

Could society exist without any law philosophy essay



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Just imagine for one second a world without any laws. Whether society could have been existed without law? Words like slavery, domination by the strongest over the weak and all the types of violations of the human rights would have been used in that imagination world. It would have been a chaos. If we want to live peacefully in a particular society we have an obligation to obey the laws. The obligation to obey the laws implies that the reason to do what is required by law is the very fact that is so required. Also, there is no prima facie obligation to obey the law. According to natural laws theory, law is a label that has been applied combining altogether to theories of ethics, theories of politics, theories of civil laws, and theories of religions morality. In other words, it can be said that law has been existed since very long to control the conduct of human behaviour.

Man is governed by two laws namely natural laws and human laws. According to Aquinas, natural laws had come to be identified with the law given by God to Adam in Eden and same implemented by Revelation. Because of its divine character, it binds over all other laws. It has been said in the Bible that God is omnipresent and omnipotent. Nothing can escape from his view, even when one is alone he believe he is being seen by God. So our conscience acts as a guard in oneself and it binds over all other laws. In other words we can't cheat ourselves. This internal invisible chain is draped around us.

The Ten Commandment in the Bible forms the basis of the natural laws and since long it has been acting as a retribution factor to control the behaviours and conduct of human beings. Because of this fact, according to Aquinas, that natural law is ordained by God. Going against these law means

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committing sin and going in hell after death. More so laws is a rule or measure of action in virtue of which one is led to perform certain actions and restrained from the performance of other. It is a reason which directs action to its appropriate end. Aquinas said that the fundamental principle of natural laws is that good is to be done and evil avoided. The Ulpian defined natural law as the law which nature taught all animals. It can be substantiated by the fact such as sexual relationship and rearing of offsprings. To be short with natural law, we can say that divine laws were reveal in order to lead man to his heavenly destination, to remedy weakness of human judgement, to probe the secret of man's internal feeling and thus leave no space for evil. When divine laws combine with human law it become "just" as stated as hooker.

Human laws is bared on custom and is impored by man. It is detended by the legal positivist. Legal positivism from positivist point of you like Austin mean laws of a community directly or indirectly for the purpose of determining which behaviour should be punish or covered by public power. Public power means the sovereign, or the bulk of a society habitually obey, or submit to a common to a determinate supervisor who may be an individual person, king or a group of persons, politicians, parliament. More ever sovereign are not subject to legal limitation. But all people must abide to laws.

When laws is passed by the sovereign everybody is under the legal obligation such laws. Not all laws are acceptable by all people, some laws are against individual interest. That is why the majority must accepted for a laws to become just and valid. If the laws is accepted by the majority of the people when it is just in the favour of the majority for their welfare upgrading
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of society, to protect basic human rights. The laws become binding upon society because of reason that society have accepted it by putting it into practice as a rule of standard of conduct. When the minority who refuses it being civilised. Firstly because it is accepted and secondly it is valid.

Kelsen says that validity is the specific mode of existence of a norm. He says and further that the idea of legal validity pertains to moral propriety that is a sound justification for respecting the norm. Moreover he says 'the science of law does not prescribe that one ought to obey the commands of the

An unjust law is no law at all." "[1][2] This example illustrates well the conditions under which it becomes clear that certain aspects of popular democracy neglect minorities and their rights; and how certain acts of civil disobedience become justified in the campaign to remedy these wrongs.

Infractions of state law can be neatly categorized into one of two sets: the first is common crime, and the second, the more complex, civil disobedience. Crime is simply the breaking of any law under any circumstances – and as such civil disobedience must also be seen as a special case of crime. John Rawls defines civil disobedience as "...a public, nonviolent and conscientious act contrary to law usually done with the intent to bring about a change in the policies or laws of the government." [2][3] Civil disobedience differs from common crime as it refers to a considered and deliberate act of noncompliance with, and/or infringement of the law, where the perpetrator seeks to make a moral point about some injustice or other. The main difference, then, between a straightforward crime and an act of civil disobedience is that the criminal will seek to avoid any culpability, hence

punishment; while the civil disobedient will actively seek publicity for there actions and take full responsibility for them so as to strengthen their moral stance towards the causes they are supporting. They must also have a respect for the general law and the institutions, which they are trying to reform for this type of action to be effective

I would now like to develop this idea of, a culture of deep-rooted subordination and extreme alienation, and show how and why it justifies transient periods of almost total disobedience, as well as a lesser, but constant, stream of criminal activity, which is a way of life for many: by taking Black America as an example. The history of Black Americans starts out as them being nothing more than slaves – snatched from Africa, those that survived were forced to work picking cotton, for White masters. It took many decades, and a civil war, for slavery to be finally outlawed, and by the 1960s segregation by colour, was still lawful, and common practice all over the south. American democracy was born, and grew up through all of this false idea of human equality, and consequentially its institutions, and peoples, drip with the same sour flavour. Separating democracy from racialism had not even begun, in Alabama, by 1963, when M. L. King noted:

“ Who can say that the legislature of Alabama which set up the segregation laws was democratically elected? Throughout the state of Alabama all types of conniving methods are used to prevent Negroes from becoming registered voters and there are some counties without a single Negro registered to vote despite the fact that the Negro constitutes a majority of the population.”[3]

[7]

This long history prejudice and racial discrimination still determines much of how current America functions; the problem noted by M. L. King above has recently risen again in the controversy surrounding the presidential elections in Florida, where it is claimed many Black voters were denied the right to vote. The problem is also exemplified by the, two day, Los Angeles riots of 1992; where the catalyst was the acquittal of four white police officers, charged with the severe beating of an unarmed, black man, Rodney King, despite video evidence to the contrary, which clearly proved their guilt. The riot was sparked not by the act of violence itself but the obvious inequality of the law. If the law is not applied to one section of the population fairly, and in fact is consistently used as a tool for their oppression, why should it be obeyed at all? Race riots were a common occurrence in America, during the ‘long hot summer’ of 1967; April Carter justifies them, under the then prevailing conditions, thus:

“- Supreme Court and Congressional endorsement of the unconstitutional nature of discrimination, and a growing awareness not only of racialism, but of areas of poverty within the affluence of American Society.”[4][8]

But beyond this again, is a further, deeper concern. The democratic system, time and again, fails the Black population; they are ghettoized by their poverty, and the democratic system in place leaves the vast majority without the means to gain the privileges that an affluent country should provide, by right. In this climate of severe economic disparity, and lack of education and real opportunity, the Black citizen has the right to make their living by breaking the laws of a state, which is failing them, altogether. The capitalist run society brings this further upon itself, by forcing, through a daily

bombardment of advertising images, the idea that wealth and materialism is all important. All in all the systems of government present within the liberal western democracies, were designed by and for the elites; and their institutions, including laws, have been built to maintain this domination and enforce the inequalities present. On close examination this is the compromise on offer; and a balance of law, which holds property and wealth above equality and social justice deserves all the disobedience it fosters.