

Reconsidering the Social Contract: A Capabilities Approach to Justice and Political Obligation.

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Abstract- The concept of the social contract has been a foundational idea in political theory since the seventeenth century. Philosophers like Thomas Hobbes in *Leviathan* and John Rawls in *A Theory of Justice* have used the social contract to justify political authority, explain the origins of the state, and establish moral values for a just society. At its core, the social contract seeks to understand how individuals consent to be governed and what moral obligations they have to the state. However, traditional social contract theories have faced significant criticism for their inability to fully address issues of inequality, vulnerability, and the needs of marginalized groups. One prominent critique is that these theories often assume an idealized view of human nature and social relations, neglecting the lived experiences of those most in need of protection and support. For instance, Hobbes' emphasis on security and order may overlook the inequalities that exist within the social order, while Rawls' theory of justice does not fully account for the diverse needs and capabilities of individuals. In light of these limitations, the capabilities approach, developed by Martha Nussbaum, offers a more inclusive framework for justice. This approach focuses on the capabilities that individuals have to achieve a good life, emphasizing the importance of human dignity and freedom to achieve personal and social well-being. By integrating the capabilities approach with social contract theory, we can provide a more nuanced understanding of political obligation that recognizes the diverse needs of individuals and communities. This intersection allows for a more robust conception of justice that addresses social justice concerns, advocates for greater equality, and prioritizes the well-being of vulnerable populations, offering a more comprehensive foundation for modern political systems.

Index Terms- Social contract, Hobbes, Rawls, Inequality, Vulnerability, Marginalized groups, Capabilities approach, Political obligation, Human dignity, Social justice.

I. INTRODUCTION

Social contract theory, nearly as old as philosophy itself, proposes that individuals surrender some freedoms in exchange for the security and benefits provided by organized society. This agreement, whether explicit or tacit, establishes the basis for political legitimacy and

defines the rights and duties of both citizens and the state. This article delves into the historical development of social contract theory, explores the core principles of the capabilities approach, and examines how this alternative framework can address some of the shortcomings of traditional social contract theories. By integrating the insights of the capabilities approach, we can move towards a more comprehensive and inclusive understanding of justice and political obligation in the 21st century.

II. THE SOCIAL CONTRACT: A HISTORICAL OVERVIEW

Social contract theory posits that individuals voluntarily surrender certain freedoms in exchange for the security and benefits provided by organized society and a governing authority. This agreement, whether explicit or tacit, establishes the basis for political legitimacy and defines the rights and duties of both citizens and the state. Different interpretations of the social contract have emerged throughout history, with varying emphasis on the nature of the state of nature, the motivations of individuals, and the scope of governmental authority². Social contract theorists focus on five main matters: (1) what motivates human beings; (2) what constraints our natural and social environments impose upon us; (3) what kind of society emerges as a result; (4) what constitutes a fulfilling life; and (5) what collective solutions can improve the outcome³. The fundamental shared concepts of social contract theorists include the state of nature, and two types of contracts, those of association and of government³. The contract of association refers to the agreement among individuals to form a society and establish a government, while the government contract refers to the agreement between the government and the governed, outlining the rights and responsibilities of each³. One of the earliest examples of a social contract in practice is the Mayflower Compact of 1620⁴. Drafted by the Pilgrims before they landed in Plymouth, Massachusetts, the Compact established a

"civil Body Politick" for the governance of their colony, reflecting the core principles of social contract theory⁴. Thomas Hobbes, writing during a period of political upheaval, envisioned a state of nature characterized by a "war of all against all," where individuals are driven by self-interest and fear⁵. To escape this brutal reality, individuals agree to surrender their natural freedom to an absolute sovereign with the power to enforce laws and maintain order, even at the expense of individual liberty⁶. John Locke, in contrast to Hobbes, believed that individuals in the state of nature possess natural rights, including the right to life, liberty, and property⁵. For Locke, the social contract establishes a limited government with the primary purpose of protecting these rights⁵. Unlike in Hobbes's view, citizens in Locke's framework retain the right to rebel against a government that fails to uphold its obligations⁵. Jean-Jacques Rousseau, in *The Social Contract*, offered a different perspective, arguing that individuals surrender their natural freedom not to a sovereign individual or body, but to the "general will," a collective entity that represents the common good⁵. Rousseau believed that through participation in the general will, individuals achieve true freedom by aligning their individual wills with the collective good⁵. However, these classic social contract theorists, despite their varying interpretations, have been challenged by contemporary philosophers, particularly feminist scholars. Feminist critiques argue that traditional social contract theories often overlook the experiences and needs of women, perpetuating existing inequalities and failing to account for the unique challenges faced by women in both the public and private spheres.

