction

The research undertaken within the Chronic Poverty Research Centre's (CPRC) thematic work on 'Adverse Incorporation and Social Exclusion' (AISE) has been particularly concerned on investigating the politics of poverty reduction, as discussed in a number of CPRC working papers¹. A significant aspect to emerge from this research is that it might be useful to consider how a social contract, which extends to the poorest groups, can promote more inclusive forms of pro-poor politics (e.g. CPRC, 2008). The term social contract is increasingly being incorporated within some international development literature with reference to discourse on development strategies and policies. For example, Alex de Waal (1996, 2000) has suggested that a social contract approach is essential for understanding the politics of food security and famine prevention in India and Africa. He offers more useful insights than Amartya Sen's argument about the importance of liberal democratic institutions in holding governments to account for anti-famine measures.

Other works have suggested that the breakdown of the social contract can explain the root causes of civil wars (see for example, Addison and Murshed, 2001; Azam and Mesnard, 2003). Addison and Murshed state that the rebuilding of the social contract is the key to successful reconstruction in the post-conflict situation (2001). This involves addressing grievances and improving living standards from the perspective of both parties. Moreover, research elsewhere has examined the impact of social safety nets and social policy in the wake of the Asian financial crisis (Haggard and Birdsall, 2002). In this instance, the social contract is defined as comprising of four components: social insurance, labour relations, educational spending and decentralisation. Furthermore, research for the Human Development Report has emphasised the need for social contracts between political and economic elites and social groups, which can contribute to human development (Walton, 2010). Such works demonstrate the variations in how the term is being used and applied in the international development literature.

A number of other policy areas and development shifts in recent years might also be usefully understood in terms of a 'social contract'. For example, the increasingly popular conditional cash transfer approach to social protection involves a contract between the provider (and

¹ e.g. 'The Government of Chronic Poverty' CPRC Working Paper Series 144 to 151. Available at: www.chronicpoverty.org

Hickey, S. and du Toit, A. (2007). 'Adverse incorporation, social exclusion and chronic poverty'. CPRC Working Paper 81. Manchester, UK: Chronic Poverty Research Centre (CPRC);

Hickey, S., An and, N., Hossain, N., *et al.* (2007). 'The Politics of what works in reducing chronic poverty: a synthesis report'. CPRC Working Paper 91. Manchester, UK: Chronic Poverty Research Centre (CPRC);

Mosse, D. (2007). 'Power and the durability of poverty: a critical exploration of the links between culture, marginality and chronic poverty'. CPRC Working Paper 107. Manchester, UK: Chronic Poverty Research Centre (CPRC).

arguably the taxpayers in some cases) and recipient, who is expected to perform certain duties of 'good citizenship' in return for the transfer. At a broader level, the Poverty Reduction Strategy experiment could be seen in terms of a new contract between the IFI's and poor countries whereby the former agrees to offer debt cancellation and concessional loans on the proviso that the recipient governments adopt a new approach to development policy making, involving inter alia a clear focus on poverty and an inclusive approach to policy processes. Under globalisation, it is also possible that a 'social contract' might be a good way of rethinking the 'charitable' basis of aid and development, in terms of a global commitment to distant strangers. Finally, recent work on taxation in developing countries suggests that the social contract in terms of citizens performing their obligations and states fulfilling their duties might join-up with the 'hard-power' politics of state-building (Di John, 2006; Moore, 2008).

However, there is a danger that the term is gathering increasing popularity without being defined or thought through in a rigorous manner. References to the term are often tokenistic (e.g. McGregor, 2007) and rarely consider the philosophical difficulties associated with the term (as an indication of this difficulty, CPRC adopted the term 'social compact' rather than 'social contract' as a means of avoiding deeper philosophical arguments about this term). As with so many other buzzwords in international development, and despite the promise alluded to above, the term has a pleasingly inclusive and Liberal feel to it (e.g. participation, partnership, ownership; Craig and Porter, 2006). and the risk here is that such terms and their associated strategies may at best promise more than they can deliver and at worst serve to obscure the more important power relations that underpin the reduction and reproduction of poverty. One leading thinker has already argued that a social contract approach offers a limited perspective on broader questions of social justice than alternative approaches (Nussbaum, 2003).

This annotated bibliography will draw on both the most recent and in-depth historical and philosophical thinking on social contract theory. By doing so, it will help to answer the following over-arching question, 'What does a social contract approach offer to the politics of reducing chronic poverty, in terms of (a) its conceptual approach and (b) from a strategy / policy perspective?'. The bibliography identifies different schools of thought of 'social contract' theory in both political theory and sociology literature. It will highlight their respective strengths and weaknesses. Furthermore, the second part of the bibliography will distinguish how the term 'social contract' has been employed within international development. It will categorise these approaches according to key policy areas as outlined below. The bibliography will provide the basis for understanding the implications of adopting a social contract approach to the politics of poverty reduction and will inform further research under the AISE research theme at the CPRC.

2 General research on social contract theory

Bay, C. (1978: 29-45). 'From Contract to Community: Thoughts on Liberalism and Postindustrial Society'. In Dallmayr, F. (ed.). *From Contract to Community: Political Theory at the Crossroads*. New York, NY: Marcel Dekker, Inc. ¹

Bay starts with a critique of liberalism. He declares that it has eroded a man's ability to connect with the community; instead, man is filled with contractual rights and obligations. He then continues by saying that modern liberalism requires an individualistic contract, originating from Hobbes. He identifies that for Locke, the protection of property rights was the most central theme, however, for Hobbes, the social contract is based upon the idea of protecting human lives. Both ignore the communitarian aspect of life, something which Rousseau does adopt. In general, Bay is critical of liberal contract theory, stating that a communitarian approach to life would be more beneficial to man.

Beitz, C. R. (1999). 'International Liberalism and Distributive Justice: A Survey of Recent Thought'. *World Politics*, 51 (2). 269-96.

This article discusses three approaches to international distributive justice which come from the liberal tradition. Beitz develops upon the renewed interest in the literature for using liberal approaches for international thought. He defines such research on international distributive justice as guidance about the choices we make for those in other societies; this may include individual donations to causes, international aid, trade agreements or the work of NGOs. It prompts people to recognise the consequences of these choices, especially for understanding how the advantages of society are divided. The three approaches which he discusses are as follows:

- **Social Liberalism:** He describes this view as the division of moral labour between the domestic and international level, stating that 'state-level societies have the primary responsibility for the well-being of their people, while the international community serves mainly to establish and maintain background conditions in which just domestic societies can develop and flourish' (p272). The agents of such actions are the states or societies rather than individuals. Furthermore, the state and society should protect basic human rights, but those of outsiders only in special circumstances. Proponents of this view are David Miller, John Rawls and John Vincent. Beitz concentrates specifically on Rawls' 'Law of Peoples', saying that this is an extension of the social contract doctrine.
- **Laissez-faire Liberalism:** For Beitz this approach is when 'a distribution is just when it has been arrived at from a previous distribution that itself was just, through a series of transactions that have not violated anyone's rights' (p280). For example, it may be required to intervene in markets in order to resolve previous injustices in the division

of global resources. It has been used recently in matters concerning global environmental justice. A key proponent of this approach is Hillet Steiner, who proposes that an adult has a right to an equal share in resources, however as the population grows, there is a requirement to compensate for unfair distribution. For example, ideas include resource taxes on states which have more than their share; this is quite applicable to debates on resource-rich and resource-poor countries.

- Cosmopolitan Liberalism: The approach encompasses many different views about international distributive justice; however a key component is that individual interests are a key basis. Some views 'hold that distributive justice at the domestic level is *continuous* with distributive justice at the global level: once the requirements of international distributive justice are settled, there is no further, separate question about domestic justice' (p288). which includes a contractualist view with global difference principle. Beitz continues, 'a cosmopolitan view might seem to amount to a global sharing of responsibility, which, in the absence of a global culture strong enough to provide stability and motivate contribution, could generate an unending series of transfers from societies prudent enough to invest rather than consume to those imprudent enough to do the opposite' (p291).

Finally, after discussing the advantages and disadvantages to each approach, Beitz concludes that 'international liberalism is at an early stage compared with the more familiar liberalism of the territorial state' (p292). He does not advocate a particular approach.

Boston, J. (ed.). (1995). *The State Under Contract*. Wellington, New Zealand: Bridget Williams Books Ltd.

Governmental restructuring is much in vogue. Throughout the developed and developing world, governments are selling state assets, reorganising government departments, contracting out publicly funded services, and reforming their management systems. New Zealand is no exception. Indeed, the reforms in the New Zealand state sector since 1984 are among the most radical and comprehensive of any developed country. And one of the most distinctive and controversial features of New Zealand's reforms is the emphasis on contractualist modes of governance, including the use of new kinds of contracting within the public sector. These massive reforms raise important questions about the future role of the state. They also raise issues concerning the accountability of public agencies, the ethos of the public service, the proper scope of judicial review, and the appropriate limits to contracting out.

The essays in *The State Under Contract* examine the issues surrounding 'the new contractualism'. While most of the chapters focus on New Zealand, some explore state-sector reforms in Australia, Canada and the United States. The book concludes with an analysis of the philosophical foundations underpinning the increasing reliance on market mechanisms and consumer preferences. (*Extract from Preface*)

The book primarily focuses on the new public management model which emerged in New Zealand in the early 1990s. This model included three main features. 1. Services which are publically funded are increasingly contracted out to other organisations. 2. There is a greater emphasis on agency theory within public management relationships, encouraging the decrease in agency-costs. 3. Finally, an increase in the use of contract language, this not only encompasses government employees, but also organisations and government funders. The overall aim of the book is to bring together contributions from scholars who focus on the role of the state and the increase in contractualist approaches by governments based not only in New Zealand, but also in Australia and North America.

The book is split into the following chapters:

(1) Trebilcock, M. (p1) *Can Government Be Reinvented?*

In this chapter, Trebilcock considers the instruments available to governments to reinvent themselves, with cost saving as one of the main objectives. These tools include bureaucratic provision, contracting out, management contracts, franchising, licensing and individual contracting. He argues that changes can only take place, using these tools, on a small scale and that the costs which may be saved from such actions are in the grand scheme of government finances very minimal.

(2) Martin, J. (p36) *Contracting and Accountability*

Martin looks at how, in New Zealand, the contract has replaced the original system of 'hierarchy and command' as a means of governing (p37). He does not dispute that these contracts have created greater efficiency savings than the old systems, but he does bring into question where accountability stands within this new mechanism. He looks at two case studies which use contracts to assess the extent to which accountability has changed.

(3) Gregory, R. (p56) *Accountability, Responsibility and Corruption: Managing the 'Public Production Process'*

Gregory looks at accountability and responsibility in state-sector agencies. He uses a framework by James Q. Wilson to split these into four different groups when analysing public management: Production, procedural, craft and coping. He then looks at the scope for corruption in each type of sector. He only briefly mentions contracting out as another factor to be considered.

(4) Boston, J. (p78) *Inherently Governmental Functions and the Limits to Contracting Out*

This chapter asks firstly; how far can a state contract out its functions before it actually undermines the state's capabilities? Secondly, it asks whether there are particular

functions which should not be contracted out and should remain a service provided by state organisations. For Boston, the term contracting out can be defined as when 'publicly funded services are purchased from private organizations' (p82). In the past, contracting out was used for services which could be quantified, an example he provides is waste collection, however, more recently, this tool is being used for services at the centre of state responsibilities, such as policy making. This, Boston argues could lead to private contractors acting in a way which is contrary to the will of the people, something which would not happen with elected government officials. He uses agency theory and transaction cost analysis to assess whether, in certain conditions, policy-expertise should be maintained in-house.

(5) Chen, M. (p112) *The Reconfiguration of the State and the Appropriate Scope of Judicial Review*

Chen examines the tendency to rely upon profit making Crown-owned companies by the public sector and the consequences of this for courts.

(6) Yeatman, A. (p124) *Interpreting Contemporary Contractualism*

The idea of new contractualism, according to Yeatman is the '[e]ntitlement to status as an individual', which includes bringing in those individuals who were excluded at some point in old contract doctrine. Another key aspect of new contractualism is that although an individual may chose to enter into a contracting relationship, it is in fact consent rather than choice which forms the basic principle of the new contractualism. The concept is a 'broader ethos of self-regulated social relationships than is adequately captured in liberal contractualist discourse' (p136). For Yeatman, the master discourse which contains new contractualism is rational choice. She comments on a number of criticisms however. Firstly, the idea that there has not been enough theoretical work on how the individualised self works within social relationships; secondly, external critiques that it is not an egalitarian concept, Yeatman refutes this; thirdly, the feminist critique of contractualism; and finally, the neo-Faucaultian critique that contractualism is a tool of neo-liberal government. Although in general she supports the new contractualism, she advocates that a great deal more progress needs to be made in order for it to function effectively and more fairly.

(7) Davis, G. And Gardner, M. (p140) *Who Signs the Contract? Applying Agency Theory to Politicians*

For these authors, agency theory underlines the contract state, where 'legally binding performance agreements' are replacing the older state structures (p140). It appears that almost every part of the state is falling under this model, except for actual parliamentarians, who do not create contracts for their own employment. This is the case in Australia where a new contract model for negotiating employee work details (including

salaries) was created, but it could not be applied to those actually devising the policy, MPs. This has raised questions about who a parliamentarian actually works for, and should they act primarily on behalf of their constituency or to their conscience.

(8) Kettl, D. (p160) *Measuring Performance When There Is No Bottom Line*

This chapter looks at the US state system and the ways of measuring state performance, in particular the Government Performance and Results Act passed by the Clinton administration in 1993.

(9) Wilkinson, M. (p177) *Rationality, Efficiency and the Market*

Wilkinson looks at the notion that individuals are the best judges of what is in their own interests, within a framework of economic markets.

Broach, R. J. (1998). 'Contractarianism in Ethics: Actual Contracts vs. Hypothetical Contracts'. In Hudson, Y. (ed.). *Technology, Morality and Social Policy*. Lewiston, NY: Edwin Mellen Press.

Cushing, S. (1998: 349-371). 'Agreement in social contract theories: Locke vs. Rawls', in Yeager Hudson (ed.). *Technology, Morality, and Social Policy*. Lewiston, NY: Edwin Mellen Press.²

In this chapter, Cushing critiques Rawls' theory of the social contract, arguing that it 'fails to give a contractarian account of justice or of political obligation' (p349). For Cushing, all theories of social contract agree to the fact that legitimate authority is founded upon the agreements which individuals make with one another. However, it is the circumstances, nature and significance of this contract which distinguishes different social contract theories.

Cushing then continues to analyse Locke's social contract theory, stating that Locke has two notions of consent, founding and joining. Founding consent relates to a rational agreement between individuals. Joining consent is when 'an individual is only a full citizen with the rights and duties attached thereto if she has actually agreed to be subject to the laws of a particular (legitimate) political society' (p353). These features represent a libertarian notion of contract theory.

For Cushing, Rawls differs in that he sees his theory as only being applicable to industrialised constitutional democracies, which does not include the idea of men contracting in a natural state. Rawls' theory is related more to justice rather than political situations. There are also problems in Rawls' theory of establishing how mutual commitments are made between contracting parties, furthermore Rawls confuses Locke's two features of consent

within the original position. Cushing critiques Freeman's work to demonstrate that Rawls' notion of a contract is distant to that of classical theories, such as Locke.

Davis, G., Sullivan, B., and Yeatman, A. (eds.) (1997). *The New Contractualism? South Melbourne: MacMillan Education Australia PTY LTD.*

The aim of this book is to discuss the notion developed by Anna Yeatman that a New Contractualism now exists in contemporary society, as Sullivan states;

[t]he language and practice of contract - once more narrowly located in the realm of commercial law and liberal political theory - has recently been applied to the management of a diverse range of problems in public administration, employment, schooling, the ordering of private (marriage or marriage-type) relationships, women's rights and minority rights. (Introduction, 'Mapping Contract', p1)

In this chapter she briefly discusses the origins of the contemporary uses of contract in law, liberal political thought and economic theory. She then continues to discuss Yeatman's idea that a new contractualism exists, which is a 'departure' from classical social contract theory, in the way in which it considers the structure of the body politic, and the structure and agency of individuals (p6).

Freeman, S. (2007). *Justice and the Social Contract: Essays on Rawlsian Political Philosophy. Oxford, UK: Oxford University Press.*³

This chapter presents a distinction between the main writers on social contract theory. He states that Hobbes has an interest-based approach and that Locke, Rousseau and Rawls have a rights-based approach. Both approaches state that the social contract should be for mutual advantage. However, Freeman argues that the differences lie in their approach to morals. The interest-based approach does not involve any moral notions, but the rights-based insists that morals play a part in our understanding of principles of rights and justice. (*Extract from Chapter 1, p17*)

Gerrard, G. (2002). *The New Social Contract: Beyond Liberal Democracy. Maryland: University Press of America.*

The author takes the practical case of the American legal system as the basis for this work, in order to unite political philosophy with the coercive force of law. The author proposes a new conceptual framework which ignores the state of nature, as that undermines the theory of the social contract. Instead, he concentrates on a theory of 'moral capacity as an emergent property of cognitive complexity which produces a conscious belief that each and every human's satisfaction of his desires is equally valuable' (pxix). This then leads to an understanding of why some people are moral and some are not.

Gourevitch, V. (ed.). (1997). *Rousseau: The Social Contract and other later political writings*. Cambridge, UK: Cambridge University Press.

The work of Jean-Jacques Rousseau is presented in two volumes, together forming the most comprehensive anthology of Rousseau's political writings in English. Volume II contains the later writings such as *The Social Contract* and a selection of Rousseau's letters on important aspects of his thought. *The Social Contract* has become Rousseau's most famous single work, but on publication was condemned by both the civil and the ecclesiastical authorities in France and Geneva. Rousseau fled and it is during this period that he wrote some of his autobiographical works as well as political essays such as *On the Government of Poland*. This volume, like its predecessor, contains a comprehensive introduction, chronology and guide to further reading, and will enable students to obtain a full understanding of the writings of one of the world's greatest thinkers. (Extract from Publisher's summary, Cambridge University Press, Available at:

http://www.cambridge.org/gb/knowledge/isbn/item1142150/?site_locale=en_GB)

Hayek, F. A. (1960). *The Constitution of Liberty*. London, UK: Routledge.

Hayek's main concern in this book is to analyse the way in which institutions can be made better and to point the way forward for 'desirable directions of development' (p5). He does not focus on one specific country or political system, but instead through looking at the basic concepts of political philosophy, he wants to explore the pursuit of individual liberty. He briefly considers the right of freedom of contract (p230-231).

Lessnoff, M. (ed.). (1990). *Social Contract Theory*. Oxford, UK: Blackwell Ltd.⁴

The concept of the 'social contract' is central to social and political theory, and is current not only within the academy, but also in the political arena, where it is frequently invoked to refer to live issues, problems and proposed solutions.

Not all of the writers who make up the historical lineage of social contract theory used the term themselves. Their works refer to 'pacts', 'compacts' and 'covenants', but they all address the same fundamental issue, seeking to explain the origins and binding force of mutual obligations and rights in society.

