

The social contract theory

Sociology



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THE SOCIAL CONTRACT THEORY The theory is as old as philosophy itself. It is of the view that persons' moral and/ or political obligations are dependent upon a contract or agreement among them to form the society in which they live. The theory of a social contract is therefore a hypothesis explaining how society originates as well as the presumed relationships between its members, how they incur responsibilities and their rights. Early proponents of the social contract theory include; - Socrates - Thomas Hobbes - John Locke - Jean-Jacques Rousseau - John Rawls - David Gauthier

SOCRATES' ARGUMENT The theory of social contract began being argued at least as early in intellectual history by Plato. In a dialogue, Crito, Socrates argues as to why he must stay in prison and accept death penalty instead of fleeing into exile in another Greek city. He explains that he has acquired an overwhelming obligation to obey the Laws because they have made his entire way of life possible as they have made it possible for his father and mother to marry and therefore have legitimate children, including himself. He further went on to say that, citizens once they have grown up, and have seen how the city conducts itself, can choose whether to leave, taking their property with them or stay. Staying implies an agreement having to abide by the laws and accepting the punishments. In Plato's dialogue, Republic, Book II, Glaucon defines justice as the conventional result of the laws and covenants that men make in order to avoid these extremes of committing injustices without the fear of reprisal. Being unable to commit injustices with impunity, and fearing becoming victims themselves, men decide that it is in their interests to submit themselves to the convention of justice. The two dialogues are reconcilable. From Socrates' point of view, a just man is one who will, among other things, recognize his obligation to the state by

obeying its laws. The state is the morally and politically most fundamental entity and therefore deserves our highest allegiance and deepest respect. Just men know this and act accordingly. Justice, however, is more than simply obeying laws in exchange for others obeying them as well. It is the state of a well regulated soul, so the just man will also be the happy man. Justice therefore is the simple reciprocal obedience to law but it does nonetheless include obedience to the state and the laws that sustain it.

THOMAS HOBBS He is a man who lived during the most crucial period of early modern England's history: the Civil War, waged from 1642-1648. The conflict was between the Monarchists, who preferred the traditional authority of a monarch, and the Parliamentarians, who demanded more power for quasi-democratic institution of parliament. Hobbes represents a compromise between these two factions. On one hand, he rejects the Divine Rights of Kings Theory (a king's rights is vested in him by God, that such authority was absolute and therefore that the basis of political obligation lay in our obligation to obey God absolutely). According to him, then political obligation is subdued under religious obligation. On the other hand, Hobbes also rejects the Parliamentarians democratic views, He argues that radically for times, the political authority and obligation are based on the individual self interests of members of society who are understood to be equal to one another, with no single individual invested with any essential authority to rule over the rest, while at the same time maintaining the conservative position that the Monarch, which he called the Sovereign, must be ceded absolute authority if society is to survive. Hobbes' political theory is taken in two parts: i. The theory of human motivation Human macro-behaviour can be aptly described as the effect of certain kinds of micro-behaviour, even

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though some of this latter behaviour is invisible to us. So, such behaviours as walking, talking, and the like are themselves produced by other actions inside of us. And these other actions are themselves caused by the interaction of our bodies with other bodies, human or otherwise, which create in us certain chains of causes and effects, and which eventually give rise to the human behaviour that we can plainly observe. We, including all of our actions and choices, are then, according to this view, as explainable in terms of universal laws of nature as are the motions of heavenly bodies. All men pursue only what they perceive to be in their own individually considered best interests — they respond mechanistically by being drawn to that which they desire and repelled by that to which they are averse. ii. The social contract theory, founded on the hypothetical state of nature The justification for political obligation is this: given that men are naturally self-interested, yet they are rational, they will choose to submit to the authority of a Sovereign in order to be able to live in a civil society, which is conducive to their own interests. In the State of Nature, men are naturally and exclusively self-interested, they are more or less equal to one another, there are limited resources, and yet there is no power able to force men to cooperate. Because men are reasonable, they can see their way out of such a state by recognizing the laws of nature, which show them the means by which to escape the State of Nature and create a civil society. The first and most important law of nature commands that each man be willing to pursue peace when others are willing to do the same, all the while retaining the right to continue to pursue war when others do not pursue peace. Men can be expected to construct a Social Contract that will afford them a life other than that available to them in the State of Nature. To ensure their escape

