

The academic fallacy of the Social Contract Theory

An analytical argument to discern the moral characteristics of the Sovereign

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Abstract- The following paper is an academic attempt to dissect upon the theory of Social Contract by virtue of analytical progression. It is heavily directed towards determining characteristics of authority, especially Sovereign authority. It does so by bridging the gap in human consciousness created by linguistic recognition of the Social Contract and advocates for the presence of an eternal power structure only progressively nuanced to accommodate variable human tendencies. As the presence of an eternal power structure goes against the inventive ethos of the generally accepted Social Contract theory, this paper indeed argues that the present socio-political structures are nothing but denouements of such a power structure and are therefore needed to be understood in anthropological light before ascribing meanings to such a structure. This paper also attempts to scrutinize the Moral Obligation of the Sovereign in order to contextualize an ever-present friction between the citizens and their sovereign and it does so by retrospectively unfolding the progress of authority to determine its consequence which in turn help us to determine the true function of a Sovereign.

Index Terms- Authority, Hobbes, Locke, Morality, Rousseau, Sovereign, Social Contract.

I. INTRODUCTION

Language has been the most important medium of communication between humans since times immemorial. We submit ourselves very less to the fact as to how the course of language evolved because it's a finished product and we don't need to get into the details of something that doesn't superficially seem faulty. We prefer to go on with our lives and easily delegate this inquisitive responsibility of finding answers to such questions to the ones whose daily lives consist of finding answers to such questions. I am not against the idea of going on with one's life and leaving things that are too time consuming for those who have time to be consumed by such things, it creates certainty and it gives us time to think about things that affect us daily like acquiring finances, marriage, having children and raising them, sending them off to college, wanting them to have children and repeat with

a few nuances whatever their parents did and eventually making sure that our funeral has enough people congregating as is required for it to be termed as a respectable funeral; in simpler terms a majority of us prefer order. Order is what has kept the human race going on over the years; we have strategically devised a formulaic way of living that completely favors our instinctive need to procreate, and it has come to us after many eras of tribalism, wars, revolutions, catastrophes and religious doctrines. After dwelling in each of the mentioned eras and testing it to find the perfect order to fulfill our utmost biological duty we have come to realize that only by creating favorable conditions for the majority population where they are astutely detached from the large decision making processes like legislations, forming of policies, contemplating socio-cultural changes etc but are only linked in a way as they can elect someone amongst them who can make these decisions for them can we maintain and retain the perfect order.

Prominent thinkers like Thomas Hobbes, John Locke and Jean-Jacques Rousseau have contemplated this order to be called a Social Contract though all three of them have their own hypothesis to uphold the need for such a contract which we will explore a bit later in this paper. But each one of them emphasizes on the requirement of such a contract for a healthy progress of mankind. A recurring theme that is found in Hobbes', Locke's and Rousseau's version of the Social Contract alike is that certain individual rights have to be renounced in order for a Sovereign (State) to assume authority over its people wherein they'll be treated as equals and covenants, laws and treaties will be made to adjudicate upon such people so that they live in peace and harmony which wasn't prevalent prior to this arrangement. This forms a Contract where individuals collectively decide to give authority to a Sovereign by renouncing certain rights in exchange to be treated as equals and for peace to prevail. Democracies, governments, judiciaries and legislatures are all a denouement of such an arrangement where they collectively form a Sovereign and make laws and enforce them to hold to their end of the Contract. This paper undertakes the responsibility to present an argument that 'Social Contract' as an academic device to understand the socio-political nature of society is operationally flawed as it limits the scheme of understanding it in a more realistic space. It heavily

relies on language to demand a 'Moral Obligation' from the Sovereign wherein as we analytically progress we can determine for ourselves that the actual function of the Sovereign has been to accommodate variable human tendencies with progressive additions and subtractions. It is also argued in this paper that social contract as a phenomenon is not a result of human invention as many of the social contract theorists suggest but a system already in place before we linguistically started recognizing it thereby creating many academic holes to fill.

Additionally this paper also nudges upon the discrepancies created by the theory of evolution which confusingly era-wise restricts the progression mankind has had, it presents an argument that we can never actually pin-point the psychological sprouting of human beings as we can never demystify the origin and reason of a plethora of tendencies we possess.

