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Social Contract Theory and Legitimacy: From History to Modern Times

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Abstract:

As a core theory of Western political philosophy, social contract theory shapes the foundation of Western political systems and plays an important role in understanding the sources of state power and the construction of government legitimacy. This article explores the relationship between social contract theory and political legitimacy and analyzes the evolution of ideas from history to modern times. Through the viewpoints of classic social contract theorists such as Hobbes, Locke, and Rousseau, this paper constructs the legitimacy basis that government power originates from the consent of the people. At the same time, the paper explores the influence of contract theory during the Enlightenment period on the American Declaration of Independence and the French Revolution, and discusses John Rawls' reconstruction of modern contract theory, as well as the challenges posed by feminist and environmental ethics. Social contract theory has not only shaped political legitimacy in history but also demonstrated its lasting vitality and broad application prospects in contemporary political and ethical issues.

1. Introduction

The theory of the social contract, as a political philosophy, posits that the state is not divinely ordained but rather a rational choice made by individuals. Since its inception, it has occupied a significant position in Western intellectual history. Legitimacy is a crucial concept in political philosophy, referring to the moral foundation upon which a government or political system is deemed rightful and authoritative. Through the social contract, governmental power is understood as being granted by the people, and thus its legitimacy stems from their consent and support. The social contract theory not only provides a historical account of the origins of the state but also offers a novel interpretation of the principles of justice underlying state legitimization. What are the principles of justice that bind citizens in their relationships with one another? Under what circumstances can the state legitimately serve as the ultimate arbiter of these relationships? The social contract theory addresses these two questions by articulating principles of justice applicable to governing

society and establishing a sovereign state endowed with legitimate coercive power [1]. By tracing the evolution of the social contract theory and legitimacy from historical to contemporary contexts, people gain deeper insight into its role not only as a key to understanding past political thought but also as a powerful tool for reflecting on current political institutions and power structures.

2. The social contract theory and legitimacy from a historical perspective

2.1. Thomas Hobbes

Hobbes' social contract theory begins with a depiction of the state of human nature. Influenced by Machiavelli, Hobbes posits that human nature is inherently evil, and the state of nature is a "state of war among men", where individuals are in a state of anarchy. In this state, individuals pursue their own interests, leading to endless conflicts and wars due to resource scarcity and mutual competition. Hobbes describes: "When there is no common power to awe all, people are in what is called a state of war" [2]. The key feature of this state of nature is the absence of collective authority and public order, where individuals' lives are often threatened due to the lack of laws or a central authority to protect them from harm. This chaotic and fearful state of nature, which Hobbes believes is prevalent in human society, results in uncertainty, insecurity, and ongoing conflict. This state makes life unpredictable and dangerous, making it difficult for individuals to enjoy a stable and peaceful existence.

To escape the chaos and fear of the state of nature, Hobbes introduced the concept of the social contract. He argued that individuals could secure safety and order by voluntarily relinquishing some of their natural rights. In "Leviathan", Hobbes outlines a hypothetical process of forming a social contract: individuals agree to transfer their natural rights to a centralized government known as "Leviathan." This government, Leviathan, is granted absolute sovereignty and power to ensure societal security and order. It has the authority to protect people's lives, property, and freedom through laws and policies, and to resolve social conflicts and disputes.

2.2. John Locke

Locke's description of the state of nature differs from Hobbes' chaotic state, where "man is a wolf to man." Locke argues that in the state of nature, people are free, equal, and rational. The natural human disposition is not self-preservation but mutual cooperation. They follow the law of nature, which is the universal moral principle discovered by reason, guiding them to respect others' lives, freedom, and property. In the state of nature, everyone enjoys equal rights and freedoms, capable of guiding their actions and resolving disputes through reason.

Locke's definition of a legitimate government emphasizes the limitations of governmental power and the protection of citizens' rights. According to his theory, a legitimate government must meet several conditions. First, the government's authority comes from the people's consent, which is the core principle of the social contract. The people agree to establish a government through a contract, granting it limited powers to protect their natural rights. Second, Locke proposed the idea of the separation of powers. He argued that the government should be divided into three branches: legislative, executive, and judicial, to prevent the concentration and abuse of power. The legislative branch formulates laws, the executive branch enforces them, and the judicial branch interprets the law and resolves disputes. Through the separation and checks of these powers, the government's actions are restrained, preventing autocracy and dictatorship. Third, the primary duty of a legitimate government is to protect citizens' lives, freedoms, and property. Any government action that violates this duty is considered illegitimate, and the people have the right to resist and revolt.

