

## JUSTICE AS CONTRACT, CONVENTION, AND DUTY IN MODERN POLITICAL PHILOSOPHY

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*Abstract: The issue of Justice is a core preoccupation of the political and philosophical paradigms of modernity. In contrast with medieval thinking systems, focused on introducing Christian revelation into philosophy as well as rationalizing theological truth, in modern times, due to Enlightenment, the epicenter of thinking about Justice moves on man and reason within the individual's relations with the governing system. Through the reference voices of modern philosophical thinking, this study proposes a cross-cutting perspective of Hobbes, Locke, Rousseau, Hume and Kant in the field of Justice, by emphasizing its role within the framework of the contractual and rationalist vision.*

*Keywords: Justice, Righteousness, Enlightenment, Contractualism, Rationalism*

In philosophy the transition to modernity in philosophy has been strongly influenced by a series of magnitude events in the history of the western Europe, which have produced substantial changes in the philosophers' vision of politics, state and individual. Beyond Aquino's contribution to the diversification of medieval thinking (which marks to a certain extent of the separation from the classical Augustinian paradigm and the passage into the antechamber of rationalism<sup>1</sup>) the transition to the new philosophical trends was caused by three major phenomena and historical events: the Protestant Reformation, the Renaissance - Humanistic spirit and also the Enlightenment Movement. The Protestant reform of 1517 in German space had a seismic impact on western christianity, shaking the foundations of western catholicism underpinned by the pillars of unbridled forms and dogmatism. A first impact of this historic event was the production of large changes in the mind and conscience of christians by replacing religious obscuratism with the critical spirit, namely the transition from "revealing faith" to "faith-reason". Renaissance and humanism also had a colossal impact, particularly in the development of the critical spirit and experimental-empirical methodologies about knowing the reality and the world of ideas, which influenced what later constituted the Enlightenment movement.

In a different way, preceding Enlightenment, both the Protestant reform and Renaissance will emphasize "the man and his concerns", man being seen from the inside outwards, or from speculation and dogmatism to reason and idea. Furthermore, Enlightenment represented a social-political current that emerged in western Europe and which then spread throughout the continent through the ideals of the French Revolution. This paradigm was totally

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<sup>1</sup> Thomas's inheritance was nothing more than the rationalization of Christian revelation by putting into use the Aristotelian philosophy to explain theological truth. This was mainly done by developing the Aristotelian logic of natural law, state, and the ruling process in accordance with the medieval Christian conceptions of politics and the church.

opposed to the "old regime" (the pre-1789 France) - which embodies obscurantism, feudalism and hierarchy among people and does not value man as a rational being ("enlightened"). The plenary manifestation of Enlightenment (1680-1780) and its consequences in forming national, social and political consciousness make this stream, not only the basis of the whole revolutionary spectrum of the 18th-19th centuries, but also the main characteristic of the modern age.

### Thomas Hobbes - Justice and Contractualism

Thomas Hobbes is the first thinker of the dawn of the modern age to open the door to a new paradigm in describing human nature and the governing system. The English thinker is the first to come out of the idea of the *common good* based on individual virtue and shows that this common good cannot be assured by the virtuous man, but only by a superhuman entity who manages a contractual relationship between citizens - namely *the state*. Hobbes is, in fact, the first political thinker that opens the way for *contractualist* theories, thus influencing decisively the vision of Hume, Locke, or Rousseau. In order to pursue the idea of justice in this author's view, it is necessary to dissect two fundamental aspects of his paradigm: his conception of the human nature and his vision on the state.

Starting with his conception of the human nature, the author somewhat returns to the "sophisticated method", using empirical observation and being a particularly pragmatic spirit observing only what relates strictly to reality, as one of his postulates - "to what exists" . Through his empirical rationalism, Hobbes manages to make an impressive radiography of human nature and state his vision in his two masterpieces - *The Elements of Natural and Political Law* and *The Leviathan*, sporadically combining both concepts in each work. However, his fundamental conception of human nature can be synthesized from the first book and his perspective on state from the second.