II. THE CONCEPTUAL FALLACY OF THE SOCIAL CONTRACT THEORY

The Social Contract theory with its versions and nuances encompasses an important socio-political thought that advocates for placing the Sovereign as the legitimate authority over its citizens. It speaks for the motion that individuals, if left to their own devices to govern themselves and their behavior, will not be the best judges of how a society should function as there will always be people who disagree and any consensus will become impossible to achieve. Therefore this theory advocates for the creation of a central authority known as the Sovereign from which people could derive their rights and duties in order to attain a state of 'Common Good' and avoid conflict. If we look at the different Social Contract Theories especially the theories of Thomas Hobbes, John Locke and Jean-Jacques Rousseau we'll find that the nature of this 'Common Good' is never accurately revealed, for Hobbes it was departing from the feral state of nature[1], in Locke's version a state of common good can be reached when one body politic under one government is formed[2] and for Rousseau Common good is a state when individual wills are directly involved in creating a general will[3]. The modern day definition for common good is that the Sovereign has the duty to treat its citizens equally and adjudicate upon affairs concerning their person and property while they renounce their rights to be the governors of their own person and property. Therefore for the Sovereign to perform such functions there is an implied prerequisite for the Sovereign to be what is linguistically referred to as 'Moral'. This perception of ours that a Sovereign by default should be Moral and its chief function should be one to protect individual rights is a flawed one thereby creating an ever present friction between the citizens and their Sovereign. To understand this predicament we would have to dissect upon the true meaning of a Social Contract and how it came into being.

III. ACADEMIC EXPLORATION OF SOVEREIGN MORALITY

It can never be assertively stated as to why we as human beings chose to evolve the way we have. The creation of society, a sovereign adjudicating upon its affairs, its citizens having rights and duties and an army protecting its borders are only

consequences of a prolonged historical amalgamation of conscious and subconscious choices of people preceding our existence. Therefore when we look at the academic construction of the Social Contract Theory it rigidly or loosely divides the period of human evolution in two distinct eras; one where there existed no Sovereign termed as 'the state of Nature' and a subsequent other known as 'the Civil Society' where there's a Sovereign and people are subject to common laws. Whatever be the true characteristics of this state of nature, it is never accurately pointed as to why humans chose to evolve in a Civil Society. In all of the Social Contract theories the reason for our departure from such a state is only academically guessed, whether for Hobbes the reason for our departure was to evade the unfavorable and anarchic living conditions[4] or for Locke who describes the state of nature as a peaceful time and coming into existence of private property being the reason for us to depart from such a state[5] or for Rousseau who also assumes this state to be peaceful and the contriving of private property to be the reason for the creation of a naturalized social Contract[6] wherein people with power form the Sovereign which is problematic according to him. When we in the truest sense talk about a state of nature we are taking into account an era that predates human consciousness. To put it simply we are talking about a time when general public values like right and wrong, envy and greed, happiness and sorrow were not linguistically recognized as there wasn't any definite language and were also not instinctively embedded as we had just evolutionarily taken a human form. Therefore to describe the characteristics of such a phase (or whether or not they existed any such state) in human evolution is impossible because it's like describing the characteristics of a state that succeeds human death (or whether or not there exists any state after death) as the limits of reason do not allow us to comprehend such states. We can only guess about the characteristics of such a state in retrospection, i.e. by reflecting upon the consequences that arose due to the decisions made consciously or subconsciously by the people preceding our existence. And as for a fact we know that whatever be the characteristics of such state, it was inhabited by humans who made certain conscious or subconscious decisions e.g. the activity of procreation which doesn't only involve consummation but rearing the offsprings that are a consequence of such consummation, now we can't comment on why humans chose to procreate (as there are several records assertive of the fact that pre-historically people sporadically ate each other)[7], they might have recognized killing as a deviation from the continuation of the human race or whatever be the reason we can never accurately tell why they chose to continue with the human race. And as our faculties of reason do not allow us to answer this 'why' we term such tendencies as desires or instincts. Besides procreation the ballpark of our instincts also includes subjecting the weak and being subjected by the strong. In this case also we cannot accurately state as to why we as humans have had the tendency to oppress or get oppressed. But what only can be stated as fact is that we are in or have been in possession of such tendencies since times immemorial. Therefore the ongoing idea can only be stated normatively and understood anthropologically. When we talk about such tendencies, we cannot accurately pinpoint as to when during the course of evolution humans started inculcating these tendencies (or for that matter 'why' they started inculcating such tendencies), therefore we take it as a given that we were always as humans in

possession (or capable of being in possession) of basic desires and instincts which later on got more complex.

