

## Theoretical Frameworks Explaining the Emergence of the State Social Contract Theories as a Paradigm

النظريات المفسرة لنشأة الدولة  
نظريات العقد الاجتماعي نموذجاً

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### Abstract:

The theories of social contract explain the emergence of the state as a social and political organization, constituting a significant development in the field of political sociology. They attributed, for the first time, the origins of political power to popular will, after it had been governed, for long centuries, by theocratic theories, which made divine will the only source of authority. **Hobbes**, **Locke**, and **Rousseau** all agreed that the formation of the state can be traced back to a social contract. However, they differed in describing the natural state of individuals before entering into this contract, and in identifying the parties involved, which led automatically to the differences in the conclusions each of them reached.

We relied in this focused study on the most important theories explaining the emergence of political authority, using the descriptive-analytical method. Through this, we have concluded that the social contract theories have that the theories of the social contract, for the first time, adopted a logical and scientific approach in an attempt to break free from the dominant ecclesiastical legacy. Consequently, these theories, particularly **John Locke's** theory, succeeded in establishing an acceptable foundation for political legitimacy that does not contradict the Islamic perspective on organizing political society. This has motivated us to embark on writing a study to explain the Islamic theory of state formation and establishment in light of the Prophet's experience in Medina.

Furthermore, we found that the state emerged within the framework of an integrated societal project aimed at achieving three primary objectives : maintaining public peace, improving living conditions, and ensuring justice and equality among people.

**Key words:** The state; political legitimacy; social contract; political society.

#### الملخص:

تفسر نظريات العقد الاجتماعي، كيفية ظهور الدولة، كتنظيم اجتماعي وسياسي، وتعد في مضمونها تطورا مهما في مواضيع الاجتماع السياسي؛ حيث أنها أرجعت، لأول مرة، أصول السلطة السياسية إلى الإرادة الشعبية، بعدما كانت، ولعقود طويلة، تحكمها النظريات التيقراطية، التي كانت تعبر عن رأي الكنيسة، والتي تجعل من الإرادة الإلهية مصدرا للحكم، وأساسا وحيدا للشرعية السياسية؛ فقد أجمع كل من هوبز، وجان لوك، وجون جان روسو على أن نشأة الدولة ترجع إلى عقد اجتماعي، أبرمته المجموعات البشرية الأولى فيما بينها؛ لتحسين أوضاعها المعيشية؛ إلا أنهم اختلفوا حول وصف الحياة الطبيعية للأفراد قبل إبرامهم لهذا العقد، وعلى تحديد الأطراف المشاركة في هذا العقد، مما أدى إلى اختلاف النتائج التي توصل إليها كل منهم.

اعتمدنا في هذه الدراسة المركزة، لأهم النظريات المفسرة لظهور السلطة السياسية، المنهج الوصفي التحليلي، وقد توصلنا من خلالها إلى أن نظريات العقد الاجتماعي قد انتهجت، لأول مرة، التفكير العلمي المنطقي، في محاولة للتخلص من الإرث الكنسي المهيمن، ومن ثمة استطاعت، وبخاصة نظرية جون لوك، أن تضع أساسا مقبولا للشرعية السياسية، لا يتناقض مع الرؤية الإسلامية في تنظيم الاجتماع السياسي، مما حفزنا للشروع في كتابة دراسة نشرح فيها النظرية الإسلامية في تكوين الدولة وتأسيسها، على ضوء التجربة النبوية في المدينة المنورة. كما تبين لنا أن الدولة قد ظهرت في إطار مشروع مجتمعي متكامل، من أجل تحقيق أهداف ثلاثة: المحافظة على السلم العام، وتحسين الأوضاع المعيشية، وتحقيق العدل والمساواة بين الناس.

**الكلمات المفتاحية:** الدولة؛ الشرعية السياسية؛ العقد الاجتماعي؛ المجتمع السياسي.

#### Introduction:

Since studying constitutional law during my undergraduate studies, I have been deeply intrigued by the subject of political authority. I began collecting every book I could find on the topic. Later, when I was assigned to teach this subject, I made a promise to myself to write about it. This article stems from that commitment, aiming to answer the following question: How did the first political authority, "**the state**", emerge to govern human beings? In other words, how did the first human being manage to rule over another like himself?

