

## **CONTRACTARIANISM: A BRIEF SURVEY**

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The social contract was originally associated with Hobbes (1651), Locke (1689) and Rousseau (1762). They were the most famous philosophers which formed the theoretical groundwork of contractarianism. The social contract theory is sometimes regarded as an actual historical fact to which the origin of the state is ascribed. It is also often used only as an idea to express certain fundamental relations existing in political life. There are different exponents of this theory each of them project varying ideas as far as the state of nature is concerned. Some project it as a state of brute savagery where the law of the jungle prevailed; others regard it to be a state of ideal innocence and bliss and still yet others consider of it as a state of insecurity though not of savagery. However, despite the differences in the ideas attached to the theory, the theory represents one common direction and that is, the state or society is the outcome of deliberate human effort or in other words, the society originated in, or based on, an agreement between the people and the government, or between all the individuals composing it where every member of the party partakes in the existing contract.

The social contract theory or contractarianism endeavors to systematically establish the basic factors that sanction the formation of human societies which give rise to the creation of governing authorities all through an initial set of covenants people agree to enter into so as to strengthen individual self-preservation and social living by being members of a greater society. The theory explains the ways in which people form states and maintain social order by entering into a mutual agreement with one another to make a state by contract, each surrendering personal freedom as necessary to promote the safety and well-being of all because the benefit of living in a civil society far outweighs the right to do absolutely anything in the state of nature.

The social contract theory holds that social living pre-supposes certain social norms and every individual in the society seems to be willing to enter into a contract for his own advantages so also for the greater advantages of all which far outweighs than those who remain in the state of nature where there prevails no social law. Primarily the social contract theory is based on human nature and the situation under

which human society came into being. According to social contract theory, right and wrong are simply an agreement made among rationally self-interested individuals who are willing to give up the unhampered pursuit of their own desires and interests for the security of living in peace with the contracting members. The notion of the social contract implies that the people transfer some rights to a government or other authority in order to receive or maintain social order through the rule of law. It can also be said to be an agreement by the governed on a set of rules by which they are governed. The most important contemporary political social contract theorist is John Rawls, who effectively advocated social contract theory in the second half of the 20th century, along with a moral contractarian, namely, David Gauthier. However, this paper does not intent to give a detail explication of the social contract theory as it is beyond its scope.

Hobbes in his book *Leviathan* depicts the state of nature as thus: “In such condition, there is no place for industry, because the fruit thereof is uncertain: consequently no culture of the earth; no navigation, nor use of the commodities that may be imported by Sea; no commodious building; no instruments of moving such things as require much force, no knowledge of the face of the earth; no account of time, no arts, no letters; no society; and which is worst of all, continual fear, and danger of violent death; and the life of man, solitary, poor, nasty, brutish, and short.”<sup>1</sup> The state of nature, as Hobbes depicted, was so hostile and uncertain and in such situation which was full of complexities and hostilities, social living practically was a far distance. Hence, in order to escape from the state of nature individuals were required to be cooperative and submissive with one another and committing of such would assures a social system build on covenants between individuals and thus subsequently leads to a formation of what he calls the commonwealth. Each individual has construed the objects of agreement between the contracting parties and thus agreed upon entering into a covenant by surrendering their rights for the greater benefits and security of their social living on the condition that others do in the same manner. It was a contract of each with other. Hobbes states that the only way to assemble the common power is to confer all their power and strength upon one man,

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<sup>1</sup>Hobbes, T., (1960) *Leviathan*, Blackwell, Oxford, p. 82

or upon one Assembly of men, that may reduce all their wills, by plurality of voices, unto one will; which is as much to say, to appoint one man, or Assembly of men, to bear their person; and everyone to own, and acknowledge himself to be author of whatsoever he that so beareth their person, shall Act or cause to be Acted, in those things which concern the Common peace and safety.<sup>1</sup> The covenant agreed upon involves both the renunciation or transfer of right and the authorization of the sovereign power. Essentially, the people are responsible for creating the covenant to help them in their interest. Thus, the covenant made between the parties consists of a set of rules or principles where all rational individuals mutually agree to follow and enforce it to enhance a better cooperative social living and common peace.

