History of the Theory of Social Contract :

The Theory of Social Contract is as old as political thought itself, and it had found adequate support both in the East and West. *Kautilya*, the Minister of Chandragupta *Maurya*, elaborated it in his *Arthasastra*. He wrote,

*“People suffering from anarchy, as illustrated by the proverbial tendency of a large fish swallowing a small one, first elected Mane to be their King, and allotted one sixth of the grains grown and one tenth of their merchandise as sovereign’s dues. Supported by this payment Kings  took upon themselves the responsibility of maintaining the safety and security of their subjects”*

The Greek philosopher Plato dealt with the Contract Theory in his works, the *Crito* and the [Republic](https://www.politicalscienceview.com/the-republic/); Aristotle, on the other hand, repudiated the theory when he said that the State was a natural institution. Roman Law, which exercised so powerful an influence from the twelfth century onwards, made it clear that most of the positive rules obeyed by men were created by contract. The feudal relationship between the lord and the vassal was essentially contractual.

In their early writings, the Church Fathers gave some support to the theory, although they abandoned it eventually. It was only during and after the Middle Ages that the idea of Social Contract found a significant place in political thinkers’ discussions. [Manegold of Lautenbach](https://en.wikipedia.org/wiki/Manegold_of_Lautenbach" \t "_blank) maintained that the King could be deposed if he violates the agreement according to which he was chosen.

In the sixteenth and seventeenth centuries, the Social Contract doctrine Theory supporters multiplied, and there was more or less universal acceptance of the Theory of Social Contact. However, he used it to defend the Established Church against the attacks of its enemies. The theory also received impetus from the writings of Hugo Grotius, the Dutch jurist, But it found real support at the hands of ***Hobbes, Locke, and Rousseau.*** In our discussions of the theory of Social Contract, we are primarily concerned With the political philosophy of these three writers, collectively known as the ‘contractualism.’

Thomas Hobbes (1588-1679)

Thomas Hobbes, sometime tutor to Charles II of England, published his book, the Leviathan, in 1651. In this book, he gave a striking exposition of the theory of Social Contract. Hobbes had no mind to give the theory of the origin of the State. He wrote while the memory of the Civil War of 1642 and the King’s (Charles I) execution was Still vivid, to justify the Stuarts rule and believed that England could be saved only by an absolute monarchy. His object was to defend the monarch’s absolute power, and he used the doctrine of the Social Contract to support it.

Some critics of Hobbes have stigmatized him as a pensioner of the Stuarts. This is an exaggeration. Yet, it remains true that Hobbes supported and defended Stuart despotism when there was an irresistible opposition against such a power. He was convinced that nothing could be too high a price to pay for the preservation of order and that the best security for this was to be found in the unlimited authority of the King.

The State of Nature.

Hobbes began his thesis with the state of nature, which is characterized as the pre-social phase of human nature. The state of nature, as Hobbes described it, was a condition of unmitigated selfishness and rapacity. Men had no sense of right and wrong, and they fell upon each other with savage ferocity. There was a perpetual and restless desire to satisfy their appetites and desires with a craving for gain and glory, which came to an end only with their death. Natural rights which men enjoyed in the state of nature were nothing short of might, and natural liberty was nothing more than the liberty that each man hath to use his own power for the preservation of his own nature. They did not know pity and compassion, and if ever anyone did a good act, it was the result of his love of power and delight in its exercise.

From this analysis of the state of nature, Hobbes concluded that man was not at all social indeed; he found nothing but grief in the company of his fellows, all being almost equally selfish, self-seeking, cunning, egoistic, brutal, covetous, and aggressive. Thus, the state of nature was a condition of perpetual war where every man is enemy to every man and where the rule of life Was only that to be every man’s that he can get and for so long as he can keep it. When men in the State of nature were like hungry wolves, each ready to devour the other, their lives were solitary, poor, nasty, brutish, and short.

The Contract.

These conditions were really intolerable and could not be left to continue indefinitely. Men yearned for peace and security of life and property. In a bid to escape from the misery and horrors of their natural condition, they covenanted among themselves to form a civil society or “Commonwealth,” which would give to each person security of life and property. Accordingly, they agreed to surrender their natural rights into the hands of a common superior and obey his commands. The covenant was of each with all and all with each. Each man said to every man.

*“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 my right to him, and authorize all his actions , in like manner. This is the generation of that great Leviathan, or rather (to speak more reverently) of that Mortal God, to which we owe under the immortal God, our peace and defense.”*

In this way, individuals surrendered their natural rights to some particular man or assembly of men. The person or assembly of persons to whom they surrendered their natural rights became sovereign, and the covenanting individuals who agreed to submit to the sovereign’s authority became his subjects.

The sovereign was not a party to the contract; others had made a covenant to obey him; he had made no covenant to obey them. Consequently, the sovereign did not subject himself to conditions. Hobbes maintained that only a contract binding each and all to unquestioning obedience to a sovereign could really establish a stable commonwealth.

Any introduction of condition, in his opinion,  was likely to create uncertainty and indefiniteness, leading again to disputes incapable of a decisive settlement and so to anarchy. The sovereign, thus, profited from the contract without being a party to it. For the future, however arbitrary that rule might be, the people retained no ultimate right to rise against the sovereign authority. The authority of the sovereign was final and irrevocable.