In the first part of the paper *The Elements of Natural and Political Law*, entitled *Human Nature*, we find more than any in hobbesian writing on the essence of human nature in its conception<sup>2</sup>. For the author, man is an "organic compound", like any other terrestrial being, just like any animal - endowed with natural features and sensorial senses. Consequently, man is "an animal" driven by instinct, appetite and desire to dominate the other. Man is ambitious for a permanent impetus to glory, praise<sup>3</sup> and triumph<sup>4</sup>. The concept of good and evil is a very relative one because "*every man calls good what he likes and delights, and evil what he dislikes ...*" (...) and there is no *good in itself* "<sup>5</sup>. Consequently, the good has the valency of pleasure and the animal's human movement is oriented towards this goal, or to ensure his pleasure<sup>6</sup>. Pleasure in the form of good is the *domination* of the other by "force and war". The conditions of human nature lay the premises of an anarchic society, *the war of all against all*, where man is a wolf for man (as Latins used to say : "homo homini lupus est"). In this general war, the concept of power is central, power that is nothing but a surplus of one over another with the aim of destroying the other<sup>7</sup> and mercy does not exist between combatants (mercy is just "*an imagination or plot of future misfortune*"<sup>8</sup>). In the world of Hobbes, *anger and desire for vengeance* are passions<sup>9</sup>, "*to*

<sup>2</sup> Edition used : Thomas Hobbes, *Elementele dreptului natural și politic*, (eng. *Elements of Natural and Political Law*) Ed. Humanitas, București, 2005. (Traducere de Ana-Raluca Alecu și Cătălin Avramescu)

<sup>3</sup> Humility is just an "awareness of one's own weaknesses" – *Ibidem*, p. 84.

<sup>4</sup> *Ibidem*, pp. 83-84.

<sup>5</sup> *Ibidem*, p. 74.

<sup>6</sup> *Ibidem*, pp. 74-75.

<sup>7</sup> *Ibidem*, pp. 80-81.

<sup>8</sup> *Ibidem*, p. 87.

<sup>9</sup> *Ibidem*, p. 85.

take the place of someone, or overturn someone, (...) courage<sup>10</sup>," and "to constantly overcome the one in front of you means happiness."<sup>11</sup>

Given these conditions in which "every man has the right, from nature, to all things, that is, he has the right to do all he desires, to whom he pleases, to possess, to use and to enjoy all the things he wants and may"<sup>12</sup> and "under the conditions of this natural freedom, the state of the people is a state of war"<sup>13</sup> Hobbes believes that man has to make an agreement in the form of a contract between them in the idea of asking everyone to give up<sup>14</sup> "the rights they have through nature"<sup>15</sup> in favor of the government (government takes the form of the state) which, in turn, ensures the censorship (suppression) of disorder, anarchy of war through the climate of supremacy of protection, order and law<sup>16</sup>. This agreement takes the form of a *pact* or *covenant*<sup>17</sup> which is a constrained mutual agreement<sup>18</sup> that takes the form of a general advantage for all in the idea that every citizen receives something better for what he has given<sup>19</sup>. This *pact* is the only way to stabilize society because it is a fixed postulate, not provided by the changing nature of people<sup>20</sup> according to which people can carry out just or unjust actions.

For Hobbes, the terms "justice" and "injustice" are attributed to actions, they have the same meaning as the terms "prejudice" and "lack of prejudice", thus qualifying an action as "right" or "unjust"<sup>21</sup>. But "violation or violation of pacts is what people call prejudice and consists of a certain act or omission called, therefore, unjust"<sup>22</sup>. In other words, by respecting this contract, man behaves in a just way and by breaching it, he becomes unjust<sup>23</sup>. Only this contractual agreement can fix what is fair and unfair, because in the natural (primary) form, man does not have a point (legitimacy) according to which his actions are judged as being good or bad<sup>24</sup>. But, through this pact, the egalitarian civil society is born ( all citizens live according to the same rules) ensuring justice in relation to the law. The law is an artificial agreement that ensures justice (in compliance with the contract) by being the only legal entity that can provide the premises of social equity<sup>25</sup>. In order to obey the law or to comply with the law, a citizen must sacrifice much of his individual freedom, being forced by authority and others to obey jurisprudence since any violation of the law constitutes a crime against the state and all the signatories to the pact . The state is a monopole of absolute power, (power that is legitimate from

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<sup>10</sup> *Ibidem*, p. 96.

