

Authority, Morality and Civil Disobedience

By

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When an individual is a member of a larger collective, the individual is bound by the policies of that collective. That collective can be of many forms; it can be a sovereign state, a private institution or even a family. While part of that collective, the individual is privileged to all the comforts and securities guaranteed by the collective; however, in receiving such comforts and securities, the individual sacrifices a given aspect of freedom. That freedom stems from the independence of all living things. In a state of nature man is free. However, since man is inherently a social creature, man will inevitably associate himself with some collective. In this transaction of freedom for security there is also a transaction of authority. English philosophers John Locke and John Stuart Mill identified this exchange of freedom for security and found a variable level of liberty as the product of it. Essentially, “freedom to” exists in a state of nature whereas liberty or “freedom from,” exists in a society (Locke 1987; Mill 2002). At this point, the individual is bound by the wills of society, provided that society maintains the said security. This is called the social contract.

What then is to stop the collective from withdrawing the said security? What then guarantees the individual will abide by the policies of the collective? The latter question

is easily answered. In all societies there are systems in place which handle non-compliance on the part of an individual. The individual must suffer any consequence deemed fit by society because the individual has already relinquished authority to the collective. However, the former question is more complicated. If the collective withdraws the given security, it is a breach of the social contract that exists between the individual and the collective. In some cases there are higher, more superior collectives that may ensure the enforcement of the social contract, but usually the collective maintains its authority because it singularly holds the authority. It is an age old question best said by the Latin phrase “Quis custodiet ipsos custodes?” or “who watches the watchmen?” Upon such an act of tyranny by the collective, according to the social contract, the individual must then undermine the collective and look out for his own rights. Yet this presents us with another paradox. This responsibility on the part of the individual relies on the individual being sensible in knowing when and how to undermine the collective. This then becomes a question of morality. The morality of the individual will determine how, when and why the individual will act. An attempt to determine how the individual may morally act and keep the collective in check must be made.

Considering the benefits and follies of the resistance versus submission paradigm, we can determine resistance to be a good thing because it is a safeguard against oppression. History has looked fondly on many resistance leaders, particularly those of nonviolent methods such as Mohandas Gandhi and Martin Luther King Jr. However, with too much resistance, life becomes unstable and chaotic; civilization crumbles and men revert to savages.

On the other side, submission has its qualities and pitfalls. In any form of society, some freedom must be sacrificed in order to maintain order and stability. However, when people blindly submit to the will of the collective they will inevitably find themselves as slaves living in tyranny. Would Hitler have created Nazi Germany if the German people did not acknowledge his authority?

In order to have a society that is both stable and free, a balance between defiance and submission to authority must be found. Through questioning authority this balance can be attained. Questioning is proactive, neither violent nor destructive and begins to address a problem as soon as it is asked. Ultimately one should always question authority and if injustice is suspected the individual must then work to change it in a civilized manner. Through contemplation and discussion individuals can find answers to these questions and will then take actions based on morality.

Considering that morality tends to be a subjective standard, we shall set our foundations for morality in ethics. Aristotle in his *Nicomachean Ethics* attempted to identify the balance of virtues through his table of virtues and vices. Aristotle studied given “spheres of action or feeling” and examined the degrees to which they become virtues or vices depending on excess or deficiency of those actions and feelings (Aristotle 1998). He defines social conduct in excess as being “obsequiousness” and deficiency as “cantankerousness”. However, in a mean of the two we have a perfect balance of “friendliness” (Aristotle 1998). Let us then use this paradigm in application to a proper mean of accepting and questioning authority. If our sphere of action or feeling is “cooperation” then our excess would be docility and our deficiency would be defiance;

therefore our mean would be assertiveness. Through being assertive, the individual is acting on their morals while still maintaining an open discourse.

So if we have determined how we may find a balance in properly asserting our morality, let us look at historic examples of how people have done so.

“The mass of men serve the state thus, not as men mainly, but as machines, with their bodies,” said American scholar Henry David Thoreau (2001). Thoreau, who was arrested for not paying his pole tax, maintained that he would not support a government which protected the institution of slavery and waged war on Mexico for territorial gain. While refusal to pay taxes is a crime, Thoreau willingly submitted to penalties of law to demonstrate his morality.

Others,-as most legislators, politicians, lawyers, ministers, and office-holders,--serve the state chiefly with their head; and as they rarely make any moral distinctions, they are as likely to serve the Devil, without *intending* it, as God. A very few, as heroes, patriots, martyrs, reformers in the great sense, and *men*, serve the state with their consciences also, and so necessarily resist it for the most part; and they are commonly treated as enemies by it. (Thoreau 2001)

Through *Civil Disobedience*, Thoreau demonstrates how men need not impose their morality, merely hold firm to it in order to be a truly contributive member of society. Passivity is acceptance, and tolerating evil actions by the state is ignoring one's morality. Thoreau, as well as contemporaries such as Mohandas Gandhi, understood that governments are not moral and that morality is something the can only come from man.