Thereupon when we look at the construction of the term 'Sovereign' and understand it not in its contemporary essence (which reduces its meaning to mere governance of the state instituted by general will) but in its true essence, it only has to do with authority. And anyone can never be vested with authority, one has to be in possession of certain characteristics that deem him (or modishly also her) absolutely viable to assume such authority. Thereby the term 'Sovereign' may be linguistically a modern invention but what it truly represents has been in function since a time that predates civility, language, religions and even tribalism because even the inception of the comprehensible human history points to the fact that there always were people who ruled and people who got ruled by virtue of their respective desires and instincts.

The term 'ruled' here does not denote a general rule of a King but of biological supremacy, i.e. when a biologically adequate male becomes the Alpha unless another adequate male overthrows him and becomes the Alpha. Such should have been the dynamics of power before the times we were in possession of even feeble reason. When we didn't have the edifices of religion and politics, such supremacy only must have been required to assume authority and with assuming authority also came exercising that authority which could only be achieved through subjection of those not in possession of such supremacy. Therefore genetics alone in this phase of human evolution must have been the only deciding factor of who assumes the authority of the sovereign. We cannot in this case say that it is an assumption on our part to determine the characteristics of such a time because we have no other option but to take it as a fact that the desire for power and exercising authority is one of the many instincts present and evolutionarily developed among human beings and with having such desires one is naturally predisposed to function according to those desires which in this case can only be achieved through the subjection of those whose desire for power is very less than the one exercising authority.

Superior biology being the only prerequisite to rule exposed the one exercising authority to consistent threats from the ones having relative or more superior biology, which meant a consistent state of bloodshed. But as humans are eternally in possession (or capable of being in possession) of the desire for power, they also have a parallel instinct of multiplying the human race.

As mentioned above we can never answer the 'why' because we ourselves are the consequence of their conscious or subconscious decision to procreate. (Desire to procreate may have been the seed for human reason)

Thus were formed cliques and tribes, each with its own power structure wherein person(s) with authority exercised it upon a people recognizing that authority to avoid internal bloodshed and external exercise of authority. Again this may or may not have been known to them that this arrangement of recognizing the authority of the one exercising it successfully (whatever successful exercise of authority constituted apart from being biologically supreme) will ensure consistent procreation, they may have recognized the authority for their own personal safety but it eventually safeguarded their instinct to procreate. Thus may have been one of the initial abstract exchanges or what we linguistically

refer to as 'sub-conscious' contracts between the one exercising authority and the ones recognizing that authority, i.e. *they'll recognize his instinct to exercise authority in exchange for him to protect their instinct to procreate*. It can almost not be put into language because putting it in language gives it a structure as it didn't have one because the ones forming it weren't reasonably developed enough to understand the grand consequences of arranging themselves in a system like this. It so happened that one of the determined or not determined consequences of such a social setting was the continuation of the human race. The proof of that consequence is people on this planet. This could also may or may not have been known that this social arrangement would greatly increase the chances of the one exercising authority to remain in authority by consciously or subconsciously paying heed to the ones he is subjecting to exercise such authority.

Therefore such a power structure wherein people recognize the authority of the one successfully exercising such authority in exchange for their survival and the eventual survival of their offsprings has been in place ages before we had developed the capacity to analytically observe social structures. What can be referred to as a Social Contract is the product of an individual's intrinsic predisposition to place himself among other individuals depending upon his/her instincts and desires, It is not something which is a product of human reason or our capacity to self reflect, it predates that. Social Contract didn't happen when we put it into language, it was in place for a very long time before that be it democracy, dictatorship, monarchy, aristocracy, the advent of institutionalized religion or tribalism, in each of these social structures, the power structure remains the same with person(s) exercising authority over those who recognize it in exchange for the needful of that particular era.

We don't need monarchy to save ourselves from the brute state of nature as Hobbes suggests[8], such a state had been escaped when man first adjusted himself to the above mentioned social setting. And when Locke and Rousseau blame it on private property, one terming it as the reason for man's departure from the peaceful state of nature and the other holding it responsible for the mal-functioning of a naturalized Social Contract[9] they are both wrong in their academic assumptions.

