



The importance of the transition to the political contract in democratic societies

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Abstract: If the theory of the social contract defended by Thomas Hobbes, John Locke and John Jacques Rousseau is the first building block for determining the principle of the sovereignty of the nation, in which the ruler and the governed are considered parties to this contract, then the new political contract theory attempts to establish a concept of it and its rules are the second building block for determining the principle of nation sovereignty, and a party It is expected that these political ideas will be the beginning of the world's transition to a just democracy, whether in the Arab and African countries and the world, but it requires a lot of political audacity in order to achieve it, given that the citizen is the master of the right within the framework of the general will and popular sovereignty with the guarantee of political protection from The state in order to achieve the most just and fair democracy for the citizen in order to restore and revive the political trust that has become almost non-existent between the citizen and the politician. Therefore, the new political contract theory would be a key factor in the development of political thought and the establishment of popular sovereignty.

Keywords: Social Contract, Political Contract, Political Protection, Citizen, Elections, Political Parties, Democracy

1. Introduction

Since ancient times, the relationship between the ruler and the ruled has been the concern of philosophers and thinkers, this relationship which has become the core of social contract theory as a philosophical, moral and political theory. who saw in righteousness that it is not a natural attribute and has nothing to do with the gods and their teachings in it, and in his writings, of which few have arrived, there was clear mention of this in (the main doctrines, letters and wisdom). In Stoic philosophy and Roman civilization there was a presence of theory, but the greatest credit remains for Europe in the Age of Enlightenment, more precisely in the 17th and 18th centuries through the philosophers who contributed to its crystallization, namely Thomas Hobbes 1651, John Locke 1689, Jean Jacques Rousseau 1762.

When a person becomes a contracting person, he aims to form a kind of partnership with the contracting parties, and because each contracting party is determined in his person and his wealth, it will enhance their strength if they are combined, and thus form a integral part part of the whole. And when a person ratifies a law, the ratification means protection, and that is why the law refrains from persecuting the citizen in any way, and it is this law that expresses whether a person is characterized by a natural equality, and this equality within society becomes moral. and legal equality, because the civil human is equal to all by convention and right, although human beings are not equal in strength and intelligence.

And the social contract is reflected in his idea that people lived in the beginning on nature based on conflicts and wars, which called people to think about the establishment of social organizations that organize their social relations in order to defend against external dangers such as nature or other nations,

but it was not easy to realize this relationship. The views of the early thinkers and pioneers of the idea of the social contract aimed to find an objective equation of the relationship between the ruler and the ruled, but the different orientations in goals and outcomes as well as the difference in vision Political thinkers and themselves have prevented the achievement of this objective.

2. The Social Contract Is the Basis of the Rule of Law

2.1. *The Notion of Contract: Language and Terminology*

The contract is a commitment or an agreement that creates obligations between two or more people. There are several types of contract: employment contract, rental contract, sales contract or marriage contract.

A distinction is made between the private contract (concluded between at least two private persons) and the administrative contract (concluded by the administration, such as public contracts).

The notion of contract comes from the philosophy of the Enlightenment and the theory of the autonomy of the will: the agreement between two or more people is enough to produce obligations. This theory is based on freedom of contract: the parties are free to contract or not to contract. Nevertheless, if they decide to contract, they must respect their commitments. It is the binding force of the contract.¹

In the idiomatic sense: A contract is the source of a contract, and the plural of contracts are pacts, and it is an agreement between two parties by which they undertake to implement its provisions.²

And André Laland, in his *Encyclopédie de la Philosophie*, defined a contract as an agreement by which one or more people commit themselves to one or more people to provide something by doing or not doing something. The social contract according to Rousseau is the sum of the commitments or specifications that are included in the life in society, and the antithesis of the contract is the position or the situation.³

As for Jamil Saliba in his *Philosophical Dictionary*, he sees that the contract has several meanings: A contract in law is an agreement of two or more people, by which each of them is obliged to pay a sum of money or a tool of business to another person, or to several people, and a contract in the philosophy of ethics is a free association between two people. Or more, which is synonymous with the alliance, and the employment contract is an agreement by which a person is obliged to work in the service of another person, while maintaining a certain salary. As for the social contract, it is a postulated agreement between the members of society which obliges each of them, in a state of nature, to entrust his person and all his capacities to the general will.⁴

Social contract, express or tacit convention either by men among themselves (Hobbes), or between individuals and the sovereign (Locke), or between each being and the community (Rousseau) and which, according to these thinkers, constitutes the foundation of the society.⁵

