**The Social Contract**

**1. Thomas Hobbes (1588-1679)**

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|  | While the roots of social contract theory can be traced back to Socrates, the modern expression of the theory begins with the English philosopher Thomas Hobbes. Hobbes lived during a tumultuous time in English history. The calm and prosperity of the Tudor Period was followed by the conflict between kings and Parliament during the Stuarts, culminating in the English Revolution (1640-9) and the beheading of King Charles, the Commonwealth and the Protectorate, (1649-60), and then the restoration of the Stuarts.  |

Hobbes' theory of government is set out in Leviathan (1651). Hobbes challenged the two predominant views of governmental authority: one held that the authority of kings derived from God (Divine Right) and that a king's power should be absolute, as it came from God. The other held that government existed for the benefit of the people and derived authority from that. Hobbes began his argument with his theory of human nature, which is rather pessimistic. He thought that people were by nature greedy and selfish, and would look out only for themselves.

He argued that before there was organized society, people lived in the state of nature, a "war of all against all", in which life was "solitary, poor, brutish, nasty, and short". Everyone could do as they pleased, they had absolute liberty, but could not enjoy this liberty because the war of all against all kept them always in danger of losing what they had. As Hobbes argued, even the strongest man can be killed in his sleep, so a society that is without order or rule is one that is in constant, permanent war, in which none are safe. Chaos and disorder would rule.

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|  | Hobbes argued that, eventually, human reason prevailed and that people organized themselves into societies to overcome the perils of the state of nature. They agreed to give up their individual liberty to the state, which would protect them from each other. This was the social contract, wherein individuals gave to the state their liberty in exchange for protection from themselves. Anyone who enjoyed the benefits of the social contract is a party to it, whether or not they agree explicitly or tacitly. It was not something you could have opted out of. It was binding and permanent, it came before you and would continue after you.  |

To Hobbes, the greatest evil is a return to the perilous state of nature in which the rights of all people to enjoy their lives is in danger. This means that people must obey their government, no matter how unjustly it behaves, because it is the only thing that protects them from themselves and returning to the state of nature. Of course, Hobbes believed that a sensible government would behave justly and fairly, or else risk losing its power, either to rebellion or to invasion. Hobbes' theory of state power thus rests on what the government does for the people-protecting them from each other. His argument that state power is absolute rests on his very negative view of human nature.

**2. John Locke (1632-1704)**

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|  | Portrait of John Locke.Locke, another Englishman, was cotemporaneous with Hobbes. His political theory, expressed in Two Treatises on Government (1690), also focussed on the social contract theory and he agreed with Hobbes regarding the state of nature and the genesis of states. However, Locke argued that humans were not by nature greedy and selfish and that the state of nature was not necessarily a "war of all against all". People would exercise complete liberty and the Law of Nature, given us by God, would allow us to enjoy property, defined as "life, health, liberty, and possessions". However, conflict could arise if one person attempted to deprive another of their property, by robbing them of possessions or enslaving them. Without civil authority, the "rule of might" would allow for injustice, so Locke argued that people came together to organize states. In Locke's social contract, the state exists for the same reasons as it does for Hobbes: to protect and promote the rights of the individual.  |
|  | However, Locke's view of the social contract is more contractual than Hobbes', in that it can be broken if the parties are not living up to their obligations. If you break your obligation to obey the laws and respect the rights of others, the state will punish you. But what if the state does not live up to its obligations to promote your rights? What if the state behaves tyrannically? To Hobbes, this would be unwise, but the citizens would put up with bad government since the alternative is a return to the state of nature. To Locke, there would be certain conditions under which the people would be justified in rebelling against a government that had failed to protect their rights and replacing it with a new government that would live up better to its obligations under the social contract. In fact, Locke argued that citizens were not only justified in opposing a bad government, they were morally obligated to oppose unjust laws. This is the concept of the consent of the governed, that government should exist "by the people, for the people". Locke was not the first to enunciate this theory, but his statement of it has dominated modern democratic thinking. Locke's notion of a "right to rebel" was enormously influential, particularly in the theoretical basis of the American and French Revolutions. It continues to affect society today and is the foundation of modern liberal democracy.  |

Locke's theory of the right to rebel profoundly influenced the development of democracy in the West. Based as it is on the rights of the individual, as opposed to Rousseau's notion of the general will, Locke's view has been used to justify many movements that oppose unjust states. But under which conditions is rebellion against state authority justified?

