

# The Origin of Political Modernity in Social Enlightenment Philosophy

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## Abstract

*The Enlightenment is an intense period of conceptual clarification regarding the rule and law, during which social contract theory is refined, and with it, also the modern theories about forms of government, freedom, civil rights, etc. The “mission” which Enlightenment philosophers have suggested was to remove the theological-philosophical models on society, and replace it with rationalistic and humanistic models. For the government to be in the interest of the people it must be based on principles such as equality before the law, and social and political freedom of all citizens. Philosopher’s ideals will find application in the French Revolution, carried into the three words that have become programmatic: liberty, equality and fraternity.*

**Keywords:** *Social contract theory, modern theories about forms of government, freedom, civil rights.*

## *Introduction*

The Enlightenment is an intense period of conceptual clarification regarding the rule and law, during which social contract theory is refined, and with it, also the modern theories about forms of government, freedom, civil rights, etc. The “mission” which Enlightenment philosophers have suggested was to remove the theological-philosophical models on society, and replace it with rationalistic and humanistic models.

## *Social Contract Theory*

Enlightenment reproached to theocratic systems that they deprive people of sovereignty, and places it in the hands of individuals (monarchs), on behalf of

supposed divine rights. The distinguished jurist from Iasi, professor Ph. D. Mrs. Genoveva Vrabie shows that “social contract doctrine breaks sovereignty of its transcendental roots and leaves it to the people. By linking state power by the people, the notion of public interest is mandatory developed”<sup>1</sup>. The first modern theorist of the social contract, according to Professor Ph. D. Valerius Ciucă from Iasi, is Thomas Hobbes (1588-1679). He offers a rationalist-empiricist explanation of the social<sup>2</sup>. Considering the pre-state social organizations as a war of each against all, Hobbes sees in state the source of social peace. Social Contract is in Hobbes’s vision a result of the failure of people to administer sociability<sup>3</sup>.

For Baruch Spinoza (1632-1637), the social contract is based on truth, a force strong enough to require consciousness<sup>4</sup>. The idea of freedom is for the enlightened philosopher synonymous with the understood need. Therefore, legal and social phenomena are generally interpreted as objective facts external to consciousness. This hypothesis will be continued by Durkheim as a theory of social fact.

Among the Enlightenment theorists of the social contract is appropriate to recall Hugo Grotius (1583-1645) and his conception of the State as a subject of international law, Leibnitz (1646-1716) who can be considered the precursor of comparative law by its socio-legal texts on real right of people.

### *Montesquieu’s Political Rationality and “Law Spirit”*

Montesquieu, French Enlightenment philosopher (1689-1775), presents the state as a “natural institution”, insisting on separation of powers, defines laws generally both with application to the laws of nature and the social laws as relationships that are ‘necessary to derive from the nature of things’<sup>5</sup>. The Enlightenment philosopher can be considered the precursor of sociology as a science, introducing the concept of social law, “social things as research object”. He distinguishes three types of social organization: the republic, the monarchy and the despotic government. In the social and political order, as in the natural law there must be laws correlated with the social climate, with “the spirit of the nation”, using currency and trade, population status, religion<sup>6</sup> etc.

Montesquieu seeks to highlight the “spirit of laws” by analyzing the regime

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<sup>1</sup> Genoveva Vrabie, *Drept constituțional și instituții politice*, Vol I, Cugetarea, Iași, 1999, p. 91.

<sup>2</sup> Valerius Ciucă, *Sociologie juridică generală*, Sanvialy, 1998, p. 87.

<sup>3</sup> *Ibidem*, p. 87.

<sup>4</sup> *Ibidem*, p. 86.

<sup>5</sup> Miftode, Vasile, *Metodologia sociologică*, Porto Franco, Galați, 1995, 11.

<sup>6</sup> *Ibidem*.

and the types of governance and sketching a political economy<sup>7</sup>. Montesquieu follows the direction of Enlightenment thinkers of introduction of rationality as the foundation of knowledge. The author of spirit of laws applies rational knowledge in the field of social relations by creating a first scientific approach in this area. His methodology includes observation applied as neutral as possible and the comparison between the various social elements both from France and other countries that he compares. For Montesquieu “law in general is the human reason, as far as it governs the nations of the earth”<sup>8</sup>.

