

Different approaches to the social contract theory in law and politics

Abstract

This thesis aims to analyze individual concepts of social contract theory in works of various contractalist authors throughout history, including the 20th century. Using the method of analysis and especially diachronic comparison it tries to refute the belief that the social contract theory is only a phenomenon of the Enlightenment period of the 17th and 18th centuries, and presents the main, but also lesser known, contractalist ideas from both ancient and recent history.

The thesis is, besides the introduction and conclusion, divided into five chapters and eight subchapters, some of which are also further subdivided. It follows a similar structure throughout its length, with the exception of the first (which aims to generalize the concept of social contract theory) and the fourth chapter.

The second chapter is a chronologically arranged historical overview, which begins with the authors of ancient philosophy and through the Middle Ages then culminates in the early Renaissance. This is a chapter dealing with the genesis of contractualism, especially its origins in individualism, voluntarism or naturalism, as well as the concept of individual free will and the medieval phenomenon of the struggle between faith and reason, the result of which was later proved crucial for the emergence of the contract theory.

The third chapter deals with the golden age of social contract theory in Enlightenment and its three most important representatives (with an addition of *Immanuel Kant*, who was contractualist as well).

Chapter four serves to clarify the retreat of contractualism from the moral and political philosophy mainstream under the influence of other theories, mainly the utilitarianism.

The fifth and last chapter deals with the contractualism of the twentieth century in which the theory of social contract historically culminates. It describes the transition from the political conception of social contract theory as a legitimizing fiction and state-building tool to the philosophical concept of ethics and examines the influence of modern knowledge of game theory and rational decision-making theory on modern contractualism.

In conclusion I try to synthesise the main points presented in the thesis, as well as briefly introduce few topics regarding the future of the social contract theory.

Klíčová slova: social contract theory, contractualism, sovereignty