`Social Contract Theory

According to Social Contract theory the State is not considered a divine institution, it is a human institution.State is the result of a social contract among the people themselves. This theory throws light on the origin of the state as well as on the relationship between the ruler and the ruled.

This theory is mainly concerned with three thinkers – Thomas Hobbes, John Locke and Rousseau. The three thinkers have expressed ideas which are different from one another. But the three thinkers agreed on two points

1)People lived in the state of nature

2) People entered into a contract and created a state.

STATE OF NATURE: The period before state came into existence was called state of nature. At that time there was no law and everybody worked according to his own sweet will and governed over his own self. The three philosophers disagree over the conditions which prevailed in the state of nature.

1. According to Hobbes the people in the state of nature led a wild life and the principle of Might is Right prevailed. Nobody`s life,liberty and property was safe. It was solitary,poor,nasty,brutish and short.It was a state of war,a war of all against all
2. According to Locke the people obeyed the Natural Law and exercised natural rights- Right to life,liberty and property. There was perfect harmony and nobody did any harm to the other.But there was no impartial authority to interpret and enforce the law of nature.
3. Rousseau says that individuals were self sufficient and led a happy and carefree life in the state of nature.It was a period of idyllic happiness. When the population increased and the people established permanent homes the disputes started.

SOCIAL CONTRACT: The three thinkers agreed on the point that the people wanted to bid good bye to the state of nature and entered into a contract. They gave up the right to govern over themselves, in return the people got the right of citizenship.The people established a state through the contract. The three thinkers disagree over the nature of the contract

1. Hobbes says that the people themselves entered into contract and surrendered all their powers unconditionally to the king and it resulted in the obsolute rule of the king.
2. According to Locke there were two contracts.By the the first contract the inviduals established a civil society.By the second contract the society established govt.The govt is a trustee,it enjoys only limited power.
3. Rousseau says that the people entered in a contract and possessed all their rights with themselves jointly. The contract is between the people in their individual capacity on the one side and the same people incorporate capacity on the other side.The will of the society became supreme which he calls it `General Will`

CRITICISM:

1. It is not historically true that the primitive man came to think of a political organization and agreed to form it without any experience in govt.
2. The study of history reveals that all the social organizations did not come into existence all at once.State is also social organization and developed gradually.
3. Every contract applies only to the parties to the contract from the legal point of view.The people in the modern age are not bound to abide by the contract entered into by the primitive people.If it is to be kept in force it is to be renewed.
4. Contract is valid only when there is a sanction behind the contract.contract is not possible without state.
5. Laws and Rights are possible only in the society not in the state of nature.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  |  |  |  |  |  |
|  |  |  |  |  |  |