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Political Protest And Social Contract Theory

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ABSTRACT

“When injustice becomes law, resistance becomes a duty” There has been a surge in the number of political protests all throughout the world clearly exhibiting dissatisfaction with respect to sovereign by the people. Social contract theory is one of the most revered and popularly celebrated political philosophy, which helps us understand what led to the formation of sovereign, what are its main functions, why and when it should be obeyed and when society may go against the sovereign. The article seeks to examine the legitimacy of the political protest in the 21st century in the light of social contract theory particularly given by Thomas Hobbes in his book Leviathan and Jean Jacques Rousseau given in his treatise the social contract for which several political protest such as “Yellow Vest Protest” in France will be scrutinized under the theory to find out how much and how far is it acceptable to protest.

“A spark that leads to conflagrations,
Political and administrative confabulations,
Assent to dissent and expression of indignation,
Violence in display, or peace in demonstration;
Different interpretations of legal inventions,
Countless counts of baleful intentions;
Misinformation permeating the ambience of civilization,
The state and public compromising in realization.”

This provides an apt illustration of the protests that pervaded different parts of the nation in the wake of the passing of the Citizenship Amendment Act, 2019.

It is pertinent to note that this exemplifies the general course of every protest, historically and globally. Etymologically, the word ‘protest’ stems from the Latin terms, ‘pro’; signifying public, and ‘testari’; signifying asserting. Protests, irrespective of the cause or consequence,

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implicate dissent and public dissatisfaction. It is either celebrated as a manifestation of democracy by some, or disparaged as a diadem of disorder by others.

Political protest encompasses endeavours by individuals or groups to tackle or put an end to perceived injustices within a political apparatus, without abrogating the system itself. Differentiating themselves from the revolutionaries, political protesters continue to have credo towards the potentiality of the political system to ameliorate itself, resorting to non-traditional ways of political participation if required. Political protests are variegated with conspicuous distinction between being non-violent and violent.² Nonviolent forms include petitions, works of art, peaceful demonstration through articles; while violent forms include destruction of property, bodily harm, and other such activity. Political theory succours in elucidating the notion of protest, for example, German political philosopher Karl Marx ascribes the causes of political protest to class struggle. The contention between social classes is inevitable; he ideated the relentless clash between the proletariat and the bourgeoisie, which facilitates the ideological base for much of the mass protests of the modern era, such as the Occupy Movement in 2011, which brought Manhattan to a standstill with the slogan “we are the 99%”. It was an international progressive, socio-political movement that vehemently opposed the social and economic inequality around the world.³

One of the most prominent theories in political philosophy is the social contract theory, in which a social contract was arrived at; an actual or hypothetical compact or agreement, between the governed and their government, defining the rights and duties of each. Though analogous ideas can be traced back to those of the Greek Sophists, the most prominent thinkers in this regard were Thomas Hobbes, John Locke and Jean-Jacques Rousseau.⁴ Theories of the Social Contract diverged according to their purpose: some were devised to justify the power of the sovereign, while others were meant to safeguard the individual from oppression by a sovereign, like in the case of Gezi Park Protes,t 2013, in Turkey, Istanbul which began as a protest, not demolish the Gezi Park. It turned into the biggest protest in Istanbul against the authoritative government.⁵ This paper examines the relevance of the Social Contract theory in relevance to the protests of the 21st century.

² Van Putten, Jan. “Political Contestation and Political Protest.” *Il Politico*, vol. 35, no. 4, 1970, pp. 785–798. *jstor*, www.jstor.org/stable/43207309. Accessed 23 Mar 2020.

³ Razsa, Maple, and Andrej Kurnik. “The Occupy Movement in Žižek's Hometown: Direct Democracy and a Politics of Becoming.” *American Ethnologist*, vol. 39, no. 2, 2012, pp. 238–258. *jstor*, www.jstor.org/stable/23250819. Accessed 25 Mar 2020.

⁴ Black, Antony. “The Juristic origins of Social Contract Theory.” *History of Political Thought*, vol. 14, no. 1, 1993, pp. 57–76. *jstor*, www.jstor.org/stable/26214420. Accessed 25 Mar 2020.

⁵ Arat, Yeşim. “Violence, Resistance, and Gezi Park.” *International Journal of Middle East Studies*, vol. 45, no. 4, 2013, pp. 807–809. *jstor*, www.jstor.org/stable/43304018. Accessed 25 Mar 2020.

It is said that Hobbes did to the study of politics what Newton did to physics; developing laws, explaining the nature of the state, and the reason for our obligation to the state. Witnessing the English Civil War, which was a violent conflict between monarchy and the parliament, leading to an unstable and chaotic environment, ending with the beheading of King Charles I and monarchy being abolished; Hobbes wanted to give the answer, a logical explanation, for people to obey the state, as he saw it to be the only way to escape chaos and have stability. He contended that if there is no state, we will be in what he termed as the state of nature, where there is no government, no ruler, no monarch, leading to loss of morality. In this pre-political, pre-moral stage, everyone has a natural right to do whatever will lead to self-preservation, even legitimising murder. He saw humans to be governed by the hedonistic principle of wanting pleasure and avoiding pain, and deduced the existence of a constant battle for limited resources which existed. People here are selfish, insecure, and quarrelsome, but rational. There is a war of every man against every man, in which the life is solitary, poor, nasty, brutish and short. To escape the state of nature, we need social contract, agreement among all the rational individuals, in which people agree to establish a government and bring themselves out from chaos and lawlessness, surrendering all their rights to the government and in return getting security of life and property, law and order, justice, and morality.⁶ The sovereign cannot be wrong or bound by the law because he is the one who makes it, and there is no possibility of protesting against the state to ensure stability and prevent chaos. Thus, man either chooses a state of anarchy, or chooses the absolute authority of the state; and according to him, between liberty and security, man will prefer security. Observing the contemporary protest in light of Hobbesian philosophy, there was a protest in Hong Kong in 2019 due to the proposed extradition law, which would transport suspected criminals to mainland China for punishment. Citizens opposed the Bill in fear of political enemies extraditing anyone who is a political figure outside mainland China, and in fear of losing civil rights, as Hong Kong is a democratic safe haven that China has left untouched. The protests grew violent, as citizens were injured by police, and metros were destroyed.⁷