A social contract theory can be defined, most typically, as one which grounds the legitimacy of political authority, and the obligations of rulers and subjects (and the limits thereof). on a premised contract or contracts relating to these fundamental questions. This volume traces the theory through a series of classic essays by major theorists, from Althusius and Hobbes, through Locke and Rousseau, to Rawls and Gauthier. In his extensive opening essay, Michael Lessnoff provides a stimulating introduction to

this vital topic and to the collection of classic readings on it which follow..(Extract from Preface)

Lessnoff's introduction to social contract theory provides a comprehensive outline of the changes which this theory has undergone. He provides a definition of the theory and then develops this according to the specific period in which it has been debated. He traces its history back to the seventeenth century and follows it through to the more modern discourses presented by Rawls. He also considers the Marxist and Hegelian critiques of social contract theory. He includes the work of most of the scholars outlined in this introduction in later chapters of this book.

Moghaddam, F. M. (2008). 'The Psychological Citizen and the Two Concepts of Social Contract: a Preliminary Analysis', *Political Psychology*, 29 (6). 881-902.

A shift in focus from the logical to the psychological social contract allows us to better explore the socialization of the psychological citizen, and the relationship between identity of individuals and the socio-political order, with its particular group-based inequalities. Traditional psychological studies have provided valuable insights into certain aspects of identity, but the new narrative research is leading to novel insights into longer term processes associated with the positioning of identity. The new approach recognizes the dual nature of mental processes and the integral role of context in individual development. Illustrative examples are discussed of the role of cultural carriers in the formation of identity, highlighting the infusion of the macrolevel normative system to thought and action at the microlevel of individuals. (Extract from author's Abstract)

Riley, P. (1982: 320). *Will and Political Legitimacy: A Critical Exposition of Social Contract Theory in Hobbes, Locke, Rousseau, Kant, and Hegel*. Cambridge, MA: Harvard University Press.

With a focus on will and legitimacy, this book looks at the work of Hobbes, Locke, Rousseau and Kant on social contract theory.

Simpson, M. (2006). *Rousseau's Theory of Freedom*. London, UK: Continuum.

This book offers a new, unifying interpretation of the theory of freedom in the Social Contract. Matthew Simpson gives a careful analysis of Rousseau's theory of the social pact, and then examines the kinds of freedom that it brings about, showing how Rousseau's individualist and collectivist aspects fit into a larger and logically coherent theory of human liberty. Simpson's book not only helps us to understand one of the pre-eminent political minds of the 18th century, but also brings us into closer conversation with those he influenced, who have done so much to shape our world. And in light of the interest in contemporary contractualist philosophers like Rawls, Scanlon, and Gauthier, readers will find it worthwhile to return to the think who offers one of the most

radical, profound, and insightful theories of the social contract ever devised. (*Extract from Preface*)

Skyrms, B. (1996). *Evolution of the Social Contract*. Cambridge, UK: Cambridge University Press.

In this pithy and highly readable book, Brian Skyrms, a recognized authority on game theory and decision theory, investigates traditional problems of the social contract in terms of evolutionary dynamics. Game theory is skilfully employed to offer quite new interpretations of a wide variety of social phenomena, including justice, mutual aid, commitment, convention, and meaning. (*Extract from Preface*)

From the preface, this book takes a different stance to other theoretical works on social contract theory by separating the concept into two traditions. One side, featuring Hobbes and Rawls, as what sort of contract rational decision makers would agree to in a pre-existing state of nature. The other side asks in what ways can the accepted social contract move forward, this features Hume and Rousseau.

Wright, W. (2001). *The Wild West*. London, UK: SAGE Publications. ⁵

The author offers a vision of social contract theory in which a free and equal individual (the cowboy) emerges from the state of nature (the wilderness) to build a civil society (the frontier community) with a commitment to limited government (law and order) whilst rejecting the notion of the fully codified state as too oppressive (the corrupt sheriff).

Wright argues that the cowboy myth reflects the criticism made of industrial capitalism by the seminal figures of classical sociology, Marx, Weber and Durkheim, each of whom criticized the class structure, bureaucracy and cynical individualism of the industrial market. The cowboy myth reflects these criticisms through its contract of the corrupt urban East with the agrarian frontier West. The author examines how ideals of individualism, freedom and inequality in the myth of the Wild West correspond with the reality of white, male superiority and environmental degradation. (*Extract from Preface*)

Yeatman, A. (1998: 227-41). 'Interpreting Contemporary Contractualism'. In Dean, M. and Hindess, B. (eds.). *Governing Australia: Studies in Contemporary Rationalities of Government*. Cambridge, UK: Cambridge University Press.

As chartered by Anna Yeatman in chapter 13, the extra-judicial and quasi-judicial use of 'contract' can be regarded as a pervasive technology of government employed today in the 'contracting out' of formerly public services to private and community agencies, the agreements made by the unemployed, the 'learning contracts' of the schoolroom, enterprise agreements and so forth'. (*Extract from Dean and Hindess, Introduction, p10*)

Yeatman considers in this chapter the relationships between liberal and social contractualism, the latter of which she calls 'new contractualism' (p228). In particular she focuses on the individual. She states that there has been renewed use in the English speaking world of contractualist doctrines by governments, she defines them as those which 'locate the legitimacy of social obligation in the legally sanctioned and freely undertaken contractual choice of individuals' (p227). The new contractualism places emphasis on the equality of individuals. She uses some general and specific examples, however, the majority of the chapter is weighted towards theory. She discusses issues such as consent vs. choice, legal standing, rational choice, all under the individualistic notion of social contractualism. Yeatman then continues with a discussion of the internal and external critiques of contemporary contractualist discourse, including an interesting critique from a feminist point of view. Finally, she concludes by stating that 'the new contractualism is a broader ethos of self-regulated social relationships than is adequately captured in liberal contractualist discourse' (p239). She asserts that questions should be asked about contemporary contractualism whilst accepting its existence, rather than arguing whether it should exist.

Zunz, O., Schoppa, L., and Hiwatari, N. (eds.) (2002). Social Contracts under Stress: The Middle Classes of America, Europe, and Japan at the Turn of the Century. New York, NY: Russell Sage Foundation.

This book looks at the trajectories of the middle-class during the twentieth century in developed nations. The majority of the works focus on the emergence of new social contracts in the post-war period and how these helped to shape the identities of citizens, particularly, how they explain the great expansion of the middle-class. The social contracts of this period were used as a mechanism to distribute wealth more fairly and expand the markets in each state on a universal scale. The contributors of the book also consider how these contracts did not achieve everything which they set out to do (ch. 7-11). For example, they had limits in their ability to encompass all groups in society and in some cases strengthened the inequalities which they had strived to overcome. The last section of the book (ch. 12-16) focuses more on social contracts in the last decade or so of the twentieth century; detailing how the contracts have had to adjust and cope with the challenges of globalisation and changes in international systems. (*Extract from Introduction by Oliver Zunze*)

3 Approaches to social contract theory

3.1 Interest-based approaches

Buchanan, J. M. (2003). 'Politics as Tragedy in Several Acts', *Economics and Politics*, 15 (2). 181-91.

James Madison noted that government would be unnecessary if men were angels. The shortfall of value between the idealized anarchy of a society of angels and the society of men as they are measures the tragedy of politics, which emerges at several levels. Resources are required for the maintenance of order, and those agents who are guardians of order will not, themselves, be angels. Further, rents promised to such agents will attract efforts at capture. Reductions in the measure of the tragedy remain possible through both shifts in ethical standards, at all levels, and shifts in institutional-constitutional structures. *(Extract from author's Abstract)*

Buchanan uses primarily Hobbes to discuss the tragedy of politics. He suggests that due to the fact that humans cannot act like angels, it is necessary for an effective government and the politics which it brings to be in place to constrain human behaviour. He says, 'politics is necessary because of our nature as human beings - a nature that prevents us behaving as we could ideally behave without violation of any physical laws' (182). Humans should aim towards a state of 'idealized anarchy' (189) where politics is not required; this would consequently have the effect that humans would not suffer the loss of value which politics imposes on us. For the meantime though, politics requires a greater imposition of ethics, this, according to Buchanan would reduce the tragedy. Buchanan does not explicitly use the term social contract.

Gauthier, D. (1977). 'The Social Contract as Ideology', *Philosophy and Public Affairs*, 130-64. ⁶

The conception of social relationships as contractual lies at the core of our ideology. Indeed, that core is constituted by the intersection of this conception with the correlative conceptions of human activity as appropriate and of rationality as utility-maximizing. My concern is to clarify this thesis and to enhance its descriptive plausibility as a characterization of our ideology, but to undermine its normative plausibility as ideologically effective. *(Extract from author's Abstract)*

Gauthier begins with his desire to articulate ideology, something which he believes is often ignored by moral and political philosophy. He states that these fields have 'focused on the language or the logic of morals and politics and on practical, moral, and political reasoning, but frequently they have examined only the surface structure, the ideas we consciously express about ourselves' (p133). He is then drawn to consider social contract theory, explaining that although Locke offers a perspective on the theory, it is that offered by Hobbes

which provides greater depth in understanding the social contract. 'Indeed, for Hobbes, relations among human beings are of two kinds only: relations of hostility, which obtain in and constitute the state of nature, and relations of contract, which obtain in and constitute the state of society' (p134). This structuring of society is can also be seen on the familial level.

Gauthier then uses the theory of social contract as part of 'our ideology' (p135). forming the basis of people's conscious social thinking and practice and helping people to explain the presence of social relationships. According to Gauthier, society is developing into a Hobbesian form of contractual thinking.

He then continues to elaborate on the following debates:

- Whether men are social beings in the state of nature, or whether this is a product of the contract. (section III)
- What is a conception of human good? (section IV)
- The relationship between coercive authority and man's distribution of goods. (section V)
- Rationality & reason transcending individual interests. (section VI)
- Incoherence in contractarian ideology. (section VII)
- Self-interest and the market / state. (section VIII)
- The contract and its relationship with love and patriotism. (section IX)

Gauthier, D. (1997). 'Political contractarianism'. *Journal of Political Philosophy*, 5 (2). 132-48.

I want to enquire into the relationship between the normative claims of a society and the normative stances of its members. I shall develop a contractarian perspective, as the only one available to persons who may neither expect nor require their fellows to share their own orientation to values and norms. Although I only touch on these matters here, I hope to contribute to an interpretation of the clauses on the establishment and exercise of religion in the First Amendment to the United States constitution, and to suggest guidelines for determining rights and duties in becoming and being a parent. More generally, I offer answers to certain questions about how social practices and institutions may be justified in a democratic society. (*Extract from author's Abstract*)

Hobbes, T. (1991). *Leviathan*, in R. Tuck (Ed.). *Cambridge texts in the history of political thought*. Cambridge: Cambridge University Press.

The summary given below uses the Cambridge University Press version of *Leviathan*, edited by Richard Tuck as its point of reference. The page numbers are also according to this version. This book does, however, include a cross-reference list of page numbers to the other available versions (Penguin, Blackwell and Hobbes' *English Works*, Vol. III).

The social contract forms part of Hobbes' account of the formation of the Commonwealth. His first task in explaining the contract between men is to lay out the condition of men within a state of nature. Although Hobbes does go into great detail about man's senses, imaginations, reason and science, the condition of man most relevant to the social contract is that of man's passions. It is these passions which bring man to have desires or aversions to objects, which in turn aid man in his assessment of whether something is good or evil (see p39). However, this assessment can be different in each man, whereby each man is governed by his own reason, as Hobbes states, '[i]t followeth, that in such a condition, every man has a Right to every thing, even to one anothers body. And therefore, as long as this naturall Right of every man to everything endureth, there can be no security to a man, (how strong or wise soever he be,) of living out the time, which Nature ordinarily alloweth men to live' (p91). In other words, in a natural state, man strives to appease his desires, which can be full-filled by any means which he can achieve; however, this can only lead to conflict with other men who are striving to fulfil their own desires. Of course, one of man's aversions is to avoid death.

As a consequence of this Hobbes declares there to be laws of nature which men are expected to abide by. The principle rule is '*[t]hat every man, ought to endeavour Peace, as farre as he has hope of obtaining it; and when he cannot obtain it, that he may seek, and use, all helps, and advantages of Warre*' (p92, emphasis author's own). Further, men have the right to defend themselves. The second law of nature states that, '*a man be willing, when others are so too, as farre-forth, as for Peace, and defence of himself he shall think it necessary, to lay down this right to all things; and be contented with so much liberty against other men, as he would allow other men against himsefe*' (p92, emphasis author's own). Hobbes implies that war is a part of the state of nature that men find themselves in, despite endeavouring to keep peace their individual passions can lead to a state of conflict. This is when the contract begins to play a part, when parties agree to transfer rights to each other in a voluntary act, under the premise that it will bring good to all contracting parties as opposed to conflict. (Hobbes commonly throughout *Leviathan* refers to this as a Covenant.) Fundamentally, the contract is put in place in order to protect the security of man and preserve human life, instead of men remaining in a perpetual state of conflict.

The contract however requires a further level of commitment from those partaking in it, 'it is no wonder if there be somewhat else required (besides Covenant) to make their Agreement constant and lasting; which is a Common Power, to keep them in awe, and to direct their actions to the Common Benefit' (p120). This then entails the contractors, who are now formed as a Common-wealth, to submit to an overarching man or assembly of men to act as their sovereign. It is this person who will act on their behalf to protect them from foreign invaders and uphold and ensure the just maintenance of the contract made between men. They then become subjects of the sovereign; taught to respect and obey this person; to accept the sovereign's right 'of levying money to maintain Soldiers' and protect the land (p97); and in the event of the sovereign relinquishing their power to another (during war for example). the subjects should transfer their loyalty to the new sovereign (see p154). all in the name of maintaining the contract between men. (It is worth noting that the contract in Hobbes' work exists between men rather than between subjects and their leader, it is simply a leader who is appointed to ensure the contract is upheld.)

3.2 Rights-based approaches

Bertram, C. (2004). *Rousseau and The Social Contract*. London, UK: Routledge. ⁷

(p202) 'Hobbesian and Lockean individuals within the state, differ from Rousseauian ones in that they retain the same psychology and human nature as the hypothetical contractors whose reasons for action are being appealed to by the theory. Rousseau's citizens, though, have, according to the pseudochronology of the *Social Contract* undergone a 'remarkable change'. The reasons that Rousseau's original contractors have for associating have to do with the preservation of their freedom and with the preservation of their lives'.

Black, S. (2001). 'The Rational and the Fair (Bilateral exchange, multilateral contexts, social contract)', *Pacific Philosophical Quarterly*, 82 (2). 115-44. ⁸

The motive of fairness has a basis in nature, I argue, because a commitment to fair-mindedness facilitates the coordination of bilateral exchanges among human beings. I further explain why this commitment to fairness should be expected to spillover from bilateral agreements into multilateral contexts, including the social contract. My arguments lend support to the kind of contractarian enterprise favoured by Rawls and Scanlon, while suggesting problems for Gauthier's view. (*Extract from author's Abstract*)

A philosophical account of contractarian agreements between individuals. Black analyses both the rational choice approach, which he critiques, and the fairness approach, which he advocates as it brings in a notion of moral sensibility when people enter into freestanding bilateral agreements. Rational choice, according to Black, means that people will abandon fairness in the promotion of self-interest. In order to gain the most from this article, without entering into complex accounts, it is probably best to read the introduction (p115-121) and the conclusion (p137-141).

- (p116) 'Rational choice contractarianism holds that justified practical principles are the principles that would be agreed to by *rational* agents or their representatives. The distinguishing feature of rational choice is that in the context of a social contract, rational agents are presumed to maximize their advantage or self-interest'. This is one understanding of the social contract.
- (p117) Another way of looking at it is the fairness contractarianism. 'According to the generic version of this view, actual people are presumed to be motivated by a concern for treating people fairly'. Similar versions from Thomas Scanlon & John Rawls. Black states that he uses this term in this paper 'very broadly to refer to any contractarian theory which assumes that people have certain moral commitments prior to the social contract, and that the function of hypothetical social contracts is to help clarify the practical consequences of those ethical commitments'.

- (p119-120) Looks at fairness in freestanding bilateral agreements.
- (p139) '[B]argaining over demands and *evaluating* them on the basis of their (perceived) morally relevant features present sharply diverging models of decision-making.
- Rational choice is related to bargaining, but this prevents predictions to the outcomes of social contracts when fair-minded people are involved.

De Marneffe, P. (2001). 'The problem of evil, the social contract, and the history of ethics'. *Pacific Philosophical Quarterly*, 82 (1). 11-25. ⁹

This review article discusses five essays from the recently published *Reclaiming the History of Ethics: Essays for John Rawls*, and argues they are united with Rawls's own recent work by a concern to address an unduly neglected aspect of the traditional problem of evil, which is whether humanity is worthy of existence given the evil of which we are capable, suggesting that the social contract tradition can be understood historically as attempting to deal with this problem. (*Extract from author's Abstract*)

De Marneffe attempts to understand why humanity is evil. He states that the social contract tradition provides understanding as to why humanity is worthy of existence on the earth, due to the mutual respect which humanity affords one another. He looks at the work of Rawls and Rousseau, however, his main analysis is a review focused on *Reclaiming the History of Ethics*, which are essays written in honour of Rawls.

Lessnoff, M. (1986). 'Social Contract'. In Jones, P. and Weale, A. (eds) *Issues in Political Theory*. Basingstoke, UK: Macmillan Education Ltd. ¹⁰

In recent years the idea of a social contract has held a prominent place in political thought. Yet the idea also has a long history in the Western Intellectual tradition.

This book is the first to discuss the recent developments and place them in their historical and intellectual context. It begins with a discussion of contract theory in the Middle Ages, and then goes on to pay detailed attention to seventeenth- and eighteenth-century versions of the contract idea. Michael Lessnoff shows how contemporary political circumstances influenced the interpretation of the social contract that different theorists proposed. He then shows how it is possible to adopt the most recent versions of contract theory to a defence of a positive role for the state in regulating political and economic arguments and economic arrangements.

With its blend of history and analysis Michael Lessnoff's book offers a scholarly and lucid introduction to a major political idea. (*Extract from Preface*)

In comparison with Lessnoff (1990). this is a complete monograph with Lessnoff's own interpretations of each significant period of the social contract theorists, covering mostly the same scholars. He defends social contract theory and its history. Finally he supports Rawls

assertion that the correct subject for social contract theory is that of the problem of justice, and that Rawls revisions on social contract allow for the idea of redistribution. (Lessnoff's Introduction in 1990 is perhaps more detailed and provides a summary of this whole book.)

Locke, J. (1988). *Two Treatises of Government*, ed. Peter Laslett. Cambridge, UK: Cambridge University Press.

The summary for Locke's work on the social contract is taken from 'The Second Treatise of Government: An Essay Concerning the True Original, Extent, and End of Civil Government', which in this instance appears in Peter Laslett's edited version for Cambridge University Press of *Two Treatises of Government* (1988). Page numbers are according to this version.

The compact (which Locke uses to refer to the social contract) emerges from the situation known as the State of Nature. Locke implies that this situation is an actual period in history. Unfortunately, there have hardly been any historical accounts made of man's existence during this period (see 334). It is within the state of nature which all men find themselves in a natural state. They are all considered to be equal and independent, with the main goal of self-preservation. It is a peaceful situation, where every man is responsible for maintaining the law of nature, which 'obliges everyone: And Reason, which is that Law, teaches all Mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his Life, Health, Liberty, or Possessions' (p271). Furthermore, it is this law of nature which governs their lives, making them free from subordination from any other man, which Locke terms as the '*Natural Liberty* of Man' (p283).