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from the State of Nature, they must both agree to live together under common laws, and create an enforcement mechanism for the social contract and the laws that constitute it. JOHN LOCKE John Locke's argument for the social contract is based on the state of nature. The State of Nature, the natural condition of mankind, is a state of perfect liberty to conduct one's life as one best sees fit, free from interference with others. It is however not a state of license-one is not free to do anything as he/she pleases. Though the state of nature is not a state wherein there is no civil society or government to punish people for going against the law. Persons are thereby viewed to be equal to one another in such a state. In Locke's view, the law of nature which is the basis of all morality is given to us by God and command that we do not harm others in regards to their basis of life, health, liberty plans, free from interference as the Law of Nature is relatively peaceful. The State of Nature therefore is not the same as the state of war; as it is according to Hobbes but can however, devolve in a state of war over property disputes. State of war begins between two men. Once one man declares war on another, by stealing from him. Due to lack of civil power to whom men can appeal of the state of nature thus allowing them to defend their own state of lives, they may kill those who bring force against them. Thus, men have to abandon the State of Nature by contracting together to form civil government. In contracting the formation of a civil government, according to Locke, property plays an important role. Given the implications of the nature of law, there are limits as to how much property one can own: one is not allowed to take so much than his own fair share, because nature is given to all mankind by God. According to Locke, the state of nature is a "conjugal society". These are societies based on the voluntary agreement to

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care for children together and are moral and not political. Political society comes up when individual men, represent their families in the state of nature and agree to give up the executive power to punish those who transgress the Law of Nature, and hand over that public power of a government. Having done this, they then become subject to the will of the majority. Men thus gain three things: laws, judges to adjudicate laws, the executive power necessary to enforce the laws. Each man therefore gives over the power to protect himself and punish transgressors of the Law of Nature to the government that he has created through the contract. Locke then imagines the conditions under which the contract with government is destroyed and men are justified in resisting the authority of a civil government, for example, a king. The justification of the authority of the executive component is the protection of the people's property and well-being, so when such protection is no longer present, they have a right to resist authority. The social contract can be dissolved and the process to create a political society, begun anew. JOHN-JACQUES ROUSSEAU Rousseau had two distinct social contract theories: i. Second discourse ii. Normative theory of the social contract iii. Second discourse Rousseau wrote in Second Discourse, that the state of nature was a peaceful and quixotic time. People live solitary and uncomplicated lives as there was abundance of nature and population was small therefore there were no competition and thus people so no need to fight one another. As time passed, humanity faced changes as the overall population increased; the means by which people could satisfy their needs had to change. Divisions of labor were introduced, and discoveries and inventions made life easier, giving rise to leisure time. Such leisure time inevitably led to people making comparisons between themselves and

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others, resulting in public values. The invention of private property led to the initial conditions of inequality becoming more pronounced. Some have property while others are forced to work for them and therefore the development of social classes begins. Eventually those who have private property see that they must form a government in order to protect their property. So, the government gets established through contract, which purports to guarantee equality and protection for all, even though its true purpose is to fossilize the very inequalities that private property has produced. In other word, the contract which claims to be in the interest of everybody equally is really in the interests of the few who have become stronger and richer as a result of the development of private property. This is naturalized social contract which Rousseau views as responsible for the conflict and competition from which modern societies suffer. The Normative Social Contract, argued by Rousseau in *The Social Contract*, where Rousseau begins; " Man was born free and he is everywhere in chains". Humans are essentially free, and were free in the state of nature but the ' progress' of civilization has substituted subservience to others for that freedom, through dependence, economic and social inequalities and the extent to which we judge ourselves through comparison with others. Since a return to the state of nature is not desirable, the purpose of politics is to restore freedom to us, thus reconciling who we truly and essentially are with how we live together through an agreement. The most basic covenant, the social pact, is the agreement to come together and form a people which by definition are more than different from mere aggregation of individual interests and will. This way a new person is formed (the sovereign)-is formed when free and equal persons come together and agree to create themselves anew as a single

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body. Also there is the idea of reciprocated duties: the sovereign is committed to the good of the individuals who constitute it, and each individual is likewise committed to the good of the whole. Given this, individuals cannot be given liberty to decide whether it is in their own interests to fulfill their duties to the sovereign, while at the same time being allowed to reap the benefits of citizenship. For Rousseau, this implies an extremely strong and direct form of democracy. The strong form of democracy is only possible in small states. The people must be able to identify each other or at least know who each other are. JOHN RAWLS One of the most discussed elements of Rawls' view of justice as fairness is his "modeling" device known as the Original Position. The Original Position has often been compared to the "state of nature" or the pre-political condition of humanity, which was important in the philosophies of early modern social contract theorists. According to thinkers such as Thomas Hobbes and John Locke, in order to understand political obligation, we should first I. conceive what human beings were like (or would have been like) before the creation of organized societies under governments and laws, II. ask: a) What reasons would have motivated people to form an organized society and b) What principles human beings in this pre-political condition would have chosen to guide their interaction in a society under an established government? In the social contract tradition there are three items to keep distinct: i. the pre-political condition, ii. the political order established just as people were coming out of the pre-political condition, iii. The actual (possibly flawed) order under which we now live. Because of its connection with the pre-political condition, the political order established just as people were coming out of the pre-political condition was thought to reveal what arrangements