Through research and investigation, I found that proponents of social contract theories provide a reasonable explanation. They unanimously agreed that the emergence of the state can be attributed to a social contract made between human groups to improve their living conditions. However, they differed in describing the natural state of individuals before this contract was established and in defining the parties involved in the contract. These differences ultimately led to varying conclusions among them.

The concept of the social contract is commonly attributed to the Swiss philosopher, **Althusius** (1557-1637)<sup>1</sup>, although it gained prominence through the

works of **Hobbes**, **John Locke**, and **Jean-Jacques Rousseau**. Despite this, its historical roots can be traced back to **the Greeks**. Philosophers of antiquity, foremost among them **Aristotle**, differed significantly from **Hobbes**, **Locke**, and **Rousseau** in a crucial aspect. **Aristotle** asserted that humans are inherently political beings, and their natural capacities impel them to live within human communities to achieve progress and prosperity. In contrast, the latter three philosophers viewed humans as individualistic by nature, inclined towards solitude, self-sufficiency, and the pursuit of their own needs and living requirements. They saw society as an artificial entity that enables individuals to achieve what they cannot accomplish alone<sup>2</sup>.

The aim of proponents of the social contract theory, namely **Hobbes**, **Locke**, and **Rousseau**, through their significant intellectual efforts, was to comprehend the foundation upon which the legitimacy of political authority rests ; that is, the basis upon which the obedience of people to their rulers can be justified<sup>3</sup>. Social contract theories attribute the origin of the state to popular will, as a substitute for the divine will traditionally represented by the Church. We will explore these theories through three axes: **Hobbes' theory (first axis)**, **John Locke's theory (second axis)**, and **Jean-Jacques Rousseau's theory (third axis)**.

#### **The First Axis : Thomas Hobbes' Theory (1588-1679)**

**Thomas Hobbes** was born into poverty in England, living as an atheist despite his father being a Protestant clergyman<sup>4</sup>. Regarded as one of the foremost philosophers of the 17th century in England, particularly in the legal realm, alongside his interests in philosophy, ethics, and history, he was also a prominent legal scholar. He contributed significantly to crystallizing numerous propositions that distinguished his century politically and legally, notably the concept of the social contract. **Hobbes** formulated a simple and novel concept of the social contract<sup>5</sup>, rejecting the notion of dual social contracts as previously believed, emphasizing instead the existence of a single contract<sup>6</sup>. This concept was outlined in his work "**The Leviathan**", published in 1651. Through "**The Leviathan**", **Hobbes** aimed to establish the political structure of the state on firm rational grounds, free from the vestiges of Christian doctrine and church customs. He endeavored to develop a political theory reaching the certainty of theories in empirical sciences, such as mathematics and physics, earning him the moniker "Euclid of political science"<sup>7</sup>.

### **First: Hobbes's View of Humanity Before the Social Contract : "The State of Nature : Misery in the Absence of the State"**

**Hobbes** began "**The Leviathan**" with an extensive exposition of various natural human inclinations, emphasizing that the deepest of these is the fear of death. From this, he deduced a fundamental natural right: the right of every individual to preserve their own life. He identified three causes of conflict among humans: the desire for competition, lack of self-assurance, and the pursuit of glory. The first compels people to invade for gain, the second drives them to seek security, while the third motivates them to seek fame. Consequently, the state of nature was characterized by a "war of every man against every man". To avoid this perilous situation, humans agreed to relinquish their natural freedom to do as they please in exchange for others' respect for their right to life.

The state, or "**The Leviathan**", is keen on enforcing these mutual obligations among members of society in the form of a social contract that protects natural rights. The state ensures individuals' right to life by guaranteeing peace and public security<sup>8</sup>. The state, thus, is the mechanism or institution produced by the social contract to transition from a state of perpetual conflict to a state of security and peace.