In the political area the Enlightenment thinker finds four cases which explain the differences in political organizations: geographical, economic and cultural. Thus three forms of political organization are identified: republican, monarchy and despotic, each based on a principle, like: virtue, honor, or fear<sup>9</sup>.

Analyzing the English constitution, Montesquieu states the separation of powers theory within a regime that guarantees political and civil freedom. Montesquieu’s proposed model of separation of powers assumes total independence of the judiciary from politics and its submission exclusively to laws. However, in the three groups exists an interplay, the executive may intervene in the creation of laws, the legislature making the executive control<sup>10</sup>. This theory of separation of powers is present nowadays at the basis of modern political science. In addition to contributions to formation of political science the enlightened author contributes to the establishment of the political economy and the current of liberal opinion. The author contrasts the destructive passions of the financial interests of society saying: “trade shapes and tames barbaric manners”<sup>11</sup>.

### *Jean Jacques Rousseau’s Social Contract*

The contract model on laws imposed by the Enlightenment philosophers is the largest concept in the work of Jean Jacques Rousseau (1712-1778), and suggests the origin of the laws and implicitly of the state in a social contract. Every man is essentially free, his freedom being a feature of human existence as an individual. Social life and coexistence requires voluntary withdrawal of a certain amount of his absolute freedom in favor of society, and of other members of society, in return for ensuring the coexistence and efficient operation of social

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<sup>7</sup> Rene Revol, “Montesquieu”, in Ferreol Gilles (ed.), *Istoria gândirii sociologice. Marii clasici*, Institutul European, Iași, 2009, p. 14.

<sup>8</sup> *Ibidem*, p. 18.

<sup>9</sup> *Ibidem*, p. 23.

<sup>10</sup> *Ibidem*, p. 27.

<sup>11</sup> *Ibidem*, p. 31.

mechanisms<sup>12</sup>. Thus a “social contract” arises between individuals, who by their free will give up manifesting freely in an arbitrary manner, accepting a series of rules of social cohabitation, which the group imposes on the individual as laws.

Governance is a delegation of authority made by the transfer of some content of power from the level of individual freedom to that of the state in the form of national sovereignty and good governance. The aim of the social contract is to ensure freedom. Society becomes a moral collective body and this posture of the state as a legal subject classifies it as sovereign. The distinguished jurist from Iasi Genoveva Vrabie shows that for Rousseau leaders of the state have the role of mere civil servants who may be dismissed at any time<sup>13</sup>. Sovereignty is in fact the exercise of general will, and thus is inalienable, its theory standing at the basis of the ideology of the Bourgeois Revolution of 1789.

Social coexistence is based on human beings' need to defend against hostile external environment. In the competition for survival, where primitive people were involved together with animals often more powerful and aggressive, the human species has chosen the path of progress in the community, and with this the human species has developed language and cognitive abilities to successfully dominate elements of nature and its hostile forces. The foundation of any legal system is fear. Feeling fear is a complex feeling, being present in all deep levels of social life. Fear of arbitrary application of force generates the need of framework for organizing the social life as a consecration of the relations of power and lawful use of force. Loss of social freedom and inequality is actually acquired, and not a natural situation of being human.

In human society, along with its development, social inequality shows up, firstly based on the inequality of power, then added the unequal status between political leaders and the led ones on one hand, and between the inhabitants of occupied territories and conquerors, situation evident in the ancient empires. The development of the government systems and their division into aristocracy, monarchy, democracy etc., can be considered a result of the transformation of human beings into *zoon politikon*, after the name given by Aristotle, and transforming the struggle for wealth, power and prestige into legitimate objectives of individuals. The social contract is based on voluntary membership of all citizens in the principles laid down, and made into law. It is this contract and the adherence of citizens that guarantees the legitimacy of laws and their imperative character,

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<sup>12</sup> Traian Herseni, *Sociologie*, Scientific and Encyclopedic Publishing House, Bucharest, 1982, p. 103.

<sup>13</sup> G. Vrabie, *op. cit.*, p. 92.

since this is the force of law which should supersede the law of force. Rousseau makes a distinction between the will of all, a simple sum of individual wills, each with its own purpose, and the general will of society, understood as the sum of the individual wills of members of society directed toward a common goal.

