**Reshaping the Social Contract for An Agile Government**

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**Abstract:**

The goal of this research is not to suggest the conditions in which governments should reach progress in the following years of the 21st century. The social contract is an extensive idea, and it covers different planes of everyday life, including economic, social, and political actions. Aspects of national and global society are also reviewed, along with the legal rules and social values. The discussion on the social contract appears to be most active in times of economic, social, or political upheaval. Besides, the social contract discussion has become more present because a shift has characterised this century to technological and global perspectives since the beginning. Furthermore, the 2008 financial crisis fuelled market structure and public changes. In this research, we focus on the aspects that highlight the social contract role in the community and individual life.

The paper explores the citizens’ pressures on governments in a world under change with very high expectations for the future. These tensions were analysed starting from one relevant question for current and future governments: Are national governments ready to meet this century’s individual and community requirements? The old social order is restructured in a world tested by the fast technological advance and the health, social, political and military crises. The world is moving, and all the relations are reshaped, the formal and informal. An agile government can quickly make any changes while it delivers old services and builds new ones. The old governmental structures and services are under profound pressure.

Keywords: social needs, technological advance, recourse to the state.

**Introduction**

Any reference to government and administrative institutions implies recourse to the state, without which we cannot conceive the current existence of humanity. The permanent dynamism of the state was revealed by the different doctrinal orientations that gave birth to some schools of state and law. Interestingly, each school promoted its theory by denying or supporting previous schools. The functioning and nature of the state cannot be understood without its relation to the philosophical currents that have created and sustained it over time.

Even if the society in which we live no longer resembles the beginning of the existence of the state (antiquity), even if the institutions that govern us are different, the founding principles, the universally valid ideas of today’s existence find their source in what the philosophers of those times argued.

Therefore, any study in the administrative sciences is an opportunity to return to the roots of legal philosophers. Thus, this paper focuses on studying the modern social contract and the challenges to which agile governments must respond. This paper advances previous work in which we examined public administration’s responsibilities in adapting to the new state order after the financial crisis.

The paper’s methodology focuses on the qualitative perspective in literature reviews and decisive international reports. It aims to reveal the challenges governments must face and their diversity. The democratic role of parliament is taken by the government; it becomes more an overseer institution and less a socially involved one. Because parliament lacks celerity, the rules and regulations are more often given by the government, a situation maintained by the decreased participation of people in political life. But the rules of participation are rebuilt based on the new online relation, through social media, to the detriment of the direct one.

**The social contract philosophy**

Thomas Hobbes in *Leviathan* [1] mentioned that people live in society to fulfil their needs and interests. The cumulus of private interests has no connection with the general interests. Each human being protects, before all, his interests without giving any guarantee to implement an eventual contract.

Society was born and developed by coercion; it is a natural environment for a human who becomes sociable out of necessity to feed and defend. When interests are opposed, people are in conflict, and war and crises occur. To avoid them, says Hobbes, a new contract must be established. An agreement in which they are giving up their natural rights in favour of the state that protects them. It transfers private rights in turn to public ones, so society entrusts its sovereignty to the state.

The people retain no right for themselves, no will of their own, as a result of the final renunciation of the exercise of sovereignty entrusted to the state once and for all. The state’s power is unlimited, and ethical or religious considerations are removed since only the state establishes good and evil rules.

The contract evolved from the sovereign with no obligation to the people to the Bill of Rights (1689), which institutionalised John Lock’s thought.

Locke believed that natural law is based on reason and a natural state, above all, peaceful. People sought to live in society from the beginning and in harmony with natural law. Still, in front of progress, the human relations complexity determined them to sign a social pact. This pact was freely accepted without the need for coercion. Above all, it represented a form of sovereignty delegation only for a transient, accepted, modifiable renunciation of a part of human rights. Where, at Hobbes, people forever relinquish all their rights, Locke substitutes a temporary delegation of a piece of sovereignty that the state desperately needs to ensure the security of all.