As it is man's responsibility to maintain the law of nature, it is, according to Locke acceptable to punish someone who does not abide by this law. However, this can have problematic consequences,

[t]hat *in the State of Nature, every one has the Executive Power* of the Law of Nature, I doubt not but it will be objected, That it is unreasonable for Men to be Judges in their own Cases, that Self-love will make Men partial to themselves and their friends. And on the other side, that Ill Nature, Passion and Revenge will carry them too far in punishing others. And hence nothing but Confusion and Disorder will follow, and that therefore God hath certainly appointed Government to restrain the partiality and violence of Men. (p275-6).

In other words, a state of nature could lead to a perpetual state of war, where force is placed upon a person without right or may compromise his freedom which he usually experiences in a state of nature. The only way to overcome the state of war is for men to mutually consent to enter into a contract with one another to form a civil society, or common-wealth. Through this, men will consent to allow a legislative power to act 'according to the Trust put in it' (p283). The compact gives limited power on one side and obedience from the other, but in turn, it prevents the state of war or slavery which men previously experienced.

There are two important components to Locke's contract theory, property and absolute authority. Firstly, property is a significant component for men to consider when they change from existing in a state of nature into a civil society. It stems from property's relationship to labour. In the state of nature, the world's resources were available for any man to consume, in order to preserve himself. However, in removing these resources from the Earth, man is required to use labour, which in turn 'fixed' his property in the resources. However, upon entering a common-wealth, man must still draw from the resources in order to preserve life, though in order to protect them, according to Locke, God ensures that only those responsible enough should extract them, for the total benefit of mankind. Thus, the contract requires property law. 'God gave the World to Men in Common; but since he gave it them for their benefit, and the greatest Conveniences of Life they were capable to draw from it, it cannot be supposed he meant it should always remain common and uncultivated. He gave it to the use of the Industrious and Rational, (and *Labour* was to be *his Title* to it;) not to the Fancy or Covetousness of the Quarrelsome and Contentious' (p291).

Secondly, Locke is keen to demonstrate that the legislative power which men consent to abide to within a civil society must be made up of a collective 'Bodies of Men', in the form of a parliament (p329). This is in contrast to the idea that one absolute sovereign or leader must be in power. For Locke, if one man had such power, then it would mean that the contract was only applicable to his subjects and not to himself, he could continue to live in a state of nature with the freedoms which this entails. At the time of Locke writing this work, he believed that there were some princes and rulers who lived within this state of nature, whilst their subjects did not (p276).³

For Locke, the compact is consent between individuals entering into a civil society, however, he also mentions that contracts can exist between husband and wife, parents and children, and also between Master and Servant. All of whom enter into agreement with one another.

March, A. F. (2007). 'Islamic foundations for a social contract in non-Muslim liberal democracies'. *American political science review*, 101 (2). 235-52.

In this article I take up John Rawls's invitation to investigate the capacity of a given comprehensive ethical doctrine to endorse on principled grounds the liberal terms of social cooperation. In the case of Islamic political ethics, however, far more is at stake in affirming citizenship in a (non-Muslim) liberal democracy than state neutrality and individual autonomy. Islamic legal and political traditions have traditionally held that submission to non-Muslim political authority and bonds of loyalty and solidarity with non-Muslim societies are to be avoided. In this article, I examine the Islamic foundations for affirming on principled grounds residence, political obligation, and loyalty to a non-Muslim state. My research shows not only that such grounds exist even in classical Islamic legal discourses, but also that the concerns of Islamic scholars vindicate political liberalism's claim to successfully accommodate the adherents of

certain nonliberal doctrines by refraining from proclaiming controversial metaphysical truth claims. *(Extract from author's Abstract)*

Marens, R. (2007). 'Returning to Rawls: Social contracting, social justice, and transcending the limitations of Locke'. *Journal of Business Ethics*, 75 (1). 63-76.

A generation ago, the field of business ethics largely abandoned analyzing the broader issue of social justice to focus upon more micro concerns. Donaldson applied the social contract tradition of Locke and Rawls to the ethics of management decision-making, and with Dunfee, has advanced this project ever since. Current events suggest that if the field is to remain relevant it needs to return to examining social and economic fairness, and Rawl's approach to social contracting suggests a way to start. First, however, the field needs to discard the weaker and counterproductive aspects of its Lockean legacy: Locke's hostility to government activism and his indifference with regard to outcomes for the bulk of society. Donaldson's and Dunfee's social contracting approach is not suited to, nor was it designed to, analyze or resolve broad issues of social and economic justice. Their postulated network of communities upon which they rely is problematic in a number of ways, and while they take the legal and political status quo into account, their method does not deal with the historical reality that, as the economic and social environment changes, promoting greater justice requires new and sometimes coercive government interventions. Rawls's work, however, does acknowledge the historically demonstrable necessity of using the power of government to help to achieve desirable social outcomes. While he rejected Mill's methodology, Rawls was inspired by the earlier philosopher's concerns for social justice at a time of major economic change. The field would do well to follow the example of both men in this respect. *(Extract from author's Abstract)*

Pogge, T. (1994). 'An Egalitarian Law of Peoples'. *Philosophy and Public Affairs*, 23 (3). 195-224.

Pogge bases this article on Rawls' egalitarian components in his *Theory of Justice*. Pogge argues that he can present a more equal alternative to Rawl's idea of world justice, which would prove, in a situation of delegates having to choose a "law of peoples", they would choose that of Pogge's. Pogge's central idea is to introduce a system which would address the social and economic inequalities in the world, which would bring about a more egalitarian and 'plausible conception of global justice'. His idea centres upon a global resource tax, which those enriched with natural resources would pay on extraction. This would consequently provide, as Locke has stated, a sharing of world resources. However, this idea goes further than Locke, in that '[o]ne may use unlimited amounts, but one must share some of the economic benefit' (p201). The money generated from the tax would be given to the governments of poor societies, which would act as an entitlement rather than charity. Pogge does state though that this money needs to be spent fairly, and any government found not doing so would have the entitlement scrapped. In contrast to Rawls, Pogge states that this

tax would help the world to focus on the 'topic of international inequality' as a law of peoples (p205).

Rawls, J. (1971). *A Theory of Justice*. Cambridge, MA: The Belknap Press of Harvard University.

Rawls' main goal is to provide a theory of justice which uses to a 'higher level of abstraction' the classical theory of the social contract (p11). His focus in providing a conception of justice is the structure of society, although, he does maintain that this does not apply to a specific country example. He begins his discussions on justice, like other theories on social contract, with a description of the original position, it is from here that the principles of justice, that is justice as fairness, are determined. He states that people in this original position are under a veil of ignorance. This means that they are unaware of who they are, their financial situation, or any other facts about themselves, as a result, the principles of justice can be decided upon without any bias, with fair agreement between men, where all parties are equal. As Rawls states, '[s]omehow, we must nullify the effects of specific contingencies which put men at odds and tempt them to exploit social and natural circumstances to their own advantage' (p136). The veil of ignorance ensures that any choices which are made between the group will have the best outcome for everyone. In this hypothetical situation of the original position, people do have access to general knowledge and facts which inform them when making their choice, but they are oblivious to personal, particular information. Rawls continues, '[w]e might assume that one of the contractees threatens to hold out unless the others agree to principles favorable to him. But how does he know which principles are especially in his interests?' (p139-140). The only time, according to Rawls, when the veil of ignorance does not succeed in providing impartial decision-making, is when the group choose to favour themselves over a future generation, as a consequence, the outcome will be the best for the group, but may have detrimental effects on the next generation.

In this position of fair agreement, the principles of justice are chosen. These principles are contrary to utilitarianism and perfectionism in their ability to regulate the inequalities of society's structures. According to Rawls, there are two principles,

- (1) 'each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others'
- (2) 'social and economic inequalities are to be arranged so that they are both
 - a. reasonably expected to be to everyone's advantage, and
 - b. attached to positions and offices open to all' (p60).

The liberties which these principles cover include: the freedom of speech and assembly; political liberty; liberty of conscience and freedom of thought; freedom to hold property; and freedom from arbitrary arrest and seizure as defined by law (p61). This is what forms a

theory of justice for Rawls, which he states is possibly the most important part of the theory of rational choice. Of note though, is that when the principles of justice have been satisfied, other inequalities may come into existence within society due to 'men's voluntary actions in accordance with the principle of free association' (p96). It is the responsibility of the institutions in society to maintain the principles of justice; they ensure that any 'accidents of nature or social circumstance' can be resolved in the best interests of all people (p102). The key point to make about Rawls' version of social contract theory is the rationality of those situated in the original position, which is owed to the unique hypothetical veil of ignorance which ensures they choose the principles of justice as a means of contract for organising society's structures.

Rawls, J. (1969). 'The Justification of Civil Disobedience'. In Freeman, S. (ed.). *John Rawls: Collected Papers*. London, UK: Harvard University Press.

Rousseau, J. (1961). *The social contract and discourses*, Translated by G. D. H. Cole. London, UK: J. M. Dent & Sons Ltd.

As Lessnoff (1986) points out, Rousseau talks about the social contract in two works. Firstly, his 1755 'Discourse on the Origin of Inequality' and secondly, in 'The Social Contract', dated 1762. The former offers a detailed perspective of man in the state of nature and the social contract which has emerged according to Rousseau's assessment of civil society. The latter provides a more idealised account of what the social contract should be like. This summary deals with both accounts, starting with the former.

In his 'Discourse on the Origin of Inequality' Rousseau depicts his idea of what man may experience in the state of nature. He is critical of Hobbes' opinion that men can find themselves in a perpetual state of war, due to their passions coming into conflict. Conversely, for Rousseau, the state of nature is a much calmer and solitary existence for men. The only desires which they feel are those which satisfy their physical needs and compassion for other men which they may meet during their lives (see p165; p181). Rousseau states,

[I]et us conclude then that man in a state of nature, wandering up and down forests, without industry, without speech, and without home, an equal stranger to war and to all ties, neither standing in need of his fellow-creators nor having any desire to hurt them, and perhaps even not distinguishing them one from another; let us conclude that being self-sufficient and subject to so few passions, he could have no feelings or knowledge but such as befitted his situation; that he felt only his actual necessities, and disregarded everything he did not think himself immediately concerned to notice, and that his understanding made no greater progress than his vanity (p188).

It is a peaceful state which is the best place for mankind to exist within.

The state of nature began to change with the increase in populations, changes in the seasons and the development of man's skills when trying to provide subsistence. This consequently led to men taking pride in what they were doing. Furthermore, they saw advantages in working together in groups, considering the skills of others. This though, brought about less advantages qualities as men started to compare themselves to others and stake claims on the fruits of their labours, including property (see p197). 'The first man who, having enclosed a piece of ground, bethought himself of saying 'This is mine,' and found people simple enough to believe him, was the real founder of civil society' (p192). The change into a civil society brought about the establishment of a contract, which according to Rousseau created great inequalities for those who left the state of nature. It was a contract created by 'the rich man' to provide a government which would uphold laws to protect their property; falsely promising in return to protect the weak and poor.

It is here then that the author turns to 'The Social Contract', an extended essay designed to portray how the social contract could provide for the people and create a more equal society than that demonstrated in 'Discourses'. For Rousseau, the social contract can provide a solution to the fundamental problem of finding 'a form of association which will defend and protect with the whole common force the person and goods of each associate, and in which each, while uniting himself with all, may still obey himself alone, and remain as free as before' (p12). The contract would be voted for by the people to create a moral, collective body of contracting people, which he calls the sovereignty, which will ensure the general will of all these people is maintained (p87). Anyone who thereafter refuses to obey the laws which support the general will, will be compelled to by the collective body; however, as Rousseau points out, although man may lose his natural liberty and a right to everything, the appeal to this version of the contract is that man will gain civil liberty and protection of property (p15-16). This should be seen as a benefit which would ensure all individuals keep to the contract. Any laws should be decreed by the people, directed by the general will, and any government is in place to simply act on behalf of the sovereign collective body. There may be a person or group of people in place to lead the government, but as Rousseau is keen to point out, they should also be acting on behalf of the sovereign:

Thus the dominant will of the prince is, or should be, nothing but the general will or the law; his force is only the public force concentrated in his hands, and, as soon as he tries to base any absolute and independent act on his own authority, the tie that binds the whole together begins to be loosened. If finally the prince should come to have a particular will more active than the will of the Sovereign, and should employ the public force in his hands in obedience to this particular will, there would be, so to speak, two Sovereigns, one rightful and the other actual, the social union would evaporate instantly, and the body politic would be dissolved (p49-50).

It is only through these means that the social contract can be correctly realised and people can exist within civil society in general equality, under moral laws which enact the general will of the people.

Stark, C. A. (2009). 'Respecting Human Dignity: Contract versus Capabilities', *Metaphilosophy*, 40 (3-4). 366-81.

There appears to be a tension between two commitments in liberalism. The first is that citizens, as rational agents possessing dignity, are owed a justification for principles of justice. The second is that members of society who do not meet the requirements of rational agency are owed justice. These notions conflict because the first commitment is often expressed through the device of the social contract, which seems to confine the scope of justice to rational agents. So, contractarianism seems to ignore the justice claims of the severely cognitively impaired. To solve this problem, Martha Nussbaum proposes the capabilities approach. The justifiability condition, on this approach, is met by the idea of overlapping consensus. This essay argues that overlapping consensus cannot meet liberalism's justifiability condition, nor is it more inclusive of the cognitively impaired. Therefore, we have reason to retain the contract device and look for another way to ensure that liberalism respects the justice claims of all. (*Extract from author's Abstract*)

3.3 Critiques

Hellsten, S. (2009: 75-100). 'Ethics, Rhetoric, and Politics of Post-Conflict Reconstruction: How Can the Concept of Social Contract Help Us in Understanding How to Make Peace Work?'. In Addison, T. and Brück, T. (eds.). *Making Peace Work: The Challenges of Social and Economic Reconstruction*. Basingstoke, UK: Palgrave MacMillan. ¹¹

This chapter presents an ethical analysis on the relationship between the rule of law, social justice, the principle of impartiality and social cohesion in a post-conflict society by examining the problems of the social contract approach through communitarian and feminist critiques. The aim of the chapter is to map out the ethical dilemmas involved in peace negotiations based on 'constructing' or 'restoring' justice in a society, and to guide a way towards a more comprehensive framework of ethics of justice for post-conflict reconstruction. The first part of the chapter discusses the role of ethics in the politics and rhetoric of post-conflict reconstruction. The second part introduces the social contract framework as an ethical framework for post-conflict reconstruction, and discusses its problems through communitarian and feminist critiques. (*Extract from Introduction, p75*)

This chapter analyses the debates which surround the idea of the importance of having a social contract within a post-conflict situation. However, Hellsten states that there are issues when applying a social contract according to the Locke or Rawls framework, as it demands equality within its principles. This is not possible for most post-conflict situations, as there are usually many who are or have been disadvantaged. From a communitarian point of view, many people are aware of differences within society which cannot be overridden by the social contract. The author also includes a feminist critique of the social contract. In sum, Hellsten concludes that the social contract favours a top-down approach, which within a post-conflict society, does not have legitimacy from the bottom-up.

Hill, G. (1995). 'Reason and Will in Contemporary Social-Contract Theory'. *Political Research Quarterly*, 48 (1). 101-16. ¹²

Social contract theorists rely upon the idea of agreement as a framework for justification, but differ in their characterization of the parties to agreement. Some contract theorists, such as Buchanan and Gauthier, begin with wilful agents who are moved solely by their own subjective ends. Rawls, on the other hand, imagines an agreement reached by parties who are moved exclusively by impersonal concerns, which make no reference at all to the parties' particular commitments. This paper criticizes both of these contract views, arguing that subjectivist contract theories fail to acknowledge the role of impersonal reasons in bringing persons to a principled accommodation, while Rawls rejects the legitimate moral claims arising from our particularity. The paper defends an alternative contract view, which envisions an

agreement reached by persons who are partial to their own interests, but willing to consider impartially the claims of others. (*Extract from author's abstract*)

Hill provides a comprehensive analysis of contemporary social contract theories. He establishes three approaches which modern writers on the topic tend to associate themselves with, these are subjectivist, Rawlsian (moral implications) and dual contract theories. He argues that dual contract theories provide the most satisfactory response to social contract theory for reasonable people to conform to.

McCormick, P. (1987). *Social Contract and Political Obligation: A Critique and Reappraisal*. London, UK: Garland Publishing.

This thesis is concerned with the problem of political obligation, the normative question of why one should obey the law, and with social contract thought as an answer to this question. It is entitled a critique, but the critique is not of social contract theory as such, but rather of the "orthodox" treatment of contract that yields so readily to the rough handling and easy rejection that is the normal lot of contractarianism in contemporary treatments. In its place will be suggested a reinterpretation of contract that sees it as making different assumptions and requiring different premises, and that is proof against many of the orthodox refutations of social contract theory; the reinterpretation is thus in the nature of a vindication.

First, from an examination of the most commonly cited champions of contractarianism (names Hobbes, Locke and Rousseau) will be derive a reinterpretation of contract in the form of a new model or syllogism, the features of which will be brought out by contrasting it first with the contemporary ideas of John Rawls and then with the orthodox model itself. Democratic consent theory, as the heir to the remnants of the orthodox model, will be examined, and the ideas of T.H. Green will be considered as embodying an important feature of contractarianism omitted or ignored by the orthodox model (and hence by democratic theory.) Finally, the new model of contract will be suggested as a potentially useful approach to the problem of political obligation in the modern context. (*Extract from Preface*)

Nussbaum, M. (2003). 'Capabilities as Fundamental Entitlements: Sen and Social Justice'. *Feminist Economics*, 9 (2/3). 33. ¹³

Amartya Sen has made a major contribution to the theory of social justice, and of gender justice, by arguing that capabilities are the relevant space of comparison when justice-related issues are considered. This article supports Sen's idea, arguing that capabilities supply guidance superior to that of utility and resources (the view's familiar opponents). but also to that of the social contract tradition, and at least some accounts of human rights. But I argue that capabilities can help us to construct a normative conception of social justice, with critical potential for gender issues, only if we specify a definite set of capabilities as the most important ones to protect. Sen's "perspective of freedom" is too vague. Some freedoms limit others; some freedoms are important,

some trivial, some good, and some positively bad. Before the approach can offer a valuable normative gender perspective, we must make commitments about substance. (Extract from author's Abstract)

Nussbaum provides reasoning for the superiority of the capabilities approach as means for applying social justice within a society. She critiques the Rawlsian social contract for social justice as it neglects to cover those who are not equal in society, for example those who require care. In her opinion, the capabilities approach, which includes a list of the general goals to be achieved by the society, is much more encompassing of such neglected groups when considering social justice.

