



## Research Article

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# The Theory of Social Contract and Legitimacy Today

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Doi: 10.2478/mjss-2018-0135

## Abstract

*The theory of social contract has played - and still plays - an important role in the central stage of political philosophy. The social contract answers the question of the origin of the society. The history of the theory originates in the ancient Greece political philosophy and extends to the recent years. However, the foundation of the theory resulted in the Renaissance period through the treatises of classical contractarians Hobbes, Locke and Rousseau. The manuscript describes the main arguments regarding the theory of social contract and suggests the main similarities and differences among them. Finally, the manuscript, according to the main description of the theories, suggests the main categorization of their results in legitimizing the political authority. In the final section, the article proposes the contribution of the theory of the social contract to the modern era and summarizes the positive aspects of its arguments to the legitimization of the political authority of modern states.*

**Keywords:** legitimacy, monarchy, democracy, political realism, political idealism

## 1. Introduction

The theory of social contract has played - and still plays - an important role in the central stage of political philosophy. (Bérdufi and Dushi, 2015) The social contract answers the question of the origin of the society. The response may be of a natural type and consists of the fact that society is by nature either artificial or 'constructive' type, which states that people developed society. The second type of the society implies that society is created through an agreement between people.

In antiquity, the theory of social contract is found in the writings of the Sophists, Aristotle, and Plato; in Euripides and in Antigone of Sophocles, taking most of the time the form of controversy between the law of the nature and the law of the city. During the Middle Ages and the influence of the official Church, the concept of the social contract was revived and upgraded to a contract between God and the ruler. The political element remained subordinate to the authority of the theology, and the king-feudal nobleman was considered the most authentic expression of divine will. This thought that lasted throughout the Middle Ages began to change in the Renaissance period, where there was an attempt to decouple theology from politics. Political life began to be secularized (see Marsilius of Padua and William of Ockham), and together, the theory of social contract took for the first time conceptual independence and self-reliance.

In section two, the paper describes the historical period of the contractarian theory genesis and suggests the main similarities and differences between its main representatives. In conclusion, the research assesses the contribution of the theory to the political authority legitimization.

## 2. Historical Context

### 2.1 *The first thoughts in the Renaissance*

Making a start from Machiavelli (1469-1527), he argued that "in each state there are two contradictory trends, one of the people and one of the grandes" and that the opposition between

them is explained by the fact that people are born mean. (Sabine, 1951, p. 294) The primary legal act emerged with the birth of the organized society when the individual's "invidanatura" was replaced by the "contract" people signed to ensure collective co-existence. In the "natural life" people do not know the laws which were created in the beginning of the organized societies establishment. Hence, the theory of the "social contract", originally seized by the Sophists, was adopted by Machiavelli who mentioned that the cities of his time were developed on the basis of their economic activity, of their members, and of their social claims for wealth and prestige. If the laws tend to reconcile the conflicting aspirations of the citizens, that would mean that they limit their freedom but also they secure their (movable and immovable) property and life. In Machiavelli's thoughts preceded a "contract" between the ruler and the people that would guarantee the strict obedience of the agreement: the alliance for union and the liberation of Italy. (p. 300)

Afterwards, the Dutch jurist and philosopher Grotius (1583-1645) dealt with the concept of social contract, natural state, consensus and sovereignty. However, similar to Machiavelli, he is not considered the one who founded the new theory of social contract. In Grotius, there was no mode of transition from the natural state to the political state through a contract. (p. 360) People by their nature desire a peaceful social life. Thus, they got into some form of union of individuals, in the formation of the civil society. The constitution also presupposes that its members have promised explicitly or implicitly that they will comply with what the majority (or those to whom the power has been delegated) decides. According to natural law, the tacit consent requires respecting the agreements. Observance of the obedience to the agreements, as a rule of natural law, proves to be useful and necessary.

## 2.2 *The inventor of the contemporary theory of social contract*

If Grotius and the previous political philosophers were convinced that the state was established through the voluntary agreement of its members without strictly stating the process as purely natural or symbolic, Hobbes (1588-1679) revolutionized the field of the natural law. He tailored a legal theory of contract and agreement which he used to describe the genesis of the civil society. Based on this, he is rightly considered by many theorists as the inventor of the contemporary theory of social contract.