The social contract - as the philosophical dictionary puts it - is: "a hypothetical agreement between the members of society which obliges each of them, in the natural state, to entrust his person and all his capacities to the "general will "by which each life is organized. Rousseau said: "Through the social contract, man gains his civil liberty, if he thereby loses his natural liberty."⁶

¹ Qu'est-ce qu'un contrat ? <https://www.vie-publique.fr> Publié le 1 juillet 2020

² Gibran Masoud, *Al-Raed Lexicon* (1st ed.) Dar Al-Million, Cultural Foundation for Publishing and Distribution, Beirut, 1984, p. 1038

³ André Laland, *Philosophical Encyclopedia André Laland*, Arabization of Khalil Ahmed, Supervision of Ahmed Oweidat, Volume 1, Publications of Beirut, 2nd edition, Paris, 2001 p.: 224

⁴ Jamil Saliba, *The Philosophical Dictionary*, House of the Lebanese Book, Volume 1, Beirut, 1982, p. 62

⁵ <https://www.larousse.fr/dictionnaires/francais/contrat/18693>

⁶ The Arabic Encyclopedia website - Specialized legal encyclopedia <http://arab-ency.com.sy/law/detail/165415> Date accessed 24/11/2021

The idea of the contract here is a hypothetical idea, i.e. based on an assumption and not a realistic idea, i.e. a real contract has not been made between individuals of on the one hand and the officer on the other, but the agreement took place implicitly.

2.2. The Concept of Social Contract Theory

The concept of social contract refers to one of the terms of political philosophy, which is a hypothetical or real agreement between two parties, including the rulers and the ruled, and according to this social contract all the rights and duties of each of these parts are determined in order to create a state of integration in the human society that contains them, and the concept of social contract appeared in ancient human times to get rid of the randomness that prevailed in the old system of life, and with the passage of time, social contract theory began to form in order to frame social and human behavior, and in this article information about social contract theory⁷

Social contract theory is one of the most important theories in political and moral philosophy, and it is a theory that emerged during the so-called Age of Enlightenment. The social assertion that individuals, by virtue of their life in a state, have explicitly or implicitly agreed to surrender some of their freedoms and submit them to the ruling authority of that state, in exchange for obtaining by those people certain rights within that state, and the social order lived within its borders. Social contract theory also deals with the relationship between the rights that individuals naturally have and the rights that are granted to individuals within the legal framework of the countries in which they live. Social contract theory takes its name from the book written by the philosopher Jean-Jacques Rousseau in 1762. This book dealt with the concept of social contract, and its theory, but this theory had some characteristics in antiquity before the era of Jean-Jacques Rousseau, such as the Roman era and the Greek era, but the height of treatment of social relations The theory of contracts dates back to the middle of the 17th century and extended until the beginning of the 19th century

The theories of the social contract are theories of political philosophy that think the origin of the State in an original convention between humans, by which they renounce a part of their freedoms, or natural rights, in exchange for laws guaranteeing the perpetuation of the social body.

The idea of a social contract already poses that of a state of nature, pre-existing to any organized society.

This state of nature in no way corresponds to a historical reality preceding the establishment of laws, but to the theoretical state of humanity when removed from all law. The social contract (or pact) is then thought of as a pact freely established by the community of humans with the aim of establishing an organized and hierarchical society.

The very concept of a social pact appears early in Plato (in the form of castes) as part of a broader thought on the foundation of an ideal city. Hugo Grotius is however the first, in the history of political philosophy, to devote an important part of his reflection to definition of the social contract. However, the great theoreticians of this concept remain to this day Thomas Hobbes and John Locke, before Jean-Jacques Rousseau.⁸

2.3. Models of Social Contract Theory

The social contract theory comes in three frameworks or models, where each model mentions the best actions that should be taken when certain circumstances occur between the parties to the social contract, whoever those parties are, and the following are as follows: models social contract⁹

7 Social contract", www.britannica.com, Retrieved 21-12-2019. Edited.

8 Dictionaries and Encyclopedias on 'Academic' <https://fr-academic.com/dic.nsf/frwiki/1626514>

9 Contract Theory", www.investopedia.com, Retrieved 21-12-2019. Edited.

2.3.1. Moral Hazard Model

This model examines the relationship between the parties to the social contract, the extent to which these parties are involved in the risks resulting from the human and moral behavior directed by each of the parties towards the other, and the impact of the moral problem on both parties.

2.3.2. Negative Choice Model

This model is part of the information that can be provided to each of the parties to the other party's social contract, on which certain negative choices are built, these negative choices possibly resulting from distortion of information. by each party to the other party.

2.3.3. Knowledge Transfer Model

This model is also known as the signaling model, which concerns the appropriate transfer of knowledge and information from one party to the social contract to another, so that mutual satisfaction is obtained between the two parties to the social contract.

