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This book constitutes the first sustained, comprehensive, and rigorous critique of contemporary Hobbesian contractarianism as expounded in the work of Jean Hampton, Gregory Kavka, and David Gauthier. Professor Kraus argues that the attempts by these three philosophers to use Hobbes to answer current political and moral questions fail. The reasons why they fail are related to fundamental problems intrinsic to Hobbesian contractarianism: first, the problem of collective action arising out of the tension in Hobbes's theory between individual and collective rationality; second, the classical problem of explaining the normative force of hypothetical action, a problem that can be traced to the conflicting strategies of hypothetical justification found in Rawls's and Hobbes's theories.

Given the deep interest in Hobbesian contractarianism among philosophers, political theorists, game theorists in economics and political science, and legal theorists, this book is likely to attract wide attention and infuse new life into the contractarian debate.

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JODY S. KRAUS

UNIVERSITY OF VIRGINIA SCHOOL OF LAW



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For Paré

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Selected bibliography

- Brink, David. 1989. *Moral Realism and the Foundations of Ethics*. Cambridge University Press.
- Gauthier, David. 1986. *Morals by Agreement*. Oxford: Clarendon Press.
- Hampton, Jean. 1986. *Hobbes and the Social Contract Tradition*. Cambridge University Press. (All references to Hampton refer to this work, unless otherwise specified.)
1987. "Free-Rider Problems in the Production of Collective Goods." *Economics and Philosophy*. 3:245–73. (Cited as "Free Rider.")
- Hardin, Russell. 1982. *Collective Action*. Baltimore: Johns Hopkins University Press.
- Hobbes, Thomas. 1968 (originally published 1651). *Leviathan*. Edited by C. B. Macpherson (using the 1651 "Head" edition). Harmondsworth: Penguin.
- Kavka, Gregory. 1986. *Hobbesian Moral and Political Theory*. Princeton University Press.
- Lewis, David. 1969. *Convention: A Philosophical Study*. Cambridge, Mass.: Harvard University Press.
- Luce, R., and H. Raiffa. 1957. *Games and Decisions*. New York: Wiley.

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Olson, Mancur, Jr. 1965. *The Logic of Collective Action*. Cambridge, Mass.: Harvard University Press (reprinted 1971).

Rawls, John. 1971. *A Theory of Justice*. Cambridge, Mass.: Harvard University Press.

(All cited throughout by last name only.)