

SOCIAL CONTRACT

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Defining the Philosophical Framework of the Social Contract

The concept of the **Social Contract** stands as a foundational pillar within modern Western political theory, representing a theoretical or hypothetical agreement between individuals and the governing authority concerning the establishment of a civil society. Fundamentally, this theory posits that human beings, originally existing in a chaotic and ungoverned state often referred to as the **State of Nature**, willingly choose to surrender some portion of their absolute, inherent freedoms in exchange for the benefits derived from organized society, primarily **security, stability, and the rule of law**. This core exchange--freedom for order--forms the essential mechanism through which legitimate political authority is established and maintained, transforming a disparate collection of self-interested individuals into a cohesive political body. The contract itself is rarely, if ever, a literal, signed document; rather, it functions as an unwritten, implicit understanding that dictates the rights and duties of both the populace and the sovereign, thereby providing a philosophical justification for political obligation and the very existence of governmental structures.

Before the widespread acceptance and elaboration of contractualism during the Enlightenment, the legitimacy of rulers was often grounded in divine right or hereditary claims, systems which lacked a mechanism for popular consent or rational justification. The Social Contract revolutionized this perspective by placing the origin of political power not in celestial decree, but squarely in the rational consent of the governed. This shift necessitated the hypothetical consideration of pre-social existence, requiring theorists to define the characteristics of the State of Nature--a crucial variable that significantly shapes the resulting political structure proposed by each philosopher. If the State of Nature is perceived as intolerably brutal, as posited by Thomas Hobbes, then the resulting contract must logically prioritize absolute order above almost all other considerations; conversely, if the State of Nature is merely inconvenient, as suggested by John Locke, the resulting social contract can afford to limit governmental power severely to protect residual individual liberties. This initial definition of the human condition outside of society thus determines the nature, extent, and limitations of the governmental power that is eventually instituted.

In essence, the Social Contract serves as a critical bridge, articulating how moral and political obligations arise from self-interest and rational choice. Individuals recognize that the absolute freedom enjoyed in the State of Nature is ultimately self-defeating, leading to perpetual conflict and insecurity, a condition where life is precarious and short. By entering into the contract, they achieve a superior equilibrium: they gain security of life and property, protection from internal and external threats, and the framework necessary for economic and cultural progress, all mediated through an impartial legal system. The binding nature of the agreement ensures that adherence to laws is not merely optional but a reciprocal duty, where the sovereign holds power contingent upon its ability to deliver the promised security, and the citizens owe allegiance contingent upon the state upholding its duties. This reciprocal relationship forms the fundamental legal and moral basis for modern representative governance and constitutionalism, transforming obedience from a passive

submission into an active, rational participation in the maintenance of the body politic.

Thomas Hobbes and the Necessity of Absolute Sovereignty

Thomas Hobbes, writing in his seminal 1651 work, *Leviathan*, developed perhaps the most famously stark and uncompromising version of the Social Contract theory, deeply informed by the chaos and brutality of the English Civil War. Hobbes characterized the State of Nature as a catastrophic condition defined by the perpetual "war of all against all," where there is no justice, no morality, and life is consequently "solitary, poor, nasty, brutish, and short." In this state, every individual possesses a natural right to everything, including the body of others, leading to an inevitable and constant competition for resources and survival. The overriding rational desire for self-preservation compels individuals to seek an escape from this terror, leading them to rationally conclude that the only way to achieve peace and security is through the mutual transfer of all their natural rights and powers--save for the inalienable right to self-defense--to a single, unified, and absolute sovereign power, which he terms the **Leviathan**.

The contract, according to Hobbes, is not made between the subjects and the sovereign, but rather among the subjects themselves, who agree to be governed by the sovereign. Crucially, the sovereign is not a party to the contract and therefore cannot breach it; its power must be absolute, indivisible, and unquestionable to prevent the community from collapsing back into the dreaded State of Nature. This absolute authority is necessary because only unlimited power can effectively coerce compliance, adjudicate disputes, and maintain the fragile peace purchased at the cost of liberty. Hobbes argued that any attempt to limit or divide the sovereign power--whether through constitutional checks, parliamentary bodies, or judicial review--is inherently destabilizing and invites civil discord. The primary duty of the Leviathan is simply to ensure domestic peace and security; as long as the state can protect its citizens' lives, the citizens owe it absolute obedience, regardless of how tyrannical or inconvenient the government might seem, because even the worst government is preferable to the anarchy of the State of Nature.