**3. Jean-Jacques Rousseau (1712-1778)**

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|  | This Swiss-French intellectual is best known for his 1762 work On the Social Contract. In fact, his name is the one most closely linked to the theory. He too begins with a theory of the origin of government in the state of nature. However, unlike Hobbes and Locke, Rousseau views the state of nature as the best possible situation. Humans, by their nature, are good and just, and in the state of nature would behave morally and justly. Rousseau views society as the corrupter and debaser of human morality. His famous line "Man is born free; and everywhere he is in chains" typifies his view of government and society.  |

Rousseau envisioned a new social contract, in which the rights of society as a whole, rather than the individual, are protected. His social contract is based on the idea of the general will, in which government is justified in protecting and promoting all, even if that means hurting many. People who oppose the general will are anti-social and must be punished. Rousseau's theory thus argued that states existed for a very different purpose than for Hobbes or Locke, and that the individual was not so significant, but that the mass of individuals, treated as group, was what counted. Of course, a state that did not promote the general will should be eliminated and replaced with one which did. Rebellion, for Rousseau as for Locke, was justified if the state was not living up to its moral obligations under the social contract.

Rousseau was very influential in France and is considered the intellectual godfather of the French Revolution. His views were used to justify creating a more egalitarian society and also for the outrages of the terror, in which numerous people were beheaded for opposing the general will. People have read a lot into Rousseau's work, and he appeals both to those who want less government and to those who want more government, to libertarians and totalitarians.

#### Civil Disobedience

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|  | One has not only a legal, but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws. Photograph with caption Martin Luther King delivering the 'I have a dream' speach from the Lincoln Memorial, 1963.Martin Luther King, Jr. Letter from Birmingham Jail, 1963.When is it justifiable to break the law and resist the properly constituted authority of the state? In the case of which side of the road to drive on, it is probably not justifiable, at least on a regular basis. If you protested this law by driving on the wrong side of the road, you would be endangering others and it would be hard to find someone who would agree with your right to do so. Most people would agree that our loss of liberty in this regard is justifiable. |

On the other hand, are there situations where you can and should refuse to go along with laws you feel are unjust? Should you refuse to pay taxes when they are used to finance something you believe is wrong, such as financing an unjust war? As well, how far should your refusal go-is violence justified?

The theory of "civil disobedience" is that the people have a right to protest government actions, so long as their protest is not, in its nature, unjust. This typically rules out violent protests, as they are considered unjust, since they violate the rights of others. For example, holding a peaceful protest march to object to university tuition increases is an example of civil disobedience. However, if the march turns violent and property is damaged and people injured, it would be considered a riot, and likely not a just protest. Violence can lead to anarchy, a breakdown of the social order and peace provided by the social contract because it harms others.

Civil disobedience is a feature of democracies or other governments that respect the rule of law. It is an attempt to influence public opinion through the application of moral persuasion. Civil disobedience in a totalitarian state that believes in the rule of force is completely useless. An example of this was the White Rose movement that opposed Nazi rule in Germany during the 1940s: its leaders were beheaded as soon as they were discovered.

##### 1. Henry David Thoreau (1817-1862)

*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?* Henry David Thoreau

An American writer and pencil-maker, Thoreau is the father of civil disobedience theory. He lived a rather eclectic life. A Transcendentalist and friend of Ralph Waldo Emerson, he is noted for his experiment in simple living in Emerson's cabin on Walden Pond, later the subject of his book Walden (1854). While living at Walden, Thoreau refused to pay taxes being levied to pay for the Mexican-American War (1846-8) and for the legal defence of slavery, to both of which he objected. He was thrown in jail, but freed the next day (against his will) when his aunt paid the taxes on his behalf. Based on a series of lectures he gave in 1848, Thoreau wrote On Civil Disobedience (1849), in which he expounded his theory of when it is appropriate, even required, for a moral citizen to rebel against an unjust state authority.

