The Social Contract: *An Analytical View of the Social Contract Theory and Its Role in Modern Democracy*

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**Abstract**

The American Constitution redefined democratic institutions and created an agreement among the men who created and for those it would govern to uphold its outlined structure for the assurance of a just, functioning society. The role of men in civil society, including those in modern America, can be explained through the Social Contract Theory. Social contracts and their properties allow man to leave the State of Nature and form societies based on communal preservation and justice. The Constitution can then be thought of as the product of a social contract, stating the conditions of the erected society. Understanding the implications of the Social Contract theory can help explain the original intent of the Constitution and compare those principles to its preservation in modern America. Through the formation of political parties and interest groups in American government, democracy as outlined in the Constitution has shifted to party government, creating a competitive atmosphere for power and leverage. The influence of political parties on American society will be analyzed in regard to the defined characteristics of civil society in the Social Contract Theory. In accordance to the formation of political parties, the concept of power in civil society will be discussed via voter participation and representation of the general will. By looking at the assumptions made of civil society and man by the Social Contract Theory and the political and social environment in modern American democracy, it can be deducted that the Constitution, acting as a product of our social contract, is no longer working in favor of the general public, shifting the balance of power and justice in society.

**The Social Contract**

The ‘social contract’ is used to explain the Social Contract theory which focuses on the formation of civil society and why men enter these communities. Prior to entering civil society, men are said to live in the State of Nature. In this state, every man has a natural right to the other and is in a condition of, “perfect freedom to order their actions and dispose of their possessions and persons as they think fit [...] without asking leave, or depending upon the will of any other man.”[[1]](#footnote-0) With complete freedom, men are able to act in their self-interest however they see fit, with their main interest being self-preservation. However, with all men being equal and possessing this same natural right, the security of any life or well-being is not assured. The social contract is then used to explain self-interested men constructing and entering into a commonality which works in favor of their preservation.

To exist in a system which protects individual liberties, individuals must first renounce the freedom which they once had in the State of Nature. The relinquishment of the natural right to act solely in self-interest allows a system to be constructed which grants equal civil liberties.[[2]](#footnote-1)An individual, or collective group of like-minded individuals, must then organize a structure which grants justice to its members if their means are disturbed. The structure that arises is the tangible product of the social contract which governs those who agree to participate. Plato argues that the relationship between the regulations of this structure and the participants is not coerced because citizens are aware of the implications of society and have the right of choice to leave; their staying implies an agreement.[[3]](#footnote-2)

The Social Contract theory utilizes the concept of obligation when explaining man’s role in society after he has become a member of the institution. It is the obligation of all members of society to ensure the preservation of their contract by actively complying and participating in the outlined governance. Without majority participation, the contract no longer properly functions and the communal group is once again released into a State of Nature.[[4]](#footnote-3) Rousseau asserts that the social contract begins to fall when obligation to the state diminishes and, “private interests begin to make themselves felt and small factions to exercise influence on the state, the common interest is harmed and finds opponents; unamity no longer reigns in the voting; the general will is no longer the will of the all; opposition and debate arise, and the best advice is not accepted without disputes.”[[5]](#footnote-4) The Social Contract Theory places civil society and active participation in accordance to one another, with the vivacity of one depending on the other.

**Assurance of a Just Public in Democracy through Continual Participation**

A functioning social contract provides man with the means to create a community based on the principles they see fit to govern the group. Rousseau speaks of normative theory, saying the social contract is meant to alleviate the problems which arise in modern society.[[6]](#footnote-5) Civil society through a social contract is intended to distribute power equally among the citizenry, taking measure to assure the implemented legislation follows the will of the general public. In democracy, power is distributed by granting eligible citizens the right to vote and decide the workings of their society. While the right to vote is quintessential in any functioning democracy, the public should refrain from taking complete control from the political professionals who represent them. Ethan Putterman argues, “When people assume the functions of government they introduce the most flagrant abuses of the wildest democracy. Importantly, this is why the citizenry must never be allowed to vote on specific acts of civil or criminal legislation unrelated to the conditions of the civil association.”[[7]](#footnote-6) If constituents of democracy were permitted to vote on criminal and specified civil regulations, the self-interest of man as described in the State of Nature would be free to discriminate against the well-being of others– committing a backlash on equality and justice. The political value of participation mitigates but does not entirely diminish government’s need for law-making professionals as enforcement agents are necessary as outlined in the Social Contract Theory.[[8]](#footnote-7)

