Social Contract Theory - Summary

Birth of Liberalism and Human Rights

State of Nature: humans are free & equal

Law of Nature. How to learn and implement it?

What is Human Being? What is Society?

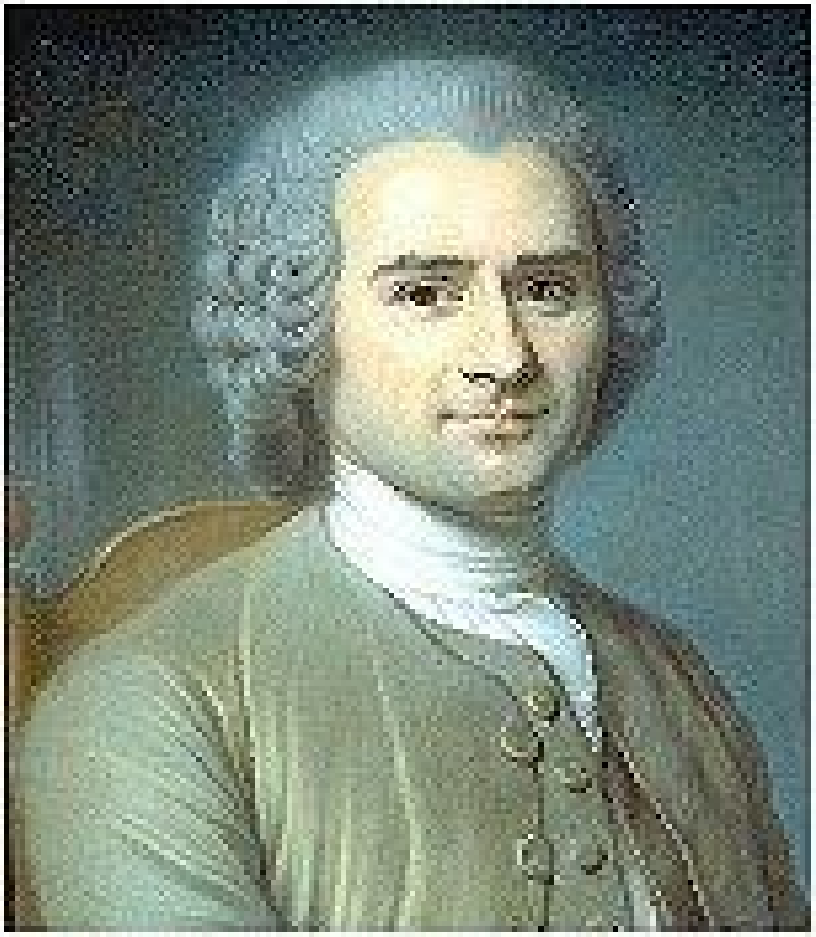
What is Rule, Governance, Politics?

