

The Social Contract

by Jon Pike

A good way to understand the idea of a social contract is to think about different sorts of obligation. What can make it the case that I am morally obliged to perform an activity?

Take the case of a dutiful son, who looks after his aged and infirm parents. Why is it that the son is obliged to do so? One answer is that the obligation simply flows from the nature of the parent/child relationship – so that the obligation is just a natural one. The obligation is – it could be said – just ‘hardwired’ into the parent child relationship. On one account, it’s hardwired in by the person who determines all the hardwiring that goes to make us how we are – God. But whatever its source, this explanation amounts to an account of natural obligations.

There is another way of placing oneself under an obligation. Suppose I ask to borrow some money from a colleague. She agrees, if I pay her back, and so I say ‘I’ll pay you back that tenner next week.’ Then – clever philosophical tricks aside – I am under an obligation to pay back the money next week. Here, I am under an obligation because I have voluntarily put myself in that position, by making a promise to the person who lends me the money. This is a contractual obligation.

So there are two bases for obligation. Now, let’s shift the terrain slightly, by asking what makes it the case that I should obey the government? (This is a version of the question – what makes government legitimate?) Obviously, there can be three answers to that question – our obligation to obey the government might be a natural obligation, a contractual obligation, or might not exist at all. Historically, the fight has been between the first two of these – nowadays the main debate is between the last two.

Amongst those to argue for the first option was Sir Robert Filmer argued that the obligation to obey the sovereign was, like the obligation to obey one’s parents, simply a natural fact. To disobey was to go against nature, and against God, who created nature in this particular way. Natural obligations towards a divinely appointed King provided the basis for government and authority.

But, especially from the middle of the seventeenth century onwards, these sorts of explanation became viewed with increasing scepticism. First Hobbes, then Locke, reflected on the troubled years in the middle of the century, and concluded that a different basis for governmental authority had to be argued out.

In place of a notion of natural and God-given hierarchy, they started from an assumption of freedom and equality amongst (usually male, white, property-owning) human beings. They asked how these individuals could put themselves under an authority. The answer – *by agreeing amongst each other to do so*. This answer meant that the limits of governmental power were set by the original agreement. In Hobbes’s case, these limits were virtually non-existent: he thought that we would contract together to hand over nearly all our rights to a virtually absolute monarch. In Locke’s case, the power handed over was much more limited. But whatever the end result, the method of getting there was similar. The philosophers asked themselves, what sort of agreement would be reached by people thinking very carefully and rationally about the arrangements under which they would live. This agreement is the social contract.

If a group of people were to set up an island community they would have to make some decisions – about dividing up the work, about organising living spaces and so on. It seems very likely that early on these people would have some sort of island meeting, to thrash out a set of rules to govern these activities - maybe to appoint a leader. There would be decisions to be taken – who is to be leader, and decisions about decisions – how are we to decide who is to be leader? This idea of free individuals coming together, and thrashing out a set of rules is the idea behind a social contract.

The idea is a very attractive one – it's there in the great thinkers of political philosophy like Hobbes, Locke, Rousseau and Kant, as well as in contemporary thinkers like John Rawls and Thomas Scanlon. To many modern ears, the social contract idea sounds devastating against the patriarchal account of obligation. The social contract argument corrodes our deference towards, and blind trust in rulers as father figures.

But there are some problems with the argument, which make it vulnerable to the third option – philosophical anarchism. If the obligation I have to obey the law is not natural, but a product of some sort of promise, then I can get out of it very easily by pointing out that I never made a promise! For most states, there never was a time when the first citizens got together and thrashed out a set of rules. And even if there were, what difference would that make to the obligations of anyone now? Just because my great-great-great-great grandfather made a promise to behave in a certain way, how can that effect me?

Most advocates of a social contract approach, take a sharp intake of breath at this point, and say that the contract is a hypothetical device, designed to show what we *would* agree to if we were in a certain position. But the problem with this approach is – as one eminent objector puts it – ‘hypothetical agreements aren't worth the paper they're not written on.’ Just because I would agree, under certain circumstances to a particular deal, doesn't mean I have to accept a similar deal now, when I haven't agreed to it.

The difficulties involved in trying to make people accept a deal negotiated by others on their behalf are shown by the failures of incomes policies negotiated by union leaders over the heads of their members. A breakdown of trust between trade unionists and the government scuppered the ill-fated ‘Social Contract’ policies of the seventies.