



THE SOCIAL CONTRACT AS THE BASIS OF MODERN DEMOCRACY

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ABSTRACT:

Term 'social contract' is widely discussed in legal and political philosophy. According to some jurists 'social contract' is a real phenomenon, whereas according to some like Rousseau 'Social contract' is a hypothetical concept.

However, it can be said that, this social contract philosophy formed the basis of modern day democracy. Social contract is an unwritten agreement between members of the society and also between the society and the state.

Debatable issue is, whether all the rights including right to self-preservation is also surrendered or not? Time and again it is been proved that non all the fundamental rights are surrendered but only few of natural rights are surrendered for the protection and welfare of the society as a whole. This article aims to discuss the concept of social contract, as it has been propounded by several jurists as well as it ponders upon how this social contract is a basis of modern democracy of the world.

INTRODUCTION:

The concept of the social contract has been one of the most influential and enduring ideas in the history of political philosophy. Rooted in the works of Enlightenment thinkers such as Thomas Hobbes, John Locke, and Jean-Jacques Rousseau, the social contract provides a framework for understanding the relationship between individuals and the state, as well as the legitimacy of political authority. At its core, the social contract theory posits that individuals in a society consent, either explicitly or implicitly, to give up certain freedoms in exchange for the protection and benefits offered by a structured government.

This exchange forms the basis of a political community governed by laws and principles that reflect the collective will of its members. In modern democratic systems, the idea of the social contract serves as the philosophical foundation for the legitimacy of government, the protection of individual rights, and the principles of popular sovereignty.

The social contract is not a physical document or agreement that can be signed, but a theoretical construct through which philosophers have attempted to answer fundamental questions about the nature of political authority, human rights, and the proper

role of government. Its origins can be traced to the early modern period, a time of political upheaval and intellectual change. Prior to this era, the authority of monarchs and rulers was often justified through divine right or hereditary succession, with little regard for the consent of the governed. However, with the rise of Enlightenment thought, political theorists began to challenge the legitimacy of such absolute forms of rule. They sought to establish a new basis for political authority—one that could be justified by reason and that acknowledged the rights and freedoms of individuals.

In his work *Leviathan* (1651), the English philosopher Thomas Hobbes argued that without a strong, centralized authority to maintain order, human life would be “solitary, poor, nasty, brutish, and short.” Hobbes believed that in the absence of a sovereign power, individuals would be in a constant state of war, driven by their natural instincts and desires. To escape this state of chaos, Hobbes proposed that individuals consent to surrender their personal freedoms and submit to an all-powerful sovereign, who would ensure peace and security for all. While Hobbes' view of the social contract emphasized security at the cost of individual liberty, it laid the groundwork for the idea that political authority should be derived from the people's consent, not from divine or hereditary power.

John Locke, in contrast, offered a more optimistic view of human nature and a more limited vision of government in his *Two Treatises of Government* (1689). Locke argued that in the state of nature, individuals possess natural rights to life, liberty, and property, which are inherent and cannot be surrendered. For Locke, the social contract was a means of establishing a government that would protect these rights while limiting its power. Locke's theory of government emphasized the idea of popular sovereignty—the notion that political power ultimately rests with the people—and the idea that individuals have the right to revolt against governments that violate their rights. Locke's vision of a government based on the consent of the governed and its duty to protect individual rights profoundly influenced the development of liberal democratic principles, particularly in the formation of modern constitutional governments.

Jean-Jacques Rousseau further developed the social contract theory in his *The Social Contract* (1762), which offered a vision of democracy that emphasized collective decision-making and the common good. Rousseau famously argued, “Man is born free, and everywhere he is in chains.” He believed that in a well-ordered society, individuals should not simply submit to the will of a sovereign but should participate actively in shaping the laws that govern them. Rousseau's concept of

the "general will" highlighted the importance of collective decision-making, where the will of the majority reflects the common interests of all citizens. His ideas laid the intellectual foundation for the democratic movements that emerged during the French Revolution and influenced the development of democratic institutions rooted in equality and liberty.