Nussbaum, M. (2004). 'Beyond the Social Contract: Capabilities and Global Justice'. *Oxford Development Studies*, 32 (1). 3-18. ¹⁴

The dominant theory of justice in the western tradition of political philosophy is the social contract theory, which sees principles of justice as the outcome of a contract people make, for mutual advantage, to leave the state of nature and govern themselves by law. Such theories have recently been influential in thinking about global justice. I examine that tradition, focusing on Rawls, its greatest modern exponent; I shall find it wanting. Despite their great strengths in thinking about justice, contractarian theories have some structural defects that make them yield very imperfect results when we apply them to the world stage. More promising results are given by a version of the capabilities approach, which suggests a set of basic human entitlements, similar to human rights, as a minimum of what justice requires for all. (Extract from author's Abstract)

Nussbaum evaluates more recent trends to approaching global justice. She firstly considers the Rawlsian two-stage bargain, derived from *A Theory of Justice*: The first stage being the social contract tradition within a society, the second stage involving a set of principles through which parties resolve conflicting issues between states. Nussbaum states that this bargain neglects to consider the states which do not wholly represent the interests of all its people; furthermore, it does not resolve a situation when a society wishes to overthrow an unjust regime; finally it assumes that all parties are equals - in reality, this does not exist in the global situation as the G8 has demonstrated dominance over other nations. Even when Rawls has adjusted his two-stage bargain in *The Law of Peoples*, which includes more real-life elements and a slight deviation from the contract approach, it is still lacking in its application to global justice. The second approach which Nussbaum considers is that of the global bargain as presented by Charles Beitz and Thomas Pogge. They argue that in order to respect individuals within the global justice system, parties have to bargain as individuals for a fair global system, this will benefit in particular those who are least privileged. Nussbaum states that they do not provide enough details about how this structure would work and makes us question our understanding of the nation-state. She finishes by advocating the capabilities approach as a better way of thinking about global justice.

Nussbaum, M. (2004: 275-299.). 'Care, Dependency and Social Justice: A Challenge to Conventional Ideas of the Social Contract'. In Lloyd-Sherlock, P. (ed.). *Living Longer: Ageing, Development and Social Protection*. London, UK: Zed Books. ¹⁵

The main thesis of the chapter is to state that with respect to the problem of care, there are severely deep-rooted issues within societies which prevent a comprehensive solution to this issue. She also argues that the social contract theory dominant in society needs to be replaced with a human capabilities approach. In turn, she does not advocate a challenge to liberalism, simply a different approach to liberalism which is respectful of human needs, enabling citizens to reach their capabilities.

Pateman, C. (1988). *The Sexual Contract*. Cambridge, UK: Polity Press. ¹⁶

Carole Pateman is one of the foremost political theorists writing in English today. In this outstanding new work, she presents a major reinterpretation of modern political theory. She shows how standard discussions of social contract theory tell only half the story. The sexual contract that establishes modern patriarchy and the political right of men over women is never mentioned.

In a wide-ranging and scholarly discussion, Pateman examines the significance of the political fictions of the original contract and the slave contract. She also offers a sweeping challenge to conventional understandings - of both left and right - of actual contracts in everyday life: the marriage contract, the employment contract, the prostitution contract and the new surrogacy contract. By bringing a feminist perspective to bear on the contradictions and paradoxes surrounding women and contract, and the relation between the sexes, she is able to shed new light on fundamental political problems of freedom and subordination. (*Extract from Preface*)

From the introduction, 'Contracting In'.

Pateman's book provides what she terms as the missing second part to the original contract: a 'sexual-social contract' (p1). She declares that contract theorists have neglected to cover the first part and focus only on the social part. For her the social contract is a 'story of freedom; the sexual contract a story of subjection' (p2). Through a consideration of the stories presented by classical social contract theorists and the neglected criticisms made by feminists of contract theory, she aims to display how modern societies are patriarchal, particularly those in Britain, Australia and the United States. The contract, in whatever form, despite promising to be a demonstration of individual freedom, is in fact a story of relations between people where one agent is dominant and one is subordinate. She aims to show that the sexual contract is prevalent in both the private and public spheres, and how the modern perception of patriarchy in fact perpetuates the subjection of women.

Pateman, C. (1988: 101-125). 'The Fraternal Social Contract'. In Keane, J. (ed.). *Civil Society and the State*. London, UK: Verso.

Pateman examines the fraternal contract story from a feminist approach. She begins by stating that all the works on social contract theory only manage to tell half the story, failing to acknowledge that the social contract is in fact a fraternal contract. As a result, they require a feminist reading of their stories. Pateman examines the seventeenth century battle between patriarchal theories and social contract theories, which focused upon the role of paternal rule. There were 'irreconcilable differences between the two doctrines over the political right of fathers and the natural liberty of sons' (p104-105). Contract theorists stated that there was a distinction between paternal and political rule, however, they did not reject the masculine right, which is the crux of Pateman's thesis. This is the conjugal patriarchal right which a husband has over his wife. As a consequence of her natural being, a woman cannot be classed as an individual who can take part in civil society, she is therefore excluded from the social contract. Pateman uses Fraud to demonstrate further how the social contract is fraternal. Despite modern definitions which present fraternity as having connotations of 'bonds of community', the original social contract, according to Fraud involved a contract between brothers after the murder of their father (p110). Included in this contract was marriage, with the domination over women. Such masculine patriarchy has even been demonstrated in Rawls' *A Theory of Justice*. For Pateman, '[t]he modern social contract is a modern patriarchal pact that establishes men's sex right over women, and the civil individual has been constructed in opposition to women and all that our bodies symbolize' (p122).

Schultz, B. (2009). 'John Rawls's Last Word - Review of Rawls, J. (2007) *Lectures on the History of Political Philosophy*', *Philosophy of the Social Sciences*, 39 (1). 107-14.

Although no one can deny the profound importance of John Rawls's work in political philosophy, which covered both an original theory of justice and extensive work and teaching on the history of moral and political philosophy, we are now at the point where his contributions more clearly suggest certain historical limitations. Such topics as gender justice, racial justice, and environmental justice figured in Rawls's work only belatedly and in less than satisfactory ways. Surely the wide influence of the Rawlsian revolution should suggest that the erasures and blindspots in his historical reconstructions ought to be acknowledged and addressed, rather than avoided out of some misguided conception of charity in interpretation. *(Extract from author's Abstract)*

Schultz firstly provides a brief overview of this book (edited by Samuel Freeman). He then looks at the areas in which Rawls has failed to advance upon in his later work, such as issues of feminism, race and imperialism.

4 Social contract from a strategy / policy perspective

4.1 Social contract and citizenship

Closa, C. (1998: 266-83). 'Some Sceptical Reflections on EU Citizenship as the Basis of a New Social Contract'. In Rhodes, M. and Mény, Y. (eds.). *The Future of European Welfare: A New Social Contract?* Basingstoke, UK: Palgrave.

According to Closa, there is a greater use of the idea that the concept of EU citizenship should be linked to a social contract. The social contract within the EU context relates to the 'classical imperative of legitimizing public power with EU citizens' consent [...], as well as to an understanding of the Treaty on European Union as a pact among individuals as well as states' (p266). In terms of citizenship, there are differing interpretations of the contract. The Hobbesian creates an idea of weak citizenship, where individuals are not involved in the design of the contract. Locke provides a liberal version of the contract, where negative freedoms are predominant and individuals do not participate within society in order to create self-realization. 'The modern understanding of contractualism, as reflected in constitutional practice, has extended the pact to include a wider guarantee of social rights, based on belief (in parallel to economic Keynesianism) that the self-realization of a member of the community contributes to the improvement of the community as a whole' (p267).

With regards to the EU, a future contract could only resemble a liberal type due to the prevalence of 'negative integration' in the EU (this refers to the 'removal of national restraints on trade and distortions of competition'). At present, a social contract which emphasised social rights, embracing communitarianism would be incompatible. Furthermore, Closa argues that national identities form another obstacle to the creation of a contract on a social level.

Flanagan, C. et al. (1999: 135-155). 'Adolescents and the "Social Contract": Developmental Roots of Citizenship in Seven Countries'. In Yates, M. and Youniss, J. (eds.). *Roots of Civic Identity: International Perspectives on Community Service and Activism in Youth*. Cambridge, UK: Cambridge University Press.¹⁷

This chapter provides a summary of the findings of the Adolescents' Interpretation of the "Social Contract" project, headed by Connie Flanagan. They have conducted surveys on young people in three long-time democracies, the US, Australia and Sweden, and four transitional democracies, the Czech Republic, Hungary, Russia and Bulgaria. The results demonstrate that the type of social contract in a country determines the percentage of adolescents who volunteer. Sweden, for example, has a contract whereby citizens contribute a percentage of their income towards public welfare. The number of volunteers in this country is low. They conclude that the voluntary sector can play a significant role in engaging

young citizens with the bargain of the social contract. They also help to create support for the state from young people, and provide an avenue for enabling them to express their opinions about the social contract.

Fraser, N. and Gordon, L. (1992). 'Contract versus Charity: Why Is There No Social Citizenship in the United States?' *Socialist Review*, 22 (3). 45-68.

Fraser and Gordon present a thorough analysis of the concept of social citizenship, a term which is hardly used in American discourse. They use the work of T.H. Marshall (specifically his essay 'Citizenship and Social Class dated 1949) to provide a definition for the term social citizenship, describing it as a status which provides people with economic security as well as a right to share in social heritage, with a standard of living the same as others in society. According to Fraser and Gordon, the term 'evokes themes from three major traditions of political theory: liberal themes of rights and equal respect; communitarian norms of solidarity and shared responsibility; and republican ideals of participation in public life' (46). There is a problem within U.S. political culture that frames social provision within the concept of civil citizenship, which draws upon the idea of contract versus charity. According to Marshall, civil citizenship is a stage which precedes social citizenship, the former being present in English society in the eighteenth century and the later emerging after the Second World War. The eighteenth century is also where Fraser and Gordon place the establishment of social contract theory, going hand-in-hand with civil citizenship as a means to create civil rights, legitimate government and the securing of property rights. For the authors, although social contract theory considers the rights of individuals, it is in fact embedded within patriarchy, which ignores the rights of those who do not own property or are not heads of families. They focus specifically on gender and race. It is due to the 'contract norm' (64) in U.S. society that the concept of social citizenship has failed to take root.

Jordan, B. (1998: 244-65). 'European Social Citizenship: Why a New Social Contract (Probably) Will Not Happen'. In Rhodes, M. and Mény, Y. (eds.). *The Future of European Welfare: A New Social Contract?* Basingstoke, UK: Palgrave.

The author of this chapter is pessimistic about the possibilities of a social contract being established within the EU. Coming from a neo-Hobbesian perspective, with democratic and participatory perspective, this chapter outlines why free-market principles which create social division and exclusion fail to allow for a social contract to take root. Within the chapter, the author considers this through analyses of household relations; the poor; and the politics of enforcement (labour and unemployment).

Lane, R. (1994). 'Quality of Life and Quality of Persons: A New Role for Government?' *Political Theory*, 22 (2). 219-52.

To improve the quality of life of the poor, the government builds (or used to build) public housing but that housing has often deteriorated into slums. Between 1970 and 1985, the United States doubled its real expenditures on education without measurable improvement in learning. We enlarge our police forces and expand our prisons and yet crime increases and the urban quality of life on the streets diminishes. Even when there is a political will, government efforts to improve the external features of quality of life often fail because quality of life, as I shall argue, is dependent on a companion quality that is often unacknowledged: the quality of persons (to be defined below). (*Extract from Introduction*)

A long account based within political theory, arguing for governments to include a means for developing the qualities of its citizens within policy decisions. Lane briefly mentions the social contract, with reference to Rawls, stating that 'the idea of a social contract was devised to legitimize governmental decisions by referring them back to hypothesized individual decisions'. The article is theoretical only; there are not any case examples.

Tamang, S. (2002). 'Dis-embedding the Sexual/Social Contract: Citizenship and Gender in Nepal'. *Citizenship Studies*, 6 (3). 309-24. ¹⁸

Carole Pateman's work has been central to feminist critiques of the social contract, revealing it to be better understood as the sexual/social contract in which not only is the contracting individual male, but constructed through the active exclusion of women from the pact. These gendered roles are argued to be the result of the restructuring of society in the advent of modernity. The ramifications for the relationship between gender and citizenship in the non-West where modernity has taken a different trajectory are unclear. By mapping out the nature of citizenship as it evolves in its historical form in Nepal, this article argues not only that citizenship comes to be gendered in historically and culturally specific ways, but that the specific manner in which Nepal has been inserted in the late capitalist global economy—via 'development'—has resulted in de-politicized forms of citizenship with local and global constraints on the enlargement of its political potential. (*Extract from author's Abstract*)

Tamang firstly considers social contract theory from the perspective of Pateman, whereby contractarian theorists such as Locke agreed with the idea that women were not a part of the contract which traditionally existed between father and son. For Pateman it is the 'contradiction of modernity' which is central to the concept of gendered citizenship (p312). Tamang wants to apply this idea to the non-Western case, Nepal. Tamang argues that the theory of Women in Development which was introduced by international development organisations and adopted in Nepal by the government in the 1970s has had the effect of actually de-politicising women and ignoring the civil society roots which had already existed. Instead, ideas were generated that the Nepali woman was helpless before this time and

needed to be educated into becoming a part of the Nepali development process, whilst at the same time placing emphasis on the fact that her role was still domesticated and she is constructed to be a subject rather than an agent. Tamang has demonstrated that Pateman's work on the sexual/social contract cannot be simply translated to the non-Western case, but does have applicability if the 'complexities and ambiguities' of the context are taken into consideration (p321).

Tienda, M. (2002). 'Demography and the Social Contract', *Demography*, 39 (4). 587-616.

As the most demographically complex nation in the world, the United States faces ever more formidable challenges to fulfil its commitment to the democratic values of equity and inclusion as the foreign-born share of the population increases. Immigration, the major source of the contemporary diversification of the population, provides several lessons about how to prepare for that future within a framework of social justice and how to realign recent demographic trends with cherished democratic principles. A review of historical and contemporary controversies about the representation of the foreign-born and alien suffrage both illustrates the reemergence of ascriptive civic hierarchies and highlights some potentially deleterious social and civic consequences of recent demographic trends. *(Extract from author's Abstract)*

Turner, B. (1990). 'Outline of a Theory of Citizenship', *Sociology*, 24, 189-217. ¹⁹

The problem of citizenship has re-emerged as an issue which is central, not only to practical political questions concerning access to health-care systems, education institutions and the welfare state, but also to traditional theoretical debates in sociology over the conditions of social integration and social solidarity. Citizenship as an institution is thus constitutive of the societal community. These sociological debates typically start with an analysis of the conceptual framework of citizenship in the work of T. H. Marshall. This article reviews the standard objections to Marshall's concept of citizenship and the hyphenated society, and develops a critique of the unitary character of the concept of citizenship in the Marshallian tradition. There are in fact, as the etymological development of the concept itself demonstrates, several distinct forms of citizenship. In reply to a recent contribution by Michael Mann to the theory of citizenship, the article contrasts the history of citizenship in Germany, France, Holland, England and the United States; on the basis of this overview, we can identify two crucial variables. The first concerns the passive or active nature of citizenship, depending on whether citizenship is developed from above (*via* the state) or from below (in terms of more local participatory institutions, such as trade unions). The second dimension is the relationship between the public and the private arenas within civil society. A conservative view of citizenship (as passive and private) contrasts with a more revolutionary idea of active and public citizenship. By combining these two dimensions, it is possible to produce a historically dynamic theory of four types of democratic polities as societal contexts for the realization of citizenship rights. *(Extract from author's Abstract)*

Turner, B.(ed.) (1993). Chapter 8 'Outline of a Theory of Human Rights'. In *Citizenship and Social Theory* . London: Sage.

This chapter looks at rights from a sociological perspective, a field which, according to Turner, does not pay a great deal of attention to this topic. The first part of the chapter considers the ways in which sociological thinkers have been sceptical of a theory of rights (including discussions on Durkheim, Marx and Weber). The author then continues to argue on an abstract level that a theory of rights could supplement a theory of citizenship. Hobbes' account of the social contract is used in order to consider human frailty and social precariousness.

Yeatman, A. (1997). 'Contract, Status and Personhood'. In Davis, G. Sullivan, B. and Yeatman, A. (eds.). *The New Contractualism?* South Melbourne, Australia: MacMillan Education Australia PTY LTD.

Yeatman, in this chapter, aims to demonstrate that contract and status are not two exclusive entities. As she states, it has previously be seen by others that '[c]ontract [...] is associated with individual freedom from social restriction, with individual choice, and relationships which are based in the freely given agreement of individuals. Status, by contrast, is associated with the subjection of the individual to the claims and identity of a kin-based social grouping' (p39). This idea, for Yeatman, is an example of classical liberal, theoretical thinking, with its roots in the nineteenth and early twentieth century. In the present day, it is no longer possible to place people in one or the other category, or in any type of 'binary oppositions' for that matter (p41). Here, she gives the example of people with disabilities who are contracted under anti-discrimination laws, but also cannot always display independence due to their reliance upon others.

Yeatman continues with a critique of classical liberal contract thinking, she states that it presents a contradiction 'between the proposition that all human actors possess, potentially at least, contractual capacity, and the proposition that only some of these actors are sufficiently independent as to exercise this capacity' (p45). For those who cannot comply with classical liberalism's idea of individuality, they must be protected, which not only leaves them without any choice, but also without a voice. She does not though, advocate for a complete non-contractual approach, such as that of status used by those in legal and classical sociology critiques of classical contract theory. Instead, she suggests that 'the substantive status of contractual personhood [should] be seen as the condition of being an individual with contractual capacity' (p50). This is what she terms as new contractualism.

The new contractualism requires legislation which can ensure 'the building and resourcing of effective contractual capacity of all individuals; and the requirement that not just the points of exit and entry to relationships become accountable to contractualist norms, but that the internal conduct of these relationships are accountable to contractualist norms' (p52). The

development of new contractualism will continue to face the problems of the classical theories in overcoming individualism and inequality, however, as Yeatman concludes 'the tensions arising from their [the old and new contractualism] coexistence and, indeed, interpenetration, mark the terms of our present' (p54).

4.2 Social contract and growth

Bebbington, A. et al. (2008). 'Contention and Ambiguity: Mining and the Possibilities of Development'. *Development & Change*, 39 (6). 887-914.

The last decade and a half has witnessed a dramatic growth in mining activity in many developing countries. This article reviews these recent trends and describes the debates and conflicts they have triggered. The authors review evidence regarding debates on the resource curse and the possibility of an extraction-led pathway to development. They then describe the different types of resistance and social mobilization that have greeted mineral expansion at a range of geographical scales, and consider how far these protests have changed the relationships between mining and political economic change. The conclusions address how far such protests might contribute to an 'escape' from the resource curse, and consider implications for research and policy agendas. *(Extract from author's Abstract)*

This article examines the role which mining and mineral wealth have on a country's development. They use the term 'fiscal social contract' to demonstrate that mineral dependence, based in one sector which provides large revenue streams, can overpower the government's ability to implement successful taxation systems which create a bargain between state and citizens (p892). They state that if a fiscal social contract is, however, already in place, then a country is better able to manage the effect which mineral wealth can have.

Haggard, S., MacIntyre, A. and Tiede, L. (2008). 'The Rule of Law and Economic Development'. *Annual Review of Political Science*, 11, 205-34.

With the enormous expansion of scholarship on this subject, "rule of law" has come to mean different things—ranging from security and order to the operations of courts and the administration of justice. We review the various streams of theoretical and empirical research by academics and practitioners, emphasizing the connections to economic development. The core logic is that security of property rights and integrity of contract underpin, respectively, investment and trade, which in turn fuel economic growth and development. However, property rights and contracts rest on institutions, which themselves rest on coalitions of interests. Formal institutions are important, but, particularly in developing countries, informal institutional arrangements play a significant part as well. These considerations lead us to caution against an exaggerated confidence in the ability of development assistance to implant new institutions for the rule of law. *(Extract from author's Abstract)*

This article is a thorough review of the literature which deals with the rule of law and its relationship and linkages with economic growth. The majority of the article deals with the effects which formal institutions have on this topic, however, the last section does also deal with informal institutions. They start out with the premise that 'property rights and the security

of contract matter to sustained economic expansion' (p206). By having secure contract and strong property rights, people are more inclined to invest, which consequently aids economic growth. It is these which can work to constrain how the state and individuals act, but as the authors point out, this only works if they are effectively and correctly enforced. They briefly look back to Hobbes, who also affirms that the security of the individual and property is extremely important.