Unlike previous philosophers, Hobbes was the first who thought of the physical state as absolutely natural. Based on the methods of science (such as mathematics, physics and chemistry), he analyzed society and detected its operating rules. The initial natural state for Hobbes was the one in which people, both men and women, suddenly spring out of the earth like mushrooms. In that situation, the war of all against all prevails. (Hobbes, 1968, p. 185) People are egotistically automated machines who are constantly moving and inevitably ending up in a general conflict with each other.

The inherited selfishness which governs human psychology and behavior is due to the feelings of pain and pleasure –those which define the concepts of evil and good in the Hobbes's ethics - and those which every man attempts to avoid and to satisfy accordingly. On this basis, the person of nature in Hobbes primarily seeks to survive ("avoiding violent death") and simultaneously he constantly seeks to satisfy his unlimited desires. Among these are the desires to gain food, knowledge, wealth, and glory which can give him power and supremacy over his fellow human beings. Supremacy and power are conceived by Hobbes as the authority people wish over their fellows and are included among the many passions which people have.

In particular, in the eleventh chapter of the first part of Leviathan, Hobbes stated that the passions of the people are all internal causes of their intentional actions. The human's passions categorize in rational and irrational (rational is hope, desire, the fear of violent death) and distinguish a universal passion for power. "I put for a general inclination of all mankind, a perpetual and restless desire of Power after power that cease only in Death." (p. 161)

Man wants to accumulate more and more power, not because he adores new powers, but because he cannot secure what he already has. The hunt for power - which eventually leads to the conflict - makes the situation unbearable, where "human life is lonely, impetuous, dirty, brutish and short". In this life there is a "lasting fear and danger of violent death". The only prospect of survival

and the only way for people to escape is to leave the natural state and to enter into the civil society.

The entry into the civil society is achieved through contract in which individuals as if they tacitly agree - through a fantastic dialogue of every person to every other person - the following: "I authorize and give up my right of governing myself to this man, or to this assembly of men, on condition that you surrender to him your right of governing yourself, and authorize all his actions in the same way". (p. 227)

The agreement is reciprocal since any transfer of a right of oneself if done unilaterally, then "it is not a contract but a gift or a favor". In the transfer of the right of oneself, the parties associate each other by deciding to assign all sovereignty to a third party, who remains outside the contract. However, in Hobbes, unlike Grotius, the distinction between the union and the subjugation - a double contract - is explicitly rejected - since people are associated and subordinate to a sovereign at the same time. This allegation clearly demonstrates Hobbes's support for autocracy without, however, denying the right of citizens to resist. The latter assumption is based on the fact that individuals even within the political community have not forfeited their right to survival, so they are allowed to protect it if their life and their freedom are threatened. In any other case, submission to the sovereign is necessary for state's functionality. Finally, Hobbes is well known for his proposal of a cooperative contract for peace and ranks among the supporters of the construction or technical type of contract of the origin of the society.

### 2.3 *The importance of the property*

The further philosopher in the theory of social contract was John Locke (1632-1704). Similar to Hobbes began with the study of the natural state which he perceives as partly historical and partly logical reality. In his work, the "Second Treatise on Government," he claims the difficulty of finding people in this state because people as soon as had just come in contact with each other their feelings of love and desire for socializing immediately led them to unite and to engage together, if they would have ever wanted to continue their coexistence. He claimed, however, that there are people who had lived and still live in natural state and as such exemplified the rulers and governors of independent states. (Locke and Laslett, 1988, p. 276-278)

Locke's and Hobbes' significant differentiation is that the natural state in Locke, opposite Hobbes' theory, is a state of absolute freedom for all people who can determine by themselves their actions and choices, as everyone thinks right, without asking permission or relying on the will of any human being. In Locke, all people are born with the same possibilities of being free - "we must consider what State all Men are naturally in, and that is, a State of perfect Freedom" (p.269) - but this does not lead to a regime of indecency. This is due to "the natural state is governed by the natural law that binds everyone" and teaches that no one should harm the life, health, freedom, and possessions of the other.

