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## THE THEORY OF SOCIAL CONTRACT: SHAPING TODAY'S SOCIETY

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### Abstract

The concept of a social contract results from the concept of 'state of nature' where in the absence of an organised state and therefore in the absence of justice the men was that were in constant state of war which then necessitated the need for a social order and hence the development of the theory of social contract. In analysing the perception of the 17 century philosophers the researcher looks at the development of social contract in justifying the state and its present day viewpoint.

**Key Words:** Social Contract, the State of Nature, Preservation and Equality.

### Introduction

The theory of Social Contract goes a long way back to the dawn of philosophy. In the ancient Indian epic, Mahabharata, Bishma says 'A kingdom in which anarchy prevails becomes weak and is soon afflicted by robbers. In kingdoms torn by anarchy, righteousness cannot dwell. The inhabitants devour one another. An anarchy is the worst possible of states'<sup>1</sup>.

In the state of nature, early men lived without boundaries and in a condition of individualism where the issue of right or wrong was nonexistent. However as society developed, men's inclination to look for a source of power for an authority to bide to, (what appears to be his natural inclination), was answered in the form of the divine power. As the society advanced it looked further into the divine law as form of management and enforcement and progressively this led to the formation of organised states. The Divine law became increasingly the authority which evolved as organised religion along with the development of the state law. This situation existed until the 19 century which saw the need for the separation of state from the church especially in the USA and Europe. ('the death of god' Nietzsche) Many philosophers traced back this chain of events and tried to understand in the most logical way the present which arose from the nature of state.

The concept of social contract in its basic form is explained as an agreement that men will give up their state of nature in exchange for a social order in a form of a government that will ensure their well being. The writer asserts that in this respect the individuals' rights must be satisfied in accordance with Maslow's theory of hierarchy of needs. So as men ascend the steps of the pyramid in his pursuit for those needs, they will surrender their rights in increasing proportion.

Among the earliest theorist of the social contract was Plato in his *Republic* and in the course of the development of trade and commerce the philosophical thinking took a wider perspective<sup>2</sup>. These political thinkers were also largely influenced by the prevailing political situation like Hobbes who was in the midst of an important civil war in England and Rousseau in the time of the French revolution (1789-

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<sup>1</sup> <http://www.sacred-texts.com/cdshop/index.htm>

<sup>2</sup> Hari Chand (1994). *Modern Jurisprudence*, International Law Books Services.

1799). The progression in the development of the state in many instances saw the rule of absolute monarchy giving way to a greater representation of the people, which led to varying views of the social contract by Hobbes, Locke and Rousseau with Kant making a radical change on the traditionalist views of the social contract.

The original concept of social contract that, *state is the most civilized form of society and our highest duty is to serve it*<sup>3</sup> in time expanded to accommodate an increasingly organised state. In dealing with society and the state in contemporary times the question whether the theory of the social contract is relevant today is intensely debated<sup>4</sup>.

### **Methodology**

The methodology which is qualitative in its approach is based largely on secondary data. In understanding the philosophy of the state of nature, this research analysis the views of political philosophers of the seventeenth century namely Hobbes, Locke Rousseau and Kant. The archives on literary commentaries are explored and specific publications on text and articles relevant to this research were selected to enable the researcher to evaluate the various arguments of these philosophers, their dissimilar views which are seen to collectively discover the pathway to a modern state. The assessment of the later day philosophers like Rawls, provides for further research and the criticism which exposes the prejudiced trait which was prevalent and acceptable during the seventeenth century which now subject to lively debates like women's rights.

In this respect Friedrich Nietzsche, the German philosopher's views on various issues especially his views on an organised state is an interesting perspective on secularism, while the Greeks cannot be entirely ignored.

### **Hobbes, Locke and Rousseau, Kant**

Hobbes affirms that in the early days when there were no governing institutions, men were in constant state of war as a means of preservation (Leviathan) and in the absence of law; the concept of justice does not arise, so they will do anything for self preservation (Leviathan Ch. XIV)

**Hobbes** view that men were a savage and in constant state of war (Leviathan ch. X111) and therefore the social contract which is a covenant entered between him and the ruler and of complete submission which will salvage him from his state of nature and this submission was irrevocable. Hobbes lived during the time of the civil war in England which saw the execution of the King and the establishment of the Commonwealth of England and the continuing turmoil under Oliver Cromwell which must have had an influence in his philosophy. He is convinced that since men are self centred and solely interested in his own well being to the extent that he will expose his savagery nature and this leaves him with no recourse but to submit to the state which he is rational enough to except the social contract<sup>5</sup> in order that he will be subjected to a system that must follow or he will be subjected to punishment. Socrates affirms an absolute submission when he accepts the punishment meted out to him which is the result of the justification of the social contract that he had consented to and whether punishment was fair or not should not be questioned.

**Locke** differs with Hobbes on the issue of complete submission. Locke's theory of state of nature is radically difference of their philosophy of state of nature.<sup>6</sup> Locke believed that due to the fear of god men are naturally good. With this setting Locke affirms the social contract but argues that there is no absolute surrender and therefore the right of the people to rebel against injustice is a clear departure from Hobbes' philosophy. In return the government must act with good sense failing which they must be overthrown. So justice must be seen by both parties.