**Here are the highlights of Hobbes’ Social Contract:**

1. It is a social contract and not a governmental contract. The sovereign is not a party to the contract, as he is the creation of the contract or, as Dunning puts it, A superior, or sovereign, exists only by the pact, not before it. Individuals living in the state of nature, all equal, agreed to give up their natural rights of doing anything that pleased them and possess anything that they could take and hold to a common authority. This common authority became by that fact their superior.
2. As the sovereign is not a party to the contract, he did not subject himself to any conditions. His authority is absolute and unlimited. All his subjects must obey him. Otherwise, there would be conflict, war, and a return to the state of nature’s wretchedness. The only way, Hobbes said,*“to erect such a common power”* is to confer all their power and strength upon one man or upon one assembly of men that may reduce all their wills by a plurality of voice, unto one will.
3. The contract becomes irrevocably binding on the whole community as a perpetual social bond, for the individuals keep no rights to themselves, except the right to self-preservation. If the sovereign lost his power and conquered by another and he submitted to his authority, the subjects become the subjects of the conqueror,r But if he is held prisoner or has not the liberty of his body, he is not understood to have given away the right of sovereignty and therefore his subjects are obliged to yield obedience to the magistrates mannerly placed, Veming not in their own name, but his.
4. Hobbes denied the people the right to revolt against the authority of the sovereign. There can happen no breach of the covenant, even if his authority becomes arbitrary and Despotic. In fact, the sovereign can never be wrong, and his actions cannot be unjust.t He cannot be justly accused by the subjects, and Whatsoever the sovereign doth ls unpunishable by the subject.
5. Law is the command of the sovereign, and he is the sole source of law. Civil law is to every subject those rules which the commonwealth hath commanded him by Word, writing, or other sufficient sign of the will to make use for the distinction of right and wrong. “The laws of the sovereign can never be unjust or immoral, for the law is all the right reason we have, and is the infallible rule of moral goodness.”
6. Liberty is the gift of the sovereign in whom the will of the whole community is unified. The sovereign has the whole power of prescribing the rules, whereby every man may know what goods he may enjoy and what actions he may do without being molested by any of his fellow-subjects. In short, the subjects’ liberty can properly be thought of only about the commonwealth laws. Liberty, according to Hobbes, consisted in:

(i) whatever the sovereign has not forbidden and

(ii) what could not, by the nature of the original pact, be given up, that is, the right of

self-preservation, which cannot be surrendered. Without injustice, therefore, the individual may, in disobedience to the sovereign’s command, refuse to kill himself, resist the assault, rems to accuse himself of an offense that would jeopardize his life, and with certain qualifications refuse to serve in the army.

Thus, the subjects’ liberty consisted of :

* What the sovereign permitted and
* The right of self-preservation, which the people retained.

This is how Hobbes gave to his sovereign absolute, inalienable, indivisible, and the authority. Hobbes sovereign, so defined, need not necessarily be one man Sovereignty may be located in an individual man and his successors (monarchy), or a group of men (aristocracy or democracy, according to the size of the group).

But his preference for the monarchy is an admitted fact. Monarchy, in the opinion of Hobbes, is not: the legitimate form of government, but it is the best form. As a man, the king will be selfish like all men, but the self-indulgence of one is cheaper, he claimed, than the self-indulgence of many. “In a monarchy, the private interest was the same as the public.” A king cannot be rich, glorious, or secure if his people are poor, contemptible, or weak.

Since he had got at the top, all his ambition lay in strengthening the State. In contrast, members of a democratic or aristocratic assembly are liable to be swayed by the ambition to intrigue against the State in the hope of seizing power. Their designs are a source of great danger to the community. Hobbes concluded that “the artifice of men compacted other governments out of the ashes of the monarchy after it had been ruined by sedition.”

Evaluation of the Theory.

Hobbes was the first Englishman to present a logical system of political philosophy. So skillfully did he blend the current political thought in this political administration system and adapt it to his ends that he at once came into the front rank of political thinkers. His theory became from the moment of its appearance the center of animated controversy and enormous influence throughout Western Europe.

Hobbes has been criticized vehemently. His ideas of what constituted a sound scientific method were those of his time and are now long out of date. Yet, his philosophy illustrates Bacon’s saying that “Truth emerges more easily from error than from confusion.”

Nothing like the state of nature ever existed, and there is absolutely no evidence in history to show the State to have emerged by mutual and deliberate agreement. The Social Contract is impossible, for the history of primitive societies has shown conclusively that men move from status to contract. Hobbes claims it is just the other way, namely, that men move from contract to status. Nor is a man so inherently selfish, self-seeking, and aggressive as Hobbes has described him.

Man is a rational and social being, though his irrationality cannot be ignored altogether. Hobbes’s dogma that man is by nature unsocial and an “enemy of his kin” are opposed to the Aristotelian dogma that man is a social animal Society elitists by nature and necessity, and it has existed since man made his first appearance on this planet. As man is social, he cannot lead an isolated life, anti his sociability makes him a rational being, cooperative and sympathetic towards his fellowmen. Hobbes’s ethical and political philosophy is based wholly on egoism and hedonism.

Hobbes described the state of nature as pre-social and pre-political. At the same time, he said that man enjoyed in the state of nature natural rights Rights always arise in a society. If there IS no society, as Hobbes’s state of nature was, how could there exist any rights? Every right has a corresponding obligation. But Hobbes, a man in the state of nature, had no obligations.

He did anything that pleased him and possessed anything that he could take and hold against all others. Again, according to Hobbes, there was a surrender of rights. But it is against commonsense to believe that man would ever surrender all his rights. Hobbes himself becomes inconsistent when he says that man retained to himself the right of self-preservation. There cannot be complete surrender and then reservation of a right.

A contract is always between two parties; it cannot be unilateral or one-sided. Hobbes makes the Sovereign the beneficiary of the contract, but not a party to it. And the contract is perpetual and irrevocable. This transaction hardly appeals to human reason. Hobbes also fails to distinguish between the State and government. He confounds the legal absolutism of the State with governmental absolutism, and he does not see that changes in the forms of government do not imply the dissolution of the State.

But when all this is said, [Hobbes’s Leviathan](https://www.politicalscienceview.com/hobbes-leviathan/) is of the very greatest importance. It is, in the words of Professor Oakeshott, “the greatest, perhaps the sole masterpiece of political philosophy written in the English language.” This is an exaggeration, yet despite his critics’ fury, Hobbes continues to react widely and makes a powerful appeal. The Leviathan is the first statement of complete sovereignty in the history of political thought.