<sup>11</sup> *Ibidem*, p. 97.

<sup>12</sup> *Ibidem*, p. 124.

<sup>13</sup> *Ibidem*, p. 125.

<sup>14</sup> Hobbes also uses the term "transfer" – cf. *Ibidem*, p. 128.

<sup>15</sup> Except for the right to self-preservation.

<sup>16</sup> Without which man's life would be "solitary, poor, heavy, brutal and short"

<sup>17</sup> Thomas Hobbes, *Hobbes's Leviathan*, Ed. Clarendon Press, Oxford, 1965, p. 102. Electronic edition downloaded from [http://files.libertyfund.org/files/869/0161\\_Bk.pdf](http://files.libertyfund.org/files/869/0161_Bk.pdf) , visited at 03. 03. 2017.

<sup>18</sup> *Ibidem*, p. 106

<sup>19</sup> *Idem*

<sup>20</sup> *Ibidem*, p. 107

<sup>21</sup> *Elements, op cit.* p.137

<sup>22</sup> *Ibidem*, p. 136

<sup>23</sup> Hobbes's *Leviathan, op. cit.*, p. 111

<sup>24</sup> We recall the previous discussion on human nature, where man considers himself good - anything he likes, and bad - any thing he dislikes. Therefore everything is morally relativized, he can not know in this state whether his actions are right or unfair.

<sup>25</sup> *Elements, op. cit.*, p. 145

the perspective of providing individual security) and in the name of this assurance, the state has absolute control over every citizen.

### John Locke and Jean J. Rousseau - The Justice of "Limiting Sovereignty" and "General Will"

The two Enlightenment thinkers, Locke and Rousseau, do not have two social-political theories of justice in their work, but they make some important contributions to the Hobbesian heritage, namely the drawing of new valences of the role of human nature and of the contractualist theory in the process of government.

In Locke's vision, the contractualist theory no longer has the saving dimension<sup>26</sup> as in the Hobbesian paradigm, but comes as a tacit agreement between citizens for the purpose of preserving and guaranteeing the right of property. If we were to reduce Locke's perspective in one phrase, it would be: *limiting the absolute sovereignty of the state in the idea of protecting individual freedom*. In the *Two Treatises on Governance*, the author starts from the premise of equality of men and the capacity of each individual to be an executive authority itself and none of them has the right to exercise it on the other than by mutual free consent<sup>27</sup> - the contract being the result of a fair and rational cooperation between citizens. Through this, justice is provided by law protection under the agreement of the parties. The rights stipulated by the law no longer depend on the central authority, as in Hobbes, but on the relations between citizens<sup>28</sup> and the epicenter of respecting the social contract and the rights no longer falls on power but on institutions. Also, a form of justice seen through "justification" is the ability of a man to enjoy a certain thing in his possession if he has previously worked for it. It is also important to remember that justice, in terms of ownership accumulation, is the proportionality between work and goods, or, it is right for an individual to master more than the other if he has done more work<sup>29</sup>. Another form of justice in terms of "justification" is the right of the political society to resist oppression and to abolish government if it no longer respects the constitutional agreement between authority and subjects<sup>30</sup>.

Like Locke, the French Enlightenment thinker Jean Jacques Rousseau does not have a proper theory of justice, but in his masterpiece entitled *The Social Contract* he manages to bring some significant additions to the contractualist theory, tangling some fundamental issues about justice. Rousseau reiterates somehow Locke's idea of a well-ordered society, but this time based on the general will of the rational citizens, subscribing to the social harmony. One of the pillars underlying the contract is given by the "patriotism of virtue" in which people willingly<sup>31</sup> submit

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<sup>26</sup> Salvation from the evil and destructive nature of man (leading to chaos and anarchy) is ensured by the control and absolute power of the state by contract.