2.4. The Social Contract of Thomas Hobbes

Thomas Hobbes¹⁰, author of the famous book which he published in 1651 and entitled: "Leviathan"¹¹, which means the dragon, believes that the first laws of nature are the search for peace, and the second of these laws is the desire to man to renounce his natural right to things and limit himself to a measure of freedom equal to the freedom of others, and the third law is the completion of Contractualization between peoples.¹² Hobbes attempted to lay the foundations for a state dominated by laws to govern all members of society whereby all conflict and dispute is eliminated in light of the submission to one will which results from the contract between individuals and the leader¹³, as a leader in the light of social contract theory. It takes its authority from individuals, seeking peace and security, and fleeing the state of nature¹⁴ where "humans agree among themselves to submit to any person or group of people., voluntarily, out of trust, aspiring to protect them from all others.¹⁵ The social contract according to Hobbes takes place, when people are tired of the state of combat in the state of nature, and they realize that war is the worst of evils. In return for providing security to members of society, and that involves obtaining all kinds of good for them, although they have lost some of their independence, but they have gained security and tranquility, and they were taken out of the state of nature with all its drawbacks to reign peace, security and order, and on this civil society and the establishment of the State¹⁶

Therefore, Hobbes asserts that political society is not a natural fact. For him, it is the artificial fruit of a voluntary pact and an interested account. Sovereignty is based on a contract. However, this is not a contract between the king and his subjects, but between individuals who have decided that there must be a king for them. Civil society is not just a state, rather it is an absolute state by definition, and civil society is a society

10 Thomas Hobbes (1588 - 1679) was an English mathematician and philosopher. He is considered one of the greatest and most famous philosophers of the 17th century.

century in England, particularly in the legal field. century at the political and legal level. He was also known for his contribution to the establishment of many concepts which played a major role not only at the level of political theory, but also at the level of action and application in many countries, in particular the concept of social contract. Among his most famous works is his book "The Dragon", Leviathan.

11 "Leviathan" is a Hebrew word that describes a huge sea monster that conquers other beasts, has complete control over all the animals in its kingdom, and instills terror in them. As for its subject, it is "To establish a strong and impregnable state which eliminates all forms of chaos, disorder, conflict and civil war, and ensures the security and protection of its citizens...

12 Amira Helmy Matar, Political Philosophy from Plato to Marx, 5th edition, Dar Al Maaref, Cairo, 1990, p. 61

13 Boukhadra, Munis, History of consciousness / Philosophical approaches to the dialectic of awareness of reality, Publications de la Différence, Algérie, 1, 2009, p. 61.

14 Crispy, Anthony and Minogue, Kenneth, Media of Contemporary Political Philosophy, translated by: Nassar Abdullah, Egyptian General Book Organization, Cairo, 1988, p. 9.

15 Hobbs, Thomas, Leviathan / The Natural and Political Origins of State Power, translated by: Diana Habib, and Bushra Saab, Abu Dhabi Culture Authority, 1, 2011, p. 181.

16 Ali Abd al-Muti, Western Political Thought, Dar al-Maarifa al-Jamea, Egypt, 2000, p. 231

without citizens, Although it is caused by a voluntary act, but it is a punctual will. According to this contract, everyone submits his will to the will of the sovereign, so he has, according to this contract, absolute power to do what he deems fit for his subjects. Except for what power bestows upon them, the citizens among themselves are bound to respect the authority of this sovereign, According to the contract which is made between them, and he must obey it so long as he protects them, Hobbes holds that the sovereign is not bound by any law, for it is he who establishes the law, modifies it and annuls it according to his desire, and he who determines the sense of justice¹⁷

The state of nature being a state of absolute chaos and total war waged by all against all, men had to come out of this state of "tumult and chaos" to "organize themselves politically", and adhere to this system. which guarantees their security and stability, and realizes what the jurists called. The law then includes the "custodian state", that is to say, which mainly protects internal security and repels border raids abroad.

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2.5. John Locke's Social Contract

John Locke¹⁸ argues that man has absolute rights which are not created by society and that the state of nature is based on freedom, i.e. the relationship of nature between people is the relationship from a free being to a free being, which leads to equality and natural relations remain independent of social convention, and this establishes between people a natural society prior to civil society, and a law prior to law civil, and on this, of course, people are not entitled to everything, as Hobbes¹⁹ claims It was natural for John Locke to modify many of the views of his predecessor Hobbes, and the most important points that Hobbes opposed were his view of the natural state, as well as the theory of the social contract.