John Locke's view is that men will adhere to law of nature (Ch. 11 Two Treatises of Government) and therefore they will live in a positive manner. (Cahn, Steven M: 247). This appears to contradict Hobbes although it has been argued that John Locke was not directly referring to Hobbes but presented it as a general argument.

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<sup>3</sup> Gane, Laurence and Chan. Kitty (1998) *Introducing Nietzsche* Totem Books

<sup>4</sup> <http://www.iep.utm.edu/soc-cont/>

<sup>5</sup> Thomas Hobbes (1985). *Leviathan* C. B. Macpherson (editor) Penguin books

<sup>6</sup> John Locke (1689). *Second Treatise of Government*.

**Rousseau's** asserts that men were neither good nor bad but civilisation corrupted him. (Cahn, Steven M: 277 He saw the state of nature as a civilized progression into a structured society which the social contract must take into account of these changes which includes private ownership. The right to freedom and equality of a person must be translated to direct rule by the people collectively rather than a rule by representation).

**Kant** was immersed in the virtue of parliamentary democracy and emphasised on the separation of powers to prevent the abuse of power which his main theme in of second principle. This theory has to have an option clause to check the use of consent given to the government. As Kant held that social contract arose from a rational justification and not a negotiated deal.

### **Rawls' Approach to Social Contract**

John Rawls' Theory of Justice published in 1971 which advocates the two principles which is the Principle of Equal Liberty where every person has a right to equal liberties and opportunities equally to benefit the different social class and enhance the least disadvantaged proportionately. In the Difference Principle social responsibilities are distributed unevenly to accommodate the ability of different level of talents to reward them accordingly

John Rawls' theory suggest that men are naturally rational and for the application of the social contract advocates a hypothetical position where men go back to their original position where he starts from position where he is totally ignorant of everything that took place in the stage of development of the society (*veil of ignorance*) and then decide on the theory of social contract on that basis. Rawls' view from his two principle of justice is that it allows the more talented to reap greater benefit (liberty principle) which in turn will benefit the less privileged which in reality is an impossibility<sup>7</sup>. Rawls consolidates his theories in his later works to answer his critics<sup>8</sup> who were most vocal in his failure to address the gender equality, which he answers his critics in his later work in 2001 where he discusses the *fair and equality opportunity* under certain conditions. (*Justice as Fairness: A Restatement*).

Despite their diverse views these philosophers (and considering the later 20<sup>th</sup> century thinkers like John Rawls), point to one common factor, that men in a state of nature, will in due course lead to anarchism. The absences of a government does not necessarily means that there will be no social order as Rousseau believes, but society will in due course justify the need for a state as means of self-preservation.

### **Conclusion**

The social order in a form of a government will have to come with a price. The creation of a state accompanies with set of laws, and as Austin states that the theory of the '*rule of men*' is of a government using law as an instrument of power. An individual will have to give up his many freedoms and be subjected certain orders that he may not be always agreeable, for example paying taxes, but his rights will be protected by the state and his quality of life will be progressive in the hypothetical sense.

The theory of social contract had extended from its basic position and advancing into contemporary issues following the path of a state in progression. To understand the theory of social contract one must know the historical development from the various philosophers. Today the concept of the social contract is leaned heavily towards the right of the people and governments greater obligation towards them. Stuart M. Butler in his speech on, *Restoring the American Social Contract (2007)* refers to the broad spectrum of obligations of a society to the rights of individuals because of their vulnerability<sup>9</sup>. Rawls rationalisation of political system which should not be affected by an economic disadvantage knocks hard at American political system where money is a decisive factor for an individual to advance in politics.

An important matter arising from the social contract was the development of secularism and which led to the decline in the control of the state by the church and the subsequent elimination of the Christian morality equation (*the death of god*)<sup>10</sup> in many European Countries especially by the nineteen

<sup>7</sup> This is the researchers understanding of Rawls theory

<sup>8</sup> Moller Okin, Susan (1987). "Justice and Gender" *Philosophy and Public Affairs*, 42-72.

<sup>9</sup> Stuart M. Butler, Ph.D. *Restoring the American Social Contract* (speech delivered July 26, 2007 at the Johns Hopkins University School of Advanced International Studies in Washington, D.C.)

<sup>10</sup> Laurence Gane, Chan Kitty (1998). introducing Nietzsche Totems Books p. 55.

century. As a result, the inflexibility of the divine law is removed giving room for greater mobility in seeking an acceptable path that was adopted by many countries that was practicing varying degree of secularism to varying degree of fundamentalism.

In shaping the next generation theorist looks at the new order which was largely nonexistent in the past like women's rights. The feminist's campaigners like Carole Pateman declares thinkers like Hobbes and Locke and other philosophers are biased against women in their interpretation of social contract which leans heavily towards male domination.<sup>11</sup> Carole Pateman and other contemporaries like the race campaigners gave renewed definition of the social contract. The development of the social contract will continue to have a place in society in its quest for a constant search for the rights and liberty of the individual in his place in society.

The justification of a state is brought about by an instinctive desire for a need for a system of law and order. In the quest for a structure, the people had experienced the monarchy rule, the many forms of dictatorship, the communist experience, and eventually democracy was perceived as the better system as it allowed the participation of society in the state.

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<sup>11</sup> Carole Pateman (1988). *The Sexual Contract*, Stanford: Stanford University Press, p. 2.