Within the remit of formal institutions, the authors look at the literature (both theoretical and empirical) on the following topics:

- The importance of gaining security in post-intrastate conflict situations. This will enable rule of law reforms to be effectively put in place, however, all implemented reforms need to work in a complimentary fashion with each other.
- Corruption and the rule of law. There are detailed studies on the effects of corruption on economic growth, this has created a need by international institutions to formulate policies which look at good governance and the rule of law.
- Regime type. The authors look at whether there is a relationship between regime type, rule of law and growth, an area which still needs a great deal of research. Some dictatorships for example, experience economic growth without any guarantees of protecting property rights. It is maybe more useful, the authors suggest, to consider the institutional checks which are placed upon the regime.
- Next, they look at whether judicial independence and their relationship with the government can affect growth.

They finally consider informal institutions. There is nothing in the literature to suggest that 'formal institutions are either necessary or sufficient for security of property rights and contract enforcement' (p219). They look back at medieval European examples which demonstrate that informal institutions for securing contracts helped economic growth. Some contemporary examples are also used, which leads them to conclude that in the developing country context, informal institutions can be more effective than formal. Their final conclusions drawn from their review of the literature states that 'a strong formal legal system, underwritten by a set of political checks on state power and corruption, is the most efficient solution to the problem of insecurity of property and contracting in a modern economy' (p221).

Karl, T. L. (2006). 'Ensuring Fairness: The Case for a Transparent Fiscal Contract', Initiative for Policy Dialogue Working Paper Series. New York: Initiative for Policy Dialogue.

The 'resource curse' is primarily a political and not an economic phenomenon. In this chapter I identify the key features of dependence on natural resource rents that produces the political problems. On the one hand, the exceptional value of their leading commodity has meant *unusually high levels of external intervention* in shaping their affairs and capturing their resources by dominant states and foreign private interests. On the other hand, petro-states are even *less subject to the types of internal countervailing pressures* that helped to produce bureaucratically efficacious, authoritative, liberal and ultimately democratic states elsewhere *precisely because they are relieved of the burden of having to tax their own subjects*. Many of the solutions that are commonly proposed fail to take account of these basic dynamics. What is needed first and foremost is a far-reaching "fiscal social contract" based on transparency -- one that creates incentives to change the rent-seeking behavior of all actors, both international and domestic, involved in the oil game. *(Extract from author's Abstract)*

4.3 Social contract and the causes of conflict and post-conflict reconstruction

Addison, T. and Murshed, S. M. (2001). 'From Conflict to Reconstruction: Reviving the Social Contract'. UNU/WIDER Discussion Paper 48. Helsinki, Finland: UNU/WIDER. ²⁰

Contemporary civil wars are rooted in a partial or complete breakdown of the social contract, often involving disputes over public spending, resource revenues, and taxation. A feasible social contract gives potential rebels something akin to a transfer. When this is improbable, and the potential spoils are rich then warfare is more likely. Grievances, not just pure greed, motivate war. But peace deals can also break down when commitments are not credible. Successful reconstruction after war must rebuild the social contract. The chances of success increase if the economy can achieve broadbased growth. If grievances can be satisfied by absolute improvements in living standards the present donor focus on absolute poverty reduction will be conducive to reviving the social contract. But if grievances are expressed in relative terms, governments and donors must also address inequality and regional gaps. *(Extract from author's Abstract)*

This paper considers the relationship between social contracts and intra-state conflict from an economic and rational-choice political science framework. They analyse the effects which pre- and post-conflict fiscal constraints can have upon the establishment, maintenance or stability of social contracts between the ruling regime and belligerent groups. Their paper predominantly focuses on resource and economic causes of war, with a bias towards grievances related to these issues. It includes equations which explain the varying degrees of conflict. The underlying statement from this article is that stable and reliable social contracts are an essential factor for long-lasting peace.

Azam, J-P. and Mesnard, A. (2003). 'Civil War and the Social Contract', *Public Choice*, 115, 455-75. ²¹

In this contract-theoretic model the government promises a transfer to its potential opponent in return for not engaging in a civil war. Two causes of civil war are identified. First, imperfect credibility increases the cost of the required transfer, and may make it unfeasible. Second, asymmetric information faces the government with the classic trade off between efficiency and rent-extraction, and civil war is used as a screening device. However, the latter problem can be solved by creating a mixed army, at a cost. The model determines also whether a military regime or a redistributive state prevails in a peaceful equilibrium. A statistical illustration is presented, using African data. *(Extract from author's Abstract)*

This article uses equations to establish the feasibility of conflict based upon social contracts between governments and rebel groups. The formulae are quite complex, especially for

those not versed in such equations. They establish two causes of intra-state conflict within a contract-theoretic framework. First, the government's ability to maintain its social contracts, this is analysed from both the sides of the government (whether they are feasible) and the rebels (whether the contract provides sufficient transfers). Second, the government's ability to fight compared to that of the rebel group. They propose the establishment of a mixed peace-time army, which encompasses soldiers from both sides, with the guarantees of transfers in return. There are however high costs for such a proposal, which, they suggest, would have to be met by a donor.

Goodhand, J. and Sedra, M. (2007). 'Bribes or bargains? Peace conditionalities and 'post-conflict' reconstruction in Afghanistan', *International Peacekeeping*, 14 (1). 41-61. ²²

This article focuses on the role of international aid donors in Afghanistan since the signing of the Bonn Agreement in 2001. Specifically, it explores the scope and utility of peace conditionalities as an instrument for peace consolidation in the context of a fragile war-to-peace transition. Geo-strategic and institutional concerns have generally led to an unconditional approach to assistance by international actors. It is argued that large inflows of unconditional aid risk re-creating the structural conditions that led to the outbreak of conflict. Aid conditionalities need to be re-conceptualized as aid-for-peace bargains rather than as bribes for security. Some forms of conditionality are necessary in order to rebuild the social contract in Afghanistan. This finding has wider relevance for aid donors and they should reconsider orthodox development models in 'fragile state' settings. Rather than seeing conditionalities and ownership as two ends of a policy spectrum, the former may be a necessary instrument for achieving the latter. *(Extract from author's Abstract)*

This article states that a social contract is an integral part of establishing long-term peace within the post-conflict situation and creating broad-based development. They do not situate the social contract within any theoretical framework, but instead, use it to demonstrate that peace conditionalities should be employed by donors to create a social contract between the state and society. They use Afghanistan as the case study to explore this idea.

Murshed, S. and Tadjeddin, M. (2009). 'Revisiting the Greed and Grievance Explanations for Violent Internal Conflict'. *Journal of International Development*, 21 (1). 87-111. ²³

Two phenomena have been recently utilised to explain conflict onset among rational choice analysts: greed and grievance. The former reflects elite competition over valuable natural resource rents. The latter argues that relative deprivation and the grievance it produces fuels conflict. Neither the presence of greed or grievance is sufficient for the outbreak of violent conflict, something which requires institutional breakdown, which we describe as the failure of the social contract. The degradation of

the social contract is more likely in the context of poverty and growth failure. We provide a synthesis of the greed and grievance hypotheses. (*Extract from author's Abstract*)

This article first considers the greed versus grievance debate relating to the causes of conflict, looking at the theoretical background and ways in which they can be measured. The authors add that greed or grievances or an amalgamation of the two cannot be the sole causes of violent conflict, and that a degradation of the social contract can be the deciding factor. They draw upon the theoretical background of the social contract from Hobbes and Locke to understand vertical or horizontal contracts. Following on from Kant's idea of the perpetual peace, the authors state that there are a number of conditions which can ensure a stable social contract. First, there are no incentives to deviate from the contract. Second, good governance is required. Third, the state must have legitimate power in the eyes of its people. Finally, stable economic conditions need to exist. They single out the fiscal system as the important factor for ensuring a stable social contract. They conclude that a stable social contract which makes peace more of a viable option to conflict can help to avoid greed and grievances from spilling over into violent conflict.

4.4 Social contract and welfare Policy

Adam, J. (ed.). (1991). *Economic Reforms and Welfare Systems in the USSR, Poland and Hungary: Social Contract in Transformation*. New York, NY: St Martin's Press.

The aim of this book is to examine the changes in Hungary and Poland, and the then expected changes in the USSR of the transition to a market economy. It also examines how the introduction of a democratic political system will effect welfare provision and the stability of the social contract. Socialist welfare programmes in these countries are seen by Adam as a social contract built between the regime and the people. The people accept the regime, despite the lack of democracy in return for the provision of welfare goods and job security. This was of course changing at the end of the 1980s and it is the purpose of the contributors of this book to analyse the effects. Adam in the first chapter looks briefly at the history of the social contract and stipulates that in this book, the social contract means 'the social welfare package promised by the government to the public' (p2).

Cotlear, D. (ed) (2006). *A New Social Contract for Peru: An Agenda for Improving Education, Health Care, and the Social Safety Net*. Washington, DC: World Bank.

This World Bank country study on Peru explores 'the achievements and challenges of social policy in Peru' (1). with a focus on education, health care and poverty reduction. The assessment of social policy for this study has combined quantitative and qualitative research methods. The main conclusion of the study reports that a 'veil' needs to be lifted in order for society to receive a more transparent service from the social policy system (1). emphasising the need for the users of public services to hold the state accountable for its outcomes. The study employs a framework which considers three agents within a triangle: the citizens, the State and the corporations of providers. The above alludes to a social contract; however, this term is not defined. It is used sparingly throughout the study. The report is split into sections based upon the themes of expenditure, education, pro-poor policies, social safety nets and public health.

Gilbert, N. (2009). 'US Welfare Reform: Rewriting the Social Contract'. *Journal of Social Policy*, 38 (3). 383-99.²⁴

This paper analyses recent developments in US welfare policy and their implications for future reforms. The analysis begins by examining how the enactment of the Temporary Assistance for Needy Families (TANF) programme in 1996 changed the essential character of public assistance and the major social forces that accounted for this fundamental shift in US welfare policy. It then shows how the most recent welfare reforms under the Deficit Reduction Act of 2005 broadened and intensified the TANF requirements, leaving four avenues along which issues of conditionality and entitlement are likely to be played out in future welfare reforms. Finally, the discussion highlights

how a new social contract is being forged through progressive and conservative proposals, which shift the focus of public assistance from the right to financial support to the right to work and earn a living wage. (*Extract from author's Abstract*)

Gilbert analyses social security for children in the United States. A new social contract has gradually come into fruition with the Temporary Assistance for Needy Families legislation, introduced in the mid-1990s. This new contract aims to promote more responsibility on the part of individuals emphasising their right to work rather than their rights to benefits, furthermore, it is hoped that such a contract will generate greater public support than previous legislation. The number of people claiming for child benefits has dropped significantly since TANF's introduction, this is mainly due to the conditionalities which are in place to try and get parents into education or work. Furthermore, conditionalities have been placed upon states so that they too have a responsibility to develop this social contract within a local context to reduce the number of people claiming benefits.

Haggard, S. and Birdsall, N. (2002: 58-101). 'After the Crisis: The Social Contract and the Middle Class in East Asia'. In Kapstein, E. and Milanovic, B. (eds.). *When Markets Fail: Social Policy and Economic Reform*. New York, NY: Russell Sage Foundation.²⁵

Haggard and Birdsall use the term social contract to define the safety net which a country provides for its citizens who cannot overcome changes in the market economy. This may include the elderly, disabled or unemployed. They look at how the Asian financial crisis exposed the deficiencies in having an implicit social contract, which affected not just those below the poverty line, but also those who were vulnerable to the dramatic change in the markets. They consider the attempts by governments to address this issue during and after the crisis and the problems resulting from these attempts. Haggard and Birdsall analyse four components of the social contract in Asia: social insurance, labour relations, educational spending and decentralisation. There are however, risks which may damage the establishment of new social contracts, such as the democratisation process itself and corruption. In general, this chapter demonstrates a good example of the interpretation of the social contract within a social policy framework, providing case examples from Asian countries.

Haggard, S. and Kaufman, R. (2004). 'Revising Social Contracts: Social Spending in Latin America, East Asia and the Former Socialist Countries, 1980-2000'. *Revista de Ciencia Política*, 24 (1). 3-37.

This paper examines the determinants of social spending in Latin America, Eastern Europe, and East Asia during the 1980s and 1990s. We hypothesize that pronounced and enduring differences in welfare legacies and fiscal constraints affected the way countries of the three regions responded to more contemporary challenges of economic crisis, integration into global markets, and transitions from autocracy to democratic rule.

Latin American countries, which inherited the most severe fiscal constraints, were least able to protect social spending during economic downturns. East Asian countries and, to a lesser extent, those of Eastern Europe, were less likely to reduce social spending in the face of downturns and somewhat more likely to increase during democratic transitions. *(Extract from author's Abstract)*

Haggard and Kaufman use a cross-sectional and time-series analysis model to understand path dependence, in terms of historical legacies on social spending in three regions, Latin America, East Asia and Eastern Europe in the 1980s and 1990s. They consider the amount of revenue collected during this period, and cross-reference this with data on social spending and fiscal constraints, demonstrating changes in social policy in each area. They make little reference to the term 'social contract' and do not provide any definition for understanding its use in this article. It is implicitly understood that the social contract encompasses the provision of social capital in the form of education and greater employment opportunities for example.

Haggard, S. and Kaufman, R. (2008). *Development, democracy, and welfare states: Latin America, East Asia, and Eastern Europe*. Princeton, NJ: Princeton University Press.

This is the first book to compare the distinctive welfare states of Latin America, East Asia, and Eastern Europe. Stephan Haggard and Robert Kaufman trace the historical origins of social policy in these regions to crucial political changes in the mid-twentieth century, and show how the legacies of these early choices are influencing welfare reform following democratization and globalization.

After World War II, communist regimes in Eastern Europe adopted wide-ranging socialist entitlements while conservative dictatorships in East Asia sharply limited social security but invested in education. In Latin America, where welfare systems were instituted earlier, unequal social-security systems favoured formal sector workers and the middle class.

Haggard and Kaufman compare the different welfare paths of the countries in these regions following democratization and the move toward more open economies. Although these transformations generated pressure to reform existing welfare systems, economic performance and welfare legacies exerted a more profound influence. The authors show how exclusionary welfare systems and economic crisis in Latin America created incentives to adopt liberal social-policy reforms, while social entitlements from the communist era limited the scope of liberal reforms in the new democracies of Eastern Europe. In East Asia, high growth and permissive fiscal conditions provided opportunities to broaden social entitlements in the new democracies. This book highlights the importance of placing the contemporary effects of democratization and globalization into a broader historical context. *(Extract from author's Abstract)*

Chapter 3: The Evolution of Social contracts in East Asia, 1950-80

This chapter looks at the nature of the predominantly conservative political systems in East Asia in the Cold War period and their provision of social services. They examine the role which political competition, gradual democratisation, industrial and rural action had upon the government's provision of welfare goods in the Philippines, Singapore, Malaysia, Taiwan, Korea and Thailand. They do not explicitly refer to social contracts; however, implicitly imply that they are the provision of social services (pensions, health and education) in return for the government maintaining their position. The conclusion draws a comparative analysis with Latin America.

Chapter 6: Democracy, Growth, and the Evolution of Social Contracts in East Asia, 1980-2005

This chapter looks at the effect of new democracies in East Asia on social welfare provision, continuing the story from chapter three. They cover the financial crisis in their analysis, stating that governments recovered well in terms of their social programmes. 'Whatever the inadequacies of the short-run social-policy response to the Asian financial crisis, democratic governments - either immediately or in the aftermath of the crisis - were able to fundamentally rewrite the authoritarian social contract' (p261).

Hickey, S. (2008). 'Conceptualising the Politics of Social Protection in Africa'. In Barrientos, A. and Hulme, D. (eds.). *Social Protection for the Poor and Poorest: Concepts, Policies and Politics*. Basingstoke, UK: Palgrave MacMillan.

This chapter aims to create a more 'holistic analytical framework' for understanding the linkages between politics and social protection (p249). The norm has been for social protection to be understood within an economic framework, particularly in Sub-Saharan Africa. However, there is an increase in recognition that politics can shape social protection policies, and that these in turn, can shape politics. Hickey considers the ways in which different parts of politics can affect social protection. Firstly, elections and political party systems play a role in the implementation of social protection initiatives. Usually, there is an increase in these initiatives during election periods. In terms of political systems, Hickey has identified that stable party democracies and elected authoritarian regimes tend to be the most successful in implementing social protection. He also looks at how patron-client politics can help to introduce social protection for some of the poorest; furthermore, the role of elites is not ignored. In some cases, only certain groups are targeted, such as those who are seen to be productive for the economy. The way in which bureaucratic agencies are organised and supported is also analysed. He then moves on to examine the socio-economic influences on social protection, including how it can be perceived by the general public; inequalities within society, both horizontal and vertical; and urbanisation, all of these can affect social

protection, and also inform political decisions on the subject. The low status of social protection within a global perspective, particularly of donors is then considered.

Finally, Hickey states that the 'existence and particular form of what might be termed a political contract between states and citizens' can shape the type of social protection policies which are implemented (p258). If the contract is formulated within a discourse of seeing citizens as actors negotiating with the state on policies, then social protection initiatives have the possibility of being distributed more fairly. It is the idea of political contracts which should be promoted internally and by donor agencies which can help social protection become more inclusive.

Hossain, N. (2007). 'The Politics of What Works: The Case of the Vulnerable Group Development Programme in Bangladesh'. CPRC Working Paper 92. Manchester, UK: Chronic Poverty Research Centre (CPRC).

This paper explores the political dimensions of the achievements of the Vulnerable Group Development (VGD) programme in Bangladesh, a large-scale programme of resource transfers and development interventions targeted at the poorest women, which has been in place since 1974. It focuses on documenting how political ideologies, interests and alliances at national and local levels have influenced the establishment, evolution and maintenance of the VGD programme. It also attempts to show how research and development ideologies and actors beyond the immediate domestic political scene have shaped the programme's successes.

The paper is based on a review of the programme literature, stakeholder interviews, and on other recent empirical research into the politics of poverty in rural Bangladesh.

Section 2 summarises how the VGD programme works and evidence of its impact. Section 3 looks at the political context in which the VGD programme emerged and evolved, and section 4 at the ideological conditions and research and knowledge about poverty that shaped its origins and evolution. Section 5 discusses the roles of the Executive, donors, NGOs and local political leaders, while Section 6 looks more closely at the political dimensions of key features of how the programme works, focusing on corruption, leakage and bias in beneficiary selection. Section 7 concludes with a brief discussion of the extent to which the VGD has helped establish reasonable expectations among the population of official support for the ultra poor, as a form of social or political contract between the state and the poorest people. (*Extract from author's Abstract*)

This article firstly discusses in detail the VGD programme in Bangladesh and its relationship to the political context. The main point of the paper is to demonstrate that the VGD programme functions well because it engages with existing political interests, rather than working against them. The conclusion asks, '[t]o what extent do [the] findings suggest that the VGD has contributed to a social contract between the state and its poorest citizens?' (17). The author does not define social contract; however there is a brief elaboration about

what this question means within the Bangladesh political context. The social contract is related to political elites' responsibility to tackle poverty at a local community level, and consequently the ability of the poorest women to actively engage with politics.