Also, in the natural state, all people have equal natural rights, but there are different possibilities for the acquisition of natural rights, as all people are rational, but finally some are proved to be more rational than others and, while everyone had begun in conditions of freedom and equality soon stand out those who own property from those who they do not (the concept of ownership in Locke has taken various meanings; sometimes it denotes life, freedom and property, and sometimes only the property). Locke imposed the order of owners above landless workers and created a classificatory differentiation which is totally natural and legal since the property is considered to be a continuation of private work and, thus, it belongs to everyone as it belongs to everyone person's life and freedom. Of course, property in Locke's theory assists everyone in its union with God and is a mean, not an end in itself.

But what will lead to civil society if all in the natural state are governed by absolute freedom? This is the decline of natural state. The ultimate regime of absolute freedom leads finally to conflict and to dispute regarding the ownership of property. The rights of people are not guaranteed due to the absence of generally accepted laws and rules which regulate human relations in detail and due to the absence of a recognized and impartial judge.

The given judicial and legal deficiency, as well as the difficulties people have in the day-to-day cohabitation between them in the natural state, ultimately lead to the social contract. The latter

generates political society by bringing people together in a body whose primary objective is the effective operation in a system of justice. However, Locke provides vague description of the transition to political society. The contract does not seem to be a real act which would explain the historical genesis of the state, but it seems to denote a symbolic or conceptual approach. Obviously, Locke almost never uses the word "contract" to declare the constitution of political society but instead uses the words of consensus, agreement, and gathering. It seems that is not the case for Locke that the contract is a given and real moment, but a hypothetical and abstract scheme.

Important elements in Locke's theory is the technical way of genesis of the state, the report on the contract only in terms of uniting people in a political body - not two contracts as the Grotius – and the concept of the majority. (p. 331) By using the term consensus, Locke's intention to some sort of parliamentary system is clearly apparent, as opposed to the Hobbes's intention to the Leviathan monarchy.

#### 2.4 *The General Will*

Next comes Jean-Jacques Rousseau (1712-1778). Rousseau believes that there is an unbridgeable gap between the natural state and the civil society. The progress of our humanity has moved away from the primal situation of people. Hence, it is impossible to know with certainty the nature of the primitive natural state of the humanity. In this way, Rousseau criticized those philosophers who, when trying to examine the foundations of the society, resorted to the natural state to describe it. All they did was "finally, everyone of them, constantly dwelling on wants, avidity, oppression, desires and pride, has transferred to the state of nature ideas which were acquired in society; so that, in speaking of the savage they described the social man." (Rousseau, 1994, p. 24)

Thus, Rousseau, wanting to avoid the above trap, began to examine political life with a hypothetical story, trying to reconstruct as much as possible the true history of mankind, while recognizing the impossibility of studying the real natural state which is much different from the political life. At some point in the history of humanity, there was the movement towards culture. According to Rousseau, the progress started with the creation of inequalities among people. In the second part of the discourse on inequality he mentioned that inequalities between people began with the invention of private property. The first person who had enclosed a field, thought to say, "that's mine" and found naive people to believe it, he was the true founder of civil society. (p. 55)

Rousseau has also described the transition to civil society. A man in his nature was a polite being within his wilderness. His unique aspirations were his self-preservation through the fulfillment of his basic physical needs. But he always had something that made him different from all other kinds of creatures: that is the possibility of free choice. The possibility of choice was the reason that pulled him out of his natural state and brought him to the political society. In addition, the main factor that has prompted him to set up societies is mainly the will to create a personality of himself in relation to others. This includes the tendency for competition, comparison with others, the creation of hostilities and the craving for strength. All those, according to Rousseau, is a constituent element of what is called an organized society, and de facto means the exodus of a man from the state of nature.