Hobbes's theory is fundamentally anti-revolutionary, stressing the overwhelming importance of order and stability over individual freedoms, positioning him as an advocate for **authoritarian contractualism**. The freedom surrendered in the contract includes the right to judge the morality of governmental actions, the right to resist legitimate authority (unless one's life is directly threatened), and the freedom of assembly or dissent. While this vision appears oppressive, Hobbes viewed it as the only realistic solution to the inherent conflictiveness of human nature; men are driven by fear and glory, and only a terrifying, irresistible power can keep these passions in check. His contribution firmly established the social contract as a mechanism for political legitimacy, but one uniquely focused on justifying the necessity of a monopolistic, centralized power capable of enforcing the contracts and covenants that make social life possible, thereby creating the political space necessary for industry, knowledge, and culture to flourish without fear

of immediate dissolution.

John Locke: Natural Rights and Limited Government

In stark contrast to Hobbes, John Locke, whose theories heavily influenced the American and French Revolutions, presented a significantly more optimistic and liberal interpretation of the Social Contract in his 1689 work, the *Two Treatises of Government*. Locke conceived of the State of Nature not as a war zone, but rather as a state of perfect freedom governed by the **Law of Nature**, which dictates that no one ought to harm another in his life, health, liberty, or possessions. While this state is generally peaceful, it suffers from crucial inconveniences that prevent the secure enjoyment of rights. The primary reasons individuals choose to enter civil society are based on the inadequacies of the State of Nature, which include:

The lack of an established, known, and settled law, universally received and acknowledged as the standard of right and wrong.

The lack of an impartial judge with authority to determine all differences according to the established law.

The lack of power to back and support the sentence when right, and give it due execution.

Since every man is both judge and executioner of the Law of Nature in this state, disputes inevitably lead to cycles of retaliation and instability, making the enjoyment of property highly insecure. The contract is thus entered into specifically to remedy these systemic inconveniences, not to escape a catastrophic war. Individuals only surrender the two powers they possess in the State of Nature: the power to interpret the Law of Nature and the power to enforce it. These powers are transferred to the community, which then establishes a government (the civil society) whose sole, explicit purpose is the preservation of the citizens' **natural rights**--specifically, **life, liberty, and property**.

Unlike Hobbes, Locke insists that individuals do not surrender their fundamental rights to the government; rather, they delegate authority to the government to protect those rights. This delegation inherently places severe limitations on governmental power, making the contract conditional. If the government fails in its fiduciary duty to protect these rights, or if it acts arbitrarily against the people, it forfeits its legitimacy, and the people retain the right to dissolve or overthrow it, a concept known as the **right to revolution**. Locke's model establishes the foundation for **constitutional contractualism** and limited government, asserting that government power must be divided (e.g., between legislative and executive branches) and must operate strictly according to established, promulgated laws.

Furthermore, Locke places the ultimate authority, or **sovereignty**, not in the ruler, but perpetually in the people themselves. This means that the legislative power, although supreme within the government, is still subordinate to the people who created it. His emphasis on private property as a

foundational natural right, existing prior to and independently of the social contract, profoundly influenced classical liberalism and the development of capitalist economic theory. By framing the contract as a measure to secure preexisting liberties rather than to escape certain death, Locke provided the philosophical justification for democratic accountability and the principle that political power must always be derived from and limited by the consent of the governed.

Jean-Jacques Rousseau and the Concept of the General Will

Jean-Jacques Rousseau, writing a century after Locke and Hobbes, offered a transformative and highly influential, albeit complex, vision of the Social Contract in his 1762 treatise, *The Social Contract, or Principles of Political Right*. Rousseau's starting point differs significantly: he famously declared that "Man is born free, and everywhere he is in chains." He viewed the State of Nature as a peaceful, idyllic state where "noble savages" lived simple, self-sufficient lives governed by instinct and pity, a state corrupted only by the introduction of private property and subsequent social inequality. The goal of his contract was not merely to secure life, but to find a form of association that would protect the person and goods of each associate, and in which each individual, though uniting with all, may still obey only himself, and remain as free as before.

Rousseau's solution involves the individual making a "total alienation" of all his rights and powers to the entire community, creating a collective entity known as the **Sovereign** or the **body politic**. When an individual submits to this collective, he is not submitting to a separate ruler (like Hobbes's Leviathan) but is submitting to a common authority of which he himself is an inalienable, equal part. Obedience to the law, therefore, becomes an act of self-governance, as the laws are expressions of the **General Will**. The General Will is not simply the summation of private, self-interested individual wills (the Will of All), but rather the collective, rational interest aimed at the common good of the community. To obey the General Will is thus to obey one's own truest, rational self, thereby achieving true moral and civil liberty. This formulation leads to Rousseau's most radical and controversial claim: that individuals must be "forced to be free."