III. THE CAPABILITIES APPROACH: A FRAMEWORK FOR JUSTICE

The capabilities approach, developed by Amartya Sen and Martha Nussbaum, offers an alternative framework for understanding well-being and justice⁷. This approach shifts the focus from the distribution of resources to the actual freedoms that individuals have to achieve valuable functionings⁸. Functionings are defined as the "beings and doings" that people value, such as being healthy, being educated, participating in social life, and exercising control over one's environment⁹. Capabilities, in turn, refer to the real opportunities that individuals have to achieve these functionings⁸. The capability approach has been influential in various fields, including development ethics, political philosophy, and public health ethics⁷. It recognizes that individuals differ in their ability to convert resources into functionings due to personal characteristics, social circumstances, and

environmental factors⁹. For example, a person with a disability may require more resources to achieve the same level of mobility as an able-bodied person¹⁰. Similarly, individuals facing discrimination or social exclusion may have fewer opportunities to achieve valuable functionings, even if they have access to the same resources as others¹⁰. By focusing on capabilities, the approach emphasizes the importance of individual agency and the freedom to choose the kind of life one values⁹. It also highlights the role of social institutions and policies in creating an environment where all individuals have the opportunity to achieve their full potential¹⁰. A key insight of the capability approach is that the goal of societal arrangements should be to expand the capabilities that people have to enjoy "valuable beings and doings."¹¹ To assess capabilities, it is necessary to select relevant functionings. Robeyns (2006) identifies five criteria for this selection: (1) explicit formulation, (2) defensibility, (3) non-reductiveness, (4) focus on capabilities and not functionings, and (5) methodological clarity⁸. Furthermore, Nussbaum argues that all democracies should support a set of core capabilities, including life, bodily health, bodily integrity, senses, imagination, and thought, emotions, practical reason, affiliation, other species, play, and control over one's environment¹⁰. These capabilities are essential for individuals to live a life worthy of human dignity¹⁰. The capability approach also addresses the issue of "adaptive preferences," where individuals may internalize the limitations imposed by their circumstances and adjust their desires accordingly¹². This can lead to a distorted view of well-being, as individuals may not even desire what they are incapable of achieving¹². The capability approach has been applied to various policy areas, including housing¹¹. It suggests that housing policy should focus on expanding individuals' capabilities related to housing, such as the capability to have a safe and secure home, to live in a community, and to access essential services¹¹.

IV. INTEGRATING CAPABILITIES AND THE SOCIAL CONTRACT

The capabilities approach can be integrated with social contract theory in several ways, offering a more nuanced and inclusive understanding of justice and political obligation.

1. Redefining the "State of Nature"

Traditional social contract theories often rely on a hypothetical "state of nature" to justify the need for a social contract. However, this concept has been criticized for its lack of historical accuracy and its tendency to overlook the social and relational aspects of human

existence¹⁰. The capabilities approach can provide a more realistic and nuanced understanding of the human condition prior to the establishment of formal political institutions. Instead of focusing on individuals as isolated and self-interested agents, the capabilities approach recognizes that humans are inherently social beings who depend on each other for survival and well-being¹³. This interdependence shapes our needs, our values, and our understanding of justice. By incorporating this insight, social contract theory can move beyond the individualistic assumptions of its classical formulations and acknowledge the importance of social relationships and community in shaping the terms of the social contract.

