



UCDAVIS

ECS 88 – Winter 2026

[Week 2]

CONTRACTUALISM: MORAL RULES AND SOCIAL AGREEMENT

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beneficence is the ornament which embellishes,
not the foundation which supports the building ...

Justice, on the contrary, is the main pillar that upholds the
whole edifice. If it is removed, the great, the immense fabric of
human society ... must in a moment crumble into atoms.

Adam Smith
[Theories of Ethics, page 14]

Every man, by consenting with others to make one Body Politic under one Government, puts himself under an obligation to every one of that Society, to submit to the determination of the *majority*, and to be concluded by it; or else this *Original Compact*, whereby he with others incorporates into *one Society*, would signify nothing, and be no compact, if he be left free, and under no other ties, than he was in before in the state of nature.

John Locke

[Theories of Ethics, page 17]

There is a common distinction of an *express* and a *tacit* consent, which will concern our present case. Nobody doubts but an *express Consent* of any man, entering into any Society, makes him a perfect member of that Society, a subject of that government. The difficulty is, what ought to be looked upon as a *tacit Consent*, and how far it binds; *i.e.* how far any one shall be looked upon to have consented, and thereby submitted to any government, where he has made no expressions of it at all. And to this I say, that every man, that hath any possessions, or enjoyment, of any part of the dominions of any government, doth thereby give his *tacit Consent*, and is as far forth obliged to obedience to the laws of that government, during such enjoyment, as any one under it; whether this his possession be of land, to him and his heirs for ever, or a lodging only for a week; or whether it be barely travelling freely on the highway; and in effect, it reaches as far as the very being of any one within the territories of that government.

John Locke

[Theories of Ethics, page 17]

Should it be said, that, by living under the dominion of a prince, which one may leave; every man has given a *tacit consent* to his authority, and promised him obedience: it may be answered, that such an implied consent can only have place, where a man imagines, that the matter depends on his *choice*... Can we seriously say, that a poor peasant or artisan has a *free choice* to leave his country, when he knows no foreign language or manners, and lives from day to day by the small wages which he acquires? We may as well assert, that a man, by remaining in a vessel, freely consents to the dominion of the master; though he was carried on board while asleep, and must leap into the ocean and perish, the moment he leaves her.

David Hume
[Theories of Ethics, page 18]