2.3. Jean-Jacques Rousseau

In Rousseau's social contract theory, the state of nature marks the starting point of human societal development. Rousseau describes people in the state of nature as "noble savages" who are free, equal, and independent, living a simple and harmonious life. Unlike Locke, Rousseau argues that in the state of nature, there are no clear property rights or systematic law; people live by instinct and natural sympathy. Moreover, unlike Hobbes' view of human nature, natural beings are not purely self-interested or selfish; they exhibit a complex dual emotional aspect:

while pursuing personal safety and happiness, they also show deep concern and assistance for others. The state of nature, as Rousseau describes it, is an ideal life characterized by mutual aid, harmony, and coexistence.

However, with the emergence of private property and the development of human society, the natural state of equality and freedom has gradually been undermined. Private property has led to inequality, competition, and conflict, complicating people's lives and creating contradictions. To regain freedom and equality, people need to establish a new social order through a social contract. The core of this social contract is to achieve citizens' freedom and equality through public will (the common good). The common good represents the highest interest of the collective and is the sovereignty of the entire society. Each individual voluntarily relinquishes some personal freedom when signing the contract, in exchange for collective freedom within the community. Through this contract, individuals gain greater freedom under the protection of laws and institutions, while also becoming part of the community.

3. Social contract theory and legitimacy in the Enlightenment

3.1. The application of social contract theory in the Enlightenment

The Enlightenment was an intellectual and cultural movement in Europe in the 18th century, emphasizing reason, science, and individual rights. Social contract theory is an important part of Enlightenment thought. Its main point is that the legitimacy of a state comes from a contract between citizens, rather than divine or royal authority.

In 1776, the Declaration of Independence served as a significant application of social contract theory. Thomas Jefferson wrote in the Declaration: "We hold these truths to be self-evident: that all men are created equal, endowed by their Creator with certain unalienable rights, including life, liberty, and the pursuit of happiness." This statement directly reflects Locke's theories of natural rights and social contract. The Declaration emphasizes that the legitimate authority of government comes from the consent of the governed. When the government infringes upon these fundamental rights, the people have the right to change or abolish it and establish a new government.

The French Revolution, through the theory of social contract, criticized the injustices and autocratic rule of the old regime, leading to the establishment of a new republican government and the recognition of the people as the sovereigns of the state. The ideas of freedom and equality promoted by Rousseau were also put into practice during the revolution. During this period, especially under Robespierre's leadership, a strong emphasis on public morality was reflected in moral education and revolutionary tribunals, aiming to purify society and achieve the moral society Rousseau envisioned. Rousseau firmly opposed autocratic rule and all forms of oppression, advocating that the people overthrow tyranny through revolutionary means. The storming of the Bastille and the execution of King Louis XVI exemplified this spirit of resistance against autocracy, highlighting the intense struggle of the people for freedom and equality.

3.2. The influence of social contract theory on the modern political system

The proposal of social contract theory marks the shift from theocracy or monarchical power to the people's rights as the core of political philosophy, which is an important basis for modern democratic thought. In a modern democratic system, representative democracy and direct democracy are two main forms of democracy.

Social contract theory in the Enlightenment was not only a theoretical discussion but also a catalyst for practical political change. Its influence continues to this day, and the design and revision of modern state constitutions are often based on the principles of social contract theory, through the consent and participation of citizens to make and revise the constitution.

The social contract theory of the Enlightenment, by exploring the legitimacy of government, the sources of power, and citizens' rights, laid the theoretical foundation for modern democratic systems. The social contract ideas in the American Declaration of Independence and the French Revolution demonstrated how these theories were applied and influenced real political changes. The representative and direct democracies in modern democratic systems continue to reflect the core principles of social contract theory, ensuring the legitimacy of government and social equity and justice through citizen consent and participation.

4. Social contract theory and legitimacy in modern society

4.1. John Rawls

In modern society, social contract theory continues to evolve, adapting to new social and political environments. John Rawls' theory has become a representative of contemporary social contract theory, offering new interpretations of social justice and the legitimacy of government by proposing the original position and principles of justice. Meanwhile, modern critiques and reconstructions have challenged and enriched traditional social contract theory from various perspectives.