<sup>27</sup> From here we can deduce the idea that Locke sees the social contract as a manifestation of freedom not as a result of a coercive force. – see Gabriela Rățulea, *Dreptatea ca libertate. Locke și problema dreptului natural*, (eng. *Justice as freedom. Locks and the question of natural law*) Ed. Institutul European, Iași, 2015, pp. 21-23.

<sup>28</sup> That's why Locke is also known to be critical over absolutism and the look for constitutionality.

<sup>29</sup> Locke being considered one of the forerunners of liberalism.

<sup>30</sup> I recommend for additional explanations and other details - Chapter IV . *Teoria Suveranității Limitate* ( eng. *The theory of limited sovereignty* ) in Gabriela Rățulea, *op. cit.*

<sup>31</sup> Rousseau claims on several occasions that "*Force being a physical power, I do not see what morality could result from its effects. By surrendering force, you do an act of need and not of necessity*" (Jean J. Rousseau, *Despre Contractul Social sau Principiile Dreptului Politic* (eng. *About the Social Contract or the Principles of Political*

to the general will. Man has the possibility to be free because it does not only act according to his instincts, but also on reason. On this ground and insisting on the general will, "anyone who refuses to obey the general will, will be constrained by the whole social body, which means nothing but to be forced to be free."<sup>32</sup> It is for this reason that Rousseau has drawn strong criticism in the idea that the forcing of an individual to enter into general will has a strong tinge of "regimentation" like totalitarian societies. Compliance with the law is a form of justice because it is made by the legislator for the good of the individual to ensure his freedom with indulgence and without violence<sup>33</sup>. For Rousseau, justice is strictly related to the affective side of the human nature - namely, the feeling<sup>34</sup>. The latter does not contradict human nature because it is something inherent in it. Just like the other virtues, justice comes from the depths of man's soul, where we find consciousness - the place of the inner court by which man judges his action according to the two points: good and evil. If righteousness is born within man, he can not fight against it. Man is just from the constitution of the nature of his soul, but problems with the sense of justice begin because of the external constraints imposed by other men and the political authority.

Returning to the political debate, the two great principles of the treaty: *equality between people*<sup>35</sup> and the *sovereignty of the people*<sup>36</sup> give citizens the right to a proactive attitude towards governance. A central place in the Enlightenment's political philosophy is to support arguments based on "justice and reason" and not on the recourse to history, with "*universal justice emanating from reason*"<sup>37</sup>. In an axiom, Rousseau's fundamental contribution takes into account the size of the general will that generates law by contract, righteousness with rational grounds, and the association of freedom with obedience to the law.

### **David Hume - Justice and convention in the public interest**

David Hume, the famous Scottish philosopher, economist and historian, beyond the English Channel makes another important contribution to the issue of justice in Enlightenment thinking. Adept of empiricism, he attacks contractualism because of the moral and political obligation he exerts on the individual (especially at Rousseau). The author's approach converges to the idea that history shows us in a multitude of examples that bringing the masses to a common denominator is not achieved through a mutual agreement but rather by force.

For Hume, the beginning of the discussion on justice comes from two distinctions - one between *facts* and *values* as a hypothesis and one between natural and artificial virtues as a result. When it comes to justice, the philosopher's attention is heading for virtue, which is a "useful" and / or "agreeable" quality for both the self and others. The debate on the typology of virtues is marked by its conception of *public interest* and, by doing so, it differentiates and

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Law), Ed. Mondero, București, 2007, p. 26), but the thinker realizes a logical omission by refusing to consider that obedience to the general will is by force - see the following note.

