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Intro to Philosophy

July 26, 2004

Get Up, Stand Up:

A Discourse to the Social Contract Theory and Civil Disobedience

As the daughter of a fiercely-patriotic historian, I have always admired and respected the democracy of this great country. And, as a free-thinker, I have come to contend it. Our constitution, or any for that matter, has fault amongst its glories. Some laws are unjust. Therefore, I contend, it is our right and duty to break them.

We Americans live, in philosophical terms, according to the social contract theory. This means that the government and its rights of authority are formed out of an agreement with the majority of those individuals governed and the government itself. In practice, this political theory has proven to be successful and fairer than any other preceding it. Individuals voice their tenet, a majority of like opinions is formed whose voice is loudest, and this new unified voice of the people, usually through some sort of a representative force, commands all on that which it determines to be legal and permissible. The beauty of this system is that power lies not in the hands of one or few, but is spread evenly amongst the hands of the majority. But what happens when the smaller, more scattered voice is the one who is truly just?

To answer this question I must define “justice”. Thomas Hobbes (1588-1679), one of the most famous advocates of the social contract theory since

Socrates (who believed that we have agreed to obey our government under all conditions), inadequately declares that justice is “the performance of the covenant made by the majority”, ignoring the fact that a majority can form an unethical covenant. St. Thomas Aquinas accurately defines a just law as “a human law that is rooted in eternal law and natural law”. *The American Heritage Dictionary* describes justice as being “consistent with that which is morally right”.

In my previous studies of ethics, I learned that moral values change from one person or culture to another but that, according to James Rachels, there are three objective ethical codes. These codes, simply stated, are: (1) care for children (2) no murder (3) do not lie. I propose the addition of four inalienable and indefeasible rights and obligations to form a universal code of justice: (4) all humankind are equal (5) (from the writings of Thomas Jefferson) all have rights to life, liberty, and the pursuit of happiness (6) there should be tolerance of all creeds and beliefs which practice within the moral codes (7) an obligation to defend these rights and codes.

The empiricist John Locke (1632-1704) is with me on these, for he believed that we possess inherent, god-given rights and that a government’s position should be to protect these rights. However, as expressed in number ninety-nine of his social contract theory, he believed that no view which contrasts that of the majority shall be taken into account by the governing body until those who possess this view grow in number greater than the majority. This is how most of our laws work today.

So, now that we have established a basis for determining which laws and

rights are just, what is a righteous but voiceless minority to do when their rights are being infringed upon? In *Civil Disobedience* Henry David Thoreau wrote, “unjust laws exist: shall we be content to obey them, or shall we endeavor to amend them, and obey them until we have succeeded, or shall we transgress them at once?”

I take the stand that we should first attempt to amend these unjust laws in a legal manner. I realize that without the backing of a majority, no amendment will pass, and I recognize the element of futility in this effort. Yet I am optimistic about the nature of man and I think it is possible that, when confronted with injustices in a legislative manner, much of the majority may rethink its position on the issue in question.

It is only after all legal measures have been exhausted that a citizen or group of citizens should step out of the realm of his/her social contract to plant his or her feet firmly on the ground of their own personal rights, barring of course the examples from history where legal action was not an option, like citizens of Alabama in the 1950’s and ‘60’s who had no right to vote, staging political demonstrations.

This is known as civil disobedience and is defined by William F. Lawhead as an illegal action performed for the purpose of making a moral protest. It shall be held in divergence with criminal disobedience, which serves no higher purpose. Furthermore, as stated in the teachings of Mohandas (Mahatma) Gandhi, civil disobedience, if it is to be effective, should be displayed only by otherwise law-abiding citizens. This form of rebellion, for its alignment with the code of justice, in no way leads to the collapse of social structure and, in fact, only

poses any sort of threat to the type of government which is in some way tyrannical.

I also side with Gandhi in his belief that, in the scope of ethical injustices, civil disobedience becomes not just a right, but “a sacred duty.” He proclaimed that “non-cooperation with evil is as much a duty as cooperation with good”. This refers us back to number seven in my proposed code of justice. We have an obligation to defend the rights of ourselves and our fellow men.

Although Gandhi conceded that there are times when violence is the only thing that can stop extreme evil, he showed the world, by India’s virtually bloodless triumph over British rule in 1947, that most of the time a “massive movement of morally committed citizens resisting the government by refusing to cooperate with machinery of injustice” can be sufficient in bringing a society’s injustice to an end.

This disregard for unjust laws must be thoroughly contemplated and justified before being acted upon. The action (or inaction) must be confined to acts which are of themselves morally sound and executed by obedient members of society. For, declares Gandhi, “only when a citizen has disciplined himself in the art of obedience to the state laws, is he justified on rare occasions deliberately but non-violently to disobey them, and expose himself to penalty of the breach.”

Gandhi’s method of non-cooperation was titled *satyagraha* meaning truth-force. It has been adopted by many protestors since, including the great civil rights activist, Martin Luther King Jr., who defended such acts in his *Letter from Birmingham Jail* in 1963 by aligning himself with just laws, as formerly defined by St. Thomas Aquinas and agreeing with St. Augustine that “an unjust

law is no law at all.”

Having learned from the past, we and our respective governments should no longer underestimate the righteousness of minorities and should attempt to provide concession in our minds and laws for the presence of such. Though there are great benefits to governing purely by popular or representative vote, too many times in history have we condemned truth for its lack of popularity. We crucified Christ, excommunicated Copernicus and arrested Martin Luther King Jr..

I believe that our rights, as individuals, are inherent and strong, and no government or individual shall hold power over them. We must, in the name of social progress, not submit to a state which is unjust. We must take actions, legal when possible, illegal when not, to ensure these rights for ourselves and our fellow human beings. Failing to stand firm in one’s rights would be to the detriment of one’s soul and of mankind as a whole. Socrates is in contradiction to his own steadfast conviction that our social contracts should never be broken. This break from the government and the comforts and securities it provides can be dangerous and painful, but in his own words, “provided the soul remains untouched, your misfortunes will be comparatively trivial.”

So, in the proud tradition of the forefathers of our great country, let us rise up as individuals, and assemble when necessary to defend our rights. This time with strong will, not war. For, in the words of Henry David Thoreau, “there will never be a really free and enlightened state until the state comes to recognize the individual as a higher and independent power, from which all its own power and authority are derived, and treats him accordingly.”

*“So, you got to get up, stand up,
stand up for your rights.
Get up, stand up,
Don’t give up the fight.”
-Robert Nestus Marley*

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