

Niebuhr claims, perhaps correctly, that, in all early civilizations, "no one thought of the possibility of forming a community or even a government purely by an act of the will. The 'social contract' theory had not yet been conceived" (*Reinhold Niebuhr on Politics*: 100). But this implied criticism of "the 'social contract' theory" presupposes that its intention is descriptive and historical rather than normative and systematic. By the same reasoning, one would quite miss the point that Niebuhr himself finds in the story and doctrine of original sin.

Surely, the main point of the social contract theory is not to describe how community or even government actually *came* to be, but rather to prescribe what community and government ideally *ought* to be, given that human beings are created equal, none of them being created either simply to rule or simply to be ruled by any other(s) except with her or his own consent. (Maybe another way of making the same distinction would be to say that the main point of the social contract theory is to illumine the normative origin of *government*, not the descriptive origin of *community*.)

Granted that modern thinkers may have undervalued the importance of so-called organic elements in the creation of community, their main concern was to hold out for the paramount importance of rational and artificial elements in the creation, maintenance, and transformation of government in accordance with the norms proper thereto. Thus it was no part of the social contract theory to deny or even to question that "the community is as primordial as the individual."

As for Niebuhr's claim that, as a result of the "confident rationalism" and "excessive voluntarism" of proponents of the social contract theory, "[b]oth faith and tradition (for religion was obviously a support of tradition) were discredited" (104), it quite misses the real intention of at least some Enlightenment criticism. This intention becomes apparent, for example, in something like Madison's reflections in *Federalist* 49 on the function of religion and the church in the total economy of human life as viewed from the standpoint of a sound philosophy—which is to say, a philosophy sufficiently impressed by the caution and timidity of "the reason of man when left alone" to realize that "the most rational government will not find

it a superfluous advantage to have the prejudices of the community on its side."

In this connection, Niebuhr's interpretation of the phrase from the Constitution, "a more perfect union," also needs criticism. He's right, of course, that this phrase presupposes "a previous union." But, clearly, the union it presupposes is, in the first instance, the all too imperfect union of the Articles of Confederation. Moreover, the previous union that even *that* union, in turn, presupposes was not the union "established on the battlefield in a common struggle against a common foe," but rather the still earlier union of the whole American nation, which is to say, the people of all the American colonies bound together as, in the words of the Declaration of Independence, "one people."

29 March 2004

In the second paragraph above, I distinguish between two ways of interpreting the social contract theory by distinguishing between a descriptive theory about how *x comes* to be and a normative theory about how *x ought* to be. I have since learned that the same point can be made by distinguishing between two ways of construing metaphorical terms like "convention" or "agreement," and, as I should think, "compact" as well. Thus, in explaining why value judgments assume "agreements" or "conventions," Vincent Brümmer says, "The terms 'agreement' and 'convention' must here be construed as functional and not as genetic metaphors: they clarify the way in which norms *function* rather than their *origin*. . . . [W]e do not always make an agreement with our hearers about which norms to accept before we express a value judgement. Usually we simply *assume* that our hearer accepts certain norms, whether or not these are agreed to in our society. This assumption underlies every value judgement" (*Theology and Philosophical Inquiry*: 114).

10 March 2007