Rousseau asserts that man retains the right to perform an uprising against their sovereign if their civil liberties are being infringed upon. This is possible both through the erected structure of voting and the action of granted rebellion as would occur in the State of Nature.[[9]](#footnote-8) As permitted by the American Constitution, the American people influence political and societal climate by participating in the democracy through voting, allowing them to appoint specific men to power or to choose other men to delegate authority throughout society. In functioning society, the majority of the citizenry cast their votes to reflect their will and the will of the general public. However, in modern America, the majority of the citizenry is not actively participating in the democratic process with only 55.4% of eligible voters voting in the 2016 presidential election; a record low in the last 20 years, only being up 0.9% since the previous low in 1996.[[10]](#footnote-9)

How then are citizens expected to participate in democratic voting if their will is not expressed in every aspect of government? In the case of a modern U.S. presidential election, the chances of an individual voter influencing the outcome of the election is somewhere between 1 in 10 million and 1 in 100 million.[[11]](#footnote-10) The minimal influence of a single-voter and record low turnout rates suggest that democracy is not functioning as was originally intended through the adoption of our social contract (the Constitution). While a number of factors including a lack of political knowledge among the majority contribute to the small numbers as citizens do not want to cast their vote for a candidate without knowing if their wills align. This lack of knowledge plays in favor of the politicians seeking office as they are able to run their campaigns on attack ads and vague platforms, never taking too radical of a stance on policy for fear of losing votes. Putterman writes, “[...] democracy’s dilemma remains in that experts elected to serve beneath the people may surreptitiously serve over them by applying their specialized knowledge in a manner designed to keep those who selected them in ignorance of their actual situation”.

The relationship between man and his sovereign should never have malicious intent and the obligation of the sovereign is to uphold the will of those who elect them rather than just as it is the obligation of the citizenry to actively participate in the democratic structure. When this relationship is disintegrating, voter turnout levels will either reach all-time lows or experience record breaking highs in order to remove the sovereign from office and implement new structure.[[12]](#footnote-11) The lack of political participation amongst the general public poses a great threat to the sanctity of democracy and demonstrates a failing social contract as policy and law is not operating as a direct reflection of the masses. If voter turnout continues to decrease, the public will begin to have less influence over governmental relations, leaving administration and policy employment in the hands of a small group of self-interested government officials.

**Interest Groups and Party Government**

In the last decade, the United States has become more politically split than ever with more than ever with 42% of registered voters identifying as Independent, 29% as Democrat, and 27% as Republican in 2017.[[13]](#footnote-12) When the Constitution was drafted as a product of the Social Contract, James Madison insisted that measures be taken to protect the government from falling to a single faction, or party. While James Madison said the emergence of factions as parties was inevitable, he also warned against the amount of power that factions possessed. If a faction were to become too powerful, society would no longer act for the general public but instead cater to the members of that party; there would then no longer be democratic society.[[14]](#footnote-13) The Social Contract is then failing if a central authority retains complete ability to influence the majority.

Appearing in 1796, politicians ran their campaigns under organized parties which operated under the principles of specific wills and agendas. The emergence of political parties shifted American democracy from its previous single party state and introduced a new institution of party government. Party government creates a relationship between the voters and the parties attempting to gain power. This relationship influences the power and efficiency of the people in office along with the representation in government of those belonging to a party. Anthony de Jasay claims, “Each party is both promiser and promisee, there are two configurations: One performance is set contingent on the other; the two performances or performance-sets are mutually contingent”. If citizens no longer vote in favor of a party, their existence ceases; if a political party gets too powerful, the balance of power within the government shifts. For each scenario, it is important that mutual contingency remains in their relationship. Maintaining this balance proves difficult for the political parties because the amount of support varies by year and party voting trends are becoming increasingly even (Jones, 2018).