Thoreau argued that government was essentially a bad thing, and that its power should be minimal: "That government is best which governs least". He argued that normally moral citizens should take an active role in resisting government injustice, and they should only pay taxes for services of which they approved, such as highway maintenance. They had a moral obligation not to acquiesce in government immorality, to allow the government to behave evilly, paying taxes that went to promoting wrongs. By not protesting, these government acts law-abiding citizens were aiding injustice. In the context of 1849, this meant resisting government support of slavery and for the wrongful war against Mexico. While some might argue that the cost of such opposition might mean the end of the society of the United States, Thoreau argued that the moral duty involved justified taking this risk:

"This people must cease to hold slaves, and to make war on Mexico, though it cost them their existence as a people."

In fact, the cost of ridding the United States of slavery did break American society, leading to the cataclysm of the Civil War of 1861-1865.

##### 2. Mohandas Gandhi (1869-1948)

Gandhi was a lawyer and civil rights activist in South Africa and India. Educated in England, Gandhi took a job in the British colony of Natal (South Africa) in 1893. He was subjected to legalized discrimination against non-whites, including beatings and jail. His exposure to racism and segregation changed his life: he became politicized and for the next 50 years devoted his life to protesting injustice.

In South Africa, Gandhi organized political action among the Indian immigrants to the colony, served with distinction as an ambulance driver in the South African War of 1898 (he was decorated for bravery), and continued to organize protests and civil disobedience until the First World War.

Returning to India in 1914, he became involved in the independence movement. India had been a British-ruled colony since the Seven Years' War of the 1760's. The huge and immensely rich colony was mired in poverty and backwardness, and its riches exploited for British gain. An increasing number of British-educated intellectuals, including Gandhi, used the arguments of British philosophers, such as Locke, to justify their demands that the British leave India, and grant the colony independence.

Unlike others in the independence movement who advocated violence, Gandhi emphasised use of non-violent tactics, such as boycotts of British-made goods, and non-cooperation with British officials. The famous Salt March of 1930 saw Gandhi protest a new tax on salt by walking hundreds of kilometres across India on his way to the ocean to make his own salt, in violation of the law. Along the way, thousands joined the March. A huge success, it prompted the British to arrest 60,000 protestors, but also forced them to negotiate with Gandhi, who had moderate success in improving the rights of Indians.

During the Second World War, many in the independence movement backed Japan against Britain, creating Indian units that fought for the Japanese empire. Gandhi organized the Quit India movement, arguing that the Indians should not support the British war effort if Britain continued to deny them democracy in India. Imprisoned for most of the war, he was eventually released and the British made promises to leave India soon after the war would end.

India achieved independence in 1947, though the process was neither smooth nor non-violent. Gandhi, the "father of India", was assassinated in 1948 by Hindu extremists upset that Gandhi had allowed the partition of India and the creation of Pakistan.

Gandhi's version of civil disobedience was based upon a variety of philosophies and religions, with strong ties to Thoreaus. Born during the struggle in South Africa, Gandhi referred to his theory as satyagraha. In Satyagraha in South Africa, (1926) he defined this term to mean "the Force which is born of Truth and Love or non-violence", and contrasted it with passive resistance, which might involve some use of violence in resisting violence, which was antithetical to satyagraha theory. The goal of satyagraha was not to force the opponent into giving in, but, through the force of truth and love to convert the opponent to your cause, to make your opponent see the justice you are advocating.

In India, this meant enduring suffering-converting the British through satyagraha required that many suffer, even die, to be successful and effect the change within British hearts that was required. A tactic of patience, it required great courage. As well, it relied on British hearts being open to change.