According to **Hobbes**, humans first transitioned from the state of nature to the civil society or community, and then subsequently created the political society, led by the state "**The Leviathan**", through the establishment of the social contract law to which it bound itself.

**Hobbes** also asserts that people, in fleeing from a state of perpetual war, decided to impose restrictions on their individual desires. This decision stemmed directly from the natural inclinations that guide humans when there is no effective force regulating their lives and compelling them to respect and fulfill their commitments, which they agreed upon out of fear of punishment. According to **Hobbes**, contracts that are not protected by swords do not ensure protection for anyone but remain mere empty words, devoid of substance and unable to satisfy one's needs<sup>9</sup>.

**Hobbes** emphasizes that all people, when they come together, have decided to impose restrictions on their individual desires in order to end the state of perpetual war. They recognized by their nature that these natural inclinations that guide humans are the direct and sole cause of that unending war when there is no effective force regulating their lives and compelling them to respect and fulfill their commitments, which they agreed upon out of fear of punishment. According to

**Hobbes**, contracts that are not protected by swords do not ensure protection for anyone but remain mere empty words, devoid of substance, and lifeless<sup>10</sup>.

So according to **Hobbes**, before the emergence of the state, there was a lack of security, and the strong preyed upon the weak. This condition instinctively drove people to seek a means of escaping this perpetual misery. Hence, the idea of the social contract became their tool and means to solve this lasting crisis. They searched for a powerful figure, whom they appointed as their king, relinquishing to him all their rights and freedoms without restriction or condition, so that he could control them all. Consequently, he could prevent injustice and eliminate the chaos that threatens their lives, sparing them from facing death at every moment and turn.

### **Secondly: Terms of the Social Contract According to Hobbes**

According to **Hobbes**, the individuals in the gathered society, known as the "political community", agreed that the protective force of the community, the "state" should be formed by consolidating all their power and capabilities into the hands of one person or a group of people who can, by majority vote, concentrate all their will into one will. This is a kind of unity of everyone, actualized in one person, formed by the agreement of each individual with every other individual, as if each person were saying to the other : "I authorize you to represent me, or the group, and I relinquish my rights to you, consenting to be governed by you, on condition that you relinquish your rights to him or her, and permit his or her actions in the same manner".

In this manner, the political community is formed, represented by one person, which is the state, the "**The Leviathan**", the mortal god to whom individuals owe peace and security. This is because it possesses the power of terror and deterrence, enabling it to eliminate chaos, instability, and the spread of killing among all, thus establishing order and peace within. Moreover, the same person, the "**The Leviathan**", is responsible for rallying the people and urging them to cooperate diligently to fend off and defeat external enemies if they attempt to attack the homeland, invade it, or occupy it<sup>11</sup>.

After contracting with the state, the "person of everyone", individuals do not have the right to enter into another contract with any other person or group, nor to return to the original state of nature, except with the consent and agreement of the Leviathan. Likewise, the Leviathan cannot resign or terminate the contract by its sole will. It does not bear responsibility for any failure or harm inflicted upon them ; on the contrary, its actions are considered their own actions. Therefore, it is not permissible under any circumstances to accuse the ruler of injustice or failure, to

the extent that those who are punished or killed in an attempt to revolt against the state bear responsibility, as per the founding agreement, for all the actions of the absolute ruler, the Leviathan<sup>12</sup>.

The Leviathan is the product of the social contract that was made among all individuals. Therefore, it possesses absolute authority that cannot be divided, relinquished, or interfered with. The public persona, the state, holds all the powers of administering society. It appoints judges to arbitrate disputes, selects advisors and officials, raises armies and chooses their leaders, decides on war or peace with other nations, establishes all legal rules governing people's relations, ensures their enforcement, and monopolizes the coercive force, the "public sword", to deter those who deviate from the public will. The "civitas" (state in Latin) is even responsible for people's beliefs and ideas as a necessary measure to avoid disputes and civil wars<sup>13</sup>. Hence, **Hobbes** defined law as "a command of obedience, from one who has the right to be obeyed, to one who owes obedience<sup>14</sup>".