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are just or fair. The political order established just as people were coming out of the pre-political condition could then be used as a basis for justifying or critically evaluating the actual (possibly flawed) order under which we now live. DAVID GAUTHIER *Morals by Agreement*, David Gauthier set out to renew Hobbesian moral and political philosophy. He makes a strong argument that Hobbes was right: we can understand both politics and morality as founded upon an agreement between exclusively self-interested yet rational persons. He improves upon Hobbes' argument, however, by showing that we can establish morality without the external enforcement mechanism of the Sovereign. Hobbes argued that men's passions were so strong as to make cooperation between them always in danger of breaking down, and thus that a Sovereign was necessary to force compliance. Gauthier, however, believes that rationality alone convinces persons not only to agree to cooperate, but to stick to their agreements as well. According to Gauthier, when one is engaged in interaction such that others' actions can affect one's own interests, and vice versa, one does better if one acts cooperatively. By acting to further the interests of the other, one serves one's own interests as well. We should, therefore, insofar as we are rational, develop within ourselves the dispositions to constrain ourselves when interacting with others. We should become "constrained maximizers" (CMs) rather remain the "straightforward maximizers" (SMs) that we would be in a State of Nature. When interacting in situations, where the actions of others can affect one's own outcome, and vice versa, rationality shows that one's own interest is best pursued by being cooperative, and therefore agents rationally dispose themselves to the constrain the maximization of their own utility by adopting principles of morality. Rationality is a force strong enough to give persons internal

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reasons to cooperate. They do not, therefore, need Hobbes' Sovereign with absolute authority to sustain their cooperation.

CONTEMPORARY CRITIQUES OF SOCIAL CONTRACT THEORY

a. Feminist argument Feminists take women's experiences seriously, as well as the impacts that the theories and practices have for women's lives especially given the persuasive influence of the contract theory on social, political and moral philosophy.

I. The Sexual Contract Carole Pateman's represents the contract theory in her book, 'The Sexual Contract' as being opposed to patriarchy and patriarchal rights. Patriarchy is characterized by a contractual relationship between men, and part of the contract involves power over women. Patriarchal control of women is found in at least three contracts; the marriage contract, prostitution contract and the contract for surrogate motherhood. Each of these contracts is concerned with men's control of a particular woman generalized. All these examples demonstrate that contract is the means by which women are dominated and controlled.

II. Arguing from care Feminist philosophers such as Baier and Held argue that social contract theory fails as an adequate account of our moral or political obligations. Baier argues that Gauthier, who conceives effective bonds between persons as non-essential and voluntary, therefore fails to represent the fullness of human and motivations. She argues that this leads to a crucial flaw in social contract theory. Held conceived that we consider other models of human relationships when looking for insight into morality, for example, mother-child relationships.

b. Race-Conscious Argument Charles Mills' central argument is that there exists a 'racial contract' that is even more fundamental to the Western society than social contract. This racial contract determines who are full moral and political persons, therefore sets

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parameters of who can 'contracting' to the freedom and equality of the social contract promises. White people in this contract are full persons. Social contract theory hypothesizes about how it is that human beings are willing accept certain restrictions upon their freedom for the benefit of society. Such restrictions oftentimes take the form of laws which society requires its members to follow. In addition, social contract theory specifies the benefits of rule by the consent of the governed as opposed to living in the state of nature. Held (1993) dissents, arguing that "Contemporary Western society is in the grip of contractual thinking" and perforce the instrumental form of rationality that supports such thinking. As with other critics, Held questions the fundamental assumptions supporting a society constructed upon the bedrock of the social contract theory, arguing that such a society defines membership in such a way as to exclude many human beings—women and persons of color, among others—from full and active participation in society. As helpful as critiques like these are in promoting discourse about the relationship of human beings to themselves, to one another, to society, and society to its members, these critiques have not dealt a mortal wound to social contract theory. Law, politics, and social organization in American society are rooted in social contract theory, a theory that provides a substantive rationale for answering questions about fundamental social issues, including fairness, liberty, and ethics. It is quite likely that social contract theory will continue to be at the center of debate for the foreseeable future.