

Social contract theory

But I moreover affirm, That all Men are naturally in that State [the state of nature], and remain so, till by their own Consents they make themselves Members of some Politick Society;

Locke, Second Treatise (1689)

The existence of the state is justified because we agree to its existence in return for certain benefits.

We consent to restrictions in our freedoms in exchange for goods such as protection from crime, economic opportunities, healthcare, transport etc.

One interesting consequence of social contract theory is that it can be used to justify disobeying the state if the state does not provide what it is supposed to.

E.g. if the state is discriminating against members of a certain race, it is clearly not doing what it is supposed to do. It has broken its side of the contract. This means that people in that society are not obliged to stick to their side of the contract. **Civil disobedience is now justified.**

(Remember that many of the activities engaged in by the Civil Rights Movement in the USA were illegal at the time)

There are various attempts to formulate the social contract. All face major problems though:

1. Voluntaristic. We actually do consent. There is a contract and we have all agreed to it

The obvious problem with this is that it is clearly not true! We have never agreed to a contract. We have never been asked, and we can't choose not to consent without facing severe consequences.

2. Consent is given (in a democracy) through voting

Not everybody votes though. Forcing people to vote would mean that any consent is not freely given.

3. Tacit consent. By receiving the benefits of the state we consent to its existence, even if we never explicitly say that we do.

But is it possible to choose not to receive the benefits?

Do we have obligations to people/things because they provide us with goods that we haven't actually asked them for?

4. Hypothetical consent. We have not been asked to give our consent but if we were asked, we would give it!

Would we give our consent if we were asked?

Is hypothetical consent as valuable as real consent?