According to **Hobbes**, the fundamental agreement upon which the state is built is its commitment to providing security and safety for all citizens through its exclusive use of force, in exchange for citizens relinquishing their right to do as they please. Additionally, the state may provide other public benefits such as property rights, road construction, and defense against external aggression, as well as any other activities that individuals cannot achieve on their own. In return, citizens give the state the right to impose taxes, conscript for the army, and demand any other measures they deem necessary for the state's survival<sup>15</sup>.

**Hobbes** affirmed that the state emerged as a result of a rational contract among individuals who sought to solve the problem of pervasive violence among them and to end the state of perpetual war. However, it is noteworthy that the Leviathan did not permanently resolve the issue of violence ; rather, it merely elevated it to a higher level. Instead of tribes or clans fighting amongst themselves, it became states that engaged in warfare<sup>16</sup>.

### **Third: Evaluation of Hobbes' Theory**

It appears that **Hobbes'** theory inevitably leads to giving unchecked power to the ruler and justifying their tyranny, under the pretext that the existence of sovereign authority remains less harmful than its absence<sup>17</sup>. **Hobbes** did not believe in the principle of separation of powers ; rather, the absolute ruler he advocated for held all powers - legislative, executive, and judicial - in their hands. Therefore, according to him, the form of the state takes three shapes : when the public person is an individual, the state is monarchical ; when it is a collective of those who

desired to assemble, the state is democratic or popular ; and when it consists of only a part of them, the state is aristocratic. Some have argued that **Hobbes** presented the social contract theory in a particular manner that leads inevitably to a conclusion he had preconceived, namely, endorsing absolute sovereignty for the ruler<sup>18</sup>. Instead of constraining the ruler's powers through the contract, he turned it into unconditional support for them<sup>19</sup>.

**Hobbes'** theory represents an important development in Western political philosophy. Unlike previous political thinkers who attempted to build an ideal city or approached society from a religious perspective with the aim of establishing a "state of believers" as envisioned by the Church, **Hobbes'** theory focused on studying the reality people lived in with its inherent problems. The reality that **Hobbes** experienced had a significant impact on his theory. He witnessed a devastating civil war that lasted seven years, during which Britain suffered from chaos and turmoil. This experience led him to search for a means to prevent the recurrence of such turmoil, which ground people down and robbed them of their security and wealth. He found the solution in establishing a strong political authority that could impose itself on people through laws binding them all to respect the rights of others and live with them in peace. It has been said that "**Hobbes'** theory is the most magnificent structure, incomparable, produced during the period of the English Civil Wars<sup>20</sup>".

From the foregoing, it is clear that **Hobbes'** idea of the social contract rests on the following pillars:

1. Establishing rules for absolute rule, separate from religious authority (the Church), and subjecting it to the authority of the ruler.
2. The state is an artificial entity, not natural, created by human will.
3. Democracy is the mechanism by which the ruler is chosen, but the exercise of power by the ruler is not democratic.
4. The goal of creating the state is to achieve peace and security, and to achieve justice under the shadow of civil human law, not natural law<sup>21</sup>.

#### **The second axis: John Locke's theory (1632-1704)**

**Locke** grew up in an environment characterized by intense conflict between the British Parliament and the king. **Locke** sided with Parliament, which he saw as the legitimate representative of authority in the country, unlike the king, who based his legitimacy on the theory of divine rule. Due to his strong support for Parliament, **Locke** joined its ranks against the king's army during the English Civil War. He was not even 10 years old when this revolution, which declared the

Republic (The Commonwealth), erupted, overthrowing King Charles I and bringing Oliver Cromwell to power, who ruled England with an iron fist for 10 years<sup>22</sup>. **Locke** remembered from his life that his conservative upbringing, received from his religious family, especially his father, who raised him as a motherless child, instilled in him traits of firmness, conscientiousness, and moderation of character. It also taught him caution and self-reliance. His ideas advocating political freedom and human rights are among the good effects of that good upbringing<sup>23</sup>.