If a citizen follows his selfish private will instead of the General Will, he is acting irrationally and against his own best interest as a member of the body politic; therefore, coercing him to comply with the law is simply forcing him to acknowledge and adhere to the liberty he gains through participation in the collective. Rousseau's emphasis on direct participation, the indivisibility of sovereignty, and the moral transformation achieved through civic life makes his theory a cornerstone of modern **democratic and republican contractualism**. While Locke focused on the defense of pre-existing rights, Rousseau focused on the creation of a moral and political community where individual freedom is realized through participation in collective self-legislation, making his contract highly demanding in terms of civic virtue and public engagement. This necessitates a fundamental transformation of individual psychology from self-interest to communal identification.

The Evolution of Contract Theory: Rawlsian Justice

While classical contract theory focused primarily on justifying the origins and limits of political authority, the 20th century saw a powerful revival and transformation of the doctrine in the work of John Rawls, particularly in his monumental 1971 work, *A Theory of Justice*. Rawls utilized the social contract device not to explain historical origins, but as a methodological tool for determining the fundamental principles of a just society. He introduced the thought experiment of the **Original Position**, a hypothetical scenario where rational individuals are tasked with choosing the rules for their society, but operate under a strict informational constraint known as the **Veil of Ignorance**. Behind this veil, individuals are unaware of their own specific attributes--their race, class, gender, talents, wealth, or even their personal conception of the good life--ensuring that the chosen principles are fair because no one can tailor the rules to favor their own specific situation.

Rawls argued that in this state of pure impartiality, rational actors would inevitably choose two primary principles of justice. The **First Principle (Liberty Principle)** ensures equal basic liberties for all citizens, such as freedom of speech, assembly, and conscience, and this principle takes absolute priority. The **Second Principle (Difference Principle)** governs the distribution of wealth and social goods: social and economic inequalities are permissible only if they are attached to offices open to all under conditions of fair equality of opportunity, and, crucially, if they work to the greatest benefit of the least advantaged members of society. This hypothetical contract, therefore, does not concern obedience to the state but rather the establishment of a robust framework of **distributive justice**, moving the focus of contractualism from political power justification to social resource allocation and equity within the existing structure.

Rawlsian contractualism is often termed **hypothetical contractualism** because the agreement is never intended to have actually occurred; its power lies in its ability to model moral reasoning and fairness. By ensuring that the contracting parties are symmetrically situated and ignorant of their future social position, the Veil of Ignorance guarantees that the resulting principles are inherently fair. This framework provides a powerful liberal response to utilitarianism, arguing that fundamental rights cannot be sacrificed for the sake of aggregate social welfare. Rawls's work successfully demonstrated the enduring vitality of the contractarian tradition, showing that it remains a potent tool for deriving ethical norms and institutional structures within a modern, pluralistic society, ensuring that society's benefits and burdens are distributed equitably among free and equal moral persons, thereby establishing a benchmark for institutional performance.

Explicit Versus Tacit Consent in Political Obligation

A central practical difficulty facing social contract theory is the mechanism through which modern citizens, none of whom have literally signed the original pact, are deemed to have consented to the authority of the state. Theorists distinguish between **explicit consent**, which involves a clear,

voluntary affirmation (such as swearing an oath, signing a citizenship document, or voting), and **tacit consent**, which is implied by actions, residence, or acceptance of state benefits. While explicit consent is rare and often reserved for specific legal acts, the vast majority of political obligation is generally justified through the concept of tacit consent, which posits that by living within a territory governed by a state, utilizing its infrastructure, accepting its protections, and participating in its economy, an individual implicitly agrees to abide by its laws and uphold its authority.

The reliance on tacit consent, however, has drawn significant philosophical criticism, often centered on the idea that withdrawal is practically impossible, thus rendering the consent meaningless. Critics argue that simply living in a country does not equate to genuine consent, particularly if alternative options are scarce or nonexistent. For instance, if emigration is economically ruinous, culturally devastating, or legally restricted, the choice to stay is not a free or voluntary affirmation of the government's legitimacy. Furthermore, critics question whether the acceptance of state benefits--such as police protection or public infrastructure--can truly be considered an act of consent, given that these services are often unavoidable public goods that one cannot selectively opt out of receiving, likening the situation more to coercion than to a voluntary agreement or choice.