Rousseau compares the social body to the body of an individual, thus the head being the sovereign power, the magistrates being the nervous system, while the whole economic body is the heart and the citizens its members which provide movement itself. Democracy is the key to ensuring the functioning of the social organism, and it should be manifested in the form of direct democracy. Representative democracy is an imperfect form of manifestation of the will of the people, but certainly preferable to any tyranny. For governance to be in the interest of the people it must be based on principles such as equality before the law, and social and political freedom of all citizens. Philosopher's ideals will find their application within the French Revolution, developed into three words that have become programmatic: freedom, equality and fraternity.

#### *Social Rationality Crisis in Contemporary World*

Analyzing the three programmatic elements of the French Revolution we find that revolutionary ideals may be partially considered utopian:

- Freedom can be considered pragmatic, only at the level of political freedom in the form of guarantee of civil and political rights. Modern constitutional systems guarantee the freedom of all citizens without discrimination. Together with the Constitution, the rights and freedoms are guaranteed by international treaties and Universal Declarations of which the most important is the "Universal Declaration of Human Rights"<sup>14</sup>.

Violation of the right to freedom is punishable in most countries of modern and contemporary world. However, in the United States of America, widely recognized as a state with a solid democracy, a state that is considered as exporting democracy, and in virtue of this (self) assumed mission controls the democratization processes in countries such as Iraq, Afghanistan, and Romania recently, there is legislation designed to deal with terrorist threats - is the Patriot Act, which allows detention of any person under the mere suspicion of terrorism, on undetermined period, without the obligation of authorities to appear before a judge. Inhuman treatment and torture, carried out in places such as Guantanamo

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<sup>14</sup> *Declarația Universală a Drepturilor Omului*, retrieved online at: [http://www.onuinfo.ro/documente\\_fundamentale/declaratia\\_drepturilor\\_omului](http://www.onuinfo.ro/documente_fundamentale/declaratia_drepturilor_omului)

Bay and Abu Graib, are now at least partially known and debated internationally.

We presented the current limitations of freedom, before the danger of terrorism, just to emphasize the relativity of freedom as the foundation of state law. Under the manifestation of political freedom, recent history has seen the rise of two great totalitarian systems, the fascist and communist, deeply anti-democratic and anti-liberal in their essence. Liberal minimalist concept specific to early twentieth century, according to which the role of the state in the economy should be minimal, since economics has its own self-adjusting system, was “exceeded” through the politics of “general welfare state” according to which the state aims to provide through its programs, social welfare of all or more citizens<sup>15</sup>.

*General welfare state* philosophy was the result of the pre-crisis of the Second World War, and the need to eliminate social and political instability caused by war, on background of the Cold War and nuclear threat. Interventionist policy specific to the *general welfare state*<sup>16</sup> could not be sustained by the real social economy, capitalism evolving today to corporatism and corporate globalization. Globalizations of freedom and human rights remains without doubt one of the most important social and political transformations of the last century.

Freedom as understood today may be divided into regional components. We distinguish on one hand the political freedom embodied in the right to participate in good governance, the right to elect and be elected, universal suffrage, direct and secret voting for all citizens without discrimination on ethnic, racial, or genre criteria etc. Cultural freedom includes free access right of individuals to culture, and all spiritual goods of humanity, which is associated with freedom of conscience understood as the right of individuals to adhere to any religion, philosophy, political, scientific or theoretical current they want.

Freedom of expression is understood as the right of individuals to make their views known, without being restricted or censored. Along with civil liberties economic freedoms should be taken into account: the right of individuals to economic prosperity through free access to the labor market, including the freedom to choose residence and freedom of mobility, access to health, education services etc. If currently political freedom is a global component, economic freedoms are still in the process of affirmation, existing restrictions on the freedom of movement - in some or for certain states and territories, the right ownership,

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<sup>15</sup> B. Deacon, “Global Social Policy Actors and the Shaping of Post-Communist Social Policy”, in Swaan, A. (ed.), *Social Policy Beyond Borders*, University Press, Amsterdam, 1994.

<sup>16</sup> B. Deacon, “Global and Regional Agencies and the Making of Post-Communist Social Policy in Eastern Europe”, in M. Rhodes and Y. Meny (ed.), *The Future of European Welfare. A New Social Contract?*, Macmillan Press Ltd., 1998.

especially in states still under communist regimes.

