

The theory of social contracts

Society



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The period of Enlightenment ushered in an age of intellectual development as well as theoretical formations on the concept of society. English political thinker Thomas Hobbes and French philosopher Jean-Jacques Rousseau posit political treatises on the formation of social contracts as a necessity of man and eventually leads to the establishment of an ideal government. The paper will discuss first the concept of man's nature according to both philosophers in order to determine the reason behind the formation of such contracts which will subsequently lead to the conception of governments and sovereignty.

Hobbes proposes that man is essentially at war with other men, motivated by personal desire and fear of death that inhibits the formation of a peaceful society. Rousseau however, contradicts Hobbes argument of man as naturally at war but looks into a different state wherein man possesses compassion which enables the formation of ideal relationships and eventually, social contracts. We look into Hobbes's viewpoint in his treatise *Leviathan* and compare and contrast several arguments with Rousseau's *On The Origin of Inequality and Social Contracts*.

Hobbes' Natural Man and Covenants Hobbes' political theory in *Leviathan* stipulates the formation of covenants as the final end of man's actions, transgressing from his natural state wherein man is in constant war with himself and with others. First, we define Hobbes' argument on the natural state of man that provides the basis of conflict. In comparison with Rousseau's viewpoint, the nature of social contracts is reversed, wherein Rousseau's notion of social conventions is negative compared to Hobbes' notion of contracts as a deviation from the erring state of human nature.

Hobbes argues: “ For every man look that his companion should value him at the same rate he sets upon himself, and upon all signs of contempt or undervaluing naturally endeavor to extort a greater value from his condemners. So that in the nature of man, we find three principal causes of quarrel. First, competition; secondly, diffidence; thirdly, glory (Hobbes 84). The primitive state of man is bordered on Hobbes’ statement “ where every man is enemy to every man” (Hobbes 85).

Each individual is focused on the aspiration for personal gain, thus creating conflict or an unharmonious relationship because of completion (gain), diffidence (safety, self-preservation), and glory (reputation). The chaotic context provided in Hobbes argument consequently inhibits the concept of justice in a particular social setting. Since man is motivated by personal gain, the fear of death through self-preservation, and personal glory, there is no concept of right and wrong or even justice. Where there is no common power, there is no law; where no law, no injustice” (Hobbes 85). Thus, we see Hobbes attempt to present his first law on man’s natural state: that man, motivated by personal gain, sets himself in conflict with other men who pursue the same object. He then narrates “ the passions that incline men to peace are: fear of death; desire of such things as are necessary to commodious living; and a hope by their industry to obtain them” (Hobbes 86).

According to Hobbes, the natural law governing social relationships is motivated by the passions; specifically, man’s fear of death. Thus, the first natural law, in context with the natural state, is that every man has innate rights or liberty to will himself to self-preservation and that one can do

anything to his body, even to another person. As long as this natural law exists, there can be no harmonious buildup of society.

The second law then obligates man to create peace or to achieve peace through any means necessary and from here, man is then obligated to set such rule to all and that every right of man is necessary to be withdrawn or transferred in order to build peace; since to maintain the second rule, man will be constantly at war. The renouncement of rights is essentially good in itself because it aspires for the majority rather than the self, governed by selfish passions.

However, such rights are not to be taken away by force or for an individual to force himself of withdrawing his own, since “ he cannot be understood to aim thereby at any good to himself” (Hobbes 91). Renouncement of rights should be voluntary and by choice, in order to determine the goodness which will benefit the majority. Thus, social contracts or covenants are formed. Hobbes argues that for a man to achieve peace, it is necessary to break away, through the tenets of reason, from the natural state wherein every individual is motivated by personal gain and fear of death.

This fear motivates the individual, in relation to self-preservation, to create contracts with other men in order to achieve peace, wherein the value of life becomes the unifying factor for all; thus creating peace and harmony. Covenants are then considered to be the agreements that will benefit two parties aspiring for different objects. Justice then presents itself in the presence of covenants, for justice occurs when an individual performs or acts upon the agreement or covenant while injustice is the failure to establish

covenants which inadvertently places the individual in his former natural state.

Hobbes definition of the natural state and the natural law focuses on the importance of self-preservation or the fear of the death in relation to the individual. In contrast with Rousseau, the formation of contract is that of beneficial to man rather than Rousseau's argument that society itself that provides inequality and conflict. Contracts, through reason, necessitate a societal framework that is governed by the inexpressible right of every man to survival and preservation of life.

The Commonwealth. For Hobbes, the ideal form of government is the formation of the commonwealth which acts as the “ final cause, end or design of men (who naturally love liberty and dominion over others) in the introduction of that restraint upon themselves, in which we see them live in Commonwealths, is the foresight of their own preservation, and of a more contented life thereby” (Hobbes 116). The formation of covenants, which represent a duty-bound notion to aspire for peaceful societal conditions, inevitably leads to its conception wherein the withdrawal of individual rights is penultimate toward its formation.