Locke's difference with Hobbes began with the first point, that is, the diagnosis of the state of man's first nature. Whereas Hobbes asserted that man's first nature was necessarily the naturalness to sweep away evil and a burning thirst for power, Locke assumed that there is a state of complete freedom which enables them to make their decisions, and to determine their behavior and actions, and to use their property as they please, within the limits of the law of nature, which is dictated by time, without needing to ask permission of another person or to rely on them to that. Locke views the natural stage as a stage of liberty and equality, in which each individual is equal to the other in terms of liberty and property, and his sovereignty over himself and control of his affairs and his management, because it is a stage of peace and sincerity, and this stage is governed by a natural law which imposes itself on everyone and defines their rights and duties, as Luke says:

A person in this phase enjoys the freedom to dispose of his person and his property, unless he calls for the freedom to destroy his life, or even the life of the creatures he possesses, unless this purpose calls for more honorable ends than simply preserving them. Tell him they're all equal²⁰

To organize political life, Locke imagined a social contract by which he brought men out of the state of nature into the state of political community, where he defined political society by saying: The aggressor, he

17 Ahmed Abdel Karim, *Research in the History of Political Theory*, Institute of Research and Arab Studies, 1972, pp. 104-105

18 John Locke (1632 - 1704) was an English philosopher and politician who pursued empiricism in philosophy and liberalism in politics. He pioneered the Revolution of 1688, considered one of the most successful and moderate revolutions. He has several books, including "Easy Concerning Human Understanding", which he published in 1690, and "Two Treatises on The Civil Government", which was authorized to be printed in 1689.

19 Youssef Karam, *History of Modern Philosophy*, (undated), Hindawi Foundation for Education and Culture, Cairo, pp. 154-155.

20 John Locke, *In Civil Governance*, translated by Mujahid Fakhri, International Committee for the Translation of Masterpieces, Beirut, 1959, p. 140

lives in a society but they don't have such an organization, they live in a normal state²¹

For this reason, Locke justified the legitimacy of the social contract to move from the life of instinct, as long as life was good, with freedom and equality hovering above, to an organized society, and because people wanted to move on to a better life., so he created the group to ensure the organization of the freedoms they enjoyed in the life of instinct, and to ensure that there were no possible attacks that could arise²²

Under this contract, individuals give up their right to life, according to the law of nature, and the right to punish those who deviate from this law. Therefore, the nature of the contract was about the consent of individuals or the majority to give up part of their natural rights to defend themselves and oppose the natural marginals of society.²³

This means that the status of the social contract is a matter of generating the concept of political authority based on the legitimacy derived from civil society, because this authority aims to provide security and stability and to preserve rights and freedoms.

Hence the social contract which states that individuals transfer their power to a person or a few persons who form a royal government, whose task is to preserve these natural rights of individuals, and the contract states that individuals do not waive their rights only to the extent that allows the authority to perform its duties to defend its interests. establishment of government, not patriarchal authority, as advocates of heredity and tyranny maintain.²⁴

Just as the ruler is a party to the contract and not a stranger to him, the individual has the duty to obey the ruler, and signs the duty to preserve the rights of individuals which they have not renounced and to establish the justice between them. according to the content of the contract²⁵

In other words, the contract here is a binding agreement for the individuals and the leader, because just as the members of society have given up part of their rights and freedoms in exchange for the leader's commitment to ensuring the achievement of the objectives of the contract, the first of which is the right to life, liberty and property.

John Locke divided authority into three: legislative authority, executive authority and finally federal authority, and judicial power, while federal authority works in addition to legislative authority and consists of delegates cities²⁶

John Locke considers the legislative authority as the highest authority in the state, and the executive authority can participate in the promulgation of laws, then each of the two powers is limited to each other, and the legislative authority is not absolute because the individuals who established it have no authority to do so, and property can only be transplanted with the consent of the majority. As for the executive power, it is responsible to the legislative power, and it is not possible to put the two powers in the hands of one person because it means the loss of freedom. Therefore, using freedom, the system of government is direct democracy, and the authority in it is limited by majority opinion.