<sup>32</sup>*Ibidem* p. 36

<sup>33</sup>*Ibidem*, p. 57

<sup>34</sup> For this reason, in many philosophical debates we don't encounter "justice at Rousseau" but "the sense of justice at Rousseau"

<sup>35</sup> By virtue of the law, people are equal in all aspects - except for their natural limitations

<sup>36</sup> Here we also find the source of the principle of „resistance to oppression” in his conception. It takes the form of rebellion - "if you can revolt without being punished, revolt is legitimate" – *Ibidem*, p. 26

<sup>37</sup>*Ibidem*, p.51

classifies virtues. Justice is a purely artificial virtue because it involves the most the matter of property - which is as practical as possible<sup>38</sup>.

For Hume, justice is not the result of our natural burdens, but the outcome of *convention*<sup>39</sup>. In order to explain the defining substance of this concept, Hume uses the well-known example of the boatmen who are in the same boat, but without any law obliging both to row, both have the interest that the boat advances, together having synergic, cooperative and concurrently behaviour to achieve a common goal<sup>40</sup>. Therefore, submission to the convention directly leads to the "fulfillment" of the public interest. Convention is necessary for the sake of reason: the existence of the people's tendency to judge their actions according to their personal interest, whether they are right or not. Man considers it right and just any action in the personal interest.

Returning to property, which is closely linked to the concept of Hume's justice, the first aspect defining the public interest is the mutual respect of the possession and property of each one. However, if justice is the way in which property is managed in the light of the public interest<sup>41</sup> under the convention, then injustice occurs precisely by violating it. The idea is similar to hobbesian contractualism, where injustice occurs in violation of the citizens' pact, while here, it occurs in the violation of possession or property.

In dealing with property issues, justice appears as a central element in respecting the conventions regarding several aspects such as : the steadiness of possession manifested by the individual's right over it; the exchange of property to be achieved by consensus; keeping and protecting possession. In fact, every man acts just to enjoy the benefits that come from the property<sup>42</sup>. For the Scottish philosopher, the property is acquired by : *first-person* (first claiming a good without owner), *prescription* (cancellation of a possible first owner due the fact that a good is not used for a long period of time and the second manager holding it for a long period of time - comes into his possession); *access* (the ability to use a property on someone else's property) and *transfer* (one owner transfers the property to another owner through sale, succession, donation). Concluding with a basic principle of Hume's conception, justice claims its sovereignty over compliance with these rules of ownership - not the disproportionality of goods<sup>43</sup>.

### **Immanuel Kant - Justice as a moral duty**

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<sup>38</sup>An important aspect of artificial virtues is that they can only be guaranteed by institutions.

<sup>39</sup> For this, the convention differs significantly from the law and is not identifiable because the source of the law has a political core (the law is imposed by a political authority) and has an official character, whereas the convention has as its nucleus the virtue, with no official character.

<sup>40</sup> David Hume, *A Treatise of Human Nature*, Editura Liberty Fund (Online Library of Liberty), Indianapolis, 2011, Third Book, part II, Section 2, p.332 (electronic edition taken from <https://people.rit.edu/wlrgsh/Treatise.pdf> , visited at 7.04.2017)

<sup>41</sup> For Hume, *public interest* has the following characteristics: the public interest does not arise from the natural state but after the convention; has a public character because the maintenance and defense of this collective interest ceases if a certain relationship in this respect occurs in secret; in practice, people are not right to not directly violate the public interest, but do not violate the conventions that make up it. (see – *ibidem*, p. 326)

<sup>42</sup> The mention that although we are talking about a form of private interest in possession is essential, this private interest of possession being definitively inexistent, as private interest has the propensity to widen private possession and thus violation of property rules.

<sup>43</sup> Hume does not pronounce on the right or wrong of quantity ("commutative justice" - arithmetic) - for example, if one owner has thousands of hectares and the other only one, the thinker does not consider it unfair because the acquired right by observance of the convection achieves the fairness of the distribution)

Without doubt, Kant is a reference voice of Enlightenment and Western thinking that has marked the whole history of philosophy from modernity to present. The great work of the Prussian professor was not only a critique of the ideas that preceded him (or his contemporaries), but by his contribution he managed to lay the foundations of one of the most articulated philosophical systems that history had and a distinct theory of justice and righteousness (which was, of course, central to it).