2. Expanding the Scope of Justice

Traditional social contract theories often focus on the distribution of rights and liberties as the primary concern of justice. However, the capabilities approach argues that justice requires more than just formal guarantees of rights¹⁴. It requires ensuring that all individuals have the real opportunity to achieve a threshold level of central capabilities, regardless of their social position, personal characteristics, or circumstances¹⁰. This broader understanding of justice has implications for the design of social institutions and policies. It suggests that the state has a responsibility not only to protect individual rights but also to create an environment where all citizens have the opportunity to achieve a flourishing life¹⁵. This may involve providing access to essential resources, such as education, healthcare, and social security, as well as addressing social inequalities and discrimination that limit individuals' capabilities.

3. Rethinking Political Obligation

The capabilities approach can also provide a new perspective on the nature of political obligation. Traditional social contract theories often ground political obligation in the idea of consent, either explicit or tacit⁵. However, this approach faces challenges in explaining the obligations of individuals who have not explicitly consented to the social contract, such as children or those who are born into a particular society¹⁶. The capabilities approach suggests that political obligation can be grounded in the idea of reciprocity and the mutual benefits of social cooperation¹⁷. By living in a society that provides essential capabilities and supports individual flourishing, citizens incur an obligation to contribute to the maintenance and improvement of that society¹⁷. This obligation is not based on a hypothetical contract but on the ongoing benefits of social life and the recognition of our interdependence. Furthermore, the capability approach can complement and strengthen human rights frameworks¹⁴. By focusing on the actual

freedoms that individuals have to exercise their rights, the capability approach can help to ensure that human rights are not merely formal guarantees but are translated into real opportunities for all¹⁴.

V. KEY ARGUMENTS AND PERSPECTIVES FROM THE LITERATURE

The research material provides a rich array of perspectives on the social contract and the capabilities approach. One recurring theme is the critique of traditional social contract theories for their individualistic assumptions and their limitations in addressing issues of inequality and social justice¹³. Several scholars argue that the capabilities approach offers a more nuanced and comprehensive framework for understanding human well-being and the requirements of a just society⁷. There is also considerable discussion of the different interpretations of both the social contract and the capabilities approach⁸. Some scholars emphasize the importance of individual consent and voluntary agreement in the social contract, while others highlight the role of social cooperation and reciprocity¹⁷. Similarly, within the capabilities approach, there are debates about the selection and prioritization of capabilities, as well as the relationship between individual freedom and social responsibility¹⁴. The research material also highlights the practical implications of the capabilities approach for various policy areas, including development, poverty reduction, and social justice²⁰. Several scholars argue that the capability approach can provide a valuable framework for assessing the effectiveness of policies and for promoting human flourishing in diverse contexts²⁹.

VI. CHALLENGES AND CRITICISMS

While the capabilities approach offers a promising framework for reconsidering the social contract, it also faces challenges and criticisms. One concern is the difficulty of defining and measuring capabilities²⁶. Critics argue that the concept of capability is vague and subjective, making it difficult to determine which capabilities are essential and how to prioritize them⁸. Another challenge is the potential conflict between individual freedom and the social obligations that arise from the capabilities approach²⁷. Some critics argue that the emphasis on social responsibility may lead to restrictions on individual liberty and autonomy²⁴. One prominent critic of the capability approach is Thomas Pogge, who argues that it fails to adequately address the issue of individual responsibility for capability deprivation³². Pogge contends that the capability approach may lead to a situation where individuals are held responsible for circumstances beyond their control, such as disabilities or social disadvantages³². Proponents

of the capability approach have responded to these criticisms by emphasizing the importance of considering both individual and structural factors that contribute to capability deprivation and by advocating for policies that address both individual needs and social inequalities. Another criticism of the capability approach is that it underemphasizes the role of political economy and colonialism in shaping capabilities and perpetuating inequalities⁸. Critics argue that the approach needs to pay more attention to the historical and structural factors that create and maintain disparities in capabilities, particularly in the context of global justice⁸.