Yet, while Thoreau argues in favor of the divinity of the human conscience, he ignores the fact that the human conscience is an imperfect and fickle thing. It cannot be the basis for an authority. As established earlier, morality a subjective thing. When a

man acts authoritatively based on his morality, he is imposing his morality as law. Therefore the authority becomes a rule of man as opposed to a rule of law. Man, as an imperfect creature, will hold his fellow man to a different standard of morality than himself. Man will make exceptions to his own moral principles, and that is why a powerful and secure doctrine of law is necessary to govern, impartially and equally.

While laws may have a basis in morality, they are firm and unchanging. If a collective creates its own laws well, there will be little need to dispute proper courses of action. When man participates in a society of laws, he is according himself to a morality of duty. Locke, even as an individualist, understood the necessity for every man's participation and acceptance of the law. "And thus every man, by consenting with others to make one body politic under one government, puts himself under an obligation, to every one of that society." (Locke 1987). How then must man ignore his impulses to resist the authority of law based on his own treatments from the law?

This is an issue that was documented by the Greek philosopher Plato. In Plato's "Crito" he tells the story of the death of Socrates. Socrates, who's younger life consisted of being a soldier and a stonemason, gave up his professional life to be a philosopher and teacher to the youth of Athens. While he developed a loyal following among his pupils, he angered many Athenian officials and was tried for being a conspirator against the democratic regime of Athens and for corrupting its youth. He was found guilty, and sentenced to death by drinking poison.

In the days leading up to his death, he was visited frequently by his pupils, one of which, Crito, was particularly devoted to him. Crito devised a scheme to help Socrates

escape and travel far from Athens so that he may pursue his thoughts and keep his family.

The following is an account of their dialogue that was written by another pupil, Plato:

Soc: From these premises I proceed to argue the question whether I ought or ought not to try to escape without the consent of the Athenians... Then we must do no wrong?

Cr: Certainly not.

Soc: Nor when injured injure in return, as the many imagine; for we must injure no one at all?

Cr: You may proceed, for I have not changed my mind.

Soc: Then I will proceed to the next step, which may be put in the form of a question: Ought a man to do what he admits to be right, or ought he to betray the right?

Cr: He ought to do what he thinks right.

Soc: But if this is true, what is the application? In leaving the prison against the will of the Athenians, do I wrong any? or rather do I not wrong those whom I ought least to wrong? Do I not desert the principles which were acknowledged by us to be just? What do you say?

Cr: I cannot tell, Socrates, for I do not know.

Soc: Then consider the matter in this way the laws and the government come and interrogate me: "Tell us, Socrates," they say; "what are you about? are you going by an act of yours to overturn us- the laws and the whole State, as far as in you lies? Do you imagine that a State can subsist and not be overthrown, in which the decisions of law have no power, but are set aside and overthrown by individuals?"

Cr: I think that they do.

Soc: Then the laws will say: "Consider, Socrates, if this is true, that in your present attempt you are going to do us wrong. For, after having brought you into the world, and nurtured and educated you, and given you and every other citizen a share in every good that we had to give, we further proclaim and give the right to every Athenian, that if he does not like us when he has come of age and has seen the ways of the city, and made our acquaintance, he may go where he pleases and take his goods with him; and none of us laws will forbid him or interfere with him. (Plato 1993)

Socrates could easily escape and justify it by claiming he was unfairly treated by the Athenian court. However, Socrates says that he believes in his city's system of justice and to undermine it now would be to do harm against harm, evil against evil. He

continues to argue that he cannot in good conscience go against the laws of Athens at his convenience when it was the laws of Athens that have protected him for his seventy year life. Here Socrates acknowledges that although he disagrees with authority in this particular situation, as a member of society it is not for him to decide when he will obey the authority and when we will not.

Although Socrates' situation is the opposite of Thoreau's imprisonment for refusal to pay pole taxes, both men are adhering to their morality of aspiration. Harvard law professor Lon Fuller identified the morality of aspiration as the morality of living a "good life" (Fuller 1964). Thoreau and Socrates are not imposing their moralities but rather living their own lives by them, and trying to achieve their own sense of greatness in doing so. Through such actions, these men are contributing to their societies by willfully submitting to the legitimacy of the rule of law, or critiquing it through peaceful protest.

The conclusion we may draw from these examples is that a social contract is established by the individual and the collective and that authority is legitimized in that society through a rule of law. When governments or the collective use their authority to make exceptions to law, or if the individual refuses to acknowledge the law when it points to him, rule of man takes over and law and order become null and void. Yet, if an individual feels his society is treating him unfairly or is acting unjustly and is thereby in breach of that social contract, then the individual may then question that authority and act according to his own morality. However, if that society has been just, and the individual has tolerated and accepted its rule of law over others, then he must

accept the rule of law over himself. Thus men may begin to live in cooperation peaceably with liberty and stay true to their morality.

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