

**The Essence of the Social
Contract Theory And Its Application To Modern Kenya.**

By

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Betty A. Wambui,
Bachelor of Arts(Hons.)
University of Nairobi

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ABSTRACT

This work investigates the claim that the Social Contract Theory* is not only philosophically tenable but also philosophically preferred as an explanation to government and governance (Political Society). To prove this claim, opinion from Europe's Hobbes, Locke and Rousseau is juxtaposed with that garnered from interviews with African Scholars and Sages** such as G. Muriuki, P. Chitere and M. Wanjiku. Using these views as obtained from library and field research, an attempt is made to compare what might be referred to as Western and African positions.

Justification of this kind of an analysis is based partly on the Jungian claim that there exists a "Collective Mind" housing certain ideas that are universally shared. This thesis claims that human beings can access these concepts. Indeed, it suggests that some of the ideas are recalled and form the basis of theory and practice. Theories of this nature are said to be universal. Furthermore, it claims that the universality of such theories can be tested through an analysis of opinions and perceptions of particular individuals of diverse cultural origin and orientation. It is with this argument in mind and in the face of a tumultuous African Political situation that this thesis starts and concludes its investigation of the relevance of the Social Contract Theory.

This thesis allows that opinion solicited from different individuals and Societies on the subject might at first glance seem different. Such difference is however discovered to be merely superficial and due to for example, cultural or environmental factors. In actual fact, reflection reveals these positions to be essentially the same as they express different aspects of one idea. It is this essential sameness that this thesis calls "Essence" and seeks to express. That is, that distinctive aspect of the Social Contract that remains the same no matter how it is dressed by time or space, culture or inclination. The investigation is carried out in a number of stages.

In the first place, an attempt is made to reconstruct history (especially Political History). In this endeavour, ideas as to the reason Man moves from one State to another, why Man evolves certain institutions, are investigated. Reason it is suggested is to be found in Man's end to enter Civil Society by Civil Agreement. This conclusion is arrived at after research compares opinion from different individuals. When such opinion is very similar amongst individuals from one Community, it is taken to be a reflection of that Society's perception and that perception, one about a real phenomena whose form might be unclear. The practice and explication of the Social Contract Theory is therefore seen as an attempt to express a phenomena whose very existence is upheld by the presence of diverse opinion and perceptions on the subject as well as the fact that this theory presents a philosophically sound, logically coherent argument.

Secondly, this thesis identifies certain aspects as integral to the Social Contract. These are Authority, Legitimacy, Duty and Obligation. An understanding of these terms is considered imperative to an understanding of the theory and Society. Subsequently, an attempt to understand the function of these terms, their meaning as well as their relationship within the Social Contract is undertaken. It is found that these terms have very specific meaning and function within Political Society and that they cannot be defined outside the context of Civil Society in the Language Game of Political Theory.

In this work, the individual is seen as an important component of any theory if it is to have import. He is seen as the recipient of any ideas and benefits flowing from any system - theoretic or practical. This work therefore attempts to define then indicate the place of the individual in the scheme of the Social Contract. Two individuals are identified in this work; one real, one metaphysical - the human individual and the person of the State. Each has a specific place in the design of the Contract Theory. A certain balance between the two is demanded if harmony is to be established to enable the needs of each to be met. This work attempts to objectively establish this balance by describing and discussing the parameters of these needs in view of the Social Contract Theory.

While this Thesis finds no need to reconstruct the Social Contract Theory (since the concept is perfect as it stands); it does find a need to clarify its basic tenets, as well as the preconditions for its effective application. This is a task this work meets by way of "Conclusion". In the course of this endeavour, a need to investigate particular societies so as to specifically delineate the problems that beset them is identified. One solution is seen in the re-education of society, Kenyan in particular, African in general; if Society and Man's quality of life are to improve. Such a change can only herald good both for the individual and society as it would begin the process of perfection for both.

* A set of philosophical arguments claiming that Political Society is a result of agreement between Men who then set up a governor-governed relationship.

** From the Kikuyu and Wanga Communities.