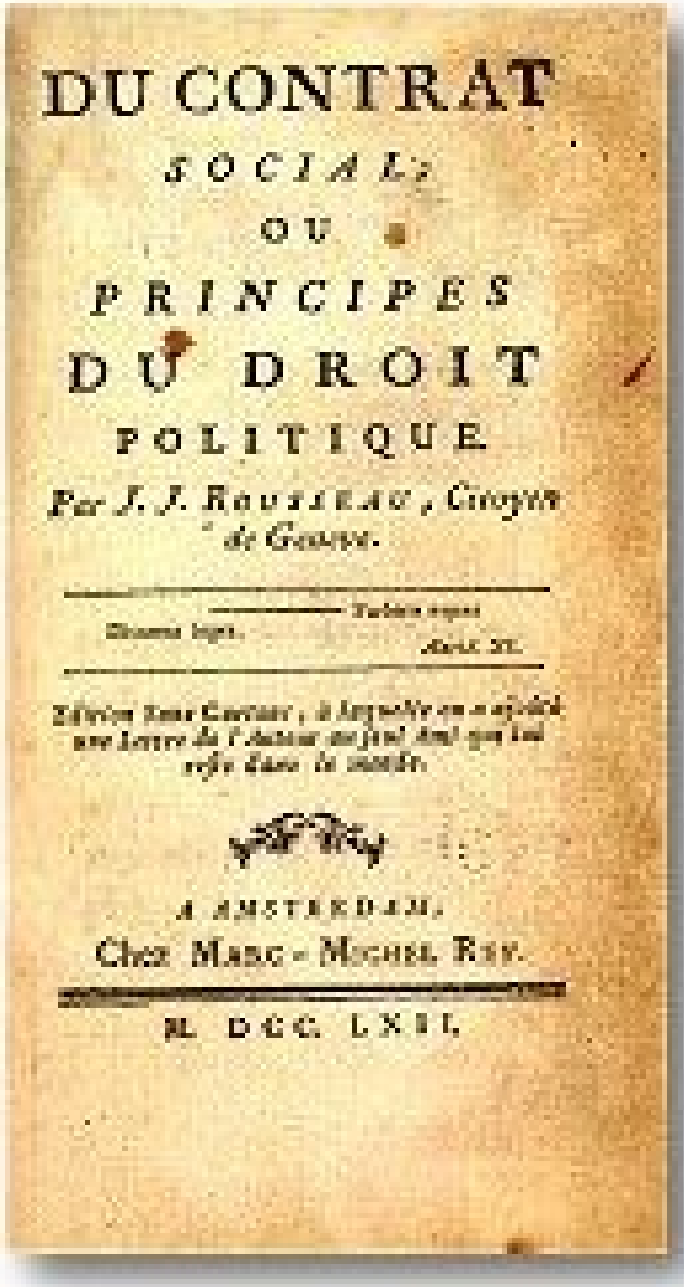
Natural Rights Doctrine

Transformation of the Rule/State

Transformation of Legitimacy of Power

Birth of Civil Society, Public Opinion





DU CONTRAT

SOCIAL;

OU

PRINCIPES

DU DROIT

POLITIQUE.

Par J. J. ROUSSEAU, Citoyen de Geneve.

Tacitus nepos

Dicamus leges.

Aeneid. XI.

Edition Sans Gueux, à laquelle on a ajouté une Lettre de l'Auteur au seul Ami qui lui reste dans le monde.