What we can say is that John Locke called for the need for tolerance among all, in order to achieve security, peace, freedom and happiness. The absolute right and freedom of individual property and the purpose of the state is to defend the liberty of individuals, and therefore John Locke's philosophy was striving for a measure of political and economic freedoms and for constitutional government, in which the

21 John Locke, In Civil Governance, op.cit.p.150

22 Karim Riah Al-Fatlawi, The Theory of Divine Right Comparative Study, Article 10th Issue, Kufa Studies Center, University of Kufa, 2008, p.: 109

23 Ibrahim Mustafa Ibrahim, Modern Philosophy from Descartes to Hume, Dar Al-Wafa Al-Dunya for Printing and Publishing, Alexandria, 2001, p.: 283

24Amira Helmy Matar, Political philosophy from Plato to Marx, Dar Al Maaref - Cairo, 2013 p.69

25 Sabah Karim Riah Al-Fatlawi, Comparative Study of Divine Right Theory, Number 10, Center for Kufa Studies, University of Kufa, Iraq 2008 p. 109

26 Ibrahim Mustafa Ibrahim, Modern Philosophy from Descartes to Hume, University Knowledge House, Egypt, 2015, p.285

ruler only represents the will of individuals who have not waived their natural rights to enjoy their property²⁷

2.6. John Jacques Rousseau's Social Contract

John Jacques Rousseau²⁸ believes that human life in the first state of nature was not as gloomy as Hobbes imagined, nor overly optimistic as Locke imagined, both being extreme from Rousseau's point of view. He was not as socially rational as Locke said.²⁹

The state of nature was distinguished by virtue, because virtue is imprinted in all hearts, and the disrespect for virtue did not exist in the first state of nature, but appeared with the emergence of society civil³⁰

From contempt for virtues and appreciation of talents, disparities between people arise. Rousseau spoke of "the origin of inequality between men" in a special article. He explained in his introduction that solving this problem requires beginning to distinguish the state of nature from the social state, and he explained that it is difficult to differentiate in human nature between what is natural and what is who is not.

The state of nature according to Rousseau is only a simple hypothesis that he assumed in order to be able to pass judgment on the state of civil society. He explains that there is a direct relationship between luxury and the growing demand and flourishing of science and the arts on the one hand, and the decline of mores on the other. The social contract according to Rousseau is a pact by which individuals surrender themselves to the group, and the individual becomes part of that group, and so the contract terminates the covenant of instinct, and works towards the establishment of society, where sovereignty and authority become the right of the group as a whole and not the right of an individual, as each individual renounces his rights over the whole of society when he pronounces the following formula

"Each of us contributes personally and with all our might under the direction of the supreme general will, and we come together in the form of each member as an integral part of the whole"³¹.

The social contract in Rousseau therefore presupposes on the part of each a real and free concession to the group, and this concession is indispensable; Because he is the only one who saves the equality and freedom of citizens. When each completely renounces his person, the situation is equal for all, and when each finally and freely decides to want what the general will wants, he does in his obedience to it only what he wants.³²

And Jean-Jacques Rousseau affirms in his famous book "The Social Contract" that he seeks to establish a civil society in order to overcome the difficulties and dangers of life that man has experienced in the natural stage, where he says: " I want to investigate whether there can be in the civil system a basis for a Legitimate and secure will taking people as they are and laws as they may be"³³.

And when Rousseau defined the general will in his book Political Economy by saying: The political community has a moral personality with a will, which is the general will, which always tends to achieve and maintain the well-being of society, and which is the source of laws, and it consists of all individuals in their dealings with one another, and its rule is just and unjust, and it represents the will The group as a whole as a legal personality in which individuals and their wills are fused, and it is independent of the will of the individual or the will of the group, but rather becomes the private personality of each contracting

27 Mouissat Hanan, Political thought in the philosophy of Jean-Jacques Rousseau, Additional note for obtaining a master's degree in philosophy, Faculty of Human and Social Sciences, Boudiaf University, Algeria, 2016-2017 p.: 22

28 Jean-Jacques Rousseau (1712-1778) was a French philosopher, whose philosophy helped shape the political events that led to the French Revolution. One of his most important works is the "Social Contract", which is described as the gospel of the French Revolution.

29 Maine Hafez Al-Saadani, Ideology and Legitimacy of Power in Modern European Political Thought, MA Thesis, Department of Philosophy, Faculty of Arts, Menoufia University, Egypt, 1993, p.: 307.

30 Abdel-Fattah Ghanima: Towards the Philosophy of Politics, Political Systems, Theories and Doctrines, Their Origins and Historical Development (Alexandria: Dar Al-Funun Al-Alami, 1986), p.: 179

31 Rousseau, Jean Jacques. of the social contract. Paris. Flammarion p 50

32 André Cresson: Currents of Philosophical Thought from the Middle Ages to the Modern Age, translated by Nihad Rida, 2nd edition (Beirut: Mediterranean Sea Publications, 1982) p.: 246.

33 Jean-Jacques Rousseau, The Social Contract, translated by: Thouqan Karkout, Dar Al-Qalam, Beirut, 1973

party.³⁴

Thus, Rousseau wanted to establish a more social contract that protects man from the evils of the civil status he was heading towards using his mind. With good benefits, the social contract is nothing but an attempt to reform social and political life in society, so that man can recover some or all of the advantages he enjoyed in the state of nature, because people are accustomed to some of the gains of civilian life and no longer want to give them up.