Rousseau (1712-1778) was one of the greatest thinkers, a genius and a keen moralist. He believes in the fact that the natural person was guided by instinct and not by reason which is quite in agreement with Hobbes. However, unlike Hobbes who depicted the state of nature as hostile and uncertain; Rousseau states the more we reflect on it, that is, the state of nature, the more we shall find that this state was the least subject to revolutions, and altogether the very best man could experience, so that he can have departed from it only through some fatal accident, which, for the public good, should never have happened. The example of savages, most of which have been found in this, seems to prove that men were meant to remain in it, that is the real youth of the world, and that all subsequent advances have been apparently so many steps towards the perfection of the individual, but in reality towards the decrepitude of his species.<sup>2</sup> Rousseau in his famous work *The Social Contract* states: “The passage from the state of nature to the civil state produces a very remarkable change in man... Then only, when the voice of duty takes place... man, who so far had considered only himself, find that he is forced to act on different principles, and to consult his reason before listening to his inclinations... His faculties are so stimulated and developed, his ideas so extended, his feelings so ennobled, and his soul so

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<sup>1</sup>Hobbes, T., (1991) *Leviathan*, ed. R. Tuck, Cambridge University Press, Cambridge, p. 120

<sup>2</sup>Rousseau, J. J., ((1958) *A Discourse On the Origin of Inequality in the Social Contract and Discourses*, (trans) G.D.H. Cole, Dent, London, p. 198-99

uplifted... instead of a stupid and unimaginative animal, made him an intelligent being and man.”<sup>1</sup>

Rousseau recognizes society as inevitable for human life was not possible without it and hence endeavors to understand human society and institutions in their rational aspect. The fundamental problem of social contract theory as far as Rousseau is concerned, is to find a form of association able to defend and protect with the whole common force the person and goods of every associate, and of such a nature that each, uniting himself with all, may still obey only himself, and remain as free as before. He conceives the State as a body aiming at the well-being of all its members and subordinates. Rousseau says the voice of duty demands that individuals to set aside his private, self-enclosed and self-centered inclinations in favor of social rules that can impartially promote the welfare of everyone in the same manner. The coming together of individuals into forming the kind of contract by setting rules to be cohesively used for the welfare of the people. Rousseau<sup>2</sup> wants to establish a relationship between citizens that will provide each with adequate protection backed by the community while preserving the free will and liberty of each. Rousseau’s suggestion is the simultaneous alienation by each person of his rights to the absolutely sovereign community. Rousseau defines freedom as “that condition which by giving each citizen to his country, guarantees him from all personal dependence.”<sup>3</sup> Thus, the process of each giving himself to the community creates an impersonal sovereign.

For Rousseau freedom was moral self-determination or the capacity of the individual in exercising one’s autonomy. He stated: “The Sovereign cannot impose on the subjects any fetters that are of no use to the community. It cannot even will to do so, for under the law of reason nothing takes places without a cause... The commitments that bind us to the body politic are obligatory only because they are mutual, and their nature is such that in fulfilling them one cannot work for someone

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<sup>1</sup>Rousseau J. J., (1959) *The Social Contract and Discourse*, Trans., by G.D.H. Cole, New York, Dutton, p. 18

<sup>2</sup>Barker, E., (1962) *Social Contract: Essays by Locke, Hume, and Rousseau*, Oxford University Press, New York, p. 180

<sup>3</sup>Ibid., p. 184

else without also working for oneself. Why is the general will always right, and why do all constantly want the happiness of each of them, if not because everyone applies the word each to himself and thinks of himself as he votes for all.”<sup>1</sup> The law that is within the general will should be that they were in the general interest of everyone. Is there any thread of losing the freedom under such sovereign body? Rousseau did not see any thread of tyranny under general will because the General Will is not the people’s representatives, they are merely its agents and they cannot decide anything faintly and the law which the people has not ratified in person is empty, it is no law at all and thus the contract enabled the citizens to be as free as the individuals, for “In giving himself to all, each person gives himself to no one. And since there is no associate over whom he does not acquire the same right that he would grant others over himself, he gains the equivalent of everything he loses, along with a greater amount of force to preserve what he has.”<sup>2</sup>

Locke, on the other hand, develops a concept of will as a moral faculty. According to him, the will is governed by a person’s judgment and understanding as opposed to the Hobbesian pleasure-pain mechanism that is pushed around by external forces. Locke (1632-1704), an English political philosopher is one of famous advocates of the social contract theory who has been credited with developing the idea that human beings have a ‘natural rights’ to liberty and a ‘natural right’ to private property.<sup>3</sup> According to Locke, in the state of nature, all man would be in ‘a state of perfect freedom to order their actions and dispose of their possessions and persons as they think fit, within the bounds of the law of nature, without asking leave, or depending upon the will of any other man. A state also of equality, wherein all the power and jurisdiction is reciprocal, no one having more than another... without subordination or subjection (to another)... But... the state of nature has a law of nature to govern it, which obliges everyone: and reason, which is that law, teaches all mankind, who will but consult it, that being all equal and independent, no one ought

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<sup>1</sup>Rousseau J. J., (1959) *The Social Contract and Discourse*, Trans., by G.D.H. Cole, New York, Dutton, p. 168