**Locke** experienced persecution, displacement, and hardship, especially after his close friend Lord Shaftesbury was accused of high treason, prompting **Locke** to flee to the Netherlands, where he eventually passed away. Feeling that staying in England had become dangerous, **Locke** decided to immigrate to the Netherlands as a refugee in 1683. He remained there in hiding for some time, fearing extradition to his home country. He only returned to England after the success of the British Revolution in 1688, in which his ideas played a significant role. **Locke** became a prominent figure in England, considered the philosopher of the revolution and its spiritual father. He was offered various political positions, accepting some and rejecting others, citing his health conditions as a reason<sup>24</sup>.

We examine **Locke's** theory in explaining the origin of the state, through reviewing (**first**) his view of pre-contract man; then the terms of the contract (**second**), and (**third**) finally we attempt to provide an evaluation of it.

### **First: John Locke's View of Humanity Before the Contract**

**Locke** adopts a less harsh view compared to his predecessor **Hobbes**, believing that humans in their natural state were less inclined to conflict and more concerned with private property. Unlike **Hobbes**, **Locke** acknowledges that natural law protects not only the right to life but also rights to health, freedom, and property. He believes that unregulated freedom in the state of nature leads to conflict and strife, similar to **Hobbes**, thus emphasizing the necessity of a social contract to preserve the rights of freedom and natural property. Despite emphasizing the importance of the state, **Locke** considers that it might violate natural rights, justifying the legitimacy of revolution against oppressive authority as a means of rightful change<sup>25</sup>.

**Locke** differs from **Hobbes** in that social life before the emergence of the social contract was deemed good, where people enjoyed numerous natural rights and freedoms governed by the rules of natural law. The idea of the social contract came to improve this life further. He views that the state was founded on consent, and individuals possessed two powers: the power to take action to preserve

themselves and others, and the power to enforce penalties against those who violated the laws of nature and sought retribution from aggressors<sup>26</sup>.

### **Secondly: Terms of the Contract according to John Locke**

**Locke** asserts that in order to transition from the state of nature to civil society, individuals formed a legislative authority to enact laws that safeguarded individuals and the community first. Subsequently, they established an executive authority, the government/state, to monitor the enforcement of those laws by the community and individuals<sup>27</sup>. The purpose of the political or civil society that the individuals sought to establish was to preserve the life, natural freedoms, and property of the individual and repel the aggression of others. Those who wished to join this new society must relinquish their natural right to retribution against those who wronged them to the community. Thus, the community becomes the sole arbiter in disputes arising between individuals, with the exclusive authority to enforce the law and impose penalties on criminals. From this general authority acquired by the community, the two fundamental powers in the state branch out : legislative authority and executive authority<sup>28</sup>.

The king or ruler, the executive authority, is a party to the contract and enjoys limited rights like other members of the society. Power and governance are delegated to him based on trust in his capabilities and capacities. He must be just, working to safeguard the interests and happiness of the people. Moreover, he should involve them in the management of their affairs and periodically provide them with an account of his actions and activities during their absence.

In this contract, individuals only relinquish a portion of their rights, while the remaining portion constitutes public liberties and fundamental rights of citizens. It is never permissible for the ruler to infringe upon these rights, and if he does so, he would have violated the terms of the contract and betrayed the trust upon which he was appointed as ruler<sup>29</sup>. In such a case, it is justified for individuals to revolt against him, remove him from power, establish a new contract with someone else, or revert to their original state before the contract. They are the sovereign free individuals.

It is evident that **Locke** views the social contract as a procedural concession by individuals regarding the exercise of their rights, rather than a relinquishment of their rights themselves, as **Hobbes** suggested. Instead, it is an endeavor to secure those rights in a more organized and disciplined manner. Therefore, the state alone is entrusted with the legitimate use of coercion. As for despotism, **Locke** abhors it because it deprives individuals of the direct recourse against oppressors, and it does

not provide justice to them. Hence, according to him, it is worse than the state of natural chaos, and therefore warrants revolution against it, even if it necessitates a return to the state of nature<sup>30</sup>.