There is therefore a way that allows each free person to feel his collective freedom and that his rights are respected by building this society on a contract or social pact, that is to say on a legal obligation which includes the renunciation of the individual to his personality and to all his rights to his society³⁵.

This was confirmed by saying, "The complete waiver by each participant of all his rights to the whole community, since each beginner presented himself in his entirety and equal situation for all and gave equal status to all, it is in no interest for anyone to make it costly for others, which means that John Jacques Rousseau evaluates the social contract on the satisfaction of individuals as equal in their abdication in society of their rights in favor of a body or group, then adherence to the terms of this contract. Agreements are the basis of all legitimate authority, which is the pillar of civil society, the contract. its capacity for the highest will, and thus produces a moral and collective body composed of a certain number of members³⁶.

*Foundations and principles of the contract according to Rousseau
natural law:*

According to Jean Jacques Rousseau, man in the natural stage enjoys rights that no one can touch, and the first of these rights: the right to life, and it is noteworthy that Rousseau agreed with his social predecessors (Hobbs and Locke) on the priority of the right to life as a natural right, and considers that this right is guaranteed to the individual even in the event of war, people in the first stage are not exposed to each other from negatively, each of them sympathizes with others and does not accept what he wants for himself because it is good for himself because it is good for himself because it is good for self. By its very nature, this is due to the instinct of self-preservation, that instinct which makes it preserve the lives of others as it preserves itself because self-preservation requires and demands preservation of the lives of others and because man's innate instinct for compassion makes him suffer from seeing another creature, Rousseau says: "The first laws of man are the law of preserving the survival of himself."³⁷

In this context, Rousseau believes that the principle of relative equality should be applied in order to eliminate all social differences between rich and poor, so he does not see absolute equality.

3. The Concept of Political Contract Theory

As we have seen, "social contract theory" was accompanied by the names of three of the most important pioneers of political philosophy during the 17th and 18th centuries: the Englishmen Thomas Hobbs, John Locke and Jean-Jacques Rousseau. Each had a specific interpretation of the theory, in which they wanted to reinforce the political ideas they stood for. Their disagreement is limited to the interpretation of the theory in two points: the first point is the pre-contractual human condition. The second point is to determine the parties to the contract and its effects. It was natural that this double disagreement between them produced mixed results arranged by each of them to contract in accordance with their political opinions as mentioned

34 Amin Hafez Al-Saadani, *Ideologie et légitimité du pouvoir dans la pensée politique européenne moderne*, référence précédente, p.: 316

35 Andre Creston, *Rousseau, his life and his writings are selected*, (4th edition) (Dar Saqr, Oweidat Publications, Beirut, Paris, 1988, p. 84.

36 Najib Al-Mustakawi, *John Jacques Rousseau, sa vie, ses écrits et ses crimes*, Dar Al-Shorouk, Le Caire, 1989, p. 303.

37 Jean Jacques Rousseau, *L'origine de l'inégalité entre les hommes*, traduit par: Adel Zuaier, Dar Al Maaref, Égypte 1954, p. 55

in the declaration.

Rousseau agrees with Hobbs and Locke that the transition of individuals from an innate life to that of an organized group was made as part of a social contract. However, the idea of a social contract in Rousseau had a particular perception both of the situation of individuals in their innate early life, of the parties to the contract, and of its content and effects.

If the theory of the social contract is the first basic element to determine the principle of the sovereignty of the nation, of which the leader and the governed are the parties in this decade, the theory of the political contract which I ask is the second basic element to determine the principle of the sovereignty of the nation, and the parties to the political, citizen and political contract, and I expect these political ideas to be the beginning of the world's transition to a just democracy.

3.1. The Definition of the Political Contract and Its Conditions

it is an unwritten contract concluded between citizens and politicians on the basis of restoring the political confidence of the citizen in the political leadership, considering that the politician represents the citizen in elected parliamentary, regional and local councils and that the citizen allows this politician to voluntarily represent him in these elected councils on the basis of the defense of the public interest with all the capacities, transparency and empowerment. This political contract must be balanced so that the citizen allows the politician to represent him in the electoral councils on the basis of his will. Free and after having convinced and discussed the political electoral program and if the citizen is not convinced by it, the politician must modify his electoral program according to the will of the citizen, the electoral program is not a "book saint" to read to the politician about the citizen before the election campaign to win his sympathy and support, but he owes every politician to convince the citizen that electoral program and answer all the questions of the citizen and his questions or do not deserve to to represent is a politician who fails to convince you to plead in the local, regional and parliamentary electoral councils.

