

POLI 342: MODERN WESTERN POLITICAL THOUGHT

Session 3– . The Theory of The Social Contract

Lecturers: Dr. E. Aggrey-Darkoh,
Department of Political Science

Contact Information: eaggrey-darkoh@ug.edu.gh



UNIVERSITY OF GHANA

College of Education

School of Continuing and Distance Education

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Session Overview

•Welcome to session 3: **The Social Contract Theory**. In this session, I introduce you to one of the most enduring theories in the History of Political Thought. The fundamental assumption is that the state came into existence as a result of a contract between the government and the governed. It is this contract that establishes rights and obligations for both the government and the governed. This is what makes the social contract theory one of the most important controlling thought in political theory. From the time of the radical reformation until well into the second half of the eighteenth century, political thinking was actually dominated by the ideas of the social contract. Social contract has been argued to support a number of historical political positions. It has been argued as a justification for the execution of kings, justification of limited government, and even support a revolution among others. In this session therefore, I provide the general overview of this all important theory and offer its core features. It is important for you to grasp this as it provides the background for the subsequent five six sessions. I wish you well.

Session outline

This session covers the following topics:

- The Development of Social Contract
- The History of Social Contract
- The Contributors to Social Contract Theory

TOPIC ONE

The Development of Social Contract

Introduction

- Social contract theory is typically used to argue a number of positions.
- It is used to explain why men should obey the state
- It is used to explain when men should obey the law
- It is employed to explain why men should obey the sovereign or the leader.
- In everyday life, we all know that promises create obligations

Introduction (cont' d)

- The theory of social contract had a significant part to play in the struggle for individual freedom.
- The concept of individual liberty is against absolutism.
- There are contract sounding notions in coronation rights of kings.
- The refusal of Socrates to escape the rigour of Athenian justice was based on implicit assumption to always obey the state because he had always lived in it.

Some Practical Manifestations of Social Contract

- The coronation rituals of medieval kings was contract ridden
- The kings in medieval era received the blessings of Holy Church in return for promises to protect true religion.
- All oaths of allegiance are to a very large extent, contractual.
- Feudalism was also riddled with contract

Some Practical Manifestations of Social Contract (cont' d)

- The founding of the people as contained in book of Genesis is by agreement.
- The children of Israel negotiated with God and agreed to keep the law in return for the promise that they will possess the land.
- The covenant was not easy to keep.
- Moses had to struggle to keep his people to the terms of the contract.
- Moses was both the people's agent and God's
- The implication of the Mosaic leader is that if God himself had negotiated with His people, how will earthly leaders refuse to bargain with their people?



TOPIC TWO

The History of Social Contract

Origins of the Social Contract

- In the ancient Greek political thought there was social contract theory
- Social contract theory was also inherited by the Middle Ages
- It was subsequently transferred to the seventeenth century
- It really flourished beyond proportions in the seventeenth century
- The doctrine has always been used against absolutism
- It has been used for the protection of individuals' freedom and rights

Origins of the Social Contract (cont' d)

- It is the contention of Sir Robert Filmer that the social contract theory was first hatched in the schools and fostered by all succeeding popes for good divinity.
- It is believed that if any king transgresses the contract by virtue of which he is chosen, he literally absolves the people from the obligation of submission.
- The theory assumed a concrete shape at the hands of Thomas Aquinas (1227-1274)
- Aquinas based his theory on the Bible, Roman Law and Aristotle's politics
- According to the Bible, the powers that be are ordained by God
- David made a covenant with his people
- Roman Law implicitly acknowledged the existence of a contract.

Origins of the Social Contract (cont' d)

- In Aristotle's Politics, it is made clear that the people elect their leaders and they are accountable to them. (Office holding is based on contract here).
- Feudalism was also based on the principle of give and take. (It was based on agreement)
- People would submit to the landlord on condition that he would protect their rights and provide security.
- During coronation, the king entered into an implicit contract with his feudatories. He pledged good government and the protection of the general welfare of the people.

Origins of the Social Contract (cont' d)

- The sovereignty of the Natural Law also favoured the social contract
- The existence of natural law implied the existence of natural rights.
- There was always a close and innate connection between the idea of social contract and the idea of Natural Law. (This very evident in John Locke.)
- The content of the contract theory changed during the period of religious struggles.
- The minority had the right to profess any religious faith and the majority group or the government could not impose any restrictions on the minority.

Origins of the Social Contract (cont' d)

- The right of the minority is derived from the Bible.
- The *Vindiciae Contra Tyrannos* vindicated the right of the minority against the tyranny of the king.
- The Huguenots thinkers advocated the rights of the minority
- According to Althusius, the foundation of every society is a contract and the society is ruled according to the terms of the contract.
- As per the contract, men can resist the authority of a tyrannical ruler.
- In the age of the wars of religion up to the Treaty of Westphalia in 1648, social contract was the weapon of religion.
- Between 1651 and 1762, the theory of the social contract was fully formed.

TOPIC THREE

The Contributors to Social Contract Theory

Thomas Hobbes

- Hobbes argued an absolutist case for undivided sovereignty in the hands of one man or a body of men.
- To Hobbes, men cannot make law by contract but can only choose a law-giver by agreement
- Hobbes places so much importance on the law giver
- In the Leviathan, Hobbes argues that it is logically nonsensical to believe that formal constraints can ever be put on the sovereign.

Thomas Hobbes (cont' d)

- Hobbes contends that men living without a law, in an imagined state of nature, would be men with very good reason for not trusting each other.
- They could not make contract with each other because of the fear of non-performance in a lawless world
- Men in the state of nature pointed out to each other and agreed among themselves to make one of them a sovereign
- The sovereign is therefore not party to the original contract
- To Hobbes, ordinary social living, is impossible without the state as a law-and-order mechanism.

John Locke

- Locke argued a recognizably parliamentary case for the social contract
- Locke recognizes that the state of nature was social and that the rights individuals enjoyed imposed on them responsibilities to respect the same rights in others
- He argues that the state is natural and emerges spontaneously
- Locke thinks that a society can survive the collapse of its formal structures of law and order.
- Society, he argues can make a choice on how it can be governed in future.

John Locke (cont' d)

- He thinks that the state needs not have a will on its own, contrary to what Hobbes Said.
- Locke is of the view that ordinary recognizable human living is possible, though inconvenient, without a central law-making and law-enforcing agency.
- He argues that societies would withstand the shocks their politics will give them.

Jean-Jacques Rousseau

- Rousseau argued a case for an absolutely sovereign people as law-givers to themselves.
- He posits that the people are only free when they obey the laws they have made themselves
- Rousseau's social contract is something like a charter for social and political revolution.
- He uses the social contract to explain not how societies can be made stable but how society can be made just.
- Social contract theory then becomes the vehicle for the remodeling of all social and political institutions.

Jean-Jacques Rousseau

- Rousseau maintains that if societies were naturally self-constituting,
 - then it was possible to think about schemes of reform without running the risk of returning reasonably stable societies to the horrors of the Hobbesian State of Nature.

Conclusion

- Social contract theory has been very resilient.
- It has been used to defend a number of positions in the world.
- There has been phenomenal contribution to the growth and development of the theory.
- Its attraction is the revulsion towards absolutism and the defense of individual freedom
- Some of the leading lights of the theory are Hobbes, Locke and Rousseau.
- It ultimately vindicated absolute sovereignty, limited sovereignty, popular sovereignty, constitutionalism, democracy, people's freedom, reconciliation between liberty and authority.