Jayausuriya, K. (2002). 'The New Contractualism: Neoliberal or Democratic?' *The Political Quarterly*, 73, 309-20. ²⁶

Jayausuriya argues for a more public understanding of autonomy for welfare contractualism, in order to curb the illiberal outcomes of the current privately orientated approach to welfare contractualism. Although there may be liberal intent in the implementation of social policy, the practices tend to be illiberal in a coercive manner. The author uses the three cases of the US workfare system, the 'New Deal' in the UK and the mutual obligation policy in Australia throughout the article, although it is more theoretical, with only brief mention to these cases. Jayausuriya defines contractualism as 'patterns and structures of partnership and active agency' (p309).

Khoon, C. (2005-6). 'Renegotiating the Social Contract: Challenges to Health and Social Policy in Japan'. *The Japanese Economy*, 33 (4). 128-45.

Apart from in the title, Khoon makes no reference to the term social contract in this article. However, it is understood, that presently, Japan provides comprehensive health care services which are egalitarian and cover the entire population. This represents the communitarian capitalist nature of Japan's political economy. However, Khoon is keen to stress that Japan is now at a new juncture in its provision of social policy, thanks to the neo-liberal stance of its prime minister (elected 2001). Koizumi, who has already privatised the post-office, one of the biggest providers of life insurance. As private actors, keen to develop into the welfare market, come to the fore, Khoon envisages a similar change for Japanese health and social policy.

Ogawa, T. (2004: 141-159). 'Ageing in Japan: An Issue of Social Contract in Welfare Transfer or Generational Conflict?' In Lloyd-Sherlock, P. (ed.). *Living Longer: Ageing, Development and Social Protection*. London, UK: Zed Books. ²⁷

In this chapter, Ogawa discusses social care policy for older people in Japan. In the past, it has been considered that familial care of older people was an integral part of social care. This tradition though, has gradually changed due to a combination of the following factors: a reduction of elderly people living with younger generations; a decrease in fertility rates; more women entering the work force; and people living longer. This has led to more elderly people moving into hospitals or other institutions in their latter years. Therefore, as Ogawa points out, there has been a demand for a new social contract to replace the traditional familial contract. This has led to the introduction of the Long-Term Care Insurance in 2000. This is a

compulsory scheme that people contribute to from the age of 40, and consequently benefit from once they reach 65. Ogawa does not define the term social contract.

Naples, N. (1997). 'The "New Consensus" on the Gendered "Social Contract": The 1987-1988 U.S. Congressional Hearings on Welfare Reform'. *Signs*, 22 (4). 907-45.

[...] In the welfare reform debates that preceded the Family Support Act, the concept of the social contract was used to illustrate the so-called new consensus between the Democrats and Republicans. The shift from the construction of a social contract as illustrative of a new consensus to a notion of contract that adheres only to the Republican position and is articulated through the *Contract with America* (Gingrich *et al.*, 1994) may be explained simply by the fact that the Republicans were angling to capture a majority in Congress in the 1994 elections. [...] Drawing upon a materialist feminist analysis of discourse, I demonstrate how the assertion of a new consensus on a redefined social contract participated in a broad discursive framing that privileged individualist and coercive behavioural strategies such as workfare and inhibited the incorporation of structural analyses into the resultant welfare policy." (*Extract from Introduction*)

Ramia, G. (2002). 'The 'New Contractualism', Social Protection and the Yeatman Thesis'. *Journal of Sociology*, 38 (1). 49-68.²⁸

An important characteristic of public policy formulation over the 1980s and 1990s, particularly in the English-speaking countries, has been the increasing use of contractual principles as regulatory tools. The 'new contractualism' represents the recent re-emergence and adaptation of the social contract of the 17th and 18th centuries and the classical legal contract that emerged in the 19th century. The work of Anna Yeatman provides the most cogent and influential, non-neo-liberal scholarly appraisal of the new contractualism. Yeatman argues that the current contractualist agenda is consistent with equality of opportunity, occasioning a redefinition of citizenship so as to improve on the discourse of social protection. This paper argues that any attempt to remove social protection – flawed though it is – from discussions of the new contractualism is artificial. The social justice implications of such a position are perilous, for policy formulation has not yet entered a phase in which social protection can be superseded in a way which does not violate the rights of the socio-economically disadvantaged. (*Extract from author's Abstract*)

In this article, Ramia focuses on the connections between the idea of the new contractualism, which has its roots in the 17th and 18th-century notion of the social contract, and social protection. She provides an historical background to the new contractualism, detailing the emergence of social contract theory. This new idea has been applied to many circumstances in life, including the relationship between the state and children, and generational contracts. It is a new method of public management, however it is based upon the concept of individualised consent. Ramia then moves on to discuss the debate started by

Anna Yeatman, that new contractualism needs to replace social protection, as social protection cannot overcome the problems of liberalism. The new contractualism, according to Yeatman, should provide social justice with a focus on equal opportunity. Ramia argues to the contrary that social protection does have a place, despite its inadequacies, within the new contractualism agenda, at least until new contractualism has evolved greater.

Rawlings, L. B. and Rubio, G. M. (2005). 'Evaluating the Impact of Conditional Cash Transfer Programs'. *The World Bank Research Observer*, 20 (1). 29-55.²⁹

Several developing economies have recently introduced conditional cash transfer programs, which provide money to poor families contingent on certain behavior, usually investments in human capital, such as sending children to school or bringing them to health centers. The approach is both an alternative to more traditional social assistance programs and a demand-side complement to the supply of health and education services. Unlike most development initiatives, conditional cash transfer programs have been subject to rigorous evaluations of their effectiveness using experimental or quasi-experimental methods. Evaluation results for programs launched in Colombia, Honduras, Jamaica, Mexico, Nicaragua, and Turkey reveal successes in addressing many of the failures in delivering social assistance, such as weak poverty targeting, disincentive effects, and limited welfare impacts. There is clear evidence of success from the first generation of programs in Colombia, Mexico, and Nicaragua in increasing enrolment rates, improving preventive health care, and raising household consumption. Many questions remain unanswered, however, including the potential of conditional cash transfer programs to function well under different conditions, to address a broader range of challenges among poor and vulnerable populations, and to prevent the intergenerational transmission of poverty. (*Extract from author's Abstract*)

Rawlings and Rubio present a comprehensive evaluation of conditional cash transfers in selected Latin American countries and Turkey. They include a description of the types of programmes which exist, their aims and outcomes or expected outcomes. They discuss the role which they play in forming a part of poverty reduction strategies and how they increase human capital for poor families. They do not mention the term social contract, however, the article states from the outset that conditional cash transfers are safety nets. The focus is on the receiver of the conditional cash transfers and the services which they are required to use, they do not go into detail about the responsibility of the governments who are instigating the policy.

Rhodes, M. and Mény, Y. (eds.) (1998). *The Future of European Welfare: A New Social Contract?* Basingstoke, UK: Palgrave.

The editors of this book defend the idea that welfare provision is in a state of impasse which may result in the breaking of the old social contract between state and its citizens. In their introduction, the authors state that the welfare state can find its roots in the works of

Rousseau and Hobbes as opposed to Marx, with the concept of protecting the vulnerable in order to establish a sense of nation and support for the regime. The old social contracts in Europe are coming under strain due to the economic changes in the 1980s and 1990s (including the challenges of globalisation). Governments are failing to keep their side of the contracts within the global economy. They discuss the proposals for a new social contract which can encompass fiscal constraints, regain legitimacy for the governments involved and provide adequate welfare provision. The book is split into four sections. The first section looks at *Interpretations* of the social contract (social exclusion); secondly, *Welfare Systems Under Stress*; the third section looks at *Welfare and the Global Arena*; finally, the book considers *The Search for a New Social Contract*.

Rudra, N. and Haggard, S. (2005). 'Globalization, Democracy, and Effective Welfare Spending in the Developing World'. *Comparative Political Studies*, 38 (9). 1015-49.

The literature on the effects of globalization on social policy and welfare, and the parallel literature on the effects of democracy, operate in mutual isolation to a surprising degree. This article extends the debate on the welfare state in the developing world by examining the social policy reactions of democratic and authoritarian governments to globalization. Using unbalanced panel data on 57 developing nations, and considering social security and health and education spending, the authors examine whether democratic and authoritarian regimes exhibit similar or different social spending priorities in the context of increasing economic openness. The results show that social spending in 'hard' authoritarian regimes is more sensitive to the pressures of globalization than in democratic or intermediate regimes. (*Extract from author's Abstract*)

Rudra and Haggard investigate the connections between globalisation and social spending and domestic political systems in less developed countries. Firstly, they analyse the literature which considers the relationship between democracies and authoritarian regimes and the amount of social policy provision, concluding that democracies tend to provide more social policy, but that intermediate authoritarian regimes do offer some services. They then move on to the relationship between globalisation and government social policy spending. There is a requirement for more research in this area for LDCs and also for mapping this to domestic political arrangements. They create three hypotheses relating to this topic: 1. Domestic regime does not have an effect on social spending but globalisation does. 2. Globalisation has a detrimental effect on social spending only in authoritarian regimes. 3. Globalisation has no effect on social spending but the type of domestic regime does. Democracies tend to have greater welfare provision than autocracies (p1021). They have developed a time-series model using cross-sectional data from 57 LDCs to test this. They look at health, education, social security and welfare. Their model demonstrates that globalisation does tend to have a negative effect on social spending in more authoritarian regimes, corresponding to the second hypothesis. They do not mention the term social contract.

4.5 Social contract and taxation

Di John, J. (2006). 'The Political Economy of Taxation and Tax Reform in Developing Countries'. UNU-WIDER Research Paper 74. London, UK: School of Oriental and African Studies (SOAS).

Taxation provides one of the principal lenses in measuring state capacity, state formation and power relations in a society. This paper critically examines three main approaches (economic, administrative and political economy) to understanding taxation. It also examines differences in tax composition across middle-income developing regions and finds that Latin American economies tax upper income groups much less than in East Asia and Eastern Europe, and explores the political economy and policy implications of these differences. The paper also examines issues of tax reform in low income/post-war economies and explores the problem that capital flight poses for the less developed countries. *(Extract from author's Abstract)*

This paper advocates a political economy approach to the understanding of taxation in developing countries as it incorporates an historical and comparative analysis for the variations of taxation in developing countries. Through the use of a various case studies, Di John analyses the circumstances through which the state is capable of collecting taxation. He demonstrates that the design of tax reforms necessitates an historical and political understanding of the differences of opinion between social actors. Di John uses the term social contract in his conclusion, stating that taxation can contribute to the functioning of a social contract. It can create 'the mutual obligations between state decision-makers and relevant political actors' (p21).

Moore, M. (2008: 34-63). 'Between coercion and contract: competing narratives on taxation and governance', in D. Bräutigam, O-H. Fjeldstad, and M. Moore (eds.). *Taxation and State-Building in Developing Countries: Capacity and Consent*. Cambridge, UK: Cambridge University Press. Photocopy taken.

Moore analyses the effects of revenue collection on the relationship between state and citizen. He looks at the historical paths which taxation has taken in European societies, demonstrating the differing conditions which create either coercive taxation or contractual (revenue bargaining) taxation. He then links these findings with contemporary states. Coercive taxation, he argues, is more prevalent in areas with poor resources and a lack of local government infrastructure, usually in agrarian societies. Contractual taxation, on the other hand, provides the state and citizens with benefits. Historically, this has created a stronger state, inclined to more democracy. Moore then discusses the structural factors which discourage a contractual taxation approach in contemporary developing countries, in comparison with historical Europe. This includes the availability of rents from natural resources and aid.

Robertson, J. (1996). 'Citizen's income. Towards a new social compact: citizen's income and radical tax reform'. *Political quarterly*, 67 (1). 54-58.³⁰

In this short article, Robertson argues for the idea of introducing a citizen's income, as a new means of establishing a social compact between the state and its citizens. He does not use a specific country example, and does not provide a definition for social compact. He describes the citizen's income as a tax free wage to be paid to every citizen, which would replace all other benefits, however, he does acknowledge that more may be required in certain cases, such as for people with disabilities. It is a means to establish a people-centred society, rewarding those who make a contribution and take responsibility for themselves. In order to finance such an income, Robertson argues for a change in the taxation system, which would involve reducing or cutting taxes on the 'goods' and transferring them onto the 'bads' (p55).

4.6 Social contract and development

Croll, E. (2006). 'The Intergenerational Contract in the Changing Asian Family'. *Oxford Development Studies*, 34 (4). 473-91. ³¹

A contemporary Asia-wide concern is the common fear that modernization or urbanization, migration, the demographic transition, new lifestyle aspirations and the spread of western values have emphasized individual rather than collective familial interests and thus eroded filial obligations. This paper, based on ethnographic studies across East, South-East and South Asia, suggests that far from being eroded, the generations have taken new steps to invest in the intergenerational contract, which has been renegotiated and reinterpreted by both generations in support of a robust and reciprocated cycle of care. The paper concludes that this is a pragmatic, necessary and far-sighted response to the development strategies and social policies supported by Asia states. It can be argued that, in Asian societies, it is the familial contract and familial exclusion rather than a social contract and social exclusion that are more pertinent to individual well-being, and that intergenerational resource flows significantly subsidize contemporary Asian development strategies. *(Extract from author's Abstract)*

This article presents research which demonstrates that the intergenerational contract in Asia still exists and provides more support for the young and elderly than any social contract which governments can offer. With development and modernisation, the contract between families has altered and has been renegotiated to adapt to changes in family situations, in particular with the increase in smaller, nuclear families. The author shows that parents are investing much more in their children (both sexes) in order to guarantee their support later in life.

de Waal, A. (1996). 'Social Contract and Deterring Famine: First Thoughts'. *Disasters*, 20 (3). 194-205. ³²

The links between certain kinds of political systems and protection against famine are investigated in this paper. The starting-point is a critique of Amartya Sen's observation that famines are unknown in countries with a free press and competitive elections. This holds true only in India because of a unique political history in which freedom from famine became a right, upon which political legitimacy was founded: an anti-famine 'social contract'. The rise and decline of anti-famine systems in Africa is charted. Major reasons for decay include neo-liberalism and the international humanitarian system, both of which undermine relationships of domestic political accountability that underpin effective famine prevention. A number of politically regressive tendencies in 'actually existing humanitarianism' are identified that work against any nascent anti-famine social contracts in Africa. This is possible because famine prevention has not been established as a right in Africa. *(Extract from author's Abstract)*

De Waal address two issues related to famines in this article. Firstly, he criticises Sen's notion that famines do not occur in countries with democratic institutions. De Waal provides cases which counter this notion. He demonstrates that India is an exception because of the historical, political process which has taken place over the past 150 years to establish a social contract between the state and citizens in ensuring that famines do not take place. He shows that famine prevention has become entwined with Indian nationalism, and therefore, subsequent governments have set out to deter famine to ensure political stability. This approach has links with entitlement theory, a theory, which de Waal states has not worked in Africa. He goes into detail, with cases to demonstrate how social contracts on famine prevention have not been built or have not had the strong grounding to take root within Africa.

Secondly, de Waal looks at the role which humanitarian aid efforts for famines can have a detrimental effect on the establishment of social contracts. He is critical of humanitarian relief in this respect, stating that it can potentially solve the initial problem of famine, but that it does not actually work to deter famines from happening.

He makes a brief reference to human rights theory being a development of social contract theory in Western political philosophy, but does not actually provide a definition of the social contract.

de Waal, A. (2000). 'Democratic Political Process and the Fight Against Famine'. IDS Working Paper 107. Brighton, UK: Institute of Development Studies (IDS).

This paper examines the linkages between certain sorts of political processes and institutions and the prevention of famine. It begins with an examination of the 'democracy prevents famine' hypothesis, which is found to be in need of elaboration. Democratic political institutions and processes *can* play a lead role in the struggle against famine, but this depends upon the development of political coalitions in the countries concerned, and the strategies they use. In Africa, the challenge of democratic anti-famine politics is complicated by the nature of famines, the political history of anti-famine measures, the prevalence of war, and the level of international aid. The paper develops the concept of a 'political contract' against famine. (*Extract from author's Abstract*)

In this article, de Waal attempts to investigate further the notion that democracies prevent famines. He believes that the politics which surround famines are actually more complex than this statement provides for. It is important to analyse the mechanisms in politics and the changes that may be in existence in 'famine-prone countries' (p3). Firstly, defining famine is a problem. De Waal says that this can be overcome by identifying what famines have in common, especially in how they are caused or prevented. He finds three categories for judging the existence of famines: their components (e.g. Hunger, impoverishment, social breakdown and mortality); the degrees of famine severity; and the different types of famine

(e.g. pastoral, class-based, wartime). The role of the state, then, is central to the prevention of famines, as they cannot be simply resolved by the market. However, despite the idea that civil and political liberties which exist within democracies can promote social, economic and cultural rights, it is 'more than just 'democracy'' which is needed in order to prevent famine (p16). There are a set of mechanisms, processes and pressures which need to work together to form what de Waal calls an anti-famine political contract. It is with such a contract that the politics of food and the causes of famine can be discussed in a more positive environment. There are great challenges to the implementation of such contracts, as de Waal notes. He looks at the way war can present serious stumbling blocks to achieving a political contract. He also considers how aid can be detrimental, unless a contract does in fact exist. In such a case, aid can support the political contract; this has been demonstrated in Botswana. To conclude, de Waal notes that there needs to be greater awareness and increased debate, particularly in the African case about the politics of food, which could hopefully move policy into a more positive direction against famines.

Hickey, S. (2009). 'The Politics of Protecting the Poorest: Moving Beyond the Anti-Politics Machine?' *Political Geography*, 28, 473-83.

Famously derided as the ultimate 'anti-politics machine', international development has increasingly sought to integrate a stronger political perspective within its ambit. This includes devising new forms of political analysis to inform development interventions and efforts to support forms of politics that are deemed to be 'pro-poor'. However, this engagement with pro-poor politics remains limited and the agenda of advanced liberalism that international development agencies remain embedded within tends to draw its understandings of politics from ideology rather than evidence. Case-study analysis of the politics associated with successful social protection interventions in eight countries suggests that the political modes preferred within advanced liberalism – including civil society representation, inclusive policy spaces, and securing ownership – have been much less important in securing poverty reduction than more deeply political institutions and processes, particularly efforts from within political society to re-embed capitalism and extend social contracts to previously marginal groups. Deeper forms of political, political economy and political geography analyses are required to capture the politics of reaching the poorest groups, which needs to be understood in terms of processes of capitalist and political development that have important spatial dimensions, and which can be conceptualised in terms of extending the 'social contract' between states and citizens. *(Extract from author's Abstract)*

This article considers how politics, and its various forms, can affect the successful implementation of policies and interventions which are aimed at poverty reduction. The main idea is that national governments can and do play a key role in instigating policies which actually benefit poor people. Hickey states, 'contrary to the current obsession with civil society, it appears that political society is the key arena for pro-poor politics. Contrary to the language of 'ownership', the commitment of states to poverty reduction is best understood in terms of a 'contract' between states and citizens that emerged in response to domestic

political interactions rather than relationships with external actors' (p474). The article uses research conducted in both Asia and Sub-Saharan Africa where social protection policies have been implemented by national governments with positive results for the intended target group. The research looked at whether the policies could be described as forming a social contract between the state and its citizens in a socio-political sense.