Hobbes contradicted the old concept of justice and maintained that Justice is created by law, and that law is not the reflection of justice. Hobbes is also an Individualist in the sense that the world is and must always be made up of individuals for him. He does not believe in the people, common will or general will, or common good.

John Locke (1632-1704)

If Hobbes championed the monarch’s absolute sovereignty, [John Locke](https://www.politicalscienceview.com/halifax-and-john-locke/), another English political philosopher, espoused the Cause of limited monarchy in England. His theory was a justification of the Revolution of 1688 and the deposition of James II.

The theory of John Locke is found in his [Two Treatises on Civil Government](https://www.politicalscienceview.com/two-treatises-of-government/) published anonymously m 1690, wherein he defended the ultimate right of the people to depose the monarch from his authority if he ever deprived them of their liberties and properties.

In reality, Locke sought, as he himself admitted, to establish the throne of our great Restorer, our present King William, and make good his title in the consent of the people. Mark the words in the consent of the people for this forms the keynote of Locke’s theory.  Civil power, according to Locke, is based upon consent.

The State of Nature

Locke, too, started with the state of nature. But his state of nature was pre-political arid, not pre-social, and, as such, it did not present to him such a dismal state of affairs as it had done to Hobbes. Locke’s man in the state of nature was neither selfish, nor self-seeking, nor aggressive. He was social and sympathetic towards others because the law of nature, which was the law of reason, directed him to be so. Under the law of nature, as Dunning says, of which reason is the interpreter, equality is the fundamental fact in men’s relations to one another.

But equality, for Locke, was not what it was for Hobbes. In Locke’s State of nature, men were equal and free to act as they thought fit, but within the bounds of the law of nature, And the bounds of the law of nature enjoined upon them not to harm another in his life, health liberty, or possessions. Locke’s state of nature was a state of peace, goodwill, mutual assistance, and preservation, as he himself put it, in contrast to a state of enmity, malice, violence, and mutual destruction, as he described Hobbes state of nature.

From the law of nature, as it prevailed in the state of nature, flowed, according to Locke, certain natural rights: rights to life, liberty, and property. The right to liberty, he said, was man’s right to do whatever he wanted to do so long as that was not incompatible with the law of nature. The property right was man’s right to anything with which he had mixed his labor, provided he made good use of it since God made nothing for man to spoil or destroy, But the law of nature did not create nights alone.

It imposed corresponding Obligations as well because rights had a law to govern which obliges everyone and reason which is that law teaches all humanity who will but consult it, that, being all equal and independent, no one Ought to harm another in his life, health, liberty, and possessions. While valuing his own life, liberty, and property, everyone in the state of nature must also value and respect others’ life, liberty, and property as a matter of duty. Such a state of nature in which men enjoyed rights and acknowledged their duties was moral and social.

Need for Civil Society.

But unfortunately, peace was not secure in the state of nature. It was constantly upset by the corruption and viciousness of degenerate men. This ill condition, Locke said, was due to three important wants which remained unsatisfied in the state of nature:

* the want of an established, settled, known law
* the want of  a known and indifferent judge and
* the want of an executing power to enforce just decisions Such an ill condition

Locke asserted, was “full of fears and continual dangers.” To escape from all this and gain certainty and security, men made a contract to enter into civil society or the State. This contract was of all with all, and Locke named it a social contract. The social contract put an end to nature’s state and substituted it with civil society or the State.

Each individual contracted with each to give up some of the rights he possessed in the state of nature. All he agreed to was to give up everyone’s single power of punishing to be exercised by such (authority) alone as shall be appointed to it amongst them, and by such rules as the community, or those authorized by them, to that purpose shall agree on.

Accordingly, the social contract was no more than a transfer of certain rights and powers to protect and preserve the remaining rights. Secondly, the contract was for limited and specific purposes, and what was given up was transferred to the community as a whole and not to a man or an assembly of men, as Hobbes had held. In this way, Locke recognized and established the people’s sovereignty and that the State existed for the people who formed it. They did not exist for it.

Two Contracts.

If men were objects for which the social contract was necessitated, that is, to create positive law, establish a known judge, and to create an authority to enforce just decisions, the society in its corporate capacity established the government and authorized it to make positive laws consistent with the law of nature, appoint impartial judges to decide disputes and to enforce their decisions. There were, thus, two contracts according to Locke, though he did not say so explicitly.

The first was a Social Contract, which brought into being the civil society on the State.

The second was a governmental contract when society in its corporate capacity established a government and selected all rulers to remove the inconveniences or ill condition, which necessitated the formation of the civil society or the State.

The second contract or governmental contract was subordinate to the first in as much as government Was only a fiduciary power to act for certain ends, and its authority Was confined to seeming those ends. Moreover, it was limited to the condition that it was to be used in the exercise of established known laws.

If the government failed to secure the ends for which it was created and to Which it had agreed Or did not exercise its authority according to the established known laws, the community might dismiss it and appoint another government in its place. Here Locke establishes the people’s inherent right to revolt against the monarch’s authority if he ever abused the terms of the contract. He is a party and ruled arbitrarily, ignoring the “established known laws” made by the people’s representatives.

The purpose of Locke IS served. Making the monarch a party to the contract limits authority and subordinates it to Parliament, the commonwealth’s supreme power.

**Three conclusions flow from it:**

1. That the government exists for the good of the people,
2. That it should depend on their consent, and
3. That it should be limited and constitutional in its authority.

If it is not for the good of the people, if it does not depend upon their consent, if it is not constitutional and exceeds the authority vested in it, the government can be legitimately overthrown. Thus, Locke justified the Revolution of 1688, the deposition of James II, and the accession of William and Mary to the throne of England.

Locke recognized the existence of three powers in civil society or the State. There is first of all the legislative, which he Called the supreme power of the commonwealth Legislature, he held, was the instrument through which the will of the community was expressed; since the expression of that will precede and determined its execution, that department of government which carried out the laws must be subordinate to the department that made them. Although, for Locke, the legislature was unquestionably the superior power, yet it was not sovereign. The idea of an absolute, unlimited, and inalienable sovereign power in any human hands found no place in Locke’s theory of Social Contract.