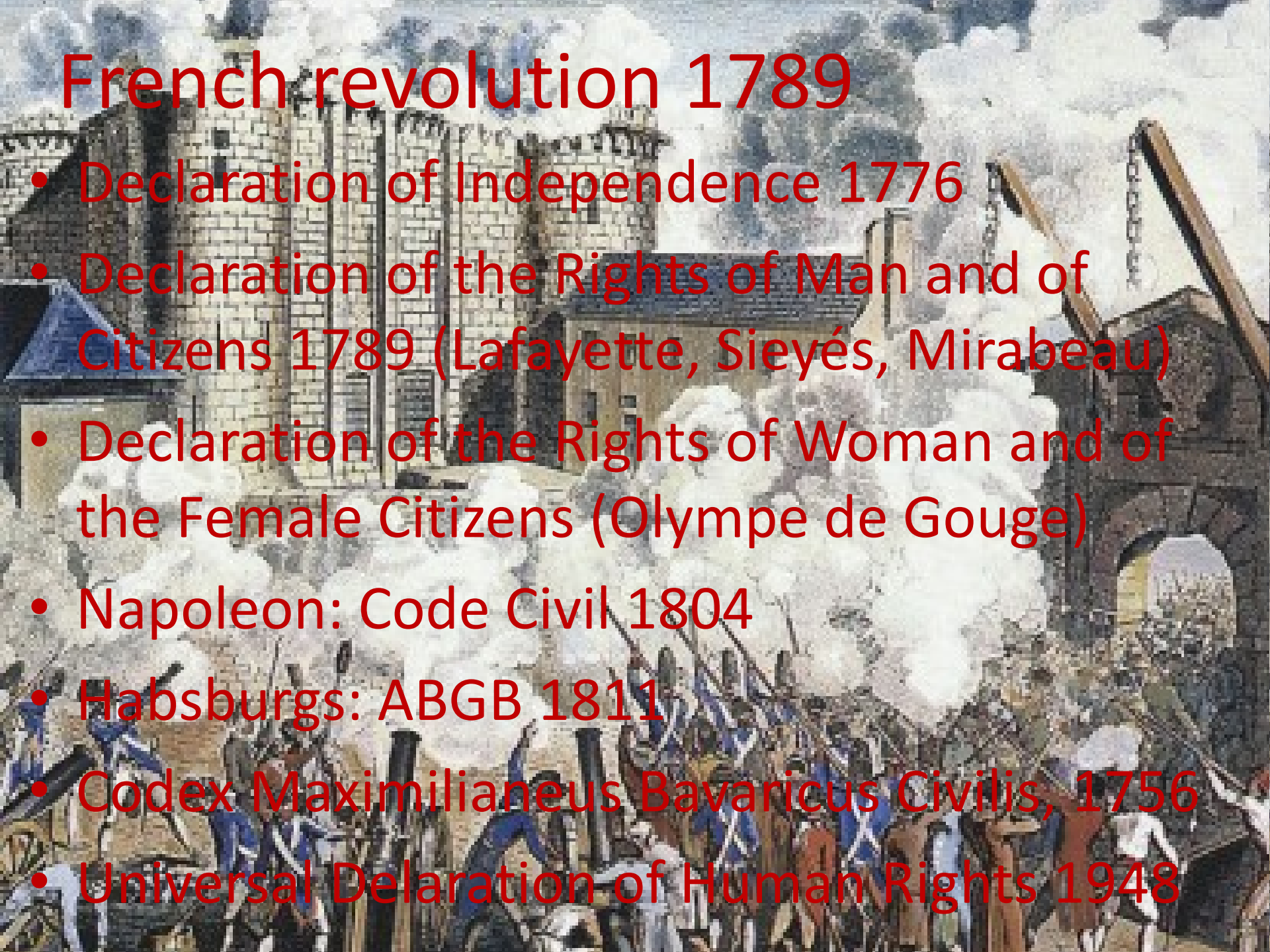
A AMSTERDAM,

Chez MARC-MICHEL REY.

M. DCC. LXII.

Rousseau Jean Jacques
1712 – 1778

- Geneva, Maverick, on the run
- Pantheon in Paris (1794)
- State of nature as normative guide, critique of society, civilization as decadent
- Fault of ownership x savage
- Morality as natural, innate
- Instinct/emotions as its source
- Marxism, romantics, environmentalism …



French revolution 1789

- Declaration of Independence 1776
- Declaration of the Rights of Man and of Citizens 1789 (Lafayette, Sieyés, Mirabeau)
- Declaration of the Rights of Woman and of the Female Citizens (Olympe de Gouge)
- Napoleon: Code Civil 1804
- Habsburgs: ABGB 1811
- Codex Maximilianeus Bavaricus Civilis, 1756
- Universal Delaration of Human Rights 1948

„ Until the end of the second world war and revolution in the mass media, these models of democracy clearly distinguished Anglo-American tradition from continental Europe“ (Giovanny Sartori).

Rationalistic Democracy	Empirical Democracy
Enlightenment - Normative	Empirical - Pragmatic
Ideas	Facts
Deduction	Induction
Idealism, Utopian	Realism
What is Democracy?	Making Democracy Work?
Principals, Values	Procedures
Intellectuals/Writers	Politicians
Revolution – a New Beginning	Evolution – Hereditary Right
Break with the Past	Continuity
Legal State (Rechtstaat)	Rule of Law
Code Law	Case Law
Private & Public Law	Common Law & Equity
Volk/People - Singular	We the People - Plural
Representation	Leadership
Parliamentary System	Cabinet/Presidential System
Proportional System	Majority System
Neo-Corporativism/Centralisms	Pluralism/Lobbing Regulation
Intellectually Appealing	Unappealing
Less effective	More effective