The right to work is still burdened by discriminating practices regarding the access to the labor market of some ethnic categories, or gender, people with special needs, or former prisoners. Returning to the analysis of the ideal of freedom in the French Revolution, it quickly deflected in the very first period of the First Republic, when the guillotine and summary executions have replaced freedom with tyranny in the name of majority exercised by revolutionaries most through summary executions or justice simulacrum. First Napoleonic Empire has the merit to export the ideals of the French Revolution, and set them across Europe, although it was based on military force to impose “freedom”.

- The second principle of the French Revolution, the Equality, has not had a different fate during the French Revolution. Equality emerged as the tyranny of the majority, on which they had other ideologies, or were suspected to belong to the nobility or simply fell into disgrace of “the most equal between revolutionaries” who ruled the republic. Napoleon I, in his capacity as General of the French Republic, considered equality in terms of equal opportunities, as each soldier in his army “potentially carry out injured marshal baton”. Indeed Napoleonic Empire generals were promoted to general based on merits acquired in battle. Neither the French Republic nor Empire was privileged from corruption and inequality.

Another political system started from the egalitarian ideal was Communism. Equality specific to Bolshevik Revolution, and of similar Eastern European countries, did nothing else than to equalize poverty, depriving people of access to subsistence resources, the right to property and opening the way for corruption in the administrative apparatus of the Communist Parties. On behalf of the dictatorship of the proletariat and training new man across Eastern Europe, millions of people have been killed, either in prisons or labor camps, with nothing more human – especially in the case of gulag in the former Stalinist Soviet Union – than the Nazi concentration camps.

- The concept of fraternity involves a great social conscience, coupled with an organic social solidarity. Fraternity is a utopian concept, today used in propaganda purposes, as: “Romanian brothers” (French brothers etc.) and has the role of forming social cohesion around the leader, which it designs as “one of the many” as part of the reference group. Fraternity remains mostly either a utopian projection of an ideal society or an instrument of propaganda speech. However fraternity and this type of solidarity generated by it can be found in times of war or natural disasters, when the exacerbation of membership through the idea of fraternity drives to overcome obstacles through the sense of security and utility

given by the group.

Another level of use of the feeling of fraternity in political discourse is the American black community leaders, calling the concept of brotherhood based on addressing “brother” in the jargon of the ghetto. Replacing the social fraternity with camaraderie was a factor in political jargon, and then the “wooden language” of communist societies, when the term of “comrade” which replaced “Sir” in official addressing, and became compulsory. The introduction of compulsory language to be called “comrade” was a training element of the new, communist man, whose role was to facilitate the work of communist ideology, to transform the image of “party activist” in that of an equal companion of each of us.

Using propaganda and slogan to terms of freedom, equality and fraternity (camaraderie, fellowship), are designed to induce a form of social trance by inducing the idea of collective security and belongingness - we say forced - to an almighty community. Cultural context trance acts as the aggregator of the crowds who are susceptible to manipulation. Social psychology shows such examples which we understand collectively under the name “machine for making gods”<sup>17</sup>.

### *Conclusions*

With all the imperfections and failures that were subsequently proven in functioning of the theories proposed by Enlightenment, the principles determined by them: the idea of social contract, the ideal of liberty, equality before the law, responsibility, popular sovereignty is still the foundation of social organization in democratic countries; the ideas of these philosophers constituted the foundation of all contemporary social and political paradigms, whether left, right or center.

Social Contract philosophy finds its reflection in contemporary currents of thought, both philosophical and sociological. Alfred Fouillée (1838-1912) considers the society a “contracting organism” that made itself “to the extent that it is conceived and wanted”<sup>18</sup>.

Ferdinand Tonnies (1855-1936) distinguishes between community and society, depending on the type of organic or arbitrary will which is the foundation of social life<sup>19</sup>. Therefore society in Tonnies’ vision has contractual character, while the community has an organic character. Richard Gaston (1860-1945) nuanced the views of Tonnies in the sense of coexistence of the two forms of human organization: Community and societal.

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<sup>17</sup> Serge Moscovici, *Psihologie socială sau Mașina de fabricat zei*, Polirom, Iași, 2006.

<sup>18</sup> T. Herseni, *op. cit.*, p. 103.

<sup>19</sup> *Ibidem*, p. 104.



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