Behind the “supreme” legislature stand the people, the final embodiment of power. The community said Locke, perpetually retains a supreme power of saving themselves from the attempts and designs of anybody, even of their legislators, whenever they shall be so foolish or so wicked as to lay and carry on designs against the liberties properties of the subject.

Secondly, there was the executive who, according to Locke, included judicial power. The legislature need not always be in session, but the executive must be. Hence, he concluded, they often come to be separated. There should be a separation between the legislature and the executive because it may be too great a temptation to human frailty, apt to grasp at power, for the same persons who have the power of making laws to have also in their hands the power to execute them. This is how Locke enunciates the doctrine of the separation of powers enshrined in the American Constitution. However, he IS Montesquieu, not Locke, Who IS the author of the famous classification of powers into executive, legislative, and judicial.

The third power that Locke recognized IS what he called the federative power  I that made treaties. Locke has not more to tell us about the federative power, except that it is much less capable of being directed by positive laws and must necessarily be left to the prudence and wisdom of those entrusted to manage it for the public good. To sum up, the following important points may be noted in Locke’s doctrine of the Social Contract.

1. Locke’s state of nature is pre-political rather than pre-social

2. His state of nature is not that of perpetual warfare as it is with Hobbes. It is a state in which men are equal and free to act as they thought fit within the bounds of the law of nature. The law of nature is the law of reason, and the law of reason established certain natural rights and recognized certain duties. This state of nature in which men have rights and acknowledged duties is moral and social in character.

3. But certain inconveniences are experienced in the state of nature. These inconveniences are three in number uncertainty in applying the law of reason, absence of a common judge to decide disputes according to the established law and, no proper authority to execute those decisions. To escape these inconveniences and the continued danger of fights, wars, and confusions accompanying them, men, through voluntary compacts, formed political communities, and the communities instituted [governments](https://www.politicalscienceview.com/what-are-the-different-types-of-governments/).

4. According to Locke, there are two contracts: social contract and governmental contract. The first put an end to nature’s state and substituted for it a civil society or the State. The second is made to form the government and select a ruler. But the second contract is subordinate to the first Since the creation of government by a community followed the community’s prior organization itself, the community can change the government without dissolving itself.

5. The ruler is a party to the contract.

6. There is not a surrender of rights as with Hobbes. It is only the transfer of a few I gave rights.

7. Law is not the command of the sovereign, as Hobbes had said. According to Locke, the law must be the expression of the people’s will, and it should be consistent with the law of reason.

8. Locke makes the consent of the people the source of all governmental authority.

9. Locke concedes to the people the right to revolution and, thus, the ruler can be deprived of his authority if ever he fails to fulfill the terms of his contract.

Evaluation of Locke’s Theory.

The most distinctive contribution of Locke to political theory is his doctrine of natural rights. Life, liberty, and property, he holds as inalienable rights of every individual. The end for which civil or political society is constituted is to secure these natural rights.

The attainment of these rights is made possible through the government’s agency. Accordingly, Locke makes a clear distinction between the State and government and introduces the theory of consent, which, in the words of Laski, now occupies a permanent place in English politics.

According to Locke, the government holds power on condition of and derives its authority from the consent of the people whom he ultimately holds sovereign. He emphasizes that the State’s sovereignty is not the sovereignty of a ruler, and the will of the State may limit the will and actions of a ruler.

For Locke, the government is a trust, and the government’s authority must be exercised for fulfilling the needs that necessitated the formation of civil society. If the government fails to function properly and by the people’s wishes, then the community has the power to dissolve it and substitute another government in  Place. The happiness and the security of the individual figure not as essential to the perpetuity of a government, but as the end for which alone government is ever called into existence.

The main defect in Locke’s theory is that he altogether ignores the concept of legal sovereignty. In Gilchrist’s words, To use our terminology, Hobbes gives a theory of legal sovereignty without recognizing the existence and power of political sovereignty. Locke recognizes the force of [political sovereignty](https://www.politicalscienceview.com/definition-of-sovereignty-in-political-science/) but does not give adequate recognition to legal sovereignty.

Nor is he sure where sovereignty resides. He speaks of the supreme power of the people at one time, and at another, he talks of the supreme power of the legislative assembly. Similarly, his views on the state of nature and that the people inhabiting it made two contracts are incredible. Locke’s contribution to the theory of natural lights has also been subjected to severe criticism.

For example, Bentham remarks that the concept of natural fights prevailing in the state of nature is simple nonsense, rhetorical nonsense, and nonsense on stilts.  All the same, Locke is considered the ideological father of the American Revolution.

Jean Jacques Rousseau (1712-1778)

[Jean Jacques Rousseau](https://www.politicalscienceview.com/jean-jacques-rousseau-the-rediscovery-of-the-community/), the great French writer of the eighteenth century, elaborated his theory in his famous work: [The Social Contract](https://www.politicalscienceview.com/best-books-about-political-science/), published in 1762. Rousseau, unlike his English predecessors, Hobbes and Locke, had no purpose of serving, and no definite cause, to uphold, although his teachings inspired the French Revolution of 1789. His object was to find a form of association which will defend and protect the whole common force the person and goods of each associate, and in which each, while uniting himself with all, may still obey himself alone, and remain free as before.

Rousseau wanted to offer a logical explanation of civil society’s nature, though his logic is lost in the epigram and paradox in which he indulges too frequently. This was natural because Rousseau was a man with abnormally intense feelings and emotions, a vivid imagination, and warm sympathies. He stated many of his ideas abstractly.

The State of Nature.

The starting point in Rousseau’s theory was the traditional[state of nature](https://www.politicalscienceview.com/state-and-society/). What the state of nature actually meant to him, Rousseau himself was neither clear nor consistent. He had thought and talked about it because all world was thinking and talking about it, and Rousseau used it practically in all the various senses that had been attached to it.