Conventions serve the function as a mean toward the aspiration of the common power or will of the majority. Common power acts as a protection against external attack or injuries that an individual may cause upon the other and is formed through the transcendence of personal right to a man or an assembly: “ Confer all their power and strength upon one man, or upon one assembly of men, that may reduce all their will, by plurality of their

voice, unto one will: which is as much to say, to appoint one man, or assembly of men, to bear their person” (Hobbes 118).

Every man should then willingly state: “ I authorize and give up my right of governing myself to this man, or to this assembly of men, on this condition; that thou give up thy right to him and authorize all his action in like manner” (Hobbes 118). We take into context a mix between a democracy (representation of the few) and monarchy (rule by a sovereign). However, Hobbes’ monarchy is not entirely absolute, ruled by the elite or loyalty; rather Hobbes’ conception of monarchy focuses on the rule of a sovereign where powers are granted by the conventions of the majority.

From such, the sovereign is then obligated to perform the powers bestowed upon the social covenants; the sovereign itself being a representation of the general will of the people. The Commonwealth The sovereign, either instituted in one man or an assembly of men, is bestowed power of the withheld rights by society or subjects. As sovereign, its responsibility lies on any action or authorization to ensure the presence of duration of peace and to create any means necessary to protect individuals from others as well as to protect attacks from other societies.

According to Hobbes, there are only three kinds of commonwealth and nothing else; a democracy, monarchy, or aristocracy. Hobbes does not believe that no man aspires for a turbulent and rocky society. However, Hobbes is partial toward a monarchical government, which, according to him, generally embodies the conventions made by man, and in essence, the

nature of a commonwealth: “ The riches power and honor of a monarch arise only from the riches, strength, and reputation of his subject.

For no king can be rich nor glorious, nor secure, whose subjects are either poor, or contemptible, or too weak through want, or dissension” (Hobbes 130). *Amor Proprie* and *Civil Society* On the other hand, Jean-Jacques Rousseau’s work *Discourse on Inequality and Social Contract* primarily present arguments against Hobbes’ definition on the natural state of man in contrast with social systems and conventions. Rousseau argues on the condition of the human soul as it progresses from its distinct natural form up until the pure state of man is transformed through social relationships or systems.

First, he argues the physical differences of man, which in essence, does not ultimately provide a firm basis of inequality: I conceive that there are two kinds of inequality among the human species; one which I call natural or physical, because it is established by nature, and consists in a difference of age, health, bodily strength, and the qualities of the mind or the soul; and another, which may be called moral or political inequality, because it depends on a kind of convention. (Rousseau 1)

Apart from physical differences, inequality falls under the moral or political sense. In the context of social structure, inequality lies on the ladder of power and wealth, wherein the notion of civil society is created by the rich in order to suppress the poor of wealth and maintain power among the elite few. In contrast with Hobbes, Rousseau presents a different view of man’s natural state wherein man is savage in nature wherein ideas are generated

by sense experience. But in opposition to regular animals, man has reason that establishes himself apart from common animals.

The natural behavior of man is similar to that of Hobbes' viewpoint but differs in motivation. According to Rousseau, the basic instinct of man is self-preservation, free will and compassion; the last being the most important part in man's natural state wherein Hobbes contends to man's natural war with the other. He contends Hobbes' view of man's nature which compels him with the fear of death. However, Rousseau argues: "the knowledge of death and its terrors being one of the first acquisitions made by man in departing from an animal state" (Rousseau 17).

In contrast, Hobbes' provides death as a motivator for withdrawing personal rights in order to achieve peace while Rousseau presents reason as a way of fighting the irrational passions that push him out of his natural state. In addition, compassion is the important natural virtue that contradicts selfish impulses or vices which come from the passions or irrational tendencies of man. Rousseau narrates that Hobbes' definition of man does not provide himself with an idea of goodness, that man may be considered as evil.

Rousseau's view presents man, in his primitive state, as essentially good, and possesses virtue. "so many writers have hastily concluded that man is naturally cruel, and requires civil institutions to make him more mild; whereas nothing is more gentle than man in his primitive state, as he is placed by nature at an equal distance from the stupidity of brutes" (Rousseau 47). Compassion is the most important aspect of man, along with innate desires of preservation, reason and free will. It is this compassion that

hurries us without reflection to the relief of those who are in distress: it is this which in a state of nature supplies the place of laws, morals, and virtue, with the advantage that none are tempted to disobey its gentle voice” (Rousseau 31). Compassion generates interaction with other men and the natural instinct of self-preservation, as times continue to progress, enables the individual to improve living conditions. Thus, the combination of compassion, reason, self-preservation enables the individual to form conventions with other men.