In his book, *The Second Treaty of Civil Governance* [2], Locke recalls that the judiciary remains the determining factor of any political society, the initial, indispensable legal basis of the legislative and executive power and governments and societies. Locke precisely defined this trilogy of political power. The legislature is the power that establishes the procedures by which the force of political society is directed to the preservation of the community and its members. Its primary mission, but not the only one, is to adopt laws. The executive is the power to enforce regulations and decide what is convenient for reconciling the protection of the public interest and the interests of individuals.

The fundamental notion that links the government to the people is that of trust, of the mission received, expressed by the term “political trusteeship”. In case of breach of contract, this law can be developed at the initiative of the people, who withdraw their trust in the government. Holders of sovereignty, the people take back their power when they consider that the goals entrusted to the government, i.e., the protection of life, freedom, and prosperity, are not fulfilled. The system drawn up by Locke legalises the right to revolt, legitimises the revolution and gives a vast space to the individual, thus laying the foundations of a social contract of free association.

Jean Jacques Rousseau is the true theorist of the sovereignty of the people, who, later, became the national sovereignty understood as the totality of the citizens. These notions represent a real revolution, as they transfer people’s leadership to the detriment of the individual, to the sovereign or to a group.

The main political work of J.J. Rousseau is the *Social Contract* [3], in which the author does a political analysis starting from the natural state. In his natural state, a human is a premoral human being, free and equal with other people, by his very nature, apart from any notion of good or evil. If a human enters an alienated society, this corrupted and loses his freedom and equality with others, but if, instead of enduring the power of the state, he is provided with the appropriate legislative framework, through a contract that guarantees the freedom of each, equality with others, both civilly and ethically, then he becomes a new human being. Through the social contract, human, as an individual, conforms to the general, unanimous and universal will.

The general will have specific characteristics: inalienable, infallible and indivisible. It is inalienable because each individual represents a part of the people. He holds a small segment of sovereignty and must exercise it directly, without using an elective system or mandates. It is infallible because, to make a decision, the will of everybody is needed to form a majority, a criterion achieved by the general choice. The minority is excluded from the public will, which is incorrect. The general will, defined entirely by each citizen who forms the people, is indivisible.

After defining the criteria according to which reason must establish the social contract, J.J. Rousseau examines possible forms of political regime. He admits the monarchy, provided it is elective, the prince being elected by the people. However, he prefers an aristocratic leadership, understood as a democratic state, in which the leaders are elected in small numbers, which creates the state’s cohesion. We have no contradiction with the general will, which cannot be transmitted since it refers to sovereignty and not leadership itself. The ideal would be a direct democracy, but Rousseau considers it impossible for practical reasons, people cannot be united all the time and political and cannot prevent the executive from remaining different from the legislature. However, the democratic regime remains the gods’ prerogative because the people are still too corrupt.

If at Hobbes, the natural state is devoid of any freedom, for it is a war of each against all, for Rousseau, this is the state of absolute freedom. Rousseau said that “the moment a people allow itself to be represented, it is no longer free: it no longer exists. The day you elect representatives is the day you lose your freedom.” [3] (Social Contract, Book III, Chapter 15)

In Rousseau's conception, without the exercise of the people's right by the people, there is no legitimate power, no legitimacy. This is the deep meaning of the contract. The government must be exercised directly, i.e. the legislative power belongs to the citizens. Under these conditions, the people can transmit only power, not will. So, there is a government, but it has only executive functions; it does not benefit from a delegation of the general will because it is inalienable; it is not an instrument of the public will that can do only particular acts, never general ones.

Certainly, Rousseau does not confuse sovereign and government, the latter being understood as a public authority, which differs from a supreme authority, called sovereignty; the distinction between the two consists in the possession by the sovereign of the legislative right, a right that can oblige, in some instances, the social body or the nation itself, and the executive power held by the government that can oblige only individuals.