It was because of our natural proclivity (or the natural capability to develop that proclivity) for material possession including property because of which private property came into existence. Because of the variable distribution of such tendencies or the variable distribution of the means to act on such a tendency there were also a variable percentage of people having property. Prioritizing linearly working on such a tendency to amass material possession results in what we linguistically refer to as 'greed' (excessive tendency to amass material possession by hook or by crook). Some had the proclivity for it and became greedy thus creating so called social menaces such as Feudalism. It didn't make us depart from a peaceful time as Locke suggests but instead our desires (or our natural capability to have desires) got more complex, therefore private property wasn't the reason that the society adopted a Social Contract, we would have been in one of any social structures where authority of the one exercising it is recognized when private property became a problem anyways. It was just that there was now a problem that the current social structure wasn't able to address, therefore a change in Social Structure could be a possible consequence of this problem but the

power structure of such a social structure would be the same, i.e. recognition of authority of the one(s) successfully exercising it, thereby asserting the presence of an ever present Social Contract. And in such a Social Contract renouncing certain what we now call 'rights' was implied. *Man was never free; he was always a caterer to his capabilities (or he must have theoretically been free for the time it took him to act on such capabilities).*

And as for Rousseau who also asserts that the 'state of nature' was a peaceful place and only after the inclusion of private property did that peaceful time become full of greed, vanity, and inequality and vice[10]. He goes on to build a superiorly metaphysical scheme called the 'Naturalized Social Contract' wherein he describes the development of a Social Contract through the rich and greedy acquiring positions of power to protect their own material possessions from those who might take it by force. To enforce this, Rousseau says a government gets established by contract who promises to guarantee equality and protection for all but instead fossilizes the same inequalities private property has created. We can here, subject to a quick academic observation, see that Rousseau is implying a prerequisite for the Sovereign to be a moral one just because the authority to govern upon the affairs of the individuals vests with it. And he claims it to be a problem when the Sovereign doesn't perform its moral obligation and instead only works towards the preservation of itself. Rousseau theoretically remedies this discrepancy by arguing for a 'Normative Social Contract' [11] wherein a General will be created by periodically keeping aware about all the individual wills of an area so that a moral structure is given to the present political order.

What Rousseau doesn't take into account is that having a Moral outlook towards its citizens was never the true function of a Sovereign. As we have discussed above, the power structure wherein people recognize the authority of a person(s) exercising it successfully is as conditioned in human beings as is sucking a mother's teat in a newborn. When it is asserted that a Sovereign has failed in its obligation because it didn't treat its citizens equally, I consider it as a heavily misleading statement considering the idea of a Sovereign has been in place even before we as humans had developed the capability to recognize what being treated equally meant. Therefore we can say that the practice of people recognizing the authority of the one(s) exercising it successfully predates conventional morality*.

**Note: Here it is not asserted that Morality is a Social Construct and not a Natural Instinct; If we as humans have a natural (unquestionable) capability to create something of the likes of Morality then it also vicariously becomes natural because of its natural origins.*

Our present Social Structure or the ones advocated by Hobbes, Locke and Rousseau are nothing but different forms of distribution of power between the ones who want to exercise such power and the ones upon whom such power can be exercised. The only unchanging phenomena in all of these structures is that there always are people who want to rule (govern) and others who want to be governed. So if the Sovereign has little to no Moral obligation towards its citizens then what exactly is its chief function?

The only true answer to a question like that is 'we can never actually know'. Because to answer that we should first become completely aware about the origins of our tendencies to

exercise power and let power be exercised upon us. Human physiology and psychology reek of something inherent which has been conforming us to such a power structure since the beginning of humankind. Our complex political structures are nothing but denouements of our singular as well as collective tendencies (the origins of which can possibly never be known by us). Therefore we can only try to appropriately guess the chief function of a Sovereign by analyzing the consequences that arose due to its formation.

