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Social Contract

Michael Lessnoff

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Preface and Acknowledgements

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Finally I should like to explain the usage I have adopted in this book in relation to gender. The English language, unfortunately, does not possess suitably neutral third person singular pronouns and adjectives, and thus forces a choice between masculine and feminine ones, even where the meaning makes this inappropriate, if one is to avoid clumsy formulations such as 'he or she'.

Feminists, understandably, have objected to the long-established tradition of using the masculine form to refer to members of the human race as such. Nevertheless, I have, despite reservations, adhered to the traditional practice; not, I hasten to assure the reader, out of sexism or insensitivity, but for reasons of euphony and style, at least as they appear to my ear.

Michael Lessnoff

Explanation of References

The system of referencing used in this book is somewhat complicated, being a compromise between the needs of scholarship and those of publishing. There are three types of references, as follows:

1. Major and classic references are indicated in parenthesis in the text, by means of a capital letter or letters followed by the page number(s) or, occasionally, the number of a chapter. These reference letters are listed and explained below.
2. Other single references are given according to the Harvard system, that is, once again parenthetically in the text, but by citing author's name and year of publication before page number(s). Full bibliographical details of texts referred to can be found at the end of the book. Where the same text figures in successive references, author and year are given only in the first case.
3. Multiple references, references with comments, and additional explanatory material are given in the Notes, indicated in the text by the usual superscript figures.

List of reference letters

- B & T J. M. Buchanan and G. Tullock, *The Calculus of Consent* (University of Michigan Press, 1965)
- CIII A. J. Carlyle, *Medieval Political Theory in the West*, III (London: Blackwood, 1915)
- F R. Filmer, *Patriarcha and Other Political Works*, ed. P. Laslett (Oxford: Blackwell, 1949)
- GMA O. Gierke, *Political Theories of the Middle Age* (Cambridge University Press, 1900)
- GNL O. Gierke, *Natural Law and the Theory of Society, 1500–1800* (Cambridge University Press, 1934)

- GPT O. Gierke, *The Development of Political Theory* (London: Allen & Unwin, 1939)
- HC T. Hobbes, *De Cive or the Citizen* (New York: Appleton-Century-Crofts, 1949)
- HH G. W. F. Hegel, *Lectures on the Philosophy of History* (London: Bohm's Philosophical Library, 1872)
- HL T. Hobbes, *Leviathan* (Harmondsworth: Penguin, 1968)
- HN G. W. F. Hegel, *Natural Law* (University of Pennsylvania Press, 1975)
- HR G. W. F. Hegel, *Philosophy of Right* (Oxford: Clarendon Press, 1952)
- HTP D. Hume, *Theory of Politics*, ed. F. Watkins (Edinburgh: Nelson, 1951)
- K I. Kant, *Kant's Political Writings*, ed. H. Reiss (Cambridge University Press, 1977)
- L J. Locke, *Second Treatise of Government and A Letter Concerning Toleration* (Oxford: Blackwell, 1966)
- LDL H. Laski (ed.), *A Defence of Liberty against Tyrants* (London: Bell, 1924) – a reprint of the 1689 English translation of the *Vindiciae Contra Tyrannos*
- N R. Nozick, *Anarchy, State, and Utopia* (Oxford: Blackwell, 1974)
- P E. B. Pashukanis, 'Theory of Law and Marxism', in H. W. Babb and J. N. Hazard, *Soviet Legal Philosophy*, (Harvard University Press, 1951)
- PJA *The Politics of Johannes Althusius*, abridged by F. S. Carney (London: Eyre & Spottiswood, 1965)
- PJN S. Pufendorf, *De Jure Naturae et Gentium*, translated by C. H. and W. A. Oldfather (Oxford: Clarendon Press, 1934)
- POH S. Pufendorf, *De Officio Hominis et Civis*, translated by F. G. Moore (New York: Oxford University Press, 1927)
- R J.-J. Rousseau, *The Social Contract and Discourses* (London: Dent, 1973)
- RJ J. Rawls, *A Theory of Justice* (Harvard University Press, 1971)
- S M. Salamonio, *De Principatu* (Milan: Giuffre Editore, 1955)