Significant is the differentiation of Rousseau from the earlier theorist Hobbes, who considered that man formed societies because he wanted to be relieved of the stress which caused him the fear of death. That was not true, Rousseau stated, simply because the man was unaware of death, since he had been just an animal among the other animals. The knowledge of death and the resulting anxiety or fear of the end came later when he left the natural state.<sup>1</sup>

From the moment that man formed societies, he wanted to secure his happiness and prosperity. That was achieved through the creation of the Social Contract, an act of supreme commitment to the common good of the whole political society. Ensuring social order people created law. The law in organized societies is not the result of the natural state but the product of a

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<sup>1</sup> Rousseau, 1755, p. 35. The same perception was found in Greek theorists, especially Aeschylus, who claimed that Prometheus, bringing the fire and the culture to the people, gave them the awareness of their mortality.

contract. While it is a strong commitment and supreme contract, it aims to secure the freedom of every citizen, since each citizen is not bound to someone else but to himself, in the light of the dialectical relationship he has to develop by ensuring the general good of the whole society.

Rousseau attempted to avoid the subjugation to a person or to a group of people. In the theory of sovereignty considered all people to the government of the state. Sovereignty should belong to all the people, to the community. The problem of subordination to the community and not to a particular person or group of people was resolved by Rousseau through the concept of the General Will.<sup>2</sup>

General Will is a central term in the theory of Rousseau's social contract. In its essence, General Will is neither a sum of individual wills nor an average. It is, according to Rousseau, a moral person, an abstract being, by means of which a state must be legislated. The supreme legislator, the ruler, has a teaching role in Rousseau. He must be able to transform a person to an inseparable part of a bigger community in which his security and life existence will depend. Thus, The General Will transforms the individual will and shapes the individual into an active social being. Conversely, each individual expresses his will to the whole community, disengages himself from his entrenched individuality as he decides to get out of himself and to create a single organic whole, the political body. The political body does not need to give guarantees to the persons who made it, as it does not de facto have an interest contrary to them. A body never damages its own members because it simply hurts itself. On the contrary, members of the body may present deviations from the good.<sup>3</sup>

The perfect occasion would be the one in which everyone's will would be in line with the General Will. The analogy resembles the moral rule of Categorical Imperative as formulated by Immanuel Kant. The principle which regulates the will of each citizen should simultaneously be established as a universal law. According to Rousseau, the individual may be inclined towards discrimination and be guided by selfishness (a property which, according to Rousseau, is the source of many problems), but General Will is always right and fair and supports the notion of equality of all in the political community. (Rousseau and Cranston, 1968, pp. 72-74) The collective ethical person, the general will, has the right to manage each person and transform it into a particular unit in the community in the most appropriate way. Even when the state deems it appropriate to take the life of a single unit to preserve the integrity of the whole, the citizen must comply, be killed, because he owes not only his life to the nature but also to the sovereign, to the body of the political community. (p.78)

Rousseau argues that within the framework of civil society, individual voices are not meant without their pretense to the General Will. Individual wills acquire political substance only at the time of their union with the General Will with the common interest. Therefore, in a society, according to Rousseau, we should not seek man isolated in the paths of his own will but diffused and cohesive with the whole body of society.

Observing Rousseau to unfold a dialectical relationship between General and individual will we find the conceptual description of a peculiar freedom. How is it possible for a man not to lose his freedom and not to dissuade his personal will at the moment he succumbs to the moral person of General Will? The answer to this question lies in the deterministic view of issues. Obedience to the General Will is perceived as an invisible natural law, without which man could not exist and evolve. The natural law of friction, for example, cannot be considered as a restriction of freedom because without it one could not stand or walk. Rousseau confessed that it was not in his direct intentions to philosophize on the concept of freedom, but through the relationship of individual will and General Will illustrated us a very clear interpretation and central meaning of the notion. (pp. 64-65)

Beyond that, however, the supreme law of General Will does not interfere with Individual Will. If a citizen does not want to live in an organized society, he can return to his natural state at any

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<sup>2</sup>Rousseau and Cranston, 1968, p.149. "So long as several men assembled together consider themselves a single body, they have only one will, which is directed towards their common preservation and general well-being."

