

Can social contract theory provide a convincing justification for the power of the state over individuals? (1500 words)

Within political philosophy, there has been a debate for many years around whether or not the social contract theory provides a convincing enough justification for the power of the state over individuals. The initial idea for the power of the state over individuals is grounded in the idea that an authority or sovereign is allowed to create and enforce laws over individuals of the state. In some cases, the state is also allowed to restrict freedom from the individuals they have power over if they believe it is the best interest of the state. To me, I believe social contract theory does give justification for the power of the state over the individuals.

One argument in which I believe supports my idea that social contract theory provides convincing justifications for the power of the state over individuals is Thomas Hobbes' point that once we consent to the contract, we are then bound by an obligation to follow it as it has been agreed. His argument starts from his psychological egoism theory in which he says that men are self-interested as part of their human nature, as he mentions in his book *Leviathan*. From this, he comes to the theory that because men are self-interested, and yet still rational in their decisions, they'll consent to a social contract of a sovereign or a government to live by as it is in their best self-interest. (Celeste Friend, Social Contract Theory - Internet Encyclopedia Of Philosophy, 2004). This goes on further to his State of Nature argument which he describes as 'war of every man against every man' as a naturally brutal condition of living as every man has the right of nature to act as they please where the only existing laws are the laws of nature themselves as there is a lack of an authority to place laws to stop humanity becoming war-like. For example, in this state of nature, men could take each other's belongings whenever they please with no legal repercussions. To solve this, Hobbes says that by agreeing to a social contract where a sovereign places rules, there are clear guidelines and laws on how to live within their best interest, which is to remain safe and keep their belongings to themselves. (Andre Munro, State Of Nature - Britannica, 28th July 2015). To me, I believe that Hobbes' social contract theory and state of nature theory support my claim that the social contract theory does give enough justification for power of the state over individuals as it shows that consenting to a social contract protects the self-interest of men, which is to be protected.

A further point which I believe agrees with my idea that social contract theory can give justification for the power over the state is Locke's idea of tacit consent. Often defined as 'silent' consent, his idea originated when he made the claim that a government can only be legitimate if its citizens consent to the government and its laws. This led to his explanation of the idea of tacit consent. (Bowen Greenwood, Tacit Consent: A Quiet Tyranny, 1st January 1995) Locke's idea says that if you reside in, and benefit from a society, that then gives your consent to follow all its laws. Benefiting from the society or partaking in it in any way, such as living in it, voting or paying taxes while living in that society, Locke says that is giving tacit consent as benefiting from the society means agreeing to its laws, even if you didn't legally agree to them. It's also become a staple for modern democratic societies where people are born into social contracts rather than giving consent to live by them. (Author Not Mentioned, The Role Of Consent In Locke's Political Philosophy, 18th September 2025). While tacit consent as an idea can be viewed as somewhat controversial for societies over time, it's also argued by many that in many societies, it's seen as completely unavoidable as it's seen in modern societies as being default for political obligations and the fact that it is easier for a government or a sovereign to allow tacit consent rather than get written consent from everyone in their society. Bowen Greenwood says "since the state has already been given the right to make laws on that land, by living on the land the son gives the state the right to make laws for him" when using his example of a son inheriting his fathers property and gives tacit consent to follow the laws that comes with the land the property is on. (Noah Busbee, Tacit Consent: Individual Will And Political Obligation, 21st September 2023). I believe Locke's tacit consent theory agrees with my idea that social contract theory provides justification for the power of the state over individuals because despite it being 'silent' consent, it's still giving a form of consent for the state to have a power to give laws for you.

However, the idea that social contract theory gives justification for the power over the state comes with its criticisms. French philosopher Pierre-Joseph Proudhon thought of the idea of anarchism to reject social contract theory. Anarchism, as a theory, is built off the idea to abolish the state, hypothetical contracts given through social contract theory and all other forms of higher authority in favour of a stateless society where we all voluntarily co-operate with each other to live how we please through free-governed associations. Despite his initial acceptance for a state after the French revolution as a way to set up social structures, he was surprised that this state continued after the structures had been placed, which is why he created anarchism to fight

against this. A common misconception about anarchism is that it promotes a society without laws and also a society without any order, but this is not the case as it can accept a form of social contract away from the traditional sense given by Locke, Hobbes and Rousseau. An anarchistic way of thinking would say that Rousseau's way of seeing democracy would now be classified as a modern anarchist way of seeing government as they argue Rousseau says people only agree to be governed as it is easiest for them to have laws given to them rather than trust each other in a world without a sovereign. (Herbert Read, *The Paradox Of Anarchism*, 9th October 2009). A key reason for anarchistic arguments is their belief that people are imperfect. And because of that, governments and sovereigns in power would inevitably use their power against the state and therefore cannot be trusted to rule. Without a state needing a ruler, you rule out the possibility for a ruler to abuse their power over others. (Jan Narveson, *For And Against The State: New Philosophical Reading*, 1998). Whilst anarchism in theory is a good idea built off of trust, I believe it doesn't give a good enough counter to a social contract theory based society as an anarchistic society requires the entire society to have morally near-perfect people to work, which isn't the case in reality.

A further critique of the claim that social contract theory can provide justification for the power of the state over individuals is David Hume's criticism of the social contract theory. Hume found the idea speculative as he thought they hinted towards a pre agreed historical contract being agreed despite there being no evidence of this or practical basis to show for this. He believes this because to say state based agreements originating from past agreements does not align with the empirical evidence he saw showing how society evolves and developed over time. He further looked at the claim that being born into a continually obedient government shows tacit consent, as presented by John Locke, which he dismissed claiming it to be something like fiction. He makes this claim because he believes most individuals do not have a choice into who they choose to be governed by, which he says isn't tacit consent, but rather just absurd to conclude that they have given any consent or been given a choice. Hume further criticises Hobbes' theory by saying that Hobbes assuming that without a sovereign state humanity would become war-like is illogical and points to the North American Indians in history to prove that many non-state ruled societies can work in peace without breaking into war. (Henrique Schneider, *David Hume's Theory Of The State*, 4th June 2025). Hume's criticisms, while relevant, don't give enough of a counter argument to me to disprove my claim that social contract theory can provide

justification for the power over the state because while he gives empirical evidence, to me, he doesn't provide a clear enough alternative in his criticism.

Therefore, when taking into consideration the supporting arguments and counter arguments, I believe that my initial claim that social contract theory does give justification for the power over the state is still a strong one, but not without its criticisms. Hobbes' theory that men agree to a sovereign or government based state because of their own self-interest to protect themselves and their belongings, alongside Locke's tacit consent theory of being born into a contractual agreement as it is still a form of consent given, are both strong arguments. But Proudhon's anarchist theory of a society which isn't ruled by a state and should instead be free to act as we want with only the laws of nature and Hume's empirical based argument filled with evidence from the universe and history, are both good, but I don't believe are strong enough to disprove social contract theory.

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