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THE NEED FOR A NEW SOCIAL CONTRACT

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‘The problem is to find a form of association which will defend and protect with the whole common force the person and goods of each associate, and in which each, while uniting himself with all, may still obey himself alone, and remain as free as before,’ Jean-Jacques Rousseau observed in The Social Contract.¹ The Swiss philosopher stood in a long line of thinkers who, beginning with Socrates, had set out how societies could combine citizens’ individual freedom (including freedom of speech) with society-wide rules of engagement preventing a descent into anarchy as citizens exercised their freedom. The arrival of mobile phones, the internet and social media has, over the past three and half decades, established an entirely new way for citizens to interact with one another and society as a whole, and this digital revolution will further accelerate as artificial intelligence and the internet of things take on a larger role in daily life. This chapter lays out the need for a new social contract suited to the digital age, and how to create it.

The problem is to find a form of association which will defend and protect with the whole common force the person and goods of each associate, and in which each, while uniting himself with all, may still obey himself alone, and remain as free as before.’ This is the fundamental problem of which the Social Contract provides the solution,’ Jean-Jacques Rousseau observes in *The Social Contract*.² In the treatise, published in 1762, the Swiss philosopher outlined how societies should be organized in a way that allowed citizens the freedom to



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exercise their free will without this leading to anarchy. Since the arrival of the mass-produced mobile phone and easily accessible internet around the same time, and social media around a decade later, citizens have been able to pursue virtually limitless technology-aided pursuits, often in isolation from fellow citizens. While offering vast benefits of knowledge and convenience, modern technologies have thus eroded the social contact among citizens and as a result the unwritten social contract that governs liberal democracies.

Long before 1762 humans had organized themselves, whether merely at the family level or all the way up to the nation-state level in ways of greater or lesser harmony. Many centuries earlier, Socrates had argued that societies needed social contracts in order to function well, and closer to Rousseau’s time John Locke and Thomas Hobbes had made similar arguments. Indeed, for almost as long as Socrates’s thoughts have existed, thinkers inside and outside seats of higher learning have occupied themselves with social-contract theory, ‘the view that persons’ moral and/or political obligations are dependent upon a contract or agreement among them to form the society in which they live’.³ As Rousseau noted, ‘Men can’t create new forces; they can only bring together ones that already exist, and steer them. So their only way to preserve themselves is to unite a number of forces so that they are jointly powerful enough to deal with the obstacles. They have to bring these forces into play in such a way that they act together in a single thrust. For forces to add up in this way, many

people have to work together.’⁴ In some cases, including cantons in Rousseau’s native Switzerland and German cities’ self-governing burgher councils, the citizens involved had considerable agency. But by and large, despite the efforts by Socrates, Locke, and Hobbes to establish codes that would combine citizen freedom and agency with a functioning society that almost everyone could endorse, pre-enlightenment citizens had little say because their societies’ rulers mostly them as societal participants without the need for agency. Most did, in other words, not have access to social contracts in any setting above the most local ones. Conversely, this meant that rulers’ power was based solely on their exercising of that power, not on popular consent.

The Enlightenment set out to change that. ‘Find a form of association that will bring the whole common force to bear on defending and protecting each associate’s person and goods, doing this in such a way that each of them, while uniting himself with all, still obeys only himself and remains as free as before,’ Rousseau advised.⁵ The movement in which he was such a key participant helped trigger reforms for more citizen rights and participation in countries across Europe.

With this definition of the social contract, Rousseau places himself firmly in the thinking established by Socrates. Indeed, by definition the social contract is a set of rules of behavior that all parts of society agree on. Such an effort must start with Rousseau’s instruction to ‘find a form of association that will bring the whole common force to bear on defending and protecting each associate’s person and goods’ and continue with John F. Kennedy’s inaugural address. ‘In the long history of the world, only a few generations have been granted the role of defending freedom in its hour of maximum danger. [...] The energy, the faith, the devotion which we bring to this endeavor will light our country and all who serve it—and the glow from that fire can truly light the world. And so, my fellow Americans: ask not what your country can do for you—ask what you can do for your country,’ the US President declared at his inauguration in 1961.⁶

Ask what you can do for your country: this is a central part of any social contract. It is also an area in which liberal democracies’ existing social contracts have dangerously deteriorated.