In **Locke's** view, political authority is delegated to the governor; he is an agent or representative appointed by the community based on trust, and it is not surrendered to him, unlike what **Hobbes** proposed. If the trust between him and the people is lost, then he loses his legitimacy.

John **Locke** considered public office as a trust and a fiduciary authority, which the appointee can reclaim from the appointor whenever they wish or according to agreed-upon conditions, especially if it becomes clear that the appointee is unworthy of holding the trust. This constitutional principle, established by **Locke**, has become entrenched in Western constitutional thought and is considered a legal and political axiom. **Locke** states: "Every power that is given for the purpose of achieving something is linked to that purpose. If that purpose is neglected or explicitly violated, the trust is void, and the power reverts back to those from whom it originated. Thus, the nation always retains an absolute power, the power to free itself from the control of anyone whose incompetence or ill will endangers its safety and security. If the abuse or misuse of power reaches the point where it threatens the freedoms and properties of the people, then the nation has the right to take back that power"<sup>31</sup>.

### **Thirdly: Evaluation of John Locke's Theory**

John **Locke's** theory marks a significant advancement in modern political philosophy. His theory diverges from previous attempts to establish the ideal city-state, as well as from religiously driven societal analyses aiming to establish a "state of believers" envisioned by the Church. Instead, **Locke's** theory delves into the realities and problems faced by people. The context in which **Locke** lived greatly influenced his theory, as he witnessed a tumultuous civil war in England lasting seven years, characterized by chaos and turmoil. This prompted him to seek a means to prevent the recurrence of such turmoil, which had caused insecurity and loss among the people. He found the solution in establishing a strong political authority that would enforce laws binding all individuals to respect the rights of others and live peacefully together. Therefore, some have remarked that **Locke's** theory is the most magnificent edifice, unparalleled in comparison, produced during the English Civil Wars<sup>32</sup>.

Moreover, **Locke's** perspective on social contract theory is based on the following pillars:

1. Establishing rules for absolute rule, independent of religious authority, and subjecting it to the authority of the ruler.
2. Considering the state an artificial entity created by human will.
3. Identifying democracy as the mechanism for selecting the ruler, although the exercise of governance is not necessarily democratic.
4. The objective of creating the state is to achieve peace and security, and to realize justice under the civil human law rather than natural law.

According to **Locke**, the state emerged within the framework of a communal project aimed at preserving public peace, improving living conditions, and achieving justice and equality among people.

In conclusion, John **Locke's** theory significantly impacted Western political philosophy. It departed from previous conceptions, advocating for limited monarchy and emphasizing the importance of individual rights, democracy, and the rule of law. His ideas continue to influence political thought and have played a crucial role in shaping modern democratic societies.

### **The third axis: Jean-Jacques Rousseau's Theory (1712-1778)**

**Rousseau**, by consensus among experts, was one of the inspiring sources of the French Revolution. The revolutionaries often carried his books, "The Social Contract" and "Discourse on the Origin and Basis of Inequality Among Men," in their demonstrations, along with their other slogans. This reflects the extent of their influence by his ideas and their strong desire to embody them in reality.

**Rousseau** was born in Geneva in 1712, and his mother died shortly after his birth. His father, a distinguished watchmaker, lived for a period in Constantinople and encouraged his son to read and study. **Rousseau** left Geneva and settled in the city of Bossey for a while before traveling the world, visiting Lyon, Lausanne, Neuchâtel, Paris, and other places with a group of friends. He initially worked as a music teacher and later as a secretary to the French ambassador in Venice<sup>33</sup>.

Despite being a latecomer to the theory of the social contract, **Rousseau** is the most famous proponent of it. His ideas played a pivotal role in refuting the foundations of the divine right theory promoted by the Christian Church, thus paving the way for the French Revolution. His book "The Social Contract," in which he explained his vision of the contract upon which states are formed, became the gospel of the French Revolution that erupted in 1789, leading to the overthrow of the "sacred" monarchy.

We will explore **Rousseau's** theory in explaining the origin of the state and the emergence of political authority by reviewing (**first**) his view of humans before

the contract, then the clauses of the contract (**second**), and finally, we will attempt to provide an evaluation of it (**third**).