It seems somewhat surprising that Rousseau wanted to distinguish the sovereign from the ruling because this implies the impossibility of direct rule. However, the paradox is only apparent. Rousseau argues, first, that the sovereign can coincide with the state. This identity relationship would lead to direct democracy, in which, logically, the government would be useless. Therefore, in a second phase, he admits that for a republic of men, not of gods, to be well-constituted, it needs a government that establishes a mediation between the generality of the laws of the sovereign and the particularity of the behaviours of the subjects.

Rousseau thus argues that if the sovereign wanted to rule, he would be too powerful about the government. Still, if the government wished to legislate its abusive power, it would make it too powerful in relation to the sovereign. In both cases, despotism would set in. If the subjects no longer obey the laws, the sovereign and the government would be so weak that anarchy would be established. To avoid these two extreme tendencies, the subjection of citizens to the law must be compensated by the authority of citizens over the government.

Table 1: Social contract postulates

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| T. Hobbes | H1. People give up private rights in favour of their protection as public rights. |
| H2. State power is unlimited. |
| H3. The Sovereign has no obligation to the people. |
| J. Locke | L1. Peaceful living without coercion |
| L2. Judiciary is the determining factor of any political society. |
| L3. Losing “political trusteeship” gives people the right to rise against the sovereign. |
| J.J. Rousseau | R1. An appropriate legislative framework is needed for people’s equality. |
| R2. The majority’s will is needed for the decision, but people are not united and are too corrupt. |
| R3. The government mediates between the generality of laws and the particularity of behaviours. |

Source: Author

Affirming the supremacy of sentiment over reason, David Hume made the most important objection to the foundation of politics and morality on the idea of ​​natural law. David Hume stated, “When men have once perceived the necessity of government to maintain peace, and execute justice, they would naturally assemble, choose magistrates, determined their power, and promised obedience [4]”.

Hume argues that the same laws work in both natural and civil states; people create them, and their role is to maintain stability in relations between them. The state apparatus, in this sense, is nothing but the distributor of justice; without it, justice is impossible because people often see only their interests, neglecting those that ensure social stability. Obedience becomes a duty on which justice rests. In any state, a large part of the freedom must be sacrificed simultaneously as the contract that removes the abuse of authority to provide social stability.

Through his theory, David Hume grounded the liberal political ideology that the politician must guarantee freedom through the law; the government restricted by-laws, and the law must be considered a defence against personal abuse.

**Public-Private Partnership**

Not-for-profit organisations (NFP) now routinely deliver public services for the community’s welfare. NFPs/NGOs[[1]](#footnote-1) are paid to provide government activity in child care, aged care, social housing, disability, and education. Is this system more cost-effective than the public system? We believe that it depends on the community's living costs and the NGO's level of development. Different communities started to develop approaches to ensuring public services (e.g. Norway). Is this the response to bureaucratic inflexibility and the government’s lack of responsiveness? To limit the silo mentality and put the citizens at the centre of the delivered service. They tend to be more process compliance and objective reaching without imposing the unnecessary burden of red tape. Even so, they become dependent on the government’s financial resources, given most of the time by grants.

Pilot projects and “design laboratories” may help the public sector unveil new public policy approaches. Still, the NGO must be involved in the decision, and for this, cocreation was recently designed.

The public-private partnership is developed on new foundations with one more pillar, the community through the NGO. They can attract private capital to support community development for future public benefit and welfare increases.

Fig.1 Existing and future relations within society based on

the new public-private partnership

Source: Author

Supportive measures for private sectors to “invest” in NFP/NGO have a higher impact on social development. Private capital investment in the human resources for a winning community.

Global challenges and the pandemic increase the pressure on businesses and societies. Businesses impact the trust in products, the process of production, and the use of AI (artificial intelligence). Besides this, digitalisation and cyber-attacks pressure humans in the workplace. The supportive role of NFP/NGOs within the community is more demanded in fragile times.