A hundred years ago it was clear to a critical mass of citizens of liberal democracies what constituted their role in their societies: in addition to paying taxes and obeying laws, looking after elderly relatives, treating fellow citizens with respect. That was important because one frequently encountered them: at work, while doing errands, while participating in clubs and other voluntary organizations. In many countries, an obligation for men to help defend the country against military aggression was also part of the social contract. Indeed, conscription only works if it is part of the social contract. In Finland, the country that most successfully uses mandatory military service for men, conscription also enjoys enormous support among the population; in 2022, 82 per cent.⁷

In the past three and a half decades, even more countries have moved towards liberal democracy, at various paces and with various degrees of passion. The most significant push towards liberal democracies arrived in the late 1980s and early 1990s, with countries emerging from communist rule behind the Iron Curtain. When citizens of Poland, Czechoslovakia, Hungary, and other Warsaw Pact countries shook off the communist regimes imposed on them, they knew that they too wanted liberal democracy as their political system, and they knew what it should look like: free and fair elections; a benevolent, competent and transparent state apparatus; a well-informed citizenry educated to take personal responsibility but able to rely on the state in case of extreme hardship; freedom of expression as exercised both by citizens and by media in its different forms. They wanted societies that operated through democracy, the rule of law, even market economies, and in which that system was based on citizens’ consent.

Today several dozen of the 210 countries and territories monitored by Freedom House in the organization's Freedom Index—including countries as geographically distant as Germany and Ghana—rank as free.⁸ There are, of course, significant variations in their implementation of liberal democracy: Cape Verde is not the Czech Republic. The fundamental idea of it comprising empowered citizens and a benign state (whether it is large or small) has, however, guided each country's implementation of the social contract.

These recent decades' expansion of democracy has, however, been accompanied by the growth of mobile telephony, the internet and more recently social media. As recently as 2005, there were slightly more than one billion internet users worldwide; by 2022, the number had soared to 5.3 billion.⁹ The internet and technologies linked to it—including hardware such as mobile phones and software-based services like social media—have done considerable good in allowing citizens to publicly express their views on virtually any subject. This has been an extremely empowering experience for citizens, who had been used to only being able to express their opinions through elections, letters to the editor or in conversations with friends, family and acquaintances. Even though this chapter concerns liberal democracies, it is worth noting that the internet and social media allow even residents of authoritarian states some degree of freedom to express themselves in public.

But, without an agreement in place regarding how societies should re-arrange themselves against such fundamentally transforming technology, the internet and social media have also poisoned the agora and fuelled social fragmentation. Before the arrival of modern communications technologies, understanding information was infinitely easier because the information arrived in front of citizens' eyes and ears evaluated by journalists and other professionals. To be sure, journalists' assessment was not always perfect and they, like everyone else, had personal biases that occasionally influenced their judgement, but by and large, citizens could trust that the information delivered to them by media other than word of mouth was trustworthy. Word-of-mouth exchanges, of course, were just that, limited in their reach and thus their influence. Today, by contrast, citizens are not just recipients of endless information:

they are also megaphones, but ones mostly untrained on how to assess information and a result likely to share incorrect information and even fabrications. The arrival of Generative AI tools such as ChatGPT will further exacerbate this information anarchy, since these robots produce convincing-sounding copy without, however, guaranteeing its accuracy.

In the past several years, many citizens of such societies have also gone beyond taking the privilege of free speech for granted: they have become contemptuous of liberal democracy. Mostly unbeknownst to themselves, they have withdrawn from the social contract. Anti-vaxxers have decided to not just disbelieve public-health experts but in many cases to attack vaccination sites and even healthcare workers. Others launched online harassment campaigns against doctors and clinics.¹⁰ QAnon supporters, in turn, have repeatedly harassed politicians, journalists and others they believe to be part of the secret cabal ruling the world.¹¹ Most infamously, citizens unwilling to accept Joe Biden's victory in the 2020 US presidential election stormed the US Congress, where ratification of his victory was about to take place, and attempted to thwart it. They failed in this undertaking, but it cost the lives of five people.¹² In January 2023, supporters of Brazilian presidential candidate Jair Bolsonaro—similarly believing that he had won the presidential election—stormed and vandalized the presidential office.¹³ If enough citizens choose to oppose institutions put in place by popular consent, such institutions cannot survive. The United States today portends a liberal democracy at risk of becoming ungovernable because its social contract has decayed.