But throughout the fluctuations of his usage, one idea alone appeared unmistakable: man’s natural state was vastly preferable to the social or civil state. It must furnish the norm by which to test and correct it. Back to nature was his call. He had a romantic belief in the excellence of primitive simplicity and denounced the artificiality of so-called civilized existence.

He maintained that the progress of science and the arts had tended to degrade a man’s morals. He held that returning to natural simplicity was the only cure against all the corruption and degradation rampant in civil society. But it “did not mean that Rousseau wanted to destroy civil society.

What he precisely meant by a return to nature was that “nature must be the rule for men in society.  It would deliver humanity from corrupt and artificial existence, which could be accomplished only by creating natural social conditions.

Rousseau’s man in the state of nature was a noble savage who led a life of primitive simplicity and idyllic happiness. He was independent, contented, self-sufficient, healthy, fearless, and without the need of his fellows or desire to harm them. It was only the primitive instinct and sympathy which united him with others. He knew neither right nor wrong and was away from all notions of virtue and voice. Thus, it was a pure, simple, and Innocent life of perfect freedom and equality, which Rousseau’s men enjoyed in the state of nature. They were as yet free from the spiritless influence of civilization, and they sought their own happiness untrammeled by social laws and institutions.

But these conditions could not last for long Two things emerged to corrupt this perfect scene. One was an increase in population, and the other was the dawn of reason. With the increase in population, economic progress moved apace. The primitive life of simplicity and idyllic happiness disappeared.

Fixed homes established the family, and the property’s institution followed, sounding the knell of human equality. The man began to think in terms of mine and thine. By nature, a man scarcely thinks, held Rousseau, and the man who reflects is a corrupt creature. When man began to think in terms of mine and thine, there emerged the institution of private property.

After enclosing a piece of ground, the first man who bethought himself to say this is mine and found people simple enough to believe him was the real founder of civil society. The whole development process may best be described wrong.

The arts of agriculture and metallurgy were discovered. In the application of the men, they needed one another aid. Cooperation revealed and emphasized the diversity of men’s talents and prepared thus the inevitable result. The stronger man did, the greater amount of work the craftier got more I of the product. Thus appeared the difference between rich and poor the prolific source of all other sources of inequality.

The emergence of Civil Societies.

The equality and happiness of the early state were lost. Humanity went rapidly into a state of war, resembling Hobbes’s state of nature. War,  murder, wretchedness, and horror that had been knowing in the savage state became universal. The rich and the poor were ranged against each other in unrelenting hostility. That was a disquieting state of affairs, and every individual became anxious to get rid of it. The escape was found in the formation of a civil society Natural freedom gave place to civil freedom by a social contract of each with all and all with each; as a result of this contract, a multitude of individuals became a collective unity a society.

The contract placed every individual in complete dependence on others, complete though mutual and equal. In Rousseau’s political system, the individual puts his person and all his power in common under the supreme direction of the general will, and m our corporate capacity; we receive each member as an indivisible part of the whole.

General Will.

There was only one contract, according to Rousseau, which was at once social and political. The individual surrendered himself completely and unconditionally to the will of the body he became a member. The body so created was a moral and collective body, and Rousseau called it the General Will. The *General Will’s unique feature* was that it represented collective good as distinguished from the private interests of its members. It was the will of all the citizens when they were willing not for their own private but the general good.

It was the voice of all for the good of all. Rousseau went further and said that my will that willed the state’s best interests was my best will, and it was, indeed, mere real than my will, which willed my private interests. All actions were the result of the will, but my will for the good of the State was morally superior to any other will, private or association, which might determine my conduct from time to time.

The General Will is the compound of the best wills of all citizens willing the community’s best interests, and its lasting of welfare must be sovereign. Since it was my will, my own real will, I ought always to follow it. If did not, because some private and selfish interests induced me not to follow it, then the General Will could legitimately compel me to obey it.

Indeed, it was the only authority that could legitimately coerce me, for it was my own will coming back to me, even though I did not always recognize it as such. In following it, I was fulfilling myself and was, thus, finding true freedom. Whoever refused to obey the General Will would be compelled to do so by the whole body. This means nothing less than that he will be forced to be free, for this is the condition which secures him against all personal dependence.

The General Will, though by definition it could only deal with matters of public, not private interest, was alone the judge of what constituted public or private interest. Moreover, the General Will could not allow anything to stand between it and the complete loyalty of its citizens. It was better, Rousseau believed, that other associations than the State should not exist, but if they did, they must always be subordinate. If any conflict of loyalties should ever occur, citizens must always obey the State because it was infallible and the custodian of the real interests of all.

The General Will must also, Rousseau said, be inalienable and indivisible. Hence it could not be represented in parliamentary institutions. “As soon as a nation appoints representatives, he said,

*it is no longer free, it no longer exists. He declared that England was only free during elections, after which it is enslaved and counts for nothing.*

Nor maid, the General Will, be delegated in any manner whatever. Any attempt to delegate it would mean its end. The moment there is a master, there is no longer a sovereign. Here is Rousseau, the apostle of popular sovereignty.

Rousseau made a clear distinction between the government and the sovereign people. He said that General Will could not be an executive will. The sovereign people ought not to be responsible for the details of government. Those who made the law should not carry it out, for it was the sovereign General Will’s characteristic that it must be impersonal. The decrees of government might frequently be particular and personal. Rousseau meant that only the executive power Lawmaking was not a function of government but that of me Sovereign.

The people entrusted their executive power to their agent, the government. The government was this, only a subordinate authority the result of the sovereign’s decree and not the creation of the contract. There is only one contract in the State, emphasized Rousseau, and this excludes every other.

**Two consequences follow from this.**

First, the government’s power can be limited, modified, on taken away by the people, the master, Whenever they choose so.

Secondly, as the government is subordinate to the sovereign, the government’s actual form is a matter of secondary importance to Rousseau. So long as General Will is sovereign, it matters not what form of government it may be, though he was convinced that the States should be small so that, when necessary, all citizens could get together and make laws. The larger the State, the less the liberty.