Interest groups also play a large part in the functionality of our social contract and party government. Taking more radical stances on social issues and the ratification of the general will, interest groups influence party affiliation by contributing to campaigns or endorsing specific candidates to boost public support.[[15]](#footnote-14) The contribution of money to political campaigns by interest groups defies well-behaving democracy as outlined in the Social Contract Theory by increasing class divisions and equality amongst political opponents. From 1990 to the 2016 presidential election, ideological and single-issue interest group contribution to candidates and parties has increased by 2,635% with a total contribution of $20,800,102 in 1990 to $568,881,305 in 2016. Individual contribution through ideology/single issue interest groups to political entities increased by 7,055% from $2,707,966 in 1990 to $193,755,323 in 2016.[[16]](#footnote-15) Even accounting for inflation rates in the last 26 years, there are two main distinctions that can be drawn from this increase in funding. The first being the increasing disconnect between the general people and the candidates seeking office.

As individuals begin to lose interest in actively participating in government, politicians must increase their efforts to gain the majority of the vote, focusing their efforts on campaigning in order to entice people to vote for them/their party. Attempting to influence the proportion of office holders and their party affiliations, interest groups aid politicians financially to pass their policies and push their agendas forward using methods such as attack ads and political incentives aimed to influence public opinion and vote.[[17]](#footnote-16) When society begins to experience a division between political leaders and policy and the contribution of the public to democratic practices such as voting, there is no accurate representation of the general will within government.[[18]](#footnote-17) Interest groups aim to decrease this division by representing their will via monetary contributions, however with the increase of political contributions the issue of class divisions becomes prominent and puts strain on the social contract.

More striking than the overall contribution of interest groups to the divisiveness of party government is the increase in individual contributions in modern America. With rising numbers of wealthy individuals contributing to political campaigns and parties, the balance of power between political representation and majority will shifts to the side of the minority, wealthy individuals. Through monetary contributions, political leaders are then swayed to oblige by the will of the wealthy rather than society as a whole.[[19]](#footnote-18) If political leaders do not accept monetary contributions, the amount of public support they receive decreases as they are not able to effectively campaign. Party government, while it has created the current American democracy, is failing to appease the Social Contract Theory as it is no longer functioning to benefit moral and societal wills and obligations but rather running on contributions to gain power and leverage.

**A Shift in Our Social Contract**

After recognizing the failures of the social contract through the democratic mechanisms of voting and party government, the discussion must then be focused on amending the issues or adopting a new contract. On the failure of a social contract, Rousseau states, “As soon as any man says of the affairs of the State “What does it matter to me?” the State may be given up for lost.”[[20]](#footnote-19) Before declaring the complete loss of a State, society must ask itself two questions: How can we make a stronger social contract to support peace and development? How can a specific intervention support a social contract?[[21]](#footnote-20)Through asking these questions and acting towards the benefit of the masses rather than power acquisition through democratic means, the social contract can transform an erect a system which increases the representation of general will. As voter turnout decreases and competition between parties increases societal tension, the conversation of societal contribution to their State helps outline important characteristics of an enjoyed social contract. The relation governing how contributions are transformed into benefits is different between “exchange” and “provisions”.[[22]](#footnote-21) In modern America, the exchange in our social contract comes from casting votes to the provision which is policy implementation by office holders. The contributions are from monetary contributions to campaigns which do not necessarily benefit the whole.

Transforming the social contract in an effort to close the gap of inequality among men is said by the Norwegian Peacebuilding Resource Centre to be an underdeveloped tool for development and peacekeeping. As the public asserts their will and desired relationship with their State and Sovereign, the current social contract can be used to incorporate these wishes and develop society in such a way that appeases the majority.[[23]](#footnote-22) Society and the self-interest of man are continually transforming and political trends are showing the discrepancies between obligation and desire of the citizenry. While the will of every individual can never successfully be fulfilled, the social contract can be utilized to accurately represent the will of the majority by continually updating it to translate the current political atmosphere into effective action and policy execution.

Amendments to the American Constitution act as updates to our social contract, however even with updated regulatory measures the American public is still failing to actively practice in the upholdment of democracy. Moving forward in the modern American political atmosphere, the general public and political enforcers and officials must recognize the foundations of the Social Contract Theory and actively work to apply the outlined principles to maintain the sanctity of society through assurance of justice and equality for every man and his continual self-interest for preservation.

*“For such is the nature of man, that howsoever they may acknowledge many others to be more witty, or more eloquent, or more learned; Yet they will hardly believe there be many so wise as themselves: For they see their own wit at hand, and other mens at a distance.”*

*―* ***Thomas Hobbes,*** [***Leviathan***](https://www.goodreads.com/work/quotes/680963)

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