In response, some modern contract theorists prefer to shift the focus from actual consent (whether explicit or tacit) to **normative consent** or **hypothetical consent**, following the Rawlsian model. This approach argues that political obligation is justified not because citizens have factually agreed to the rules, but because they *would* agree to the rules if they were rational, free, and situated fairly (e.g., behind the Veil of Ignorance). Under this view, legitimacy rests upon the inherent fairness and justness of the institutional structure, rather than historical or behavioral affirmation by every individual citizen. This philosophical maneuver addresses the practical shortcomings of explaining how billions of non-signing citizens are bound by an ancient, unwritten pact, grounding political authority instead in the principles of justice and rationality that the institutions embody, thereby focusing on the moral quality of governance rather than the mechanics of behavioral affirmation.

Persistent Critiques of Social Contract Theory

Despite its dominance in political philosophy, social contract theory has faced extensive and varied criticisms throughout history, challenging its premises, methodology, and conclusions. One of the most historically potent critiques comes from **David Hume**, who argued that political societies are founded not on rational agreement or promises, but on force, conquest, and habit. Hume contended that the idea of an original contract is a historical fiction and that obedience is better explained by utility and custom than by a philosophical pact. Furthermore, **Hegel** and other idealists criticized the contractualist approach for reducing the state to a mere instrument of individual self-interest, arguing that the state is an organic, moral entity that precedes and shapes

the individual, rather than being merely the result of individual calculation, thereby robbing the state of its inherent ethical value.

Feminist critiques, notably articulated by Carole Pateman in *The Sexual Contract*, argue that classical contract theory inherently relies on a hidden **patriarchal premise**. Pateman suggests that the freedom gained by men in the social contract is predicated on the prior establishment of a "sexual contract" that subordinates women, excluding them from the category of "free and equal individuals" who participate in the political pact. By assuming a generic, unsexed individual entering the State of Nature, classical theory masks the way gendered power dynamics influence both the creation of civil society and the distribution of rights and duties within it, rendering the contract incomplete and biased from its inception. This critique necessitates a re-evaluation of who exactly constitutes the "contracting parties" and whose interests the resulting political order truly serves, highlighting the historical exclusion of certain populations.

Moreover, critics of **communitarianism**, such as Michael Sandel, challenge the foundational assumption of the autonomous, unencumbered individual choosing political principles prior to entering society. Communitarians argue that individuals are necessarily embedded within specific cultural, historical, and communal relationships that define their identity and values. The abstract individual of the Original Position or the State of Nature is thus viewed as an incoherent fiction, leading to principles that are unduly abstract and detached from real-world moral life. These critiques collectively force contractarians to continuously refine their arguments, moving away from historical claims toward sophisticated models of hypothetical rationality, while simultaneously confronting the systemic biases embedded in the historical narrative of individual freedom and consent and adapting the framework to account for group identity and historical injustice.

The Enduring Relevance of Contractualism

Despite the philosophical and historical challenges leveled against it, the Social Contract remains the single most important conceptual framework for understanding the legitimacy of modern political institutions and the nature of political obligation. It provides a powerful, rational language for discussing fundamental issues such as state sovereignty, individual rights, the boundaries of governmental authority, and the justification for redistributive policies. Every constitutional debate, every discussion about the balance between security and liberty, and every movement asserting the people's right to self-governance tacitly or explicitly invokes the principles established by the contractarian tradition. The core insight--that legitimate government must derive its powers from the consent, real or hypothetical, of the governed--is the defining characteristic of modern liberal democracy.

The modern application of contractualism extends far beyond national politics, influencing international relations and global justice theories. Concepts such as global poverty alleviation,

climate change agreements, and international human rights conventions can be viewed through a modified contractual lens, where nations or individuals agree to certain restrictions or duties in exchange for global stability and shared benefits. For example, treaties establishing international law function as explicit contracts between sovereign entities, seeking to move the global arena from a hostile State of Nature toward a more ordered system based on mutual agreement and reciprocal obligation. This expansion demonstrates the framework's flexibility and adaptability, allowing it to address complex moral and political problems that were unimaginable to its Enlightenment originators.

In conclusion, the Social Contract is more than a historical artifact; it is a vital, ongoing conversation about the conditions under which human beings can live together justly and peacefully. Whether viewed through the lens of Hobbesian order, Lockean liberty, Rousseauian democratic participation, or Rawlsian justice, the underlying paradigm persists: society is based on an unwritten agreement that mandates the surrender of some natural freedoms in order to benefit from the greater security provided by laws and governments. It establishes the critical democratic standard that the state exists to serve the people, and its authority must ultimately be justified through the rational assent of those it governs, thereby guaranteeing that power remains accountable and conditional to the welfare of its citizens.