There are debates in the literature about the forms of politics which can bring about the implementation of such policies. Hickey identifies the following aspects from the literature:

- The political context
- The drivers of change
- The policy spaces for discussion and commitment
- Character of the long-term ownership and commitment to these policies (p475).

All of the above aspects are analysed in this article in relation to the specific cases chosen for the research. They are then examined as to whether each policy forms a social contract between the state and citizens.

The article challenges the current consensus offered by international development about what 'constitutes pro-poor politics' (p480). This includes the idea that civil society should be promoted as a means to creating effective social protection policies, whilst ignoring the role which political society could play. The research displays that there is not one particular type of political circumstances which can provide successful and sustainable pro-poor policies, but demonstrates that the current agenda of promoting a specific form of politics by external agencies does not reflect the actual political system in individual countries. The author concludes that it is the relationship between the political society of a state and its citizens, the social contract, which can enable a long-term solution to the problem of protecting the poor.

Jackson, S. (2005: 165-96). 'The State Didn't Even Exist: Non-Governmentality in Kivu, Eastern DR Congo'. In Igoo, J. and Kelsall, T. (eds.). *Between a Rock and a Hard Place: African NGOs, Donors and the State*. Durham, NC: Carolina Academic Press.

McGregor, J. A. (2007). 'Researching Wellbeing: From Concepts to Methodology'. In Gough, I. and McGregor, J. A. (eds). *Wellbeing in Developing Countries: From Theory to Research*. Cambridge, UK: Cambridge University Press.

This chapter provides a summary of the arguments presented throughout the book. For McGregor, the idea of wellbeing relates to people's command over resources, how people achieve their needs and goals through these resources; and the meanings they give to the achievement of these goals and the processes they go through to achieve them. As is stated

in this final chapter, the book has demonstrated that thinking about wellbeing can be a fruitful and novel approach for development, conceptually, methodologically and empirically. The term social contract is used in a heading and is not specifically referred to within the chapter. However, the discussion that follows, deals with the concept of wellbeing within the structures of state, market and society.

Milton, C. (2009). *The many meanings of poverty: colonialism, social compacts, and assistance in eighteenth-century Ecuador*. Stanford, CA: Stanford University Press.

Milton's book deals with the diverse interpretations of poverty over time and space in late colonial Quito, Ecuador. Using archival research, the author examines the types of poor relief, the recipients and its effects. (*Extract from Krippner, J. (2009). 'Review: The many meanings of poverty: colonialism social compacts, and assistance in eighteenth-century Ecuador - Milton, C.E.', Journal of Social History, 43 (1). 245-47.*)

Schuller, M. (2009). 'Gluing Globalization: NGOs as Intermediaries in Haiti'. *PoLAR*, 32 (1). 84-104.

Drawing from two ethnographic case studies, both from Haiti, this article argues that nongovernmental organizations (NGOs). as intermediaries, 'glue' globalization in four ways. First, in their 'gap filler' roles NGOs provide legitimacy to globalization, representing alternatives to states fragmented by neoliberalism. Second, NGOs, in the contemporary neoliberal aid regime, can undermine the governance capacity of states in the Global South, eroding the Keynesian social welfare state ethos and social contract that states are (or should be) responsible for service provision. Third, NGOs provide high-paying jobs to an educated middle class, reproducing inequalities inherent to and required by the contemporary neoliberal world system. Fourth, NGOs, as an ideologically dependent transnational middle class, constitute buffers between elites and impoverished masses and can present institutional barriers against local participation and priority setting. Drawing on recent anthropological scholarship that moves away from reifying NGOs and their professed ideologies, this article focuses on NGO practice. (*Extract from author's Abstract*)

The article brings NGOs into the debate on social contracts, challenging the idea that inefficient states are not entirely to blame for the break up of the social contract with its citizens. Instead, Schuller brings forward the notion that NGOs can have a detrimental effect on pre-existing social contracts due to their presence in providing service goods which the state would normally provide. This then erodes citizens' ability to hold the government accountable for service provision. Further to this, he also analyses, through his ethnographic field work on two NGOs in Haiti, other aspects where NGOs conform to the global neoliberal agenda and cause problems for national development, for example draining state capacity and the reproduction of inequalities. Schuller does not provide a definition of the social contract, but does use Stephen Jackson (2005) with his use of the term.

Tahahashi, T. K. (2008). 'Globalization and Emerging Roles of Cultural Tourism'. *Journal of Tokyo Keizai University, (260)*. 101-16.³³

Today globalization is a reality, and controversial. The controversy centers on whether globalization aggravates or mitigates economic disparities in the world. The global espousal of capitalism has certainly aggravated disparities in economic activities and opportunities between a few metropolitan centers and many peripheral areas. Tourism in general, and cultural tourism in particular, has the potential to mitigate this imbalance, by bringing economic activities and opportunities to the peripheral areas. Realization of this potential entails a paradigm shift in the tourism industry. The industry has to nurture cultural heritage as a viable economic resource for the people, and with the people, who have kept them for generations. Exploitation of cultural heritage as an expendable tourist attraction must halt, and the tourism industry should lead the effort for development of social compact among all the local stakeholders. This act will avoid the tragedy of commons for the cultural heritage at issue. Furthermore, the act will serve as an effective instrument for cooperation between all the stakeholders concerned toward the enrichment of our society. (*Extract from author's Abstract*)

Tahahashi provides a brief description of globalisation in history and then continues with a lengthier description of the current debates surrounding globalisation. The second half of the article looks at tourism within a global framework, and ways in which it can be developed to ensure that all local stakeholders benefit from tourist opportunities. The term social compact is employed here. The author implies that it is an agreement between people to share in successes (p102). A strong social compact within the local environment will help to overcome the desires by some individuals for personal profit.

Walton, M. (2010). 'Capitalism, the State, and the Underlying Drivers of Human Development'. *Human Development Research Paper*. New York, NY: United Nations Development Programme (UNDP).

What are the underlying drivers of human development? This essay argues that long-term human development, in incomes, social conditions, security and so on, is fundamentally driven by capitalist dynamics and state functioning. The big issue is not state versus market, or growth versus equity, or dynamism versus security. It is the jointly determined functioning of both capitalism and the state. It is in particular a consequence of the extent to which both capitalist and state behaviour is oligarchic, extractive, exploitative and divisive as opposed to being inclusive, innovative, accountable, responsive and effective at mediating distributional conflict. This can be conceptualized, at a point of time, in terms of the nature of the political equilibrium, or, alternatively, the way in which social contracts work. This is a product of the historically shaped interaction between political economic elites, and between these and various social groups. Specific policy designs of course matter, whether in terms of market-related policy, regulation, designs for social provisioning. But the ways in which policy and institutional choices work, and indeed the choices societies make, is intimately linked to

the nature and functioning of the underlying social contracts that in turn shape capitalist dynamics and state behaviour. *(Extract from author's Abstract)*

This essay contributes towards the 20-year edition of the Human Development Report. Its key focus is to consider the long-term drivers of human development, formulating an argument from the literature which discuss this topic. Walton argues that it is a combination of the nature of capitalism and the functioning of the state which can create successes or failures in human development. This is contrary to the traditional argument of state vs. market argument. Furthermore, according to Walton it is the underlying social contract which can affect the nature of capitalism and the functioning of the state. He defines the contract in terms of a 'functioning political equilibrium – as a way of interpreting the underpinning and stability of institutional resolutions' (p37). The social contracts between the state, business and social groups are central to this. The social contract in this sense, can consist of the state not expropriating the property rights of investors; a requirement for political and economic elites to have long-term time horizons, which is backed by nationalist ideology; open economic institutions and incentives for the pursuit of Schumpeterian rents; and the state establishing formal institutions to enforce checks on opportunistic behaviours. Two social contracts are required, one between the state and capitalists and one between the state and middle and poorer social groups (p43). The function of the contracts are to provide a 'long-term commitment to deliver' by the state, and to manage conflicts. Walton provides examples of social contracts in developing country cases, to emphasise the requirement for a combination of dynamic capitalism and the functioning of state for human development

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Research notes

¹ Bay (1978)

Discusses 'four particularly troublesome aspects of life in our modern post-industrial world' (p30) (1) Immense concentrations of private power, (2) free enterprise ideology, (3) permanent structural unemployment, (4) declining ecological resources.

(p31) Relates the contract idea to 'two other ideas basic to modern liberalism from Hobbes and Locke to our time, leading up to a review of some contemporary lines of thought that represent the utter degradation of the liberal contract theory and mentality.'

Examines Hobbes and Locke's contract theories.

(p39) 'Rousseau's *Contract Social* was a book about the eternal contest between man's "natural" communitarian "general will" and the crippling pathologies of behaviour that feudal as well as liberal capitalist structures of domination bring about - sycophancy under feudalism, and rootless individualism under capitalism'.

(p41) In general, critical of liberal contract theory.

(p42) Idea of nation-state having a contract with society is 'fraudulent'.

² Cushing (1998)

Here, he uses Freeman, S. (1990) 'Reason and Agreement in Social Contract Views', *Philosophy and Public Affairs*, 19, 122-57.

³ Freeman (2007)

(p17) Social contract framework is a justification of ethics. 'This framework is based on the liberal idea that the legitimacy of social rules and institutions depends on their being freely and publicly acceptable to all individuals bound by them.'

(p18) Both sides of social contract (interest-based or rights-based) believe that social contract should be for mutual advantage.

(p19) However, interest-based does not involve any moral notions. Modern proponents: David Gauthier and James Buchanan, 'both of whom argue for a form of laissez-faire capitalism'.

Rights-based social contract views include Locke, Rousseau, Kant, Rawls and Scanlon. '[P]rinciples of right and justice cannot be accounted for without appeal to certain irreducible moral notions' (p19). Looking at morality and how reasonable a social contract is.

⁴ Lessnoff (1990)

(p1) 1974 British Labour Party - Election manifesto stated an idea of the social contract.

(p2) The actual terminology of the social contract only came into being during Rousseau's time.

(p3) States that the work of the great thinkers on social contract actually relates to political (or civil) society rather than society in itself.

'A social contract theory can be defined as, most typically, one which grounds legitimacy of political authority, and the obligations of rulers and subjects (and the limits thereof). on a premised contract or contracts relating to these matters.' Rawls takes this a step further including the legitimacy of social institutions in his definition.

'Subjection to political authority, in other words, is legitimate if and only if it actually results from the exercise of a man's equal natural freedom'.

(p4) Criticisms have included the fact that contract is a legal term, however, Lessnoff points out that it is not the actual words which matter but the concept, and in this respect, social contract 'in no way presupposes either law or political authority'.

Second criticism 'social contract theory is a theory in which justification and history are necessarily and inextricably intertwined'. Therefore political authority requires a legitimate history - if this is not the case, then the theory does not work.

Lessnoff traces the history of contractarian thought. from initial contractarian thinking of Manegold, Engelbert, Salamonio, through to classical period with Althusius, Hobbes, Pufendorf, Locke, then to relating social contract to historical fact - David Hume, Rousseau, Kant, then Hegelian and Marxian critiques of social contract theory: Hegel suggesting contract is a part of economic rather than political sphere, for Marxist critiques 'social contract theory is in a certain sense an appropriate political theory, given a contract-based capitalist market economy: but contract is not in an ultimate sense appropriate to any sphere of human life, because of its individualistic implications' (p16). Other Marxist critiques include C. B. Macpherson & Pashukanis, Evgeny. Pashukanis - social contract theory seeks to 'legitimate the bourgeois state - which safeguards the self-seeking of property-owners'. In classical form theory is individualistic, but does not endorse egoism. - calls for its restraint. (p17).

(p18) Rawls revival of the theory is a change of direction, now revised to serve the conflicting interests of men (not just common as it was previously) to create justice. The contractors can never be equal from the outset - veil of ignorance - contract designed to be fair. 'his argument is that inequalities in social distribution are just if and only if they would be acceptable to all in an original position of equality as defined by the veil of ignorance.'

(p19) In contrast, Robert Nozick has stated that Rawls' idea is just another variation of a trick, preventing well endowed from gaining from all of their own hard work.

Rawls- redistribution of wealth. Coleman, James & Gauthier, David, have provided compromises between Rawls and Nozick.

(p22) In drawing conclusions, Lessnoff asks how should the theory relate to 'moral obligation or self-interest'?

⁵ Wright (2001)

(p16) Calls it the individualist story with two parts: political & economic - the political told by Hobbes & Locke and the economic told by Smith. Social contract is the political part.

Chapter one provides an outline of Hobbes and Locke.

(p23) Outline of social contract theory.

⁶ Gauthier (1997)

(p134) 'Locke supposes that a certain group of men, namely landed proprietors, those who have successfully appropriated or inherited real property or estate, contract together for mutual protection and well-being'. 'Hobbes' theory affords an altogether larger scope to contractual relations'.

⁷ Bertram (2004)

(p202) 'Hobbesian and Lockean individuals within the state, differ from Rousseauian ones in that they retain the same psychology and human nature as the hypothetical contractors whose reasons for action are being appealed to by the theory. Rousseau's citizens, though, have, according to the pseudochronology of the *Social Contract* undergone a 'remarkable change'. The reasons that Rousseau's original contractors have for associating have to do with the preservation of their freedom and with the preservation of their lives'.

⁸ Black (2001)

(p116) 'Rational choice contractarianism holds that justified practical principles are the principles that would be agreed to by *rational* agents or their representatives. The distinguishing feature of rational choice is that in the context of a social contract, rational agents are presumed to maximize their advantage or self-interest'. This is one understanding of the social contract.

(p117) Another way of looking at it is the fairness contractarianism. 'According to the generic version of this view, actual people are presumed to be motivated by a concern for treating people fairly'. Similar versions from Thomas Scanlon & John Rawls. Black states that he uses this term in this paper 'very broadly to refer to any contractarian theory which assumes that people have certain moral commitments prior to the social contract, and that the function of hypothetical social contracts is to help clarify the practical consequences of those ethical commitments'.

(p119-120) Looks at fairness in freestanding bilateral agreements.

(p139) '[B]argaining over demands and *evaluating* them on the basis of their (perceived) morally relevant features present sharply diverging models of decision-making.

Rational choice is related to bargaining, but this prevents predictions to the outcomes of social contracts when fair-minded people are involved.

⁹ De Marneffe (2001)

(p12) 'The social contract tradition offers a more satisfying response to the problem of human evil than the utilitarian tradition does.'

(p13) If, however, [as opposed to the utilitarian tradition of acting for pleasure] our moral value is rooted instead in our capacity to live with each other on terms of mutual respect, as the social contract tradition maintains, and if our ultimate aim in acting morally is to bring about social relations on these terms, perhaps humanity is worthy of existence after all.'

'In *A Theory of Justice* Rawls supposed that citizens of a democracy would accept liberal principles of justice as morally valid once they recognized their fairness[...], because these principles recognize and adequately protect each person's basic interests in liberty and other social goods and because their general observance will therefore not impose psychologically unbearable "strains of commitment" on anyone.'

¹⁰ Lessnoff (1986)

(p4) 'Who, then, are the parties involved in social contract theories? Broadly speaking, two models of social contract can be distinguished that differ on this score. In one, the parties are the people and their ruler or rulers - here there are just two parties, though at least one party, the people, is a collectivity. In the other, the parties are, so to speak, the building-blocks of civil society, in some cases conceived of as lesser social entities, in others as individual citizens. We thus have bilateral contracts between people and ruler, multilateral contracts between lesser social bodies, and multilateral contracts between individuals'.

(p160) '[T]he problems inherent in Rawls's veil of ignorance, and in contract theory generally, can to some extent be circumvented, so long as the theory preserves a certain self-denying modesty'.

'[I]n principle, the application of even modest contractarianism need not be confined to modern western society; it should be applicable to any society that recognises the need for a just resolution of conflicting individual interests. And if this is not quite a universal applicability, perhaps it ought to be.'

¹¹ Hellsten (2009)

(p76) 'The traditional conflict resolution and peacebuilding paradigms have frequently been constructed within the framework of social contract theory - which illustrates the importance of building a society on a mutually beneficial and unanimously accepted agreement on the principles of political power and legitimate governance that guarantees social harmony and security.'

(p81) 'For realists, any social contract is based on the fact that we need to limit individual freedom in order to protect this very freedom'.

Debates between realist and idealist approaches. Realists - long-lasting natural tendencies for conflict between & within states. Ethics & politics don't go together.

Idealist - human nature is peaceful - ethics important role in politics.

(p83) 'It is suggested that, in order to balance greed and grievances in the reconstruction of an ethical framework for a post-conflict society, there is a need to establish or reconstitute a strong social contract; one that guarantees justice in the form of impartiality of the state institutions and distributional mechanisms and, thus, avoids nepotism, favouritism, and other different forms of bad governance and corruption that destroy the legitimacy of the political authority and create sub-national loyalties and intra-state tensions (whether ethnic, regional, religious, or based on other divisions within a state).

(p84) Asks whether the social contract should be drawn upon righting past wrongs or instead looking more towards the future 'forward-looking justice'.

(p85) Hobbes idea of justice and the social contract seen as too authoritarian today. Locke developed on this for a more democratic state.

'The discourse of the social contract tries not only to find an agreement on the principles of institutional justice, it also attempts to guarantee the legitimacy of the methods used to regularize such principles. Thus, the principles of justice have to be seen as an expression of the legislative will of all those involved.'

(p86) Contracts need to be fully inclusive

'The social contract approach to the reconstruction of justice in a post-conflict society is problematic because it intrinsically involves some elements of social Darwinism where, through struggle, only the fittest survive'. Social contract demand equality but in a post-conflictive situation many are disadvantaged (esp in participation).

(p88) Provides the example of Rwanda post-genocide of a social-contract, eradicate ethnic identities, but the communitarian critique shows that people are still aware of others ethnic identities.

(p89) A communitarian argument maintains that people are attached to social and cultural belief systems that cannot be ignored when trying to bring in a social contract.

'In a post-conflict society, the most immediate goal should be finding the common good of the citizens of various backgrounds. This cannot be achieved by merely applying the framework of justice as impartiality, as suggested by Rawl's theory'.

(p90-91) She then moves on to a feminist critique, stating that 'In practice, the theoretical exclusion of women in the social contract has enforced, if not justified, women's marginalization in political participation'.

¹² Hill (1995)

p.101 John Rawls book, *A Theory of Justice* (1971). renewed interest in social contract theory.

Hill advocates that there are three types of approaches to modern social contract theory:

Subjectivist, which includes Buchanan and Gauthier 'seek to justify political institutions and cooperative social arrangements by showing that they would be agreed to as rational means of advancing each person's subjective ends'. [similar then to the Hobbes' interest-based from Freeman (2007)?]

Rawlsian contract theory, 'which aims to justify principles of right by showing that they would be agreed to by persons who are thought to share certain fundamental moral (102) interests'.

p.102 Dual contract theories - Nagel & Scanlon - 'which evaluate norms and institutions by asking whether they would be agreed to by persons who are moved by particular concerns but who are willing to consider their commitments equally alongside the interests of others'.

[Are the second and third types in line with Freeman's rights-based approach to contract theory?]

He states that the differences in approaches originate from the two questions below:

'What are the moral and political implications of our self-understanding as free persons who claim the right to form and act upon our own distinctive ends and purposes?

And if in addition to self-assertion, we also possess the power to consider our interest impartially alongside the concerns of others, what follows for the design of our basic institutions and social arrangements?'