<sup>3</sup> Note; The parallelism of General Will as a Body and individual wills as its members appeared earlier in the work of Pascal in 1657 titled "Essays on Divine Grace".

time. General Will is binding only in the society. Therefore, once a man chooses his political substance he will be compelled to obey the General Will, that is, he will be forced to be free. (Sabine, 1951) This compulsion, as it has already been formulated, is not explicitly expressed by anyone, but it is perceived by the man himself as an inalienable deterministic law, as a supreme natural necessity. The perception cultivated in each individual citizen as a result of the educational role of the supreme legislator. In order to understand the process, it is necessary to refer to Rousseau's *Emilio*, in the excerpt which explains the teacher's appropriate attitude towards the student. General Will never orders the individual to obey but states it clear to every single person that it is in the natural necessity of the world to make every citizen to comply not by its power but with the strength which holds the members of the political community together.

The General Will is the supreme legislator and the element that entails the concept of the Social Contract. In essence, Rousseau's Social Contract is nothing more than a commitment of the citizen to his own happiness, through the happiness of the whole to which he belongs. Every individual citizen must subdue his or her individual will to the political body, always for the common benefit. That is not a kind of concession of freedom or part of it, which Hobbes claimed earlier, but it is the precondition and safeguard of the true political freedom. Once a person has left the state of natural freedom and has decided to live in an organized society, his freedom consists exclusively in complying with the legislative authority in which he participates. Here the momentum of appetite or instinct turns out to be slavery, while obedience to the law is the real freedom of every individual. Instinct is replaced by justice, which gives a necessary morality to persons' actions as well as the voice of duty which citizens must follow. (pp. 496-499)

Therefore, there is a difference with the Hobbes's Social Contract. While in Hobbes, human rights are transferred to Leviathan, in the theory of Rousseau, the Social Contract does not eliminate or degrade human rights, but enhance them and shape them in the way they should be in an organized society. Contrary to the case of Hobbes, the idea of Social Contract in Locke's philosophy is quite closer to the Rousseau's mentality.

## 2.5 Other contributions

Contrary to previous theorists, Spinoza (1632-1677) in his political philosophy rejected the concept of a contract as totally superfluous for political philosophy and turned against the legalistic way of conceiving politics. Referring to the concept of law, he argues that every natural thing is by nature just as fair as it has power to exist and to act. Thus the law that would result from a contract can only arise if it corresponds to a real amount of power. In fact, the contract which is described by other theorists, becomes inactive and useless. Spinoza stated about the law within the state that it is respected by the citizens only if it is imposed on them by the power of the authority.

Modern thoughts on the issue have separated social contract from its initial obligation to explain the genesis and construction of the political society. The new theories are challenged with the work of organizing and structuring the already modern political societies. An important theorist of the contract of this kind consider to be John Rawls (1921-). In his work he described an alternative perception of justice which is the most appropriate foundation for the functioning of the democratic society<sup>4</sup>.

Finally, it is widely admitted that under the current political philosophy there are two main types of theoretical explanation of the existence of the state and the genesis of the political life: the first is the theoretical type of conflict, competition and rupture, while the second is the theoretical type of consensus, cooperation, and agreement. The first, which generally belongs to the theories of political realism, is presented in the political thought of Machiavelli, Spinoza and Hobbes, while the second one, which constitutes the theories of political idealism, is presented in the political thought of theorists like Locke, Grotius and Rousseau.

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<sup>4</sup>See Rawls, 1993. *Political Liberalism*

### 3. Legitimacy Today

#### 3.1 Legitimacy and State Justification

The political authority legitimacy represents a complex issue to analyze since it is associated with many controversial problems of the contemporary political philosophy. Thus, legitimacy's definition is not absolutely specified among the political theorists<sup>5</sup>. Modern researches suggest that legitimacy of the political authority is founded on the concept that legitimacy is the unique right of the State to impose binding duties to its subjects and to use coercion to enforce these duties so that the subjects comply with them.(Simmons, 2000) According to the modern definition of the political authority legitimacy, the issue of state justification and legitimacy of its authority is not similar. Legitimacy of the political authority is distinct from the justification of the State.<sup>6</sup> The issue of the state's justification has origins in the philosophers of social contract theories while the legitimacy of the political authority demands more elaborate discussion regarding the issue of the government's exclusive right to impose duties on state's citizens.