3.1.1. Inputs and Outputs of the Policy Contract

The inputs of the political contract are the rights of citizens and their public interests

3.1.2. The Results of the Political Contract

Government, regional and local legislation, laws and programs that guarantee the fundamental rights of citizens and protect their freedoms within the framework of accountability and transparency

3.1.3. The Terms of the Political Contract

Political trust between the two parties, considering that the people mean little about party ideologies so much as achieving their public interest of good health, good education, work and social dignity in a vast atmosphere of political and social stability.

On the other hand, the basic questions that need to be answered in order to tell the political trust between the citizen and the politician, how can a parliamentarian who does not have a legal academic qualification enact laws and laws? How can the regional team, which does not have a university qualification, develop and discuss regional programs and different disciplines? How can the local team, which does not have a university qualification, develop and discuss local programs?

Why did the citizen, after the elections, oppose and protest against the decisions of the government, which came out of the polls and should have convinced him and therefore been satisfied with his electoral program?

3.1.4. Mechanisms for Implementing the Political Contract

Through the promulgation of other laws or amendments that guarantee the terms of the political contract

3.2. Political Protection Through Imperfection in the International Covenant on Civil and Political Rights

It is stated in Article 25 of the International Covenant on Civil and Political Rights to take part in the conduct of public affairs, either directly or through freely chosen representatives,

To vote and be elected, in genuine periodic elections by universal and equal suffrage and by secret ballot, ensuring the free expression of the will of the electors

I think for the sake of the political protection of the citizen:

First, this article is incomplete and loose and does not grant political protection to citizens in other countries in the world equally, because the representatives chosen by the citizens. Political programs presented to them by politicians, then this is not freedom.

Secondly, with regard to elections and what prepares them for what is stipulated in laws within other countries in the world, protecting the citizen's right to follow a politician after his election, meaning that he who does not prove his worth during his electoral period, citizens can by law overthrow him before the end of his electoral term and according to the law

Third: After the elections, the citizen has the right, within the framework of the political protection proposed by the evaluation of the electoral mandate of the politician, whether in Parliament, local councils, or the government.

3.3. The parties to the Political Contract

3.3.1. Political Parties

The political parties no longer have a good political offer to the citizens that can convince them, so their bet is any bet of the political parties which is to continue the elections, therefore at the level of democracy the political parties do not have the application of internal democracy within political parties, so we find the "leader" of the political party at the head of the party until his death and can inherit it to his successor, which is totally contrary to the principles of democracy that depend on honest competition, efficiency and pluralism.

Within the framework of the political contract that we desire, a politician within his political institution, the political party, should be internally democratic in the sense that a politician cannot try to convince the citizen to defend democracy and achieve justice and transparency. If he wins the election and he himself is undemocratic within his political party, then I call the following:

- The statutes of political parties should specify the duration of the general secretary of the party, which does not exceed three years, renewable once;
- Members of the Central Office of the Political Party should not exceed three years renewable once;
- Members of the "parliament" of the political party or of the National Assembly must not exceed a period of three years renewable once;
- Members of regional and local offices of the political party should not exceed three years renewable once;

With regard to the presentation of candidates for election, political parties should clearly determine the conditions of candidates in the statutes so that they have the evils of competence and integrity, a spirit of responsibility and care to serve the citizen.

3.3.2. Citizen

Regarding the relationship between the citizen and the politician, we can say that before the elections the situation can be likened to this: the citizen is a master, the politician is a slave, and the master here is the master of the truth, and after the elections the politician becomes a master, the citizen is a slave, and the

master here is the master of reality.

While the citizen is the most important in the electoral process, not the parties and the candidates. It is the source of the authority delegated to them. He also has the power to hold them accountable or change them, depending on what they submitted during the duration of their mission.

The citizen has the right to overthrow the parliamentarian, that is, to cancel his seat in parliament, especially if it is confirmed that he has not fulfilled the duty of representing the people in parliament to the best of his ability, and therefore his seat in parliament is abolished before the end of his legislative term.

Therefore, national legislation should be enacted which stipulates how the citizen evaluates the tasks of the politician after winning the legislative, regional or local elections and how to hold him accountable and also change him before the expiry of his mandate in the elected councils if it is proven that he has not provided the citizen with what was expected of him before the elections and for those who have completed the term of his mandate in the councils The elected should also be evaluated by the citizen after the expiration of his term and held responsible if his negligence is proven.