Another trend has also been taking place, a less obvious but equally influential one: Western societies' decline in civic engagement.

In his landmark 2001 book *Bowling Alone*, Robert Putnam painstakingly documented the decline in civic engagement in the United States.¹⁴ Between the 1950s and the 1990s, the share of Americans who attended club meetings had dropped dramatically, as had the share who had regularly ate dinner with their families

or had friends over. All this, Putnam pointed out, had led to a significant decline in “social capital”, the fabric that holds societies together.

Since then, civic engagement has continued to decline, not just in the United States but across the industrialized world. When social media platforms, with their easy-access bubbles of likeminded people, arrived, they capitalized on the decline in civic engagement by offering a speedy way of interacting with others, albeit in an artificial way. Indeed, on social media users can interact with others without the hassle involved with real-life engagement: travelling to meetings, speaking with people. In addition, with the exception of Finland and a few other countries that ask their men (and sometimes women) to serve in the armed forces, today liberal democracies do not ask their citizens to contribute to society in any way other than the most rudimentary one of paying taxes and obeying laws.

It should come as no surprise that high-speed internet has further accelerated the decline in civic participation. In 2022, Fabio Sabatini, Mattia Nardotto, Tommaso Reggiani, and Andrea Geraciat established that fast internet substantially displaced social capital in the UK. ‘After broadband take-up, civic and political engagement started to systematically decline with inhabitants’ proximity to the network node serving the area, i.e. with the speed of the Internet connection. Time-consuming

activities oriented to the pursuit of collective welfare, such as engagement in associations, suffered the most from broadband penetration,’ the researchers reported. In statistical terms, their investigation found that a ‘1.8 km reduction in respondents’ distance from the local exchange, resulting in a faster connection, caused a 4.7% decline in the likelihood of participation in associational activities between 2005 and 2017. For political parties, broadband availability caused a statistically significant 19% reduction in the probability of involvement. For volunteering associations, the likelihood of people participating in these organizations reduced by 10.3%.’¹⁵ Broadband causing a one-fifth decline in participation in political parties and a one-tenth decline in volunteering: these figures ought to worry not just politicians and social leaders but everyone concerns about the state of the social contract. The more modern communications technologies continue to develop and the more space they occupy in citizens’ lives, the more they will erode the remnants of existing social contracts.

How are citizens expected to co-exist in an era that will see artificial intelligence (AI) and the Internet of Things present in most parts of their daily lives? It has not been established.



Such continued decline in social capital and civic engagement is highly likely to lead to further societal fragmentation and accelerated decay of the social contract. Countries are already seeing a *fait accompli*, in which citizens take the communal good for granted but do not contribute to it or, worse, harm it through their actions. In the case of the US Capitol attack, police officers and the National Guard could eventually remove the intruders, but the harm to US democracy lasted. Indeed, in Freedom House's 2022 index the United States has slid below peer liberal democracies on key democratic indicators including executive elections and freedom from improper political influence.¹⁶

Liberal democracies need a new social contract, one addressing today's digitally powered and highly individualized age. As with all social contracts, this needs to be a contract that can be supported by all parts of society; and like other social contracts, this would not be a government diktat but a civic rules-of-engagement manifesto of which people of all walks of life could take ownership. To be sure, not all citizens will want to make even a small contribution to society: their *modus operandi* is instead to issue a constant stream of complaints about their society even as they benefit from its communal services. It, however, stands to reason that most citizens are willing to adhere to a social contract that contains both rights and obligations for them because they want their societies to operate with some degree of societal harmony, both because this brings better quality of life and because it is mutually beneficial. Indeed, having seen the shocking harm the decay of an existing social contract can cause, they are likely to support society-wide agreement on how a country's different parts can co-exist beyond the bare minimum of obeying the same laws and paying taxes to the same government.

In January 2022, the World Economic Forum concluded that countries need a new social contract. 'A social contract fit for contemporary society should address three fundamental challenges. First, familiar elements of the safety net, such as social insurance and pension benefits, need to address a new set of circumstances, such as the need for people to reskill during much longer working lives. Second, social contracts must be relevant in a world being reshaped by technological revolutions,

and the transition to a clean energy economy. Third, a modern social contract must tackle the inequality and exclusion that plague societies in all corners of the world,' the WEF explained and listed five areas to be included: stakeholder capitalism; skill development and career pathways; economic security and mobility; a just and inclusive transition to net zero; and responsible use of technology.¹⁷ The areas listed by the WEF are not wrong, but they hardly constitute a social contract: they are various policy areas in which governments can pursue solutions in cooperation with private-sector partners.