**First : John Jacques Rousseau's view of man before the contract**

Rousseau strongly criticized **Hobbes**, as he said in his book *A Discourse on the Origin and Basis of Inequality Among Men* (1754) :

"Let us, before anything else, exercise caution in concluding with **Hobbes** that man, lacking the idea of goodness, must be evil by nature; that he is bad because he does not know the nature of virtue; that he always refuses to do any service for his fellow men, believing that none deserve it; and that, based on his claim to a justified right to obtain everything he desires, he foolishly sees himself as the master of the entire universe". It is clearly that **Rousseau** asserts that **Hobbes** knows nothing about natural man, for the violent being **Hobbes** spoke of in "**Leviathan**" is actually a product contaminated by centuries of social evolution, which distorted the image that man had in his original nature. Natural humans are indeed solitary creatures; but they are shy and fearful, and it is more likely that they do not fight, but one flees from the other, and primitive man's desires do not exceed his bodily needs, as he knows of no blessings other than food, females, and comfort, and he fears pain and hunger, so the emergence of the political community does not represent man's salvation from war, but rather it signifies his connection with other humans through relationships of mutual dependence<sup>34</sup>.

**Rousseau** believes that the reason for the emergence of the social contract is not the exit from the state of "**war of all against all**", as his predecessor **Hobbes** claimed, but rather the natural human desire to develop his life and improve his living conditions through the development and strengthening of mutual dependence relationships with others of his kind. Despite **Rousseau's** agreement with **Hobbes** and **Locke** that the contract is a means of establishing political power that governs society, and thus the state; he differed with **Hobbes** in describing the state of nature and also in the content of the contract and consequently in its consequences, in which he also differs from **Locke**, despite his agreement with him on the nature of life in the state of nature; where they both agree that natural man was living a happy life; in fact, it was the happiest period known to man<sup>35</sup>. However, due to the multiplicity of individual interests, their occasional conflicts, the increasing intensity of competition among individuals, and the emergence of evil tendencies in them driven by selfishness and the insatiable desire for wealth, control, and

domination, individuals thought of establishing the contract to organize life and achieve security and justice for all.

### **Secondly: The Contract according to Jean-Jacques Rousseau**

**Jean-Jacques Rousseau** decides, contrary to his predecessor **Locke**, and somewhat in agreement with **Hobbes**, that the ruler, or king, is not a party to the contract; rather, he is an agent of the nation. Therefore, he is obliged to fully adhere to the instructions and directives of his principal, "the nation". He is required to work solely for its benefit, not according to his own will and interests. The nation has full right to dismiss and remove him whenever it wishes to do so. The ruler is nothing but a servant to the nation. Hence, **Jean-Jacques Rousseau** was the first to conceive the idea of agency as the basis for exercising power in Western political thought<sup>36</sup>.

**John Jacques Rousseau** asserts that individuals, by virtue of the contract, have relinquished all their natural freedoms and, in exchange, have acquired organized civil rights and liberties granted to them by the civil community they have established, which everyone enjoys equally. **Rousseau** also affirms that individuals have relinquished, entirely, all their rights, not to a person or group, but to their collective, or what **Rousseau** calls "THE GENERAL WILL." Thus, **John Jacques Rousseau** decides that the will of individuals has ceased permanently through contracting, and an alternative has emerged in the form of a general will, which is the will of the community; that is, the nation as a legal entity, has become the sole possessor and repository of sovereignty, which no one should dispute.

### **Thirdly: Evaluation of John Jacques Rousseau's theory**

Our evaluation of **Rousseau's** theory will focus on enumerating its drawbacks (A) and advantages (B):

#### **A) Drawbacks :**

- The theory is fictional; there is no practical evidence of this contract being established in those distant times.
- The idea of everyone agreeing on a certain issue is illogical ; consensus is impossible.
- It is based on erroneous assumptions, such as the notion that humans lived in isolation before the formation of society, which is contradicted by science and reality; humans are inherently social beings.
- The theory is contradictory; it claims that society was the one that made the contract, meaning it existed before the contract was formed, while also

asserting that society was a result of the contract, meaning it emerged after the contract, which is a glaring contradiction.