By “liberty,” Rousseau obviously means not freedom from political control but freedom for political control freedom to determine the course of legislation. Such a direct democracy IS the only legitimate form of government because only in such a constitution does each man obey himself alone and remain as free as before. Rousseau regarded representative government as a specious form of slavery.

For Rousseau, the law is not the will of a class, but the will of the whole nation. This will, he said,

*“is to be discovered simply by asking the nation to meet together and declare it. Only when I actively assist in legislation am I really a citizen and genuinely free and, since the fewer the citizens are, the more weight my voice has amongst them.”*

Rousseau believed in direct government by citizens, who should themselves, in public meetings, make the laws without being betrayed by elected representatives. His choice of direct democracy among the forms of government was largely based upon the Swiss Cantons, which he knew, and the ancient City States, of which he had read.

Accordingly, the law is an expression of the General Will, which is the will of the society for the common good. It, therefore, demands my respect. But the common good is also my good, so finally, in obeying the law, I am pursuing my own best interests and achieving what I really will.

It is to law alone that men owe justice and liberty. It is the celestial voice that dictates to each citizen the precepts of public reason and teaches him to act according to the rules of his own judgment and not to behave inconsistently with himself.

Another important result of the contract is that each member of the community’s life and liberty are secured and founded on the General Will of the society as a whole. Equality and liberty, Rousseau said, are ensured because each individual makes a complete surrender of himself and all his rights to the community. While doing so, he receives his person and rights back again as an indivisible part of the sovereign community.

Rousseau said, Since each gives himself up to all, he gives himself up to none, and as there is acquired over every associate the same right that is given up by himself, there is gained the equivalent of what is lost, with greater power to preserve what is left.

Each individual thus has a dual capacity. He is both a member of the sovereign body and a subject. He is sovereign, as he himself an integral unit of the community. He is subject because he must obey the General Will and the General Will stands for the public interest.

No individual can, therefore, justifiably disobey the General Will. The General Will adds Rousseau is infallible. It is always right and conducive to the public advantage. Moreover, by obeying the General Will, the individual simply obeys himself as he himself is the General Will’s creator. Nor can the individual complain of any coercion. Real coercion, Rousseau says, never occurs in society.

Even criminal wills his own punishment. In order then that the social compact may not be an empty formula, it tacitly includes the undertaking that whoever refuses to obey the general will be compelled to do so by the whole body. This means nothing less than that he will be forced to be free. This alone legitimizes civil undertakings, which would be absurd, tyrannical, and liable to the most frightful abuses without it.

No act of the sovereign can, thus, be coercive. And how can it be coercive when the General Will is the repository of the interests and welfare of all. An individual can act capriciously when he wants something different from the interests of the community demand. He does not, then, tightly know his own good or his own desires. Only the General Will can know it.

Therefore, Rousseau repeatedly said that the General Will is always right. It cannot be wrong because the General Will stands for the social good, which is the standard of right. What is hot right is merry, not the General Will. In this way, Rousseau brought about thorough submergence of the individual in the State. His emphasis throughout is that the whole community’s real interest must always be the real interest of each of us, even though it may not be our interest as we ourselves see it.

This is what Rousseau means by complete surrender, and he tends to prove, though not very successfully, that in making this complete surrender, each of us is securing for himself the only true liberty. To Rousseau, the State is a collective person, and I obey it because only in so doing am I really myself, am I truly free. Freedom, in brief, is obedience to self-imposed laws. The law of the General Will is the highest.

We now know a good deal about the General Will. It’s the result of all men willing their best wills for the good of the State. It is sovereign inalienable, indivisible, unlimited, and o e which cannot err. Yet we do not know how it is to be found, and Rousseau himself can never tell us how we can be sure of finding the General Will. At times, he seems to suggest that the General Will. It is to be sought only when all unanimously agree, though he holds that the will of All is very different from the General Will.

The will of all, he says, is a mere total of selfish and casually coincident wills.  At times, he implies that the majority will, though at other places he, tells us that this can only be so if all the General Will characteristics are still in the majority. At times, it appears that the residue left after canceling out the differences expressed by all the citizens is to be regarded as the General Will.

Rousseau is, thus, very vague in what he tells us about the General Will. So much vagueness about Something as important as the finding of the General Will, observes Wayper,

*“is to be regretted. Rousseau, who has, told us so much about the General Will, has still not told us enough indeed he has left us in such a position that nobody can be sure what the General Will is on any particular point.”*

J Rousseau compared with Hobbes and Locke.

Rousseau had drawn something from Hobbes and something from Locke. In fact, he began with the method of Locke and ended with those of Hobbes. Both Rousseau and Locke agreed that man in the state of nature was free and happy. The need for civil society was felt with the emergence of certain disquieting affairs in the state of nature.

For Locke, these were the inconvenience resulting from uncertainty in the application of the law of reason, absence of a common judge to decide disputes arising therefrom, and absence of a common authority to enforce the decision. With Rousseau, the increase in population and dawn of reason upon man were responsible for conflict of interests and strife in the state of nature. The formation of civil society utilizing a contract was deemed the only way out.

Both Locke and Rousseau agreed that the fundamental social compact ought to have for its end and object the better preservation of the person and goods of every individual, that is, life, liberty, and property Rousseau was also near Locke when he said that individuals surrendered their rights to the community making people ultimately sovereign and a source of political authority.

Both Locke and Rousseau made the distinction between the State and government, though Rousseau maintained that the government institution was not the result of the contract. Both believed that the contract did not remove the supreme power from the people.

Rousseau’s voice is the voice of Locke, but the hands are those of Hobbes.  The influence of Hobbes upon Rousseau is, indeed, marked and singular. With Rousseau, as with Hobbes, the natural man in the state of nature was absolutely independent of others. The only difference between the two was that with Rousseau, he was not at War With others.

However, eventually, when equality and happiness of the early state of nature were lost, Rousseau’s humanity, too, Went into a state of ceaseless warfare. Again, there was only one contract by which each individual surrendered all his rights. The authority of the sovereign to whom rights had been surrendered was strongly reminiscent of Hobbes.