According to Hobbes, protesters were wrong as they were violating the covenant, as they have surrendered their rights to the sovereign, so that it can protect them. Acts of violence, which resemble a relapse to the state of nature, also denying the new law, is not correct, as the sovereign has the absolute right to legislature. The same principle can be applied to protest in

⁶ Lubienski, Z. "Hobbes' Philosophy and Its Historical Background." *Journal of Philosophical Studies*, vol. 5, no. 18, 1930, pp. 175–190. *Jstor*, www.jstor.org/stable/3745504. Accessed 25 Mar 2020.

⁷ *BBC News*. 2020. BBC News, <https://www.bbc.com/news/world-asia-china-49317695>. Accessed 23 Mar 2020.

opposition of the Citizenship Amendment Act of 2019 in India. Hobbes would condemn the protesters for the same reasons as mentioned above.

“Man is born free, but everywhere he is in chains”. Thus, believes Jean Jacques Rousseau, who is a thinker of paradoxes; who witnessed the French Revolution in all its glory and gore. A critique of enlightenment, he introduced popular sovereignty and was a supporter of direct democracy. According to him, the state of nature when there is no government consisted of a time when there was neither conflict nor cooperation, neither scarcity nor plenty, neither virtue nor vice, only a state of bliss; isolated, timid, and peaceful. Man had compassion and empathy. Man was, what he termed a “noble savage”. But when man becomes civilised, these qualities get corrupted. Desire for private property for “amour de soi” (love for self-preservation) “amour propre” (desire to be recognised and respected) took over, which led bred inequality and the natural feeling of compassion got replaced by envy and competition, leading to the state of war. He propounded there exists two social contracts first contract is termed illegitimate contract wherein people surrender their rights to form the government to protect themselves. This contract was made by the rich and powerful for their own interest thus the problem of inequality and dependency remains intact. For the second social contract he gave the concept of general will, which is the collective interest of all the individual in the society; corporate will, private will and private and corporate must be in consonance with the general will. Social contract helps to decide the general will is which then becomes the sovereign, which is not an individual, not a third party, not agency. People give up their right and freedom to give the community as a whole, surrendering their private will for the general will.⁸

Government cannot interfere general will is the sovereign and decides the action and behaviours of community, laws are made by the people, government is the agency to enforce these laws with only executive and judicial functions appointed to enforce the general will, laws to be made by the people, obey no one hence are free and equal.

In November 2018 lakhs of people took to streets of France to protest against fuel price hike the protest saw support from ordinary working classes, some radicals, students, farmers; the protest was unstructured nor well planned, but largely volatile reaction to policies made by the government, no clear leader but decentralised leadership government could not see any head to negotiate with, economic insecurity and enormous difficulty in making ends meet were the primary reason for the protest it was aggrandised by social media, especially Facebook. High visibility vest was worn by the protesters to protest higher taxes on automobile fuels and

⁸ Williams, David Lay. “Ideas and Actuality in the Social Contract: Kant and Rousseau.” *History of Political Thought*, vol. 28, no. 3, 2007, pp. 469–495. *jstor*, www.jstor.org/stable/26222654. Accessed 25 Mar 2020.

leadership of president Macron people took to most iconic places, rubber bullets, water cannons, stun grenades were used, Paris saw destruction of the shops and burning of buildings. The liberal policies “Jupiterian president” distant from French reality and not concerned about the national issues were criticised. Rousseau would approve of the agitation as it is consonance of the principles he proposed.

The Social Contract theory tries to legitimise why we came and form the society and also why we have to surrender rights to the sovereign but Hobbes’s view and Rousseau’s view starkly differs in when we analyse the allowance of protest wherein the former condemns all kinds of protest nonviolent and violent and Rousseau allows room for both if it is the general will of the people

21st Century saw the growing amount of protest and which was very much aggravated by the digitalization. “These protests are popular insurgencies. They reflect the failure of nation-states in the global era. They’re not a passing crisis that can be remedied through the regular levers of the state. These movements may be the early symptoms of a new global crisis. They are like seismographs. They are like dials that announce things that are coming on the horizon.” Said Technology has accelerated the organization and efficiency of protesting in 2019.

CONCLUSION

The protest has always been the weapon in the arms of citizen while Hobbes on has the merit of preventing chaos. Rousseau’s point cannot be negated hence a middle path must be utilised and sometimes chaos does lead to progress change always come from pain and requires bold sacrifice but in the end what remains is a better future for the next to live and prosper.