VII. IMPLICATIONS FOR CONTEMPORARY POLITICAL ISSUES

The capabilities approach has significant implications for contemporary political issues, including global justice, environmental sustainability, and disability rights. In the context of global justice, the capability approach challenges traditional notions of state sovereignty and national borders¹⁴. It suggests that we have obligations to ensure that all individuals, regardless of their nationality or citizenship, have the opportunity to achieve a threshold level of central capabilities¹⁴. This has implications for issues such as international development, humanitarian aid, and global health. The capability approach also provides a framework for addressing environmental sustainability. It suggests that we need to consider not only the economic costs and benefits of environmental policies but also their impact on human capabilities⁸. This includes the capability to live in a healthy environment, to access clean water and air, and to participate in decision-making processes that affect the environment. In the realm of disability rights, the capability approach challenges traditional views of disability as a personal deficit¹⁰. It emphasizes the social and environmental factors that create barriers to participation and inclusion for people with disabilities¹⁰. The capability approach advocates for policies and practices that promote accessibility, accommodation, and the full realization of capabilities for all individuals, regardless of their disabilities.

VIII. COMBINATION

The social contract and the capabilities approach offer complementary frameworks for understanding justice and political obligation. While the social contract provides a foundation for political legitimacy and individual rights, the capabilities approach expands the scope of justice to include the real opportunities that individuals have to achieve valuable functionings. By integrating these two frameworks, we can move towards a more comprehensive and inclusive understanding of

justice that takes into account both individual rights and social responsibilities. The capability approach challenges us to rethink the traditional "state of nature" by recognizing the inherent sociality and interdependence of human beings. It also calls for a broader understanding of justice that goes beyond formal guarantees of rights to ensure that all individuals have the real opportunity to achieve a flourishing life. Furthermore, the capability approach provides a more robust justification for political obligation based on reciprocity and the mutual benefits of social cooperation. While the capability approach faces challenges in defining and measuring capabilities, it offers a valuable tool for addressing contemporary political issues such as global justice, environmental sustainability, and disability rights. By focusing on the actual freedoms that individuals have to achieve valuable functioning's, the capability approach provides a framework for creating a more just and equitable society for all.

IX. CONCLUSION

The capabilities approach offers a powerful and transformative framework for reconsidering the social contract and addressing some of the significant limitations of traditional theories of justice and political obligation. The traditional social contract theories, from Hobbes to Rawls, have been foundational in political philosophy but have often been criticized for their narrow focus on individual rights and the state's role in maintaining order and justice. These theories, while invaluable, have limitations when it comes to addressing the complexities of **inequality**, **vulnerability**, and the needs of marginalized groups. Traditional frameworks tend to rely on abstract, idealized assumptions about human beings and society that often fail to capture the lived realities of individuals who are most affected by structural inequities. The **capabilities approach**, developed by Martha Nussbaum, offers a significant shift in thinking about justice by focusing on what individuals are actually able to do and be. Rather than concentrating on material resources or outcomes, this approach emphasizes the essential **capabilities** that enable individuals to flourish and live a life that they value. In applying this approach to the social contract, the framework moves away from the individualistic assumptions of traditional social contract theories, introducing a more inclusive and human-centered perspective. It recognizes the diverse needs and vulnerabilities of individuals, while also emphasizing **human dignity**, freedom, and the **capability** to achieve one's full potential within society.

Integrating the capabilities approach into social contract theory allows for a more nuanced and dynamic understanding of **justice** and **political obligation**. It challenges traditional ideas of political authority and consent by shifting the focus from abstract theoretical constructs to practical, real-world concerns of human well-being. While there are challenges in defining and measuring capabilities—such as disagreements over what constitutes the essential capabilities or how to effectively assess them—the approach provides a promising avenue for creating a more just and **equitable society**. Ultimately, this revised framework offers a more comprehensive understanding of justice, one that acknowledges the diverse experiences and needs of all members of society. By incorporating the **capabilities approach** into the social contract, political theory can better respond to the complexities of modern life, moving beyond individual rights to focus on the collective well-being of all citizens. The potential for this integration is vast, offering not just theoretical insight but also practical solutions to address inequality, vulnerability, and marginalization. By adopting this broader and more inclusive vision, societies can begin to foster environments where everyone has the opportunity to develop their full potential, leading to a more equitable and just world.

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