For Rousseau, it was the General Will, which was sovereign. For Hobbes, it was the King. But once Rousseau established the sovereign power in the General Will, he endowed it with as much absolute, unlimited, all-embracing, inalienable and indivisible powers as Hobbes had given to his sovereign monarch. Similarly, General Will, according to Rousseau, could neither be wrong nor unjust. It could even force the individual Will to its own point of view. Are these conclusions not similar to those of Hobbes?

The only difference IS that m the case of Hobbes, these are the attributes of a King, whereas, With Rousseau, they belong to the General Will and what this General Will precisely is, Rousseau remained vague and indefinite about it. In any case, both Hobbes and Rousseau make man the sovereign’s plaything, no matter who the sovereign is,  a King or the General Will.

Evaluation of Rousseau’s Theory.

Rousseau was the apostle of popular sovereignty, and the secret of his political philosophy is found in the substitution for a sovereign of the sovereign. He justified revolutions against arbitrary rule and was the pioneer to preach the ideals of democracy.

Sidgwick says that the characteristic of Rousseau’s revolutionary doctrine of popular sovereignty is that it rests on three elementary principles:

* That men are by nature free and equal
* That the rights of government must be based on some compact freely entered into by these equal and independent individuals and
* That the only contract at once just to the individuals becomes an indivisible part of a body that retains an inalienable right of determining its own internal constitution and legislation a sovereign people.

Rousseau brings into prominence the idea of consent and establishes once for all that will, not force, is the basis of [the State](https://www.politicalscienceview.com/the-contract-theory-of-state/). He also champions the cause of direct democracy by vesting the legislative power in the people. Rousseau’s political teachings had a profound appeal for the fathers of the Constitutions of the United States of America and [France](https://www.politicalscienceview.com/france-the-decadence-of-natural-law/). To Quote Dunning, Rousseau’s spirit and dogmas, however, disguised and transformed, are seen everywhere in the speculative system and in the stirring era’s governmental organizations that followed his death.  Rousseau died in 1778.

But the main defect in Rousseau’s philosophy is in his explanation of the General Will. He places no limit on the absolute power of the whole over its members. Indeed, Rousseau gives no option to the individual will against the General Will, which can neither be wrong nor unjust. Similarly, according to Rousseau, individuals cannot protest against the authority of the General Will Law is the expression of the General Will. If the individual suffers from punishment, say the death penalty, he is really a consenting party to his own execution as he is a part of that sovereign will which made the law under which he is condemned.

Rousseau really tried to explain how government can be justified how men can submit to it and yet remain free men and not slaves, and he thought he could do that by showing that government is a natural development in as much as it is only in the State that men fully realize their capacities. Here he was preaching something fundamentally true and important.

Unfortunately, Rousseau is often obscure, not always consistent, and there is a vein of mysticism running through his doctrine. He wrapped up the lesson he was trying to teach in a language that paved the way for totalitarianism. Totalitarianism is a hateful doctrine. Whether the individual is asked to make a complete surrender to a mystical entity called the General Will or to a personal leader like Hitler or Mussolini. Then, Rousseau does not differentiate between the State and society. The fusion of the two is a handy weapon with Rousseau’s admirers in totalitarian States to suppress the individual, his aspirations, and his personality.

Finally, Rousseau’s advocacy of small States with limited population and his categorical condemnation of representative institutions present practical difficulties; a direct democracy offers no solution for the political ills from which a nation-State is believed to suffer.

Criticism of The Social Contract Theory

The doctrine that the State originated in a contract was a favorite political speculation theme during the seventeenth and eighteenth centuries. But in the nineteenth century, it was subjected to a searching Criticism. Even before the publication of Rousseau’s Social Contract, Hume, the English philosopher, declared that contract as the basis of relations between the governors and the governed was incompatible with historical facts.

**Jeremy Bentham said,**

*“I bid adieu to the original contract, and I leave it to those to amuse themselves with the rattle who could think they need it ”*

Bluntschli characterized it in the highest degree dangerous since it makes the State and its institutions the product of individual caprice. Sir Henry Maine maintained that nothing could be more worthless than such an account of society and government’s origin as given by Hobbes.

As an explanation of the origin of the State, the theory is now entirely discredited. The following points of criticism may be noted Historically, and the theory is mere fiction. There is nothing in the whole history to show that the State has ever been deliberately created due to voluntary agreement. Nor can we suppose that man could ever think of governing himself when he lived under Conditions of extreme simplicity, ignorance, and even brutality by which the state of nature is characterized.

The fact of the matter is that man can live only if he lives in society and can live in society only if he accepts certain restraints on his freedom of action. These restraints are government in the germ. Society and State are natural institutions. It is man’s social need that gives them existence, and they continue to exist because of this need.

The example of the Mayflower compact of 1620 is very often cited in support Of the theory of Social Contract. While they Were still on board the ship Mayflower, the Puritan emigrants to America drew up and signed a document that declared. We do by these presents, solemnly and mutually, in the presence of God and one another, covenant and combine ourselves into a civil body politic for our better ordering and preservation.

But this is not a correct example, nor can any other similar example be cited to hold a parallel to the formation of the State by men living in the state of nature. The Puritans emigrating to new lands were not ignorant of political institutions.

They were born and had lived in the State. When they went out of it, they were fully familiar with the nature of their political governance and citizens’ rights and duties in a politically organized society. What the Mayflower compact really meant was merely the transplanting to new lands of political institutions by men already subjected to political authority, And the covenant they concluded did not mark the origin of a new State.

They remained subjects of England even after setting up their body politic. When the United I States of America came into being by a solemn compact (the Articles of  Confederation), the State had been familiar to them both as an idea as well as a fact.

The theory of social Contract is, indeed, remote from actualities and completely oblivious of facts. Nothing like the state of nature had ever existed, and even Hobbes himself, after discussing the state of nature, admitted that it was never generally so.