**United in inequalities**

The COVID-19 pandemic accelerated the differences among the people and revealed the public system’s poverty and incapacity to deal with the inequalities. The high degree of incidents in all countries, even well-developed ones, underlined the group’s differences and the pre-existing health issues. Without economic actions to support poor communities, “half a billion people could be pushed into poverty”, stressed Oxfam in “Dignity Not Destination”, a 2020 report. [5]

Blue-collar workers’ conditions increased their exposure to the crisis effects, mainly due the to lockdown. OECD reported that half of its member states expanded or initiated paid sick leave for workers with the virus [6]. Countries should prepare for future pandemics and adopt mechanisms and policies to protect workers in difficult situations. These workers are vulnerable and are at high unemployment risk. Long-term policies are needed for future challenges.

Economic inequality is part of a dynamic system in which individual opportunities relate to the ability to partake in a healthy economy, access to primary essential products and services, access to meaningful employment, and equality of treatment. [7] Addressing inequality and delivering economic growth demands governments’ actions for improving access to healthcare and education, reconsidering work and skills, promoting diversity and inclusion, and adapting social values. All these are long-term interventions, and without data-driven analysis will be almost impossible to achieve a significant change in the social contract. The pandemic and the Ukraine war amplified the social and political risks across the countries. Collaborative actions are required among business leaders, state leaders, not-for-profit organisations and individuals. The path ahead will be marked by governments' and companies' social measures.

Declining faith in government can negatively affect its legitimacy and weaken its ability to carry out its functions, such as maintaining order, defending national sovereignty, and managing economic conditions. It can eventually lead to the deterioration of social cohesion, justice, and solidarity.

When comparing the different types of economic inequality, wealth inequality is consistently higher than income inequality, which is higher than consumption inequality. [7] Consumption of goods and services, such as education and healthcare, has become more equal in OECD countries at the aggregate level. In contrast, the situation for individuals and households in different countries can vary widely. [7]

**Social media “democracy”**

Technology is reshaping social and political engagement worldwide. Massive audiences generate responses in real-time, in the real world, and the governments’ domination of free speech is questioned. Social media platforms become the stage on which the tensions between the state authorities and between them and the other members of the society are played out. Within these social platforms, everybody and nobody can challenge social privileges, even state existence. Furthermore, fake news gained prevalence in recent years, and the right to identity was cross-examined. The spread of fake news deepened distrust of political institutions and distrust in governments and any state representative. [8] Social media replaced government communication and should be recognised as a potentially dangerous tool to pervert the information and deepen the relationship gap with society, with the vast majority, not social media dependent. [9] Whatever action policymakers decide to take, they must act quickly. Democracies around the world will continue suffering [10] from the weakening effects of new technologies and social media. The digital identity [11] determines what products, services and information we can access. Social media, unlike traditional media, are an open space, hypothetically giving every individual a means to directly reach out to the public.

The social contract no longer governs the direct relation between the representatives and the people but also the digital one. The digital relation brings more limits than the social contract considered. New rules and regulations must be addressed, and new human rights, such as digital safety, online privacy, and inclusive identity. Digital identity is not just about people; it concerns all the social entities, either public or private, digital devices and all the things (social interactions, online commerce etc.) done online. The identity challenges that governments may encounter shortly are the decentralised systems, the trust anchors, and the nonhuman identity.[11]

**Conclusion**

We examined social contract theory as developed by some influential political philosophers (Hobbes, Locke and Rousseau), who compared the ‘natural’ state of humans with their behaviour in society through the lens of the social contract. We examined their views in light of recent challenges that may reshape the social contract shortly. We concluded that contemporary governments are under continuous pressure from new social requirements such as public-private partnerships, community inequalities, technological advances, and social media democracy.

The paper emphasised the social and governmental movements of the first two decades of the 21st century. Thoughtful new opportunities for governments to engage more effectively with citizens are developing. Adopting new technology is not enough; institutional underpinning remains critical, along with new rules. Because most states struggle to provide better public services to their citizens, public administration is called to build trust between state and citizenry, and its implications in a future digital social contract must be articulated.

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1. Both terms NFP/NGO are used alternatively even though there are differences among them, but both organizations are delivering public services. [↑](#footnote-ref-1)