A social contract is, as we have seen, instead the tacit agreement among citizens and between citizens and the government governing how the citizenry can co-exist with the right to free speech and without descending into anarchy. A social contract fit for the digital age must continue to include the expectation that citizens will contribute to the common treasury, whose funds the government will judiciously use.

It must also, once again, include agreement on how citizens use freedom of speech and freedom of assembly, and under what conditions the government should curtail such activities for the benefit of the common good. Today, however, there is no such agreement. That is why governments, social media platforms and citizens alike struggle so mightily to discern what the rules of engagement should be.

How can governments and the citizenry go about forming a new social contract? Liberal democracies would do well to start by asking—perhaps in townhall-style forums and certainly in school and university classrooms—what citizens think citizens should do for their country. They would be certain to receive large numbers of wise and insightful suggestions. Especially in an era of citizens empowered by communications technology, academics and policymakers do not have a monopoly on ideas for ways to improve societal co-existence. If consulted in this manner, citizens might



propose that a new social contract should involve not just the right to free speech but the obligation to consider the consequences when one engages in free speech. They might propose that liberal democracy's long-standing elected seats of power be joined by other, non-legislative, forums where citizens can express their opinions: regular, consultative town hall meetings. They might propose that a social contract should include not just a right for citizens to access society's communal goods but to contribute to it beyond the rudimentary paying of taxes and obedience to the law. Such contributions could involve whatever society deemed necessary at any given time. Participation in war will certainly not be necessary, but assisting frail and elderly citizens certainly is.

A fundamental part of a future social contract, though, must be citizens' duty to understand information. The reason that today's citizens so often believe falsehoods, spread falsehoods, and erroneously attack one another and societal institutions is that they lack the knowledge necessary to assess and verify the enormous amounts of information now available to them. Such information literacy will become more crucial still as information continues to grow and disinformation and misinformation along with it. In January 2023, for example, an image of a Parisian police officer in ridiculous-looking hat was enthusiastically shared on social media, including by national-security experts, who not only failed to spot that the image was a deep-fake but who also failed to realise that by sharing it they were helping hostile states' campaigns discrediting Western institutions.¹⁸

There is no shame in not being 21st century information-literate; on the contrary, most citizens are not, and the fewest citizens can acquire such skills on their own. Yet understanding information is indispensable in a liberal democracy. Most citizens would, I posit, agree to a social contract where it is their responsibility to become literate about information and societal institutions' responsibility to provide such training. If citizens do not discuss on the basis of the same facts, their country will become ungovernable.

Indeed, as technology continues to advance, continuous training more widely should also be part of the social contract. Today many employers and indeed many governments offer continued education throughout citizens' professional lives, but this could be codified in a social contract. That would also allow the many workers who feel left behind by automation and offshoring to feel that they, too, have an active role in society. It is noteworthy that a large share of the people who stormed the US Capitol were people who felt excluded or marginalized by society.

A social contract, though, must involve everyone, because all groups of citizens have rights and obligations. Indeed, an acceptable level of co-existence harmony in a liberal democracy requires that all parts of society agree on a minimum set of rules of engagement: a social contract.

CONCLUSION

Social contracts are not written agreements: they are a set of rules of engagement that citizens learn and adopt as they grow up. The digital age—launched through mobile phones and the internet and advancing through AI and the Internet of Things—has so fundamentally changed citizens’ engagement with one another and with societal institutions that a new social contract is necessary. Because a social contract is not a written document, and because the digital era has created an environment of highly empowered and vocal citizens, governments would be well-advised to consult the citizenry on what the new rules of engagement ought

to include. After soliciting citizens’ input through public-awareness campaigns, the government of any given country could appoint a commission comprising legislators, technology experts, academics in subjects including history, media and sociology, and representatives from among the citizens who submitted suggestions. This commission would then be tasked with formulating rules of engagement—the new social contract—that could then be shared with the population in the same way as other public-awareness campaigns. Citizen involvement would be crucial not just for democratic legitimacy and to ensure a wide range of views, but because citizen engagement at the idea stage generates more citizen commitment to the final product.

ENDNOTES

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