He acknowledges that Gauthier and Buchanan are Hobbesian.

¹³ Nussbaum (2003)

(p35) Sen's capabilities approach does not provide substance - which capabilities society should aim to achieve.

'Sen argues that the space of capabilities provides the most fruitful and ethically satisfactory way of looking at equality as a political goal'.

(p40) Nussbaum has created a list of ten capabilities - 'general goals that can be further specified by the society in question'.

(p50) Rawls approach defines justice as the distribution of primary goods - wealth and income. 'Sen and I both argue that Rawls's theory would be better able to give an account of the relevant social equalities and inequalities if the list of primary goods were formulated as a list of capabilities rather than as a list of things'.

Social contract tradition based upon mutual advantage, all those partaking in the contract are considered to be equal. Nussbaum states this is not so in real life. Humans at some or all stages in their lives encounter dependency. 'This, as I have said, is the central issue for gender justice'.

(p53) She states that Rawls idea of developing a social contract which covers most in society, to be developed for other cases at a later stage is 'inadequate.'

'Care for children, the elderly, and the mentally and physically handicapped is a major part of the work that needs to be done in any society, and in most societies it is a source of great injustice'.

¹⁴ Nussbaum (2004)

(p4) Two best contractarian attempts at dealing with 'the problems of justice between nations'. Rawls - Two-stage bargain - 'cannot provide an adequate account of global justice'. Other attempt is global bargain - 'cannot defend redistribution from richer to poorer nations without departing in major ways from the contractarian approach.'

'my main contention will be that we cannot solve the problems of global justice by envisaging international co-operation as a contract for mutual advantage among parties similarly placed in a state of nature'.

¹⁵ Nussbaum (2004)

(p288) 'The social contract tradition has, I have argued, some grave problems. On the other hand, it also has some important virtues that we must not lose sight of in trying to reform it. In particular, the ideas of reciprocity and equality it contains are deeply attractive ideas for a modern society. The idea that political principles express mutual respect for human dignity, agency, and inviolability is another idea to which we should cling.'

Change in social contract should involve a redefining of what the primary goods are for people - Rawls omits health care and education.

(p289) '[T]he capabilities approach is not restricted to the nation state, as the social contract approach has traditionally been. It supplies a helpful way of thinking about the need for

redistribution of wealth from richer to poorer nations, something that the social contract doctrine has had great difficulty conceptualising'.

(p90) Idea of what it would take to make citizens equal on an accepted level of capabilities - the primary goods of which, will be provided by the state.

'the guiding political conception of the person should be an Aristotelian /Marxian conception of the human being as in need of a rich plurality of life activities, to be shaped by both practical reason and affiliation'.

¹⁶ Pateman (1998)

(p1) 'An explanation for the binding authority of the state and civil law, and for the legitimacy of modern civil government is to be found by treating our society as if it had originated in a contract'.

(p3) 'Political right originates in sex-right or conjugal right'.

(p8) 'The genius of contract theorists has been to present both the original contract and actual contracts as exemplifying and securing individual freedom. On the contrary, in contract theory universal freedom is always an hypothesis, a story, a political fiction. Contract always generates political right in the form of relations of domination and subordination.'

(p15) 'an understanding of the way in which contract is presented as freedom and as anti-patriarchal, while being a major mechanism through which sex-right is renewed and maintained, is only possible because women (and some men) have resisted and criticized patriarchal relations since the seventeenth century.'

¹⁷ Flanagan *et al.* (1999)

(p135) Focuses on the roots of citizenship and how young people commit themselves to the 'commonwealth'.

'By the *social contract* we refer to the set of mutual rights and obligations binding citizens with their polity'. Bargain - 'one will enjoy the rights and reap the benefits of the social order if s/he lives by its rules and fulfils the responsibilities of membership'.

(p136) Changes in recent years - more self-interest. 'values of the market have extinguished commitments to the commonwealth'.

Case of Eastern Europe - moving away from socialism - the contract has changed to a 'more individual initiative and less reliance on the state'.

(p137) '[W]e argue that engagement in the voluntary sector connects young people to the broader polity, and, in that process, they develop an understanding of themselves as civic actors, engaged in the issues and capable of addressing the problems of their polity'.

Findings from a survey of more than 5600 12- to 19-year-olds from seven countries.

(p140) In Sweden, 'the civic responsibility of a good citizen is to contribute to the equalizing of outcomes by paying a significant portion of personal income toward the public welfare'.

(p149) In each country, 'compared to their compatriots who did not volunteer, those who did attached a greater personal importance to;

working to improve their communities,

helping the less fortunate, and

doing something to help their country and society.'

(p151) 'Besides encouraging constructive prosocial norms, youth organizations stabilize political and social systems either overtly by emphasizing specific ideological commitments or more subtly by communicating an affinity with the nation'.

¹⁸ Tamang (2002)

(p309) Firstly discusses Carole Pateman's work on the sexual/social contract - individual is male and women are excluded.

(p310) 'I argue that not only is citizenship gendered in historically and culturally specific ways, but that the emancipatory potential of citizenship in Nepal is further circumscribed in the juncture of the local and global politics of 'development' in the late capitalist era'.

(p311) The development of capitalism led to a great extension of female subordination.

(p312) The relationship between the state and civil society has developed differently in colonised countries compared to the West, where it emerged as an act of defiance against the monarchy. Civil society in Africa, for example, emerged out of the struggle with the colonisers. This also had a different gendered perspective.

(p313) Nepal is a different case as it was never colonised.

(p315) In the emergence of discourse surrounding Nepali development, the idea was maintained that there should be a notion of a modern Nepal with a 'masculinized' angle, this involved 'deliberate efforts to circumscribe women's behavior in order to facilitate the type of development, and women's role in development, thought appropriate to the 'modern Nepal' as conceptualized by Hindu male state elites'.

(p316) The idea of Women in Development was brought in through westernised theories but a male dominated government, which ignored previous efforts which Nepali women had made in civil society, and actively diverted women from the political arena.

(p317) 'The transformation of active, agency-filled women of Nepal to the currently depicted uniformly de-politicized, patriarchally oppressed, disadvantaged, Hindu, 'Nepali woman' as the illiterate subject in need of having her 'consciousness raised' can be seen from a comparison of speeches and articles over time'.

(p318) Women constructed as subject rather than agent.

¹⁹ Turner (1990)

(p203) Briefly mentions Rousseau's *Social Contract* in order to help him define 'citizen'.

(p208) 'For Rousseau in *The Social Contract* the viability of citizenship required the destruction of all particular intervening institutions which separated the citizen from the state'.

²⁰ Addison and Murshed (2001)

(p1) They focus on economics and rational-choice political science. Look at the work of Francis Edgeworth from late 19th Century - absence of consent in human economic interaction.

(p2) Latent conflict can be seen as temporary contracts between 'belligerent groups'. '[W]e can still view today's conflicts as rooted in a partial or complete breakdown of the social contract - the agreed upon rules of the game that govern the distribution of resources and obligations across society - and the concomitant mechanisms for settling disputes'.

(p4) A failure in contracts can be attributed to 'misperceptions, uncertainties, and incomplete contracting'. They state that if there is a temporary contract between conflicting groups, this could, in turn, be developed into a social contract which leads to state formation.

Fiscal disputes could undermine the social contract, if one group is advantaged over another.

'Contemporary civil wars are more often related to the *breakdown* of explicit or implicit arrangements to share resources or revenues, rather than the *absence* of an agreement to share resources or rents'.

(p5) Regimes with more military expenditure are less likely to enter into social contracts.

(p6) Point resources can lead to 'highly imperfect contracts'.

(p11) They state that in order for post-conflict peace to be successful, countries require the rebuilding of the social contract.

(p12) Growth can help fiscal transfers. Also need pro-poor asset redistribution to come out of this too.

(p15) '[T]here is a danger in seeing every conflict situation as somehow culturally or historically unique - and thus perhaps intractable - while the approaches discussed in this paper do at least provide a framework in which to identify the fundamental constraints that must be overcome to end war, as well as the trade-offs that are often involved'.

²¹ Azam and Mesnard (2003)

(p456) Civil conflict blamed upon economic determinants and the inefficiency of the state rather than ethnic divisions.

(p457) Their model in this paper 'emphasises the part played by the government's ability to commit credibly to its announced redistributive expenditures in determining whether war or peace will prevail in equilibrium'.

Two causes of war, the ability of the government to keep its promises and asymmetric information - the government's ability to fight compared to the rebels'.

²² Goodhand and Sedra (2007)

(p41) Afghanistan Compact signed in London in February 2006.

(p44) Two approaches to the Afghan situation, light footprint, which then changed to heavy intervention. 'In essence it boils down to whether state building assistance is driven primarily by donor states' concerns with homeland security and a hasty exit strategy or whether it is motivated by longer-term concerns for Afghan security and the evolution of sustainable institutions'.

(p45) Either bribing warlords, or more long-term bargains in order to re-create the social contract. This second approach involves the use of peace conditionalities.

Coalition forces have forged links with domestic rebels with little contact with local society groups, with the consequence that they have no interest in building a social contract. This approach has been defined as war conditionalities.

(p51) 'Broad-based development is central to the forging of a new social contract, and a precondition for such broad-based development is the ability of the state to plan and manage expenditure and to raise revenue for public services'. (Here there is a footnote to Rubin, Hamidzada & Stoddard (2003) *Through the Fog of Peace Building: Evaluating the Reconstruction of Afghanistan*.)

(p58) 'Peace conditionalities should be primarily directed towards building a strong legitimate state. This involves forging a double compact between international actors and domestic elites on the one hand and between these leaders and the Afghan society on the other'. Society needs to be able to develop the ability to question and make demands on the state.

²³ Mursed and Tadjoeeddin (2009)

(p92) '[W]ar implies the absence of a contract, and warring parties may enter into contracts that make their interactions more peaceful'.

(p102) '[E]ven if rents from capturable resources do constitute a sizeable prize, violent conflict is unlikely to take hold if a country has a framework of widely agreed rules, both formal and informal, that govern the allocation of resources, including resource rents, and the peaceful settlement of grievances. Such a viable social contract can be sufficient to restrain, if not eliminate, opportunistic behaviour such as large-scale theft of resource rents, and the violent expression of grievance'.

(p103) Hobbes' idea of a social contract seen as dictatorial (vertical). and Locke's as democratic (horizontal).

(p104) 'A social contract favouring peace in return for a transfer is infeasible if the probability of toppling the government by war is greater than the chances of its credibly making the transfer'.

²⁴ Gilbert (2009)

(p386) 'TANF [Temporary Assistance for Needy Families] policy revised the essential character of the social safety net provided by US public welfare through the 1990s. Under the six decades of AFDC [Aid to Families with Dependent Children] (and ADC [Aid to Dependent Children]), poor families could rely on public aid that provided a modest cash benefit as a social right to which they were entitled for as long as it was needed without the requirement to work or behave in any particular manner'. Bringing in of conditions to benefits.

(p388) 'With regard to personal behaviour, one could say that TANF conditions made welfare morally more demanding'. This included, making single, teenage mothers live with parents and stay in education, benefits linked to child school attendance, establishing the father of children to hold them accountable for child payments.

'The most compelling condition stipulated by TANF is the recipient's duty to work'.

²⁵ Haggard and Birdsall (2002)

(p58) 'The second big difference between Asian and Western economies is the nature of the social contract.' In West contract agreed between citizens and government as protection against market. 'The social safety net provides insurance both against personal circumstances, such as old age, infirmity, or bad luck in the job market, and against nationwide economic downturns, when many people suffer wage (59) and job losses'. Collective bargaining.

(p59) In Asia - contract implicit, 'governments guaranteed growth that would be rapid and broadly shared via widespread employment opportunities and virtually constant wage gains'. No safety net if a crisis hit. No desire in aftermath of crisis to develop a better social contract.

(p95) '[T]he social contract is necessarily the outcome of a sometimes-contentious democratic process'.

(p96) '[O]ver the next decade, the deepening of democratic processes and the evolution of a social contract can ideally reinforce each other in East Asia, in turn also providing social and political support for the economic restructuring that is central to the region's long-term growth'.

²⁶ Jayausuriya (2002)

(p309) '[R]ather than being the dependent and passive recipients of welfare services and entitlement, individuals are called on to play a more active role in shaping their futures'.

Idea of 'contractual governance', involves chains of contract - govt to a autonomous public-private body to the citizen.

(p310) 'The underlying assumption of this article is that the emphasis placed by welfare contractualism on the individual capacity to exercise choice is a positive development, but its use within the framework of a private understanding of autonomy leads to dangerous, illiberal outcomes.'

(p312) Idea of active agency is the main basis for new welfare contractualism. '[T]his illiberal understanding of agency which underpins the new neo-liberal contractualism has three important elements: first, that social policy should be directed at fostering responsible behaviour; second, that development of this responsible agency can be provoked through a cocktail of sanctions and incentives; and third, that responsible agency lies in the inculcation of new modes of social conduct.'

(p313) Negative idea of dependency had led to the new illiberal and paternalistic social policies.

(p314) Government accountability is lost due to the introduction of civil society management roles - public-private partnerships.

(p315) '[W]elfare recipients are subjected to a coercion that is quite incompatible with individual autonomy. It is imperative that the criterion of 'adequacy of options' be incorporated in a more democratic contractualism which is non-coercive and takes seriously the concept of individual autonomy.'

(p319) 'In contrast to the constricted model of responsible agency which underpins the neo-liberal notion of contractualism, a republican model allows us to move to a contractualism that locates individual autonomy in its public context; from the private autonomy of neo-liberalism to a public autonomy of democratic contractualism.'

²⁷ Ogawa (2004)

(p144) Demand, due to less informal care from family members for elders, to create a social contract between the government and different generations for an expansion in care for the elderly.

(p145) Introduction of the Long-Term Care Insurance (LTCIS) in 2000. Enables those who wish to, to enter labour market instead of providing care.

(p150) Idea of LTCIS is 'to facilitate a system in which society as a whole supports those who are facing the need for long-term care'. Creating a generational contract.

²⁸ Ramia (2002)

(p50) Places contractualism within the notion of social contract, from 17th and 18th century. 'The notion of contract, in some cases legal in some cases non-legal, now increasingly underpins the employee-employer relation, some aspects of race relations, and relations between politicians and bureaucrats, spouses, children and parents, educational institutions and students, as well as between the state and beneficiaries of a host of public services.'

(p57) 'The new contractualism, according to Yeatman, is to be understood as '*social* contractualism'. This is in contrast with '*liberal* contractualism' (Yeatman, 1998a:228, my emphasis). which is engendered by the doctrine of freedom of contract and the social contract as utilized by classical liberals like Locke, Rousseau and Hobbes, and more recently by John Rawls.'

(p58) Under new contractualism, as proposed by Yeatman, social protection cannot overcome the problems of liberalism, where individuals are not treated equally.

(p63) '[N]ew contractualism is still very much in evolution'. Yateman states that new contractualism can prove to be a better approach than social protection. Ramia states that is 'problematic'.

²⁹ Rawlings and Rubio (2005)

(p33) '[S]afety nets are now seen to have a potentially important role in compensating for the market failures that help perpetuate poverty, particularly in high-inequality settings.'

(p36) 'No program should be conditioned on the mandated use of poor-quality, ineffective services.'

(p49) '[T]he evaluations reveal little about which element of the intervention (the transfer or the conditionality) is responsible for the observed changes or whether thr relatively short-term changes will be translated into long-run impacts on human capital formation and poverty.'

³⁰ Robertson (1996)

(p54) 'A citizen's income will be a tax-free income paid by the state to every man, woman and child as a right of citizenship.'

'In principle, CI should replace all other existing benefits (and also tax allowances). In practice, supplements will be required to meet exceptional needs such as disability and - at least for the foreseeable future - house costs for low-income families'.

(p57) Vision for a people-centred society. Rewarding people for their contributions to society.

'A new, post-modern social compact must take [...] place, which will encourage all citizens to take greater responsibility for themselves and the contribution they owe to society'.

³¹ Croll (2006)

(p475) 'More than any other factor, it is the emergence of the smaller two-generational or nuclear household that has been cited as evidence of the changing Asian family placing the intergenerational contract at risk and threatening elderly support for security.

(p477) Child-centred priorities - money going towards the younger generation rather than the older generation.

(p478) 'Across Asia, social welfare policies presuppose the primacy of family care and oblige the younger generation to provide support for the elderly, thus operating on the basis of "care by the family first". It is this single and explicit premise that places continuing and primary importance on the maintenance of intergenerational resource flows from younger to older generations. Perhaps it is not surprising then, given the social trends and a common prognosis, to find that parents across Asia have taken new steps to invest in and renegotiate the intergenerational contract.'

(p479) Parents spending and investing more in their children to ensure support for themselves later in their lives.

(p481) 'A further bargaining strategy open to parents with resources is to transfer these to adult children in direct exchange for immediate or shorter-term support'.

(p487) Governments have introduced some practical initiatives for old-age care, but most are emphasising traditional belief systems to support filial contracts.

³² De Waal (1996)

(p194) Starts out with Sen's analysis that famines do not occur in countries with democratic institutions. Cases he has cited are India, Botswana and Zimbabwe. Cases which have succumbed to famine, involve a lack of democracy, including China, Sudan and Ethiopia.

(p196) With reference to India - '[O]ne might [...] argue that democratic freedoms as such are less important than a specific politically negotiated right to be free from famine.' Throughout the past 150 years, the policy towards famines in India have gradually changed from a Malthusian approach to the development of famine codes. The threat of what a famine can do for political stability has ensured that it has a unique position, in comparison to chronic poverty or female infanticide, within the political arena.

(p197) '[T]he Indian nationalist movement chose famine as an issue with which to discredit the British imperial government, it follows that the legitimacy of the post-colonial government depends on preventing it. Famine prevention is intimately bound up with the entire ideology of Indian nationalism'.

'The implication of this is that freedom from famine arises within a specific form of social contract, developed through political struggle'.

(p199) 'There are several reasons why good anti-famine practice has not endured in Africa. One is that no theory has played the role of legitimating good practice in the way that entitlement theory has done for India. Entitlement theory in its initial formulation does not work very well in Africa, needing considerable theoretical elaboration that reduces its attractions (de Waal, 1990; Osmani, 1991).'

(p200) 'Effective famine relief flows from a sound social contract, in which those in power are held to account if famine occurs.' It can however, be used for political profit. 'Relief can be the best form of repression.' Social contract needs to be based upon accountability - authoritarian contracts can be 'fragile'.

(p201) 'Social contracts come about through historical, political processes.'

There have been cases when strong social contracts have been built when aid has not been supplied. Includes a detailed discussion on the obstacles which aid can create for the development of the social contract for famine prevention.

³³ Tahahashi (2008)

(p102) Human drive for improving livelihood 'has engendered two kinds of interaction: the destructive one that is governed by *the law of the jungle*, and the constructive one that is governed by *social compact*.'

(p106) Discusses hoe natural resources are exploited by humans within the global free market, but 'human society has fostered social compact to protect common goods from such abuse.' The motives of individuals have, in some cases, stepped on the social compact.

(p112) 'Culture is another form of social compact that underpins the civility of human interaction.'



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Administration, India

Institute for Development Policy
and Management, University of
Manchester, UK

Jawaharlal Nehru University, India

National Council of Applied
Economic Research, India

Overseas Development Institute,
UK

Programme for Land and Agrarian
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