While the specific theories of Hobbes, Locke, and Rousseau differ in their interpretations of the social contract, they share a common understanding that government derives its legitimacy from the consent of the governed. This principle remains a cornerstone of modern democracy, where political authority is not seen as a divine or inherited right but as a reflection of the will of the people. In modern democratic societies, the social contract serves as a guiding principle for the design of political systems that prioritize individual rights, equality before the law, and popular participation in governance.

The relationship between individuals and the state, as framed by the social contract, is also central to the development of democratic institutions such as universal suffrage, the separation of powers, and the protection of civil liberties. In a democracy, citizens agree to be governed not by an arbitrary or absolute authority but by laws that reflect the collective interests of society.

These laws must respect the fundamental rights of individuals and be subject to change based on the will of the people, as expressed through democratic processes like elections, referendums, and legislative action. Through these mechanisms, modern democracies seek to maintain a balance between individual liberty and the common good, ensuring that government power is accountable to the people it serves.

Moreover, the social contract has had a profound impact on the idea of the rule of law, which is essential to the functioning of modern democracies. Under the social contract, the government is not above the law but is itself bound by it, ensuring that all citizens, including political leaders, are held to the same legal standards. This concept of equal protection under the law is fundamental to the idea of democracy, where the rights of all individuals are safeguarded, and where no person or group can wield power unchecked or without accountability.

In conclusion, the social contract serves as the theoretical foundation for modern democracy by providing a framework for understanding the legitimacy of government, the protection of individual rights, and the principle of popular sovereignty. It challenges the traditional notion of political authority derived from divine right or inherited power and instead posits that governments are legitimate

only if they have the consent of the governed. Through the ideas of Hobbes, Locke, and Rousseau, the social contract has shaped the development of democratic systems that prioritize individual freedoms, equality, and collective decision-making. In this way, the social contract remains a vital concept for understanding both the origins and the ongoing evolution of modern democratic governance.

MEANING OF SOCIAL CONTRACT IS THE BASIS OF MODERN DEMOCRACY:

The phrase "social contract is the basis of modern democracy" refers to the idea that the legitimacy and authority of a democratic government are rooted in an implicit agreement or contract between the people and the state. According to social contract theory, individuals in a society consent to form a government in exchange for protection, security, and the promotion of their rights. This agreement establishes a set of rules and laws that individuals agree to abide by in order to live in a structured society. In return, the government promises to protect their natural rights, such as life, liberty, and property.

In modern democracy, this concept is key because it asserts that political power derives not from a monarch, divine right, or force, but from the consent of the governed. The people, through elections and other democratic processes, choose their leaders and

have the power to hold them accountable. The government's authority is therefore legitimate only as long as it represents the will of the people and protects their rights.

The social contract also emphasizes the importance of individual rights, equality before the law, and participation in political decision-making. These principles are fundamental to democratic systems, where citizens actively shape laws and policies and are guaranteed freedoms such as speech, assembly, and the right to vote. Thus, the idea of the social contract forms the philosophical foundation of modern democracies, where governments are established by the people, for the people, and are accountable to them.

THE ORIGINS OF THE SOCIAL CONTRACT:

The notion of a social contract began to take shape in the 17th and 18th centuries, a period marked by the upheaval of absolute monarchies and the emergence of new political systems. Thomas Hobbes, in his seminal work *Leviathan* (1651), argued that in the state of nature, without a governing authority, life would be "solitary, poor, nasty, brutish, and short." Hobbes believed that to avoid this chaotic and violent state, individuals would rationally agree to give up certain freedoms and submit to a powerful, centralized authority—what he called the "sovereign"—in exchange for

security and order. While Hobbes' view of the social contract was authoritarian, it laid the groundwork for later thinkers to expand the idea into a framework for democratic governance.