<sup>2</sup>Ibid., p. 168

<sup>3</sup>Aaron, I. R., (1971) *John Locke*, Oxford University Press, London, p. 352-376

to harm another in his life, health, liberty, or possession.’<sup>1</sup> The law of nature teaches each man the right to liberty and property and each man live an independent life with no one to interfere and be interfered. But the state of nature in which each live independent lives is constantly in thread as there is an insecurity of being harm by others. Consequent upon the apprehension of the unsecured life due to constant thread of uncertainty in spite of all the so called natural rights individuals organize themselves into a political society and erected a government whose primary purpose is to provide the protection of their natural rights that were lacking in the state of nature. John Locke says that at the time person leave the state of nature to unite via a social contract in forming political society, they must be understood to give up all the power necessary to the ends for which they unite into society.<sup>2</sup>

The objective of coming together into forming a political society is for the safety and protection of their rights and thus the consent of the people is extended in order that their rights are protected from being harmed by others. Locke’s position has been rightly summarized by Patrick Riley: Locke’s view... was that even though God has ‘appointed’ moral and political ‘ends’ in the form of natural laws and rights, the “consent and contrivance’ of men is necessary if those “ends” are to be effective on earth because men must voluntarily set up a “known and indifferent judge” who will require men to conform their conduct to God’s appointed ends: “The law of nature would ... be in vain, if there were nobody...(that)... had a power to execute that law.” And the “power” which “executes” that law must be set up by consent and contract, since there is no natural political authority.<sup>3</sup>

A social contract is a mutual agreement between two parties. It involves prior commitments to individualism, freedom, private property rights and the possibility of free market exchange. The approach also involves ‘commitments to reasonableness and basic institutions acknowledging the privileged and foundational role of reasoned and voluntary human commitment’. Though the social contract theory seems to be

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<sup>1</sup>Locke, J., (1963) *Two Treatises of Government*, rev. ed., Peter Laslett, Cambridge University Press, New York, p. 309-311

<sup>2</sup>Locke, J., (1965) *Two Treatises of Government*, (rev.), (ed.), Peter Laslett, Cambridge University Press, New York, p. 377

<sup>3</sup>Riley, P., (March 1976) “Locke’s on ‘Voluntary Agreement’ and Political Power”, *Western Political Quarterly*, Vol.29, No.1, p. 136-145

attractive and promising, the theory has been criticized by many thinkers. Hampton<sup>1</sup> criticized Hobbes in her “Hobbes and the Social Contract Tradition”, arguing that the characterization of individual in the state of nature leads to a dilemma because Hobbes’ state of nature as a potential war of all against all can be generated either consequent upon passion or rationality. Hampton points out that if the passions account is correct, then the contractors will still be motivated by these passions after the social contract is drawn up, and so will fail to comply with it. And if the rationality account is correct then the rational actors will not comply with the social contract any more than they will cooperate with each other before it is made.

William<sup>2</sup> in one of his important articles “On Being the Object of Property” offers a criticism on the ground of the contract metaphor. He says by defining some as contractors and others as incapable of entering into contract, the whole classes of people can be excluded from the realm of justice. Held states that the social contract theory of Rawlesian and Hobbesian type which begin with independent man in the state of nature are wrong since such a state of nature is quite impossible and therefore cannot validly serve as a starting point for any theory, positive or normative, of human nature, inasmuch as any so called independent men would have begun life as babies dependent on mother.’<sup>3</sup>

While, the contractarian view of morality defines right action in terms of the rules of contract. This view maintains that social living presupposes certain moral rules which every individual in society accepts such rules for his own personal advantages and thus developed a simple criterion to decide what actions are morally good and morally bad. However, this theory fails to account the significance of addressing the issues arising from the nature of the agreement between the

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<sup>1</sup>Hampton, J., (1998) “Political Philosophy”, in *The Attempt to Privatize Business Ethics: A Critique of the Claims of Contractarianism to be the Ethical Framework for Global Business*, G.V. Donleavy (ed.), (2010), *Journal of Business System, Governance and Ethics*, Vol. 5, No 1, p. 60

<sup>2</sup>William, P. T., (1988), “On Being the Object of Property”, *Signs: Journal of Women in Culture and Society*, 41: 1, 5-24, Autumn, in , in *The Attempt to Privatize Business Ethics: A Critique of the Claims of Contractarianism to be the Ethical Framework for Global Business*, G.V. Donleavy (ed.), (2010), *Journal of Business System, Governance and Ethics*, Vol. 5, No 1, p. 63

<sup>3</sup>Held, V., (1993) *Feminist Morality: Transforming Culture Society and Politics*, University of Chicago Press, Chicago, p. 195

contracting parties. Is the agreement unanimous? If the agreement is not a unanimous one, then what holds for those who are not a party to the agreement? Moreover, the theory has been often criticized on the ground that it is based on historical fiction with little practicability. It is not untrue to make a little mention here that the contractarian, despite its formidable arguments, is far from being accepted and thus unfolds scopes for further enquiry.

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