John Rawls, one of the most significant political philosophers of the 20th century, reconstructed social contract theory in his work "A Theory of Justice." Rawls introduced a new theoretical framework centered on the original position and principles of justice, exploring social justice and the legitimacy of government. His social contract theory is grounded in an assumed original position where rational and self-interested individuals, under the veil of ignorance, form a social contract. The veil of ignorance means that these individuals are unaware of their social status, abilities, gender, race, and other characteristics, ensuring that they do not favor any particular group when designing social institutions. Through this assumption, Rawls aimed to ensure the fairness of the social contract.

Rawls' principle of justice is not only a theoretical concept but also provides a new foundation for modern political legitimacy. "Through the basic institutional arrangements and regulations of society or the state, to achieve a fair and just distribution of the basic rights and obligations of all citizens, thereby realizing universal fairness and justice within the political framework of modern democratic states" [3]. According to Rawls, fairness is the primary standard of justice and the foundation of the legitimacy of social institutions. In traditional social contract theory, legitimacy primarily stems from citizens' agreement to the social contract. However, Rawls argues that true consent must be given under conditions of fairness, and only agreements reached under such conditions in the original position are considered legitimate.

4.2. Modern criticism and reconstruction

Although Rawls' theory occupies an important position in the modern social contract theory, it still faces many criticisms and reconstructions. Different schools and thinkers challenge the traditional social contract theory from various perspectives, such as gender, environment, and global justice [4].

Feminists have offered a profound critique of traditional social contract theory, arguing that it overlooks gender inequality and fails to adequately address the unique roles and needs of women in both family and society. Carol Petman, a prominent figure in this field, argues in her book "The Gender Contract" that traditional social contract theory implicitly includes a "gender contract" aimed at maintaining male dominance over women. This gender contract consists of two main components: first, women's unacknowledged status as individuals and their passive dependence on men; second, women are confined to the private sphere through marriage, effectively excluded from the public sphere [5]. Petman contends that the original state and the process of forming the social contract in social contract theory are premised on male perspectives and interests [6].

Environmental ethicists have also challenged traditional social contract theory, particularly concerning issues of intergenerational justice and environmental protection. Traditional social contract theory primarily focuses on the rights and obligations of the current generation, often overlooking the responsibilities to future generations. The issue of intergenerational justice arises from how the existing social contract treats future generations that have not yet been born. Environmental ethicists argue that current social and economic activities significantly impact future generations, but the original position in traditional social contract theory does not adequately address this. Future generations cannot participate in the current social contract, yet their interests are heavily influenced by current decisions. John Rawls, in his work "A Theory of Justice", also addressed the issue of intergenerational justice, proposing the "preservation principle." This principle suggests that each generation has a responsibility to preserve adequate capital and resources for future generations to ensure they can achieve the ideal of a just society. While this principle does not fully resolve all concerns of environmental ethicists, it provides an

important starting point for integrating intergenerational justice into social contract theory [7].

The social contract theory, as reconstructed by John Rawls, emphasizes the original position and principles of justice, offering new interpretations for social justice and the legitimacy of government. Rawls' theory ensures the fairness and moral foundation of the social contract through the veil of ignorance and the principles of justice. However, this theory has faced numerous criticisms and reconstructions from various perspectives, including gender, environmental, and global justice, which have enriched and challenged traditional theories. By incorporating gender equality, environmental protection, and global cooperation, the social contract theory continues to evolve, addressing emerging challenges in modern society and globalization. These critiques and reconstructions not only deepen the understanding of the social contract theory but also provide a new theoretical foundation for building more equitable and sustainable social systems [8].

5. Conclusions

Social contract theory, a crucial theoretical tool in political philosophy, has evolved and developed from ancient times to the present, reflecting humanity's relentless pursuit of social justice and legitimacy. From Hobbes' concept of the terrifying state of nature and the necessity of an absolute monarch, through Locke's ideas on natural rights and the legitimacy of government, to Rousseau's concepts of public will and direct democracy, social contract theory has demonstrated its unique ideological appeal and practical significance across different eras and contexts. During the Enlightenment, social contract theory became a key theoretical foundation for the American Revolution and the French Revolution, profoundly influencing the formation and development of modern political systems [9].

In modern times, John Rawls has significantly restructured social contract theory through the concept of the original position and principles of justice, emphasizing that fairness is the foundation of social justice and the legitimacy of government. Rawls' theory has sparked extensive academic debate and influenced the policy and legal frameworks of many countries. However, his theory has also faced numerous critiques and reconstructions, including feminist calls for gender equality, environmental ethicists' emphasis on intergenerational justice, and global justice theorists' focus on transnational inequality [10].

Disclosure statement

The authors declare no conflict of interest.

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