John Locke, in contrast to Hobbes, developed a more optimistic view of human nature. In *Two Treatises of Government* (1689), Locke argued that the state of nature was not necessarily one of conflict, but rather a condition in which individuals enjoyed natural rights to life, liberty, and property. Locke believed that governments should be formed by the consent of the governed and that their primary role was to protect these natural rights. If a government failed to do so, Locke posited that citizens had the right to revolt and establish a new government. Locke's emphasis on individual rights and the idea that political power should be derived from the will of the people were crucial ideas that influenced the development of modern democratic principles.

Jean-Jacques Rousseau took Locke's ideas further in his work *The Social Contract* (1762), where he famously stated, "Man is born free, and everywhere he is in chains." Rousseau argued that the social contract should be based on the "general will," the collective will of the people, rather than the will of any one individual or group. For Rousseau, true freedom could only be achieved when individuals submitted to the general will, which would ensure

that decisions were made for the common good. Rousseau's concept of popular sovereignty and the general will significantly influenced the French Revolution and the democratic ideals of equality and liberty.

SOCIAL CONTRACT AND MODERN DEMOCRACY:

The social contract theory has had a profound impact on the development of modern democratic systems, particularly in terms of how governments derive their legitimacy and how they function. In modern democratic societies, the government is seen as a representative institution that exists to serve the people, rather than as an arbitrary or absolute authority. The social contract provides a philosophical justification for this idea: government legitimacy arises from the consent of the governed.

One of the cornerstones of modern democracy is the idea of popular sovereignty, which holds that political power ultimately resides with the people. This concept, deeply rooted in the social contract tradition, means that governments must be accountable to the will of the people. Democratic elections, free speech, and the rule of law are essential mechanisms through which individuals exercise their collective will. The social contract thus underpins the legitimacy of democratic governance, as it asserts that individuals

have a right to choose their leaders and to participate in the political process.

Another key element of modern democracy influenced by the social contract is the protection of individual rights. The notion that individuals enter into a social contract in exchange for protection and the safeguarding of their natural rights has been incorporated into many democratic constitutions. For example, the U.S. Constitution and the Bill of Rights enshrine fundamental freedoms such as the right to free speech, the right to a fair trial, and the right to vote. These rights are seen as inalienable and are protected by law, reflecting the social contract's emphasis on securing individual liberty while maintaining social order.

Furthermore, the idea of limited government, central to the social contract, is crucial in modern democracies. Locke's insistence that government power should be restricted to the protection of natural rights, and Rousseau's emphasis on the general will, both contribute to the development of constitutional democracies that limit the powers of government through checks and balances, judicial review, and other safeguards. This ensures that the government remains accountable to the people and that it does not infringe upon the rights and freedoms of individuals.

CRITICISMS AND CHALLENGES:

While the social contract theory has been influential in shaping modern democracy, it has not been without its critics. Some argue that the social contract is a hypothetical construct rather than a historical reality, and that it overlooks the complexities of power dynamics, inequality, and social injustice. Feminist and postcolonial scholars, for example, have pointed out that traditional social contract theories have often excluded certain groups, such as women, slaves, and indigenous peoples, from the imagined "contract." These critics argue that the social contract, as originally conceived, does not fully account for the social and historical contexts in which political power is exercised.

Moreover, modern political theorists have questioned the relevance of the social contract in an increasingly globalized world. As issues such as climate change, economic inequality, and migration transcend national borders, some argue that the social contract must be reimagined to address global challenges and the rights of non-citizens. The idea of a national social contract, based on the rights and duties of citizens within a particular state, may need to be adapted to the complexities of the global order.

CONCLUSION:

Despite its limitations, the social contract remains a foundational idea in the philosophy of modern democracy. It provides a framework for understanding the legitimacy of government, the importance of individual rights, and the principle of popular sovereignty. The social contract has influenced the development of democratic institutions that prioritize the consent of the governed and the protection of fundamental rights. As societies continue to evolve, the social contract will undoubtedly continue to be a valuable tool for reflecting on the nature of democracy, citizenship, and the role of government in ensuring the common good.

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