The difference between State Justification and Political Authority's Legitimacy could be discovered in the distinction between weak and strong notions of legitimacy. Weak notions of political authority legitimacy suggest that a political authority imposes an obligation on subjects to support the actions and decisions of the state, to not place any obstacles on the state's legislation and, in general, to not attempt to undermine the state in any way. However, according to those weak legitimacy notions, subjects of the state are also not obliged to obey the law or not refrained from attempts of the state to impose duties.<sup>7</sup> Consequently, legitimacy is considered as distinct from political obligation, while such weak notions of legitimacy suggest that there is no much difference between the notions of state justification.<sup>8</sup> Therefore, the arguments used for supporting both notions, legitimacy and state justification, appear to share similarities.

On the contrary, strong legitimacy notions differ. According to Morris, "strong or full legitimacy imposes an obligation on subjects to obey the law – that is, an obligation to obey every valid law that applies to them." (Morris, 2008, pp.15-32) All those strong notions of legitimacy support that legitimacy is not distinct from political obligation but the arguments regarding the legitimization issue are different from those of the justification of the state.

#### 3.2 Social Contract and Weak notion of Political Authority's Legitimacy

In the long discussion about the justification of the state, social contract theorists affirm that states ruled by a government are unquestionably preferable to any state of nature we would like to live. (Simmons, 2000) Contractarian theorists described the relation between authority and the citizens

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<sup>5</sup> See Beetham, 1991, p.21. *The Legitimation of Power*. "Are the rules justifiable in terms of the beliefs and norms of the particular society? [...] who counts as qualified and what actions count as appropriate, will be determined by the conventions of the given society or the system of power." and in *Political Legitimacy and the Duty to Obey the Law* by P. Durning, 2003, pp. 373-389. Durning states that, "I doubt that there is any such set of characteristics, and I suspect that if there is such a set of characteristics, no actual state has ever possessed them."

<sup>6</sup> See Simmons, 1999, *Justification and Legitimacy*, *Ethics* 109 (July 1999): pp. 739-771, and in Simmons, 2002, *Political Obligation and Authority*, in: R.L. Simon (ed.) pp. 17-37, 18. As John Simmons states in his article, a "legitimate State might have an illegitimate government (one that, say, acquired its power by force rather than by trust), an illegitimate state could never have a legitimate government since illegitimate states do not possess the rights, transferred to them by their subjects' consents, that must be entrusted by a state to a government in order to legitimate that government." and in Copp, *The idea of a Legitimate State*, *Philosophy & Public Affairs* 28 (1): pp. 3-45, pp. 7-8

<sup>7</sup> See Simmons, 1999, p.747, and in C. W. Morris, *Political Legitimization without Morality*, ed. JörgKühnelt (Heidelberg: Springer Science & Business Media, 2008)

<sup>8</sup> See Christopher Wellman, *Liberalism, Samaritanism, and Political Legitimacy*, *Philosophy & Public Affairs* (Summer, 1996): 211–37, 211–12. "An account of political legitimacy explains why this coercion [i.e., punishment of those within the state's borders] is permissible [...] It is crucial to notice that political legitimacy is distinct from political obligation."

in the form of an expressed or tacit agreement. People abolish some of their rights they have in the state of nature and they enter the political society by providing those rights to an authority which is responsible to guarantee their life and safety. However, theorists disagree about the nature of the contract people share with the government and how they consent to the authority will. The free will of individuals to be governed take a different form to each theorist.

### 3.2.1 *Political Realism and the Weak notion of Legitimacy*

Hobbes supports the idea that people enter the political society because of the fear they have in the state of nature and of the profits they gain by the state that is security and protection of their life. According to Hobbes the last reasons explain why people must obey the laws applied to them by the ruler that is the legitimacy of its authority. Obviously, the arguments in the Hobbes's theory are founded in the mean human nature of the people to gain more and more power against their fellows in the society.