IV. AN APPROPRIATE ACADEMIC GUESS TO DETERMINE THE CHIEF FUNCTION OF A SOVEREIGN

If we are to shed light upon the consequences that arose due to the formation of Sovereign, we cannot objectively only take the present political structure into consideration, we have to look across the spectrum and start from the point human society generally dissected into two groups; one(s) exercising authority and other(s) recognizing such authority. Considering the era Hobbes, Locke and Rousseau call the 'State of Nature', when human civilization was mostly biologically driven, we can positively 'assume' that only genetically adequate males would have been the bearers of authority as the only contest for assuming authority would have been biological supremacy, reckoning that we are talking about a period that 'academically' predates public values and human consciousness. We can so assume because we can't help but take it as a given that humans have eternally possessed the tendency (or the capability that begets such tendency) to exercise authority irrespective of it being based on biological supremacy or conscious supremacy. Therefore, not knowing the origins of such tendencies (or the reason why we even develop such tendencies) we are compelled to analyze the consequences after a person(s) assumes authority to know the chief function of such an authority. If we are analyzing the consequences of an authority assumed only through biological supremacy, we have to take two types of consequences into consideration, the first one being the intended or the personal consequence for the person(s) exercising authority through biological supremacy and the second one being the unintended or the general consequence which arose generally due to the exercise of such authority. In this case the intended or the personal consequence can be the personal satisfaction acquired through the exercise of authority and the unintended or general consequence can be the formation of a people recognizing such authority being exercised. With such consequences renunciation of certain rights came impliedly, it was never a thought driven action but a simple stimuli, *therefore the 'Social Contract theory' as we academically know it is not a social invention but something already in place discovered later on through the structure of language.*

When we try to comprehend the times since the dynamics of authority have been in play, we can possibly deduce only a singular function of a system like this, i.e. procreation, because procreation alone at that point of time was the cumulative consequence of both the personal and general consequences. As it's an era which predates public values therefore the purpose of Sovereign (authority) at that point must not have been to be the guardian of such values that didn't exist back then but to create what was in dearth, i.e. Human Beings. It doesn't necessarily matter whether such a consequence was comprehended from an arrangement like this, because irrespective of such comprehension

the consequence was procreation and we are the living evidence of such a progression. As humans progressed so did their variably distributed tendencies, marking a paradigm shift in the meaning of authority, which once could only be assumed through the installation of fear by display of biological supremacy could now be assumed by the installation of respect towards the one in power by the display of characterial supremacy (meaning when the faculties used to assume authority change or develop, i.e. display of strength once being the only contest to assume authority developed into display of biological supremacy equipped with the capabilities to use that supremacy for the 'better' of the people recognizing such supremacy). Again the 'Why' behind it can never be answered but only academically guessed which in this case can most positively be the recognition on the part of one(s) in authority that by only installing fear he was exposing himself to the task of always being fearful which wasn't possible after the faculties (biological supremacy) used to assume authority start waning thereby shortening his reign. Therefore to extend one's reign one is instinctively compelled to display characterial supremacy coupled with biological supremacy for his own survival and the extension of his reign of authority. This shift cannot be statistically pinpointed and academically 'de-mystified' but can only be recognized by adhering to the fact that humans possess the capability to make such adjustments by the virtue of stimuli. Thus *whatever we call evolution is just a blanket term used to encompass the ambiguity regarding the origins of such tendencies that have led us to make social adjustments eternally.* Such instinctive adjustments therefore paved the way for social structures, again the fact that whether such consequences were expected due to these adjustments is irrelevant as the formation of what we call 'government' be it monarchical, aristocratic, dictatorial or even representative is the *attestation to the claim that the instinctive capability of humans to make social adjustments is solely responsible for the creation of such structures and not any formulaic willful renunciation of rights in exchange to be governed 'equally' or 'peacefully'.* Therefore the Sovereign doesn't owe us any moral obligation because we are not in a position to demand anything from it as it is not something that was borne out of a contract or voluntary human action but was the collective result of the materializing of variable human tendencies. *Obviously the presence of codified laws in comprehensible language and agencies to enforce those laws do give an illusion to construe the creation of this system as a result of voluntary human action but it indeed is a system only injudiciously recognized by language in the form of a 'Social Contract' whereas it has actually been in place since a time that can never be de-mystified by Science or institutionalized religion.*

V. CONCLUSION

When we contemplate the origin and development of such a dynamic structure, it compels us to question the actual meanings of various linguistically recognized terms we tend to use on a daily basis like Morality, Equality, and Ethics etc. As we have attempted to discover analytically, language has only been a device to

comprehend variable human tendencies (or the capability to inculcate such tendencies) and not a means to invent such tendencies. Therefore when we demand a Sovereign to be Moral, we should first understand what it actually means, as a system be it monarchy, aristocracy or democracy which themselves are a denouement of the very intrinsic inequalities between human beings cannot deliver the result of 'treating its citizens equally' based on our linguistic description of Morality. It can only happen via Progressive Social Adjustments, i.e. if we really want Morality to be a characteristic of the Sovereign, it should first be the characteristic of the people constituting the sovereign and that cannot be achieved by making mandates for it but instead by waiting for it to become an utmost human need.

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