Unlike Rousseau, where justice appears in the form of a sense detached from the affective side of man, Kant's justice comes from the rational dimension of man. People differ in norms, inclinations, passions etc., but the laws of reason are the same for all, therefore justice should have the same moral and social perception, value and applicability for all. Kantian discourse on justice begins by emphasizing the "moral law" that is of utmost importance and must be fulfilled with absolute necessity<sup>44</sup>. Therefore, for the German thinker, justice is a constituent element of what he calls "moral duty". In other words, *justice is a moral duty*, duty being one of the points around which a large part of the Kantian philosophical system revolves and justice is convergent with the law. For Kant, *"the just or unjust is established only by compliance with the duty,"*<sup>45</sup> a debt that carries a law of universality in itself. By duty we understand *"one of the purposes of reason"*<sup>46</sup>, based on *"moral feeling, consciousness, close love and self-esteem"*<sup>47</sup>. The philosopher said that this duty itself is "holy", or *"the finality of man's action"* which must be fulfilled, *"even if vicissitudes, pain or poverty are tempting to violate it"*<sup>48</sup>.

In this "moral duty" comes the well-known *categorical imperative* characteristic of Kantian philosophy which is *"the obligation to act according to a maximum that at the same time can be of universal value"*<sup>49</sup>. The categorical imperative is, in fact, a moral obligation and *"any maxim that does not qualify in this way is contrary to morality,"*<sup>50</sup> the maxim being in fact a subjective principle of the will where the "supreme and unconditional good" is<sup>51</sup>. On the other hand, this categorical imperative by which this can be achieved also stipulates the punishment of the transgressors who are an obstacle on the path of harmony - which is seen as a just retribution of justice. The one who murdered a man would be quite right to be killed - it would be unjust to save a life by forgiving it at the expense of the unconditional application of justice. Justice, like freedom, can only be known from this imperative<sup>52</sup>.

As a result of this categorical imperative of moral duty, justice (like other virtues) does not take into account any law other than morality. It comes from reason and applies unconditionally, regardless of circumstances or situation. The virtue of Kant has one of the definitions of the opposite to justice - the injustice - the thinker considering that virtue is a set of moral provisions started from within man as a reaction to injustice, and man has the obligation to

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<sup>44</sup> Immanuel Kant, *Întemeierea metafizicii moravurilor – Critica rațiunii practice*, (eng. *The foundation of moral metaphysics - Critique of practical reason*), Ed. Antet, București, 2013, p. 48

<sup>45</sup> Immanuel Kant, *Metafizica Moravurilor* (eng. *The Metaphysics of Morals*), Ed. Antet, București, 2013, p. 29. – Introductory study by Rodica Croitoru.

<sup>46</sup> *Idem*.

<sup>47</sup> *Ibidem*, p. 32.

<sup>48</sup> *Ibidem*, p. 187.

<sup>49</sup> *Ibidem*, p. 68.

<sup>50</sup> *Ibidem*, p. 69.

<sup>51</sup> Immanuel Kant, *Bazele Metafizicii Moravurilor* (eng. *The Basics of the Moral Metaphysics*), Ed. Antet, București, 1994, pp. 21-22.

<sup>52</sup> *The Metaphysics of Morals...op. cit.*, p. 78

oppose resistance against any injustice<sup>53</sup>. In another definition, he reminded that "*virtue is the strength of the people's maximum in fulfilling their duty*"<sup>54</sup>.

Also regarding justice, Kant considers that "*any action is right if, according to its maximum, the free will of man can coexist with the freedom of all*".<sup>55</sup> An important facet of justice seen through the division of the theory of law<sup>56</sup> in terms of universality of legal debts is reduced in the Kantian conception to<sup>57</sup>:

- "Be honest" ("*honest vive*") behaving with "*honestas iuridica*", meaning that the other is not just a means for you but a goal.
- "Do not do any injustice to anybody" - „*neminem laede*”
- "Enter (when you are forced by circumstances) in a situation to defend other even if everyone is against you."