**B) Advantages :**

- These theories had a significant impact on enlightening minds and stimulating debate on the issue of governance in human societies.
- They made a great contribution to the dominance of the democratic principle.
- The importance of social contract theories lies in the significant role they played in explaining the basis of the origin of political power, which was relied upon by the men of the French Revolution in adopting the theory of popular sovereignty in the subsequent constitutions following the revolution. They are also considered one of the sources of the individualistic "liberal" doctrine, which is essentially based on the sanctification of the rights and freedoms of individuals, thus greatly contributing to the promotion and deepening of democratic principles in the West<sup>37</sup>.

**Rousseau** brilliantly hit upon some of his observations, such as his belief that the origins of human differences can be traced back to the development of mining and agriculture, and above all else individual property rights ; however, he erred, along with **Hobbes** and **Locke**, at a crucial point, as the three thinkers viewed humans in a state of nature as isolated individuals who consider society an "artificial" state. According to **Hobbes**, primitive humans were bound together by fear, envy, and conflict. **Rousseau's** primitive man was more isolated because sex was natural to him, but the family was an unnatural institution. Mutual dependence among humans arises almost incidentally, as a result of technological innovations that require greater cooperation, such as agriculture, for example. For both of them, human society appears exclusively with the passage of historical time, necessitating decisive adjustments with natural freedom.

In conclusion, we can say that the pioneers of the social contract theory, **Hobbes**, **Locke**, and **Rousseau**, all agreed on the following :

Firstly, people used to live in a state of nature before organizing into a society or human community.

Secondly, as it was difficult to remain in this state, people entered into a social contract, through which they transitioned from the state of nature to the era of order.

However, they differed in defining the parties to the contract and its impact. **Hobbes** believed that the contract was made among all individuals, with the

sovereign not being a party to it. They agreed to relinquish their natural freedoms to the sovereign in order to establish order among them, granting the sovereign absolute authority over them, as his despotism was preferable to returning to chaos and its evils. **Locke**, on the other hand, saw the contract as being between the people and the sovereign, with individuals surrendering a portion of their natural freedoms to enable them to enjoy the rest. If the sovereign violated his commitment to enable them to enjoy the remaining portion of their natural freedoms, the people had the right to dissolve the contract and depose him, making revolution legitimate if the sovereign clung to his position. **Rousseau**, on the other hand, believed that the social contract was made among all individuals of the people, with them relinquishing their natural freedoms to the people themselves, as there was no sovereign other than the people. They replaced these natural freedoms with civil ones, entrusting the supervision of them to an agent of their choosing, with the right to depose him if he failed in his duties.

The weakness in these theories does not stem from their being hypothetical, as they assumed the existence of a social contract that history has not proven to exist. None of them asserted it as a historical fact, but rather as a reasonable explanation of how social bonds were formed. The real weakness lies in the assertion that they previously lived in a state of nature without forming a human community or society. This is incorrect; since the beginning of human existence, individuals have always been part of a community.

### **Conclusion:**

At the end of this study, in which we have reviewed the three most important theories in social contract, which are the theories of **Hobbes**, **John Locke**, and **Jean-Jacques Rousseau**, respectively, we have reached a set of conclusions, summarized as follows:

- According to **Hobbes**, man first emerged from a state of nature, which he calls the first nature, into a state of society, or civil society, and then created and shaped the political community, led by the "Leviathan" state, through the establishment of a "social contract" law that binds itself.
- The state, according to **Hobbes**, was a project of society and its political tool to emerge from the crisis of chaos and perpetual war, the war of all against all.
- The state, according to **Locke**, emerged within a societal project to maintain public peace, improve living conditions, and achieve justice and equality among people.

- Despite **Rousseau's** agreement with **Hobbes** and **Locke** that the state was established by the contract ; he differed from **Hobbes** in describing the state of the first nature and in the content of the contract and its consequences, which also differs from **Locke**, despite his agreement with him on the nature of life in the first nature.

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