However, the problem lies with the development of amour propre, the subsequent regularity of conventions where man’s reason is garbled to a false sense of dependency on the individuals through improvement of self-perception and acquiring favor. The natural, non-invasive self-love is transformed to a more self-centered and jealous love of others. “ Man must now, therefore, have been perpetually employed in getting others to interest themselves in his lot and in making them, apparently at least, if not really, find their advantage in promoting his own” (Rousseau 51).

This corrosive notion of self-love produces competition, comparison with others, hatred, and the continuous search of ambition and power: “ In a word, there arose rivalry and competition on the one hand and conflicting interests on the other, together with a secret desire on both profiting at the expense of others” (Rousseau 51). The Social Contract Thus, Rousseau defines man’s state of nature as it develops amour propre. To deviate from the natural state, the formation of social contract is evident in order to rid of the evils pertaining civil society.

According to Rousseau, the conception of social contracts delimits the individual from inequality and therefore frees himself from the trappings of social classification. The purpose of the contract is to establish a body that will inadvertently defend the rights of the individual and the right of society as a whole. Similar to that of Hobbes' notion, social contracts are meant to deviate the condition of human nature from its amoral/evil sense in order to create society focused on peace.

The social contract, in Rousseau's perspective, is founded on the presence of the general will: " Each of us puts his person and all his power in common under the supreme direction of the general will, and in our corporate capacity, we receive each member as an indivisible part of the whole" (Rousseau Social Contract, 59). The general will is the summation of all opinions of the majority, which in turn acts as an abstract form that aims toward the good of all. Rousseau also posits the idea of a sovereign which acts a representative of the people.

The people however, in Rousseau's form of government, are not represented by senators or magistrates but represent themselves as a symbol of the general will. Sovereign Similarities Both philosophers argue on the importance of social contracts in establishing relationships with people in order to construct an acceptable and peaceful social framework.

Both stress the importance of the ' natural' law of man to deviate himself from his primary state and is obligated to create a world without indifference and conflict through commonality of opinions and desire.

The difference lies on both philosophers account of man's nature, wherein Hobbes argues that man is essentially evil and it is through civil relationship that man refines himself and achieves peace. Rousseau contradicts Hobbes' arguments that he had failed to include compassion as a virtue in man's natural state. Rousseau opines negatively toward civil societies, that conventions itself ruin man's natural state through social classification and levels of power. Instead, Rousseau posits man as a docile creature until society corrupts his natural state.

On the subject of contracts, both thinkers apply the same rule for the formation of social agreement as majority of society transfers its rights toward a sovereign that which governs and protects them. However, Hobbes is partial toward a monarchical government wherein it is suited with the embodiment of his covenants while Rousseau proposes the same powers for a sovereign but also adds the presence of the government to mitigate the function of the sovereign who acts as the representation of the general will while the government attends to particular or private wills.

Smith's Theory of Moral Sentiments Economic theorist Adam Smith proposes on his treatise Theory of Moral Sentiments the formation of a consciousness in the perspective of a leader, or in Rousseau's/Hobbes' context, a sovereign, in order to determine, apart from proper behavior, the rules and regulations that one must impose upon the subjects of society. Smith narrates: " We suppose ourselves the spectators of our own behavior, and to endeavor to imagine what effect it would, in this light produce upon us" (Smith 112).

In context of a sovereign, it is essential, according to Smith, to examine actions and decisions through a detached position wherein the leader supposes himself to be a common citizen that according to theory, provides the power and responsibility of governance. Thus, rules imposed upon the subjects of sovereignty should be taken into proper consideration by the sovereign, so as to measure the worth and value of behavior reflection upon society, according to Smith.

For example, a ruler's ethical behavior is dependent on the laws in which he imposes over the ruled. Harsh policies that generally disfavor society imply that the ruler may be arrogant and selfish and therefore does not suit the position. Lenient policies on the other hand may imply a carefree attitude with the lack of seriousness that a good leader must possess.

Thus, rules and impositions should situate itself in the middle rather than the extreme and through Smith's propositions, the leader must then view rules as an ordinary citizen. In relation to Hobbes' and Rousseau's social theories, the concept of the sovereign is created by the people and represents the general will. Therefore, there is an implication of a natural balance of power between the governed and the sovereign.

In Hobbes view, the sovereign's duty is dictated or authored by the subjects and therefore cannot harm the governed whether through abuse or dereliction of duty; rather, the formation of laws and policies are in relation toward the fulfillment of the commonwealth's purpose – that is, the preservation of peace. However, Hobbes monarchical standpoint does not entirely agree with Smith's proposition since the monarch, utilizing the

commonwealth's purpose, has the power of censorship on speech, publication or any other form of expression that may disturb the peaceful status quo.

Thus, Smith's proposal cannot be applied with Hobbes's notion of government. However, Rousseau takes into consideration the general will of the populace that also gives right and power to the sovereign. But Rousseau does not imply the purpose of peace in his government; rather, he focuses on the general will as given power. The sovereign has then the duty to make sure that laws do not violate the freedom of every individual for it is they who had created power in the first place.