Kantian justice is a universal one, stemming from reason, namely the consciousness and moral duty of every human being. It is unconditional. This is done even to your detriment. The goal is cohabitation in harmony, where nobody is doing wrong to anybody. In another passage, Kant recalled that "*the happiness of other people is a purpose*"<sup>58</sup> but let us not to forget that the purpose is "*at the same time a duty*"<sup>59</sup>. Justice is one of the elements of all the good works done by each other<sup>60</sup>. Depicting a general conclusion on the last paragraph, Kant reminds us not to forget that acting as right and just is not only a duty to others<sup>61</sup>, but to man himself<sup>62</sup>.

## Conclusions

After the experience of absolutism manifested through socio-political restlessness, inequality, oppression and domination over the European people, the Enlightenment by reason will awaken man from obscurantism and obedience to the norms and morals of a retarded Middle Ages. The central concern of Enlightenment thinkers was to value man's capacities as a rational being and to take him out of the "chains" of medieval conception in which he was a prisoner. Thus, the theories about how the state should be governed, pass through the light of reason, valorizing the individual as a central element of both the government and society. Through their paradigms, Hobbes, Locke, Rousseau, Hume and Kant do nothing but to bring the society out of the irrational mechanism of an absolutism that cancels the individual as the main entity of the state and to reconfirm his status as a rational, critical and free being of the community which basically form the state. The "rules" of these relationships between the individual and the state, namely the individual and his fellows, must be drawn in the spirit of justice, in the idea of equality between people, without taking into account any characteristic that could bring prejudice to these relationships. Whether justice takes the form of a contract between citizens and governance, a convention between citizens in relation to the state or a moral duty towards oneself or the others, justice remains one of the cardinal ideals of the Enlightenment that will lead to extensive European revolutionary movements to repair the injustice of both people and the governing system.

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<sup>53</sup>*Ibidem*, p. 29– Introductory study by Rodica Croitoru.

<sup>54</sup>*Ibidem*, p. 191.

<sup>55</sup>*Ibidem*, p. 72.

<sup>56</sup> Or "doctrine of the law"– „*Rechtslehre*” – as the philosopher calls it.

<sup>57</sup>*Ibidem*, pp. 76-77.

<sup>58</sup>*Ibidem*, p. 186.

<sup>59</sup>*Ibidem*, p. 187.

<sup>60</sup>*Ibidem*, p. 196.

<sup>61</sup>*Ibidem*, p. 230 și urm.

<sup>62</sup>*Ibidem*, p. 221 și urm.

## BIBLIOGRAPHY

- Hobbes Thomas, (2005), *Elementele dreptului natural și politic*, (eng. *Elements of Natural and Political Law*) Ed. Humanitas, București
- Hobbes Thomas, (1965), *Hobbes's Leviathan*, Ed. Clarendon Press, Oxford.
- Hume David, (2011), *A Treatise of Human Nature*, Ed. Liberty Fund (Online Library of Liberty), Indianapolis.
- Kant Immanuel, (1994), *Bazele Metafizicii Moravurilor* (eng. *The Basics of the Moral Metaphysics*), Ed. Antet, București.
- Kant Immanuel, (2013), *Întemeierea metafizicii moravurilor – Critica rațiunii practice*, (eng. *The foundation of moral metaphysics - Critique of practical reason* ), Ed. Antet, București.
- Kant Immanuel, (2013), *Metafizica Moravurilor* (eng. *The Metaphysics of Morals*), Ed. Antet, București.
- Rățulea Gabriela, (2015), *Dreptatea ca libertate. Locke și problema dreptului natural*, (eng. *Justice as freedom. Locks and the question of natural law*) Ed. Institutul European, Iași.
- Rousseau Jean Jacques, (2007), *Despre Contractul Social sau Principiile Dreptului Politic* (eng. *About the Social Contract or the Principles of Political Law*), Ed. Mondero, București