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The history of helmet laws in the United States reflects the extent to which individual liberties have shaped the debate on public health. Studies show that helmet legislation reduces fatalities and serious injuries even though not all states embrace the legislation (Erhardt et al., 2016). Similarly, the motorcycle laws vary extensively among the states and have been changing considerably in the past decades. However, there are debates as to why should the government be able to tell people what to do while riding their own motorcycles. As such, it is essential to assess the helmet laws in terms of the social contract theories of Thomas Hobbes and Jean-Jacques Rousseau to understand the reason behind their enactment.

There have arguments whether the government should provide security by overcoming the selfish desires of individual citizens or whether the individual citizens should cooperate willingly in service of the general welfare of all. This question can be best answered by application of the social contract theories of Thomas Hobbes and Jean-Jacques Rousseau. The social theory states that individuals have consented, either explicitly or tacitly, to surrender some of their freedoms and submit to the government in exchange for protection of their remaining rights (Skyrms, 2014). In short, the theory posits that an individual's moral and political obligations are dependent upon a contract or an agreement among them to form the society in which they reside (Carnoy, 2014).

According to the social contract theory of Jean-Jacques Rousseau, the government should provide security by overcoming the selfish desires of individual citizens. As such, it is the responsibility of the government to protect motorists by ensuring that all motorists wear a helmet, through the enactment of the helmet universal laws. According to Jean-Jacques Rousseau, law and political order are not natural, but human creations which are means towards an end, which is the benefits of the person involved and legitimate to the extent that the

individual fulfills his or her part of the agreement (Carnoy, 2014). However, according to the social contract theory of Hobbes, the individual citizen should cooperate willingly in service of the general welfare of all (Skyrms, 2014). Hobbes believes that the government is not a party to the original social contract created by the society, and as such, individuals are not obliged to submit to the authority. The implication is that motorists need act voluntarily in service of the general welfare of all without the helmet legislation.

According to Jean-Jacques Rousseau, individuals gain civil rights in return for accepting the obligation to respect and defend the rights of other citizens. At the same time, they have to give up some of their freedoms to the state and as such, must abide by the laws enacted by the state (Habermas, 2015). It implies that the government has a duty to impose authority on its citizens, and the helmet is one of such legislation. According to Hobbes, the social contract theory establishes the authority of any person who wield and hold power. For instances, he argued that in a state of nature with no government and no law to guide individuals, but only rely on the law of nature, there will be a situation where everyone will be seen as naturally equal and independent. However, the state of nature will lead to a state of war, for the “restless desire for power after power” (Skyrms, 2014). However, to escape such state, Hobbes argues that individuals often surrender their independence by entering into a covenant to obey a sovereign power that will have authority to make, enforce, and interpret legislation, thus forming what Hobbes referred to as sovereignty by the institution. This argument justifies government imposition of the helmet laws to individual citizens who are expected to abide by the law.

According to the social contract theory of Jean, individuals are always obligated to obey the dictates of their government. Jean believes that liberty is possible only where there is direct rule by the people as a whole in making laws, in which case popular sovereignty is indivisible

and inalienable (Habermas, 2015). However, he maintained that the individuals often do not know their real will, and a proper society would only occur when there is a great leader to change the values and customs of the people. As such, a citizen cannot pursue his or her true interest by being egoist but must subordinate himself or herself to the law created by the citizenry acting as a collective. This statement gives the government the authority to impose the helmet legislation on individuals.

According to the social contract theory of Hobbes, individuals are always obliged to obey the dictates of their government in return for protection of other freedoms. When the authority allows the subjects (in this case cyclists) to do about their business, the subjects consent to obey those who have effective power over them, whether they have a choice in those who hold power or not. Since they give their consent, they have an obligation to obey the sovereignty whether the sovereignty is acquired or instituted. However, some people were opposed to the helmet laws (Erhardt et al., 2016). This group argued that the mandatory motorcycle helmet laws that were enacted at state, county, and municipal levels imposed by the government on consumers and users are against the constitution. They believe that individuals should choose to use a helmet or not to use them. Their reason brings the concept of the natural law that guides man and leads them to a developed social and political life (Carnoy, 2014). For instance, Rousseau believed that democracy was the best way to ensure the general welfare while maintaining individual freedom under the rule of law (Habermas, 2015). As such, mandatory helmet laws deprive an individual the freedom granted by the natural law.

It is unethical for individual citizens to ignore this governmental requirement to wear a helmet because they are endangering their lives. The use of a helmet reduces fatalities from motorcycle accidents. In support of the legislation, Rousseau believed that it is unethical for the

subjects not to adhere to the laws because there is a general obligation to obey the laws of one's country. However, Hobbes thinks otherwise and states that one is both radical and conservative and as such, the sovereign must cede absolute authority if society is to survive (Skyrms, 2014). Hobbes assumes that all individuals naturally act on their own interest and will only pursue that which they consider the best interest, and respond mechanistically by being drawn to that which they desire and repelled by that which they are averse. As such, it is not an obligation for citizens to obey the helmet requirement law because everything man does is motivated by the desire to better their own situation. They can choose to obey or not depending on what drives them to make their decisions.

Overall, it is the responsibility of the government to protect its citizens. In return, the citizens are supposed to give some of their freedoms and as such, have an obligation to obey the laws enacted by the authority. The government thinks that the helmet legislation is good for the general public, and as such, must be followed strictly. This obligation to obey the laws of the country by individuals is demonstrated by the social contract theories of Thomas Hobbes and Jean-Jacques Rousseau. Thomas Hobbes believes that individuals naturally act in their own interest and will only pursue that which suits their best interest, which explains the reason some groups are opposed to the helmet laws. On the other hand, Jean-Jacques Rousseau believes that law and political order are not natural, but human creations, which are means towards an end, and as such, laws imposed by the government must be obeyed.

References

Carnoy, M. (2014). *The state and political theory*. Princeton University Press.

Erhardt, T., Rice, T., Troszak, L., & Zhu, M. (2016). Motorcycle helmet type and the risk of head injury and neck injury during motorcycle collisions in California. *Accident Analysis & Prevention*, 86, 23-28.

Habermas, J. (2015). *Between facts and norms: Contributions to a discourse theory of law and democracy*. John Wiley & Sons.

Skyrms, B. (2014). *Evolution of the social contract*. Cambridge University Press.

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