The acquisition of the authority with violence or war supports Hobbes's notion of the justification of the State. People are obliged to obey the orders of the authority because they resorted to the ruler to protect their lives independently of the way they agreed to such a contract to the authority. The authority has the power to oblige people since it protects their lives. However, if the authority seizes to protect the lives of state's citizens or turn against them, citizens have every right to get out of their initial agreement and go into a new contract which will save their life again. The unique prerequisite of the authority to protect the life of state's citizens lays the foundation for legitimacy.

Similar to Hobbes, in the sense of Machiavelli's view on the nature of the authority the people's agreement toward the state is founded on the fear of punishment when they deny obeying to the rules of the authority. According to Machiavelli, the ruler should be interested in the means and the processes to achieve its goals rather than to the justice or the political equality and respect among the state's citizens. Independently of the application of morality or justice in the political community the ruler has the unique obligation to protect the state and to achieve the goals of the government by any means even by violence or unjust methods in the aim of obliging every single person to follow the orders of the authority.

Spinoza identified in the nature of the authority that there is an inherent characteristic to rule by the exclusive use of power and only to the extent of its power can oblige people to obey. Spinoza demonstrated that the only way to legitimize the authority is through the utilization of power. According to their human nature, people obey the power which belongs to the authority. If such power seizes to exist the legitimacy of the political authority is extinct and new authority takes place in the government.

The theories of the political realism towards the issue of the political authority legitimacy support the political system of Monarchy. People are obliged to obey by any means the ruler irrespectively to the notions of justice or morality in the political community. Power is the only way to legitimize the actions and rules of the government.

### 3.2.2 *Political Idealism and the Weak notion of Legitimacy*

Opposite to the political realism, political idealism supports the notion of justice and morality towards the political authority legitimization. The political thought of John Locke is founded on the freedom and equality that people share among them even in the state of nature. People enter the political society by their free will and with the aim to protect their property which each person gains through his individual amount of work. The inequalities which soon emerge by the ownership of the property constitutes the necessity of the government to resolve the disputes and disagreements appear in the everyday life of the society.

Rousseau supports the idea that the general will of the political community is the only ethical person which can deal with morality and justice towards people's inequalities and differences appear in the political community of the civilized society. Rousseau is the only theorist who denies the existence of the natural state but he asserts that people from their existence develop the social



characteristics they possess in the political community. Hence, it is difficult to describe the natural state of people as the process of civilization destroyed the primitive state of first communities. However, Rousseau stresses that people by their nature are innocent beings who share feelings of love and support between them and the process of civilization worn down their first good nature.

Theorists of political idealism support the notion of legitimacy of the political authority based on justice, equality, consent, and agreement among the state's citizens. Grotius asserted the existence of a double contract. One between people and one between people and the authority. He identified the necessity of the authority only to observe the agreements between people and supports the idea of the majority, similar to Locke, as a mean to decide about the political matters.

In addition, Rousseau stated that the subordination to the general will is obligatory to state's citizens only when people participate in the political community. Thus, people are free to enter the political community or not, therefore legitimacy of the political authority is subjected to the individual will of each citizen.

However, if people participate in the political community they are obliged to obey the rules and the duties which are imposed to them by the General Will. The last has the authority even over people's life because it is the only objective judge in the state. If the individual has to abolish his own life for the sake of the community or under the power of the general will, has to subdue, because the subordination to the General Will is the only action of the citizens in favor of the overall benefit of all people in the state.

Rousseau differentiates from Hobbes and the other political realism theorists in his assertion about the subordination of the citizens to the General Will even when they would lose their life. Although, the political realism theorists deny the freedom of the people they believe that people's life is the most precious aspect. State's citizens should protect their lives in any occasion, even if they have to turn themselves against the state.

