

SUBJECT: POLITICAL SCIENCE I

COURSE: BA LLB SEMESTER I

TEACHER: MS. DEEPIKA GAHATRAJ

MODULE: MODULE IV, THEORIES OF THE ORIGIN OF STATE

JEAN JACQUES ROUSSEAU (1712 - 1778): CONCEPTION OF SOCIAL CONTRACT THEORY (CONTINUATION)

(c) CAUSES OF SOCIAL CONTRACT

When equality and happiness disappeared, man in the state of nature became a cunning brute. War, murder, wretchedness and honour become universal. He could not abolish them and go back to the golden age of the state of nature. Man wanted to harmonize the institution of family and property with liberty, equality and individualism of the state of nature. Men are forced to create a society when the condition prevailing in the state of nature became intolerable. Rousseau found a solution for this problem by initiating a 'Social Contract'. Through social contract man created a society by surrounding their natural rights.

(d) CONTRACT

His concept of social contract is a mixture of Hobbes' method and Locke's view of substance. Liberty is fundamental. So is authority. One may not exist meaningfully without the other. They are interdependent. Human beings are living in the society. The life in the society becomes miserable in the absence of liberty. Therefore, liberty is the fundamental necessity of human beings for Rousseau. Suppose, people have liberty without authority, people begin to behave like animals. They would create tension in the society. In order to avoid these kinds of unwanted things to happen in the society, maintained Rousseau, a commonly accepted authority is needed to control the activities of the subjects. But, between freedom and authority, it is the former, which is accorded primary status by Rousseau, because it is man's most important instinctive urge in the state of nature. Thus Rousseau is regarded as the champion of human freedom.

The contract of Rousseau consists of a moral and collective body including as many members as the assembly contains. By the act of contract, the collective receives its unity and common identity. Its will and life are distinguished from the constituent members. As each member has surrendered his natural rights become, there is no scope for any individual to seek special privileges. The contract preserves individual liberty. According to Rousseau, the community is a party to the contract. By the contract each individual has two relations,

namely, personal and corporate. Every individual in his personal capacity enters into contract with another individual, and in his corporate capacity he enters into contract with the community as a whole.

Putting an end to the state of nature, the contract creates the state, the civil society. This new society replaces mere instincts by justice and reason. It gives moral meaning to man's action. And it transforms man from the status of a stupid animal into an intelligent being. According to Rousseau, the contract is continuous, and constant to the acts of the state. This continual participation makes the individual a citizen and sovereign. It keeps the regards for community over and above the regard for self-interest. Social duty as an obligation gets the priority over the rights of the individual.

(e) GENERAL WILL

There are some aspects of the general will that Rousseau articulates. First, the general will is directly tied to Sovereignty: but not Sovereignty merely in the sense of whomever holds power. Simply having power, for Rousseau, is not sufficient for that power to be morally legitimate. True Sovereignty is directed always at the public good, and the general will, therefore, speaks always infallibly to the benefit of the people. Second, the object of the general will is always abstract, or for lack of a better term, general. It can set up rules, social classes, or even a monarchical government, but it can never specify the particular individuals who are subject to the rules, members of the classes, or the rulers in the government. This is in keeping with the idea that the general will speaks to the good of the society as a whole. It is not to be confused with the collection of individual wills which would put their own needs, or the needs of particular factions, above those of the general public. This leads to a related point. Rousseau argues that there is an important distinction to be made between the general will and the collection of individual wills: "There is often a great deal of difference between the will of all and the general will. The latter looks only to the common interest; the former considers private interest and is only a sum of private wills. Rousseau felt that each and every one in the state of nature surrendered their person and all power under the supreme ordering of the General Will. The General Will receives the power of each one of us in which they are as a party indivisible from the whole.

SALIENT FEATURES OF GENERAL WILL

1. Unity: General will is rational and not self-contradictory. It thus give us unity in the sense that it is indivisible because once divided it will not be called General Will rather it would be only called sectional will.
2. General Will is Permanent: Since General Will is based on reason, wisdom and experience and thought about the good of all. It is not to sway with the time but is

permanent. It cannot be alterable and is pure. Even though it may be dominated by other wills for sometime yet in the ultimate analysis this will dominate.

3. Right will: It is the will that takes into consideration not only the political and social, but also moral conditions.

4. General Will is unrepresentable: It cannot be represented by any body. In other words, Rousseau insisted on direct non-representative democracy. Similarly, General Will also cannot be represented. Rousseau's General Will is only applicable when there is direct democracy.

5. It is indivisible: The General Will cannot be divided, because it is an act of the whole people for the whole people. If you still divide the General Will, it simply means that it is dead and it will be called 'sectional will'.

6. It is inalienable: General Will cannot be separated because it cannot be represented or delegated. It is inseparable from the common interest. It is a single whole and must remain as such. Rousseau's sovereign is General Will and not any human being. His sovereign, in fact, cannot give up the sovereignty and also cannot pass that on to any other individual because sovereignty is vested in the community as a whole community could not pass on the sovereign authority to any other individual or organisation but to the General Will. Thus sovereignty and General Will are inseparable and hence inalienable.

7. It is infallible: It is always right and tends to the public good. The people cannot be corrupted but can be deceived.

REFERENCES :

- <https://shodhganga.inflibnet.ac.in/bitstream/10603/193715/4/chapter%202.pdf>
- https://shodhganga.inflibnet.ac.in/bitstream/10603/1349/7/07_chapter2.pdf
- https://shodhganga.inflibnet.ac.in/bitstream/10603/1349/8/08_chapter3.pdf
- https://shodhganga.inflibnet.ac.in/bitstream/10603/1349/9/09_chapter4.pdf
- https://www.researchgate.net/publication/261181816_Summary_of_Social_Contract_Theory_by_Hobbes_Locke_and_Rousseau/link/59eb253baca272cdddba694/download