There is no place in elections for corruption, why? Because when the political program is presented and presented and discussed by the citizen by acceptance or rejection, the politician will seek the improvement of his political program and will treat the citizen as the master of truth and not as a foolish slave without any conscience., at the polls, he will not have the opportunity to present a bribe to the citizen because the program that will reach the vote is the right program The citizen is satisfied with it, and the day of the election can be considered the page white that if you put a black dot on it, it appears clear to everyone, contrary to what is presented to the citizen by dictating weak political programs in festivals, events, banquet celebrations, etc. Election day is the gray page that can put the dot on it. The black on it is barely seen, and I mean by analogy with corruption on election day.

3.4. Mechanisms for Implementing the Political Contract

As part of the implementation of the political contract, we have highlighted this geometric figure

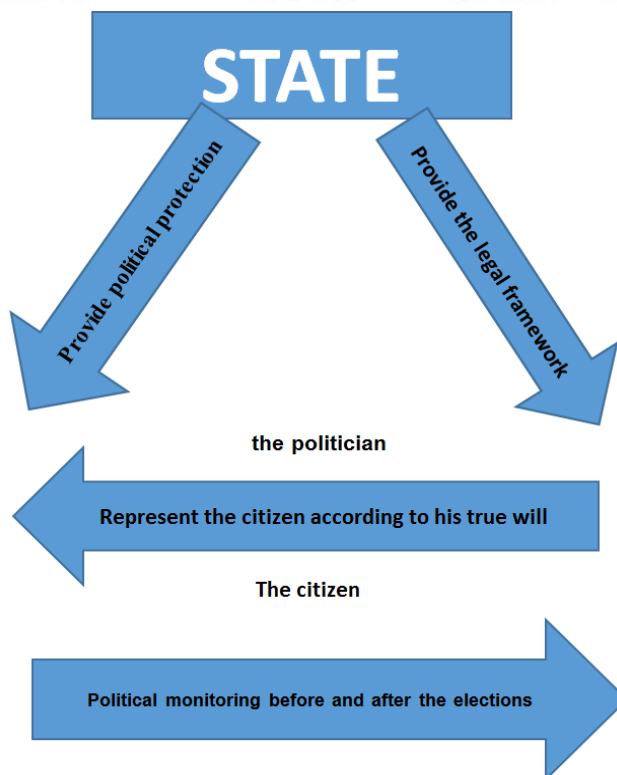


Figure 1. political protection

Based on the figure1 above, the state should provide political protection to the citizen by controlling the bribery that parties may offer to some citizens to buy their votes, and by providing a legal environment for the citizen to express their opinions and to criticize the politician before, during and after the elections and to provide a legal mechanism allowing the citizen to overthrow the elected before the end of his mandate. The electoral process and a legal mechanism allowing to hold the politician accountable after the end of his electoral mandate.

In the direction of political parties, the State works to provide a legal framework for political parties and elections, which is a guarantor in its chapters to achieve integrity, transparency and efficiency when selecting candidates for elections. elections.

The condition of the level of studies is therefore a prerequisite for the exercise by any parliamentarian of these two functions, namely legislation and control. This condition should therefore be legally enshrined in the legal framework for elections. And the level of education itself is not enough if it is not accompanied by morality and integrity.

As for the relationship between the politician and the political party, on the part of the politician, the citizen is represented in the elected councils according to the real will of the citizen and not according to the will of the politician. he has the right to monitor the politician before and after the elections.

Likewise, the citizen, within the framework of the political protection I am talking about, should first have the mechanisms to discuss the political program of the politician when presenting his political program in the elections.

The citizen has the right to follow the implementation of the political program of elected parliamentarians as well as government ministers in order to see the extent of their commitment to keep their promises during their electoral campaign. Third, the citizen must also be empowered to assess the extent to which the objectives of the electoral and political program have been achieved at the end of the electoral, legislative and governmental term, because this is the case. Today, in all the countries of the world, we do not see this follow or Once the politician succeeds in parliament, local councils or government, that politician becomes the master and the citizen is the slave, while in electoral campaigns we find that the citizen is the master and the politician is like the slave of his master. In order to convince him of his electoral program.

This is what I call political protection in the light of the examination of the application of democracy and its mechanisms at the international level.

4. Conclusion

The realization of the political contract in the Arab and African countries and the world requires a lot of political audacity, who consider that the citizen is the master of the right within the framework of the general will and popular sovereignty, with the guarantee of political protection from the state, leading to the realization of the most just and equitable democracy for the citizen and the restoration of political confidence, which has become almost non-existent among the citizen. The political and political. The success of this new theory i.e. the political contract theory is a key factor in the development of political thought and the establishment of popular sovereignty and thus the transition under the new political contract theory from the political protection state to the social welfare state to achieve justice and equality in human societies.

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