The most primitive peoples that the Anthropologists have described lived under a regulative system of some sort and conformed to rigid customary behavior modes. It is quite unhistorical to suppose that such men would resort to a contract.

The very idea of a contract belongs to a later stage of social development than the hypothesis demands. Primitive man did not possess that maturity of outlook which the making of a social contract presupposes. Moreover, the conditions of a contract also presuppose a system of law to support it.

The advocates of the Contract Theory hold individuals as making a contract for their personal safety and the security of the property. But history tells us just the other way. Early law was more communal than an individual, and the unit of society was not the individual but the family.

The family was the unit; the property was held in common. Custom formed law, and each man was born into his status in society. Society has thus moved from status to contract arid, not from contract to status, as the Contractualism has maintained it.

The contract is not the beginning, according to Sir Henry Maine, but the end of society. In primitive society, birth determined the position of every. Man, it was not a matter of choice or voluntary arrangement. He, born a slave, let him remain a slave, the artisan, an artisan priest, and a priest.

This is the command of status, and we cannot imagine a slave having the free choice to contract. If he has a free choice to contract, then he no longer remains a slave. Even if it be granted that the State is the result of the contract, commonsense will tell us that there are always two parties to the contract. There cannot be a one-sided contract, as was conceived by Hobbes.

Moreover, every contract lapses after the death of one of the contracting parties. It cannot be made legally binding on the descendants of the original parties to the contract. Bentham remarks I am bound to obey not because my great grandfather may be regarded as having made a bargain which he did not really make with the great-grandfather of George HI, but simply because rebellion does more harm than good.

The Contractualists assume that men are equal in the state of nature. This assumption is incorrect. If status determined the position of man in the primitive society, then the natural inference is that inequality rather than equality existed in the state of nature, Nor can we accept human nature as the exponents of the Contract theory have portrayed it. The life of man may justly be described as a life lived in groups, And while living with others, he is neither as bad as Hobbes thinks, nor is he so good as Rousseau considers him to be. Both Hobbes and Rousseau have allowed their intellect to be carried away by their imaginations.

As is said to have existed in the state of nature, the conception of natural rights and natural liberty is illogical and fallacious. Liberty cannot exist in the state of nature. Law is the condition of liberty. Without restraint, liberty is nothing short of a license, and a condition of the license is anarchy, pure, and simple. The state of nature being pre-political and even pre-social, it was subject to no civil law. Rights, too, arise in a society, and a corresponding obligation accompanies every right. If there is no society, we cannot think of rights. No rights existed before the State arose.

Finally, there can be no rights without consciousness of common interest on society’s member, and common consciousness was conspicuous by its absence in the state of nature. “Without common consciousness,” writes Green, there might be certain powers on the part of individuals. Still, no recognition of these powers by others as powers of which they allow the exercise nor any claim to such recognition, and without this recognition or claim to recognition, there can be no right.

Even on rational analysis, the theory of Social Contract can no longer be upheld. The relationship between the individual and the State is not voluntary. Each of us must compulsorily belong to a State, and the ties that bind men together are permanent. Each of us is born into the State. We are part of the State, and the State is part of us. Burke has aptly said that the State.

Ought not to be considered as nothing better than a  partnership agreement on trade of pepper and coffee, calico or tobacco or some other such low concern, to be taken up for a little temporary interest and dissolved by the parties’ fancy. It is to be looked on with reverence. It is a partnership in all science, art, a partnership in every virtue, and m all perfection.  As the end of such a partnership cannot be obtained in many generations, it becomes a partnership between those living and those who are dead and those who are to be born.

If the theory of Social Contract is accepted as the true origin of the State, it will make the State purely the handiwork of man, an artificial contrivance. Still, the State is neither the handiwork of man nor the creation of God nor the result of force. It IS the product of growth and evolution, and many factors enter into the process of its development.

Finally, the authors of the Contract Theory had no mind to trace the origin of the State. Their primary object was to establish the basis of political authority. Determined to prove certain results, they wove a web of their own and in a manner which suited their purpose and, thus, a contradictory theory has been presented as the origin of the State.

Value of the Theory.

We reject, therefore, the doctrine that the State originated in a contract. At the same time, we cannot discount the practical value of the theory. It has the advantage of giving us perhaps the only sound assumption to build and maintain any political relationship system. It insists upon the fundamental truth that no stable State can exist without its members’ consent, that it is they, and they alone, who make the State.

It further emphasizes that there IS no State either before or without the people and that the State has no authority except that given to it by the people. The relationship of government to the governed is essentially One of contract or bargain as obedience is conditional on the government fulfilling its own part and doing that it is entitled to do by its Charter or Constitution and no more.

The principle of consent, thus, became an important factor in the development of political thought. Consequently, it eclipsed the much talked of and, till then, widely accepted doctrine of the Divine Origin of the State. As Gilchrist points out, the chief enemy of the Divine Theory was the Contract Theory.

Both Locke and Rousseau declared inmost unequivocal terms that the monarch derived his authority not from God but the people. He could continue to remain in office only on the condition of good governmental The Contract Theory, therefore, served a useful purpose in its time by combating the claims of irresponsible rulers and class privilege.

The Contract Theory has also helped in the development of the modern concept of sovereignty. Hobbes paved the way for Austin, the exponent of legal sovereignty. Locke was the Champion of [political sovereignty](https://www.politicalscienceview.com/sovereignty-in-political-science/), and Rousseau was the high priest of popular sovereignty. Rousseau also brought into prominence the idea of direct democracy. Indirect or representative democracy lost much of its appeal after the end of World War I.

New devices of popular participation in government work began to be advocated, and the referendum is merely a modified form of Rousseau’s conception of inalienable sovereignty of the people. Furthermore, the modern theory of a clear separation between the State and government has really come to us from Locke.

Finally, the Contract Theory raises the common on the pedestal of political glory. The modem cry of the equal right of voting for all citizens is the legacy of Rousseau’s ideal of equal political rights.