However, Rousseau stated that the subordination to the General Will is an enforcement to the citizens to be free. The peculiar notion of freedom in the theory of Rousseau illustrates his genuine attempt to protect the notion of the political authority's legitimacy in the context of the democracy. Similar to Rousseau, Grotius and Locke introduced the notion of the majority that citizens should use in their attempt to decide about the political matters. Hence, they are considered to be the authentic supporters of the political system of democracy even in our era.

#### 4. Conclusion

The theory of social contract is still relevant in our contemporary political philosophy regarding the issue of the political authority legitimization. However, contractarian theorists may not account to the notion of strong legitimacy of the modern states they deal adequately with the weak notion of legitimacy that is similar to the notion of the justification of the state. The investigation demonstrated the contribution of the two major categories of the social contract theories towards the modern legitimacy theories and stated the importance of them towards the foundation of the political system of modern democracy.

Political idealism is more relevant to the legitimacy of the political authorities in our era regarding the issue of the political authority's legitimacy in the political system of representative democracy. (Buchanan, 2002) However, the importance of the political realism theorists relates to the issue of the human life protection proved to be important towards the abolition of the death penalty in modern states. The last attempt is considered to be an important step towards the protection of individual rights in the state and contributes to the issue of the legitimacy of the political authority in the political system of democracy.

#### References

- Beetham, D. (1991). *The legitimation of power*. Basingstoke: Palgrave Macmillan
- Bërdufi, N. & Dushi, D. (2015). Social contract and the governments legitimacy. *Mediterranean Journal of Social Sciences*, 6 (6), 392-398, Retrieved from <http://www.mcser.org/journal/index.php/mjss/article/viewFile/18033/7698>

- Buchanan, A. (2002). Political legitimacy and democracy. *Ethics*, 112 (4), 689-719, Retrieved from <https://www.journals.uchicago.edu/doi/abs/10.1086/340313>
- Coop, D. (1999). The idea of a legitimate state. *Philosophy & Public Affairs*, 28 (1), 3-45, Retrieved from [https://www.jstor.org/stable/2672824?seq=1#page\\_scan\\_tab\\_contents](https://www.jstor.org/stable/2672824?seq=1#page_scan_tab_contents)
- Durning, P. (2003). Political legitimacy and the duty to obey the law. *Canadian Journal of Philosophy*, 33 (3), 373-389, Retrieved from <https://www.tandfonline.com/doi/abs/10.1080/00455091.2003.10716548>
- Hobbes, T. (Ed.). (1968). *Leviathan*. London: Penguin Books
- Kühnelt, J. (Ed.). (2008). Political legitimization without morality. Heidelberg: *Springer Science & Business Media*, Dordrecht: Springer, 15-32, Retrieved from <https://www.springer.com/gp/book/9781402085758>
- Locke, J. Laslett, P. (1988). *Two treatises of government*. Cambridge: Cambridge University Press
- Morris, C. W. (Ed.). (2008). Political legitimization without morality. Heidelberg: *Springer Science & Business Media*, Dordrecht: Springer, 15-32
- Pascal, B. (1657). *Essays on divine grace*.
- Rawls, J. (1993). *Political liberalism*. New York, NY: Columbia University Press
- Rousseau, J. J. (1994). *Discourse on the origin of inequality*. New York, NY: Oxford University Press
- Rousseau, J. J., Cranston, M.W. (1968). *The social contract*. London: Penguin Books
- Sabine, G. H. (1951). *History of political theory*. London: George G. Harrap and Co. Ltd
- Simmons, A. J. (2000). Justification and legitimacy. *Ethics*, 109 (4): 739-771, Retrieved from <https://philpapers.org/s/A.%20John%20Simmons>
- Simmons, A. J. (2002). *Political obligation and authority*. The Blackwell guide to social and political philosophy. Malden, MA: Blackwell: 17-37, Retrieved from <https://philpapers.org/s/A.%20John%20Simmons>
- Wellman, C. (1996). Liberalism, samaritanism, and political legitimacy. *Philosophy & Public Affairs*, 25, 211-237, Retrieved from <http://philosophyfaculty.ucsd.edu/faculty/rarneson/WELLMANlibsam.pdf>