

Social Contract Theory of Government

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Grade level: Grades 6-8

Objectives: Students will be able to:

- Define social contract theory
- Explain how the Mayflower Compact, the 1776 New Jersey Constitution and the U.S. Constitution are examples of social contract theory
- Explain why social contract theory is an important concept for democratic government

Background

Social contract theory, nearly as old as philosophy itself, is the view that individuals' moral and/or political obligations are dependent upon a contract or agreement among them to form the society in which they live. At its core, social contract theory proposed that individuals give up the right to do anything they please in return for protection provided by government. Individuals surrender those rights they do not want others to use against them in order to enjoy the rest of their rights. Thomas Hobbes, John Locke and Jean-Jacques Rousseau are the best known proponents of this enormously influential theory, which has been one of the most dominant theories within moral and political theory throughout the history of the modern West.

Locke argued that the best way for each person's natural rights to be protected so that everybody could live in peace and enjoy their rights was for each person to agree with others to create and live in a government and give that government the authority to make and enforce laws. He called this a social contract.

The Mayflower Compact

Background: In 1620, after their 66-day voyage across the Atlantic Ocean, the *Mayflower*, with 102 passengers, anchored in what is now Provincetown Harbour, Massachusetts. The 41 men on the voyage decided to draw up an agreement that outlined the Pilgrims' right to govern themselves and to create a civilized society for the greater good of the colony. This was essentially a written "social contract" and became the first governing document of Plymouth Colony. The Mayflower Compact was the first document to establish self-government in the New World. It remained active until 1691 when Plymouth Colony became part of Massachusetts Bay Colony.

Critical thinking activity: In pairs or small groups, have students read Handout One: excerpt from the Mayflower Compact. Have students underline or identify those words that indicate the agreement to abide by a social contract (they are underlined below).

Excerpt from the Mayflower Compact, 1620 (Full document may be found at https://avalon.law.yale.edu/17th_century/mayflower.asp)

“In the name of God, Amen. We, whose names are underwritten, the loyal subjects of our dread Sovereign Lord King James, by the Grace of God, of Great Britain, France, and Ireland, King, defender of the Faith, etc.

Having undertaken, for the Glory of God, and advancements of the Christian faith and honor of our King and Country, a voyage to plant the first colony in the Northern parts of Virginia, do by these presents, solemnly and mutually, in the presence of God, and one another, covenant and combine ourselves together into a civil body politic; for our better ordering, and preservation and furtherance of the ends aforesaid; and by virtue hereof to enact, constitute, and frame, such just and equal laws, ordinances, acts, constitutions, and offices, from time to time, as shall be thought most meet and convenient for the general good of the colony; unto which we promise all due submission and obedience.

In witness whereof we have hereunto subscribed our names at Cape Cod the 11th of November, in the year of the reign of our Sovereign Lord King James, of England, France, and Ireland, the eighteenth, and of Scotland the fifty-fourth, 1620.”

Ask: What are the active words or phrases that established a social contract?

“covenant and combine ourselves together into a civil body politic”
“for our better ordering and preservation”

State Constitutions

After the Declaration of Independence, the former colonies were asked to create new state governments. The state constitutions that were written all included social contract language, making it clear that the people agreed to form a government to protect their natural rights.

Critical thinking activity: Have students read the following Preamble from the New Jersey Constitution of July 2, 1776 and work in pairs or small groups to identify those words that indicate their agreement to abide by a social contract (they are underlined below). What are the active words or phrases that established a social contract?

Excerpt from New Jersey Constitution, July 2, 1776

Preamble

“WHEREAS all the constitutional authority ever possessed by the kings of Great Britain over these colonies, or their other dominions, was, by compact, derived from the people, and held of them, for the common interest of the whole society; allegiance and protection are, in the nature of things, reciprocal ties; each equally depending upon the other, and liable to be dissolved by the others being refused or withdrawn. And whereas George the Third, king of Great Britain, has refused protection to the good people of these colonies; and, by assenting to sundry acts of the British parliament, attempted to subject them to the absolute dominion of that body; and has also made war upon them, in the most cruel and unnatural manner, for no other cause, than asserting their just rights—all civil authority under him is necessarily at an end, and a dissolution of government in each colony has consequently taken place.

And whereas, In the present deplorable situation of these colonies, exposed to the fury of a cruel and relentless enemy, some form of government is absolutely necessary, not only for the preservation of good order, but also the more effectually to unite the people, and enable them to exert their whole force in their own necessary defence: and as the honorable the continental congress, the supreme council of the American colonies, has advised such of the colonies as have not yet gone into measures, to adopt for themselves, respectively, such government as shall best conduce to their own happiness and safety, and the well-being of America in general:- We, the representatives of the colony of New Jersey, having been elected by all the counties, in the freest manner, and in congress assembled, have, after mature deliberations, agreed upon a set of charter rights and the form of a Constitution, in manner following, viz.

United States Constitution

The Framers at the Federal Convention in 1787 used the idea of a social contract to get the Constitution approved by the people through special conventions of delegates elected in each state for the specific purpose of approving the Constitution. The social contract is reflected in the Preamble to the Constitution, which declares that “We the People” are establishing a constitution to create a government and summarizing its goals or purposes.

Preamble

“We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States...”

Critical Thinking Activity: So what makes a social contract? Compare the Mayflower Compact, the Preamble to New Jersey’s 1776 Constitution and the Preamble to the U.S. Constitution and draw conclusions about their similarities as social contracts.

1. They will all written by groups convened
2. They all list the need for/purposes of government—(“for our better order”, “for the preservation of good order,” “to insure domestic tranquility”)
3. They were all signed and/or approved (shows “consent of the governed” and creates a “contract”).

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Handout Two: Excerpt from New Jersey Constitution, July 2, 1776 (full document may be found at https://avalon.law.yale.edu/18th_century/nj15.asp)

Preamble

“WHEREAS all the constitutional authority ever possessed by the kings of Great Britain over these colonies, or their other dominions, was, by compact, derived from the people, and held of them, for the common interest of the whole society; allegiance and protection are, in the nature of things, reciprocal ties; each equally depending upon the other, and liable to be dissolved by the others being refused or withdrawn. And whereas George the Third, king of Great Britain, has refused protection to the good people of these colonies; and, by assenting to sundry acts of the British parliament, attempted to subject them to the absolute dominion of that body; and has also made war upon them, in the most cruel and unnatural manner, for no other cause, than asserting their just rights-all civil authority under him is necessarily at an end, and a dissolution of government in each colony has consequently taken place.

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Handout Three: Preamble to the United States Constitution, 1787

“We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States...”

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