##### 3. Martin Luther King, Jr. (1929-1968)

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|  | An American activist and Baptist minister, King was a leader in the American civil rights movement of the 1950s and 1960s. As a young man, Pastor King became involved in the 1955 Montgomery Alabama Bus Boycott, sparked by the famous Rosa Parks incident, and leading to the US Supreme Court ruling that banned segregation. King was heavily influenced by Gandhi's ideas, and visited India in 1959. The visit deepened his thinking about non-violence and influenced his future campaigns: "Since being in India, I am more convinced than ever before that the method of nonviolent resistance is the most potent weapon available to oppressed people in their struggle for justice and human dignity." King was dominant in the civil rights movement in the 1960's. His 1963 book Letter from Birmingham Jail stated his views on social justice. In August 1963, he led the March on Washington, in which an estimated quarter million people crowded listened to his "I have a dream" speech. He was awarded the Nobel Peace Prize in 1964 for his work, and profoundly influenced the American Civil Rights and Equal Voting Acts.  |

Assassinated in 1968, his work profoundly influenced the ideas of non-violence and civil rights. There are numerous museums dedicated to his memory, and the United States celebrates Martin Luther King Day in January, with King being only one of four people so honoured (the others being Christ, Washington, and Columbus).

**Violence**

**1. Nelson Mandela (born 1918)**

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|  | A South African, Mandela was a leader of the African National Congress. Awarded the Nobel Peace Prize in 1993, he became the first Black president of South Africa in 1994, a post he held until 1999. While he had originally advocated non-violent civil disobedience modelled on satyagraha, he later embraced violence and led an armed terrorist action against the government of South Africa, which led to his imprisonment for 27 years. Mandela joined the African National Congress in 1944. The ANC had been founded in 1912, hoping to do for the cause of Blacks that Gandhi's Natal Indian Congress had done for Indians in South Africa. The ANC opposed the government's racist segregationist policy, later known as apartness (apartheid). Inspired by Gandhi, Mandela long opposed the use of violence in the struggle for equality. Along with other ANC leaders, he was arrested, tried, and acquitted on charges of treason in 1956.  |

However, the brutal Sharpeville Massacre of 1960 changed his mind. In this incident, the South African police opened fire on a peaceful crowd protesting further restrictions on Black rights; 69 were killed and 180 wounded. Mandela argued that armed struggle was an appropriate response to such violence and he founded and led the guerrilla wing of the ANC, which engaged in terrorist activities against the government.

Arrested in 1962, Mandela was tried on charges of sabotage, which he admitted, and or plotting a foreign invasion of South Africa, which he denied. When he was sentenced to life imprisonment, he stated to the court his reasons for switching from non-violence to violent resistance:

During my lifetime I have dedicated myself to the struggle of the African people. I have fought against white domination, and I have fought against black domination. I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and to achieve. But if needs be, it is an ideal for which I am prepared to die.
Nelson Mandela

Mandela argued that the Sharpeville Massacre and the government's banning of the ANC convinced him that non-violence would not be effective and would be tantamount to surrendering and allowing the injustice of the laws to continue. The violence of the ANC, in Mandela's view, was a defensive reaction to the attacks of the government.

His 1964 trial had made Mandela known internationally. During the 1980s, international anger grew over apartheid, leading to boycotts of South African goods and restrictions on travel to and from the country. Protests and violence in South Africa increased, and the country descended into civil war. Mandela, from his prison cell, became a symbol of the struggle for racial equality; calls grew for Mandela to be released from prison.

In 1985, South African President PW Botha offered Mandela's release from prison, on the condition that he renounce the use of violence in the struggle against apartheid. Mandela refused saying, "What freedom am I being offered while the organisation of the people remains banned? Only free men can negotiate. A prisoner cannot enter into contracts."

In 1990, President FW de Klerk lifted the ban on the ANC and ordered Mandela to be released. Extensive negotiations followed, but Mandela refused to disavow the armed struggle. In 1993, he and de Klerk shared the Nobel Prize for their efforts to bring peace to South Africa. During 1994, in elections that for the first time included Black voters, the ANC swept to power and Mandela, as its leader, became the President.

During his time in office, Mandela attempted to grapple with the problems of post-apartheid South Africa, including economic problems and a crime wave. Since leaving office in 1999, Mandela has played a prominent role on the world stage, bringing his prestige and quiet dignity to many sensitive negotiations.