

Lesson 2

Why should people obey the law?

What are the best reasons for obeying the law?

Learning objectives	To explore the nature of people's legal responsibilities. To explore the distinction between moral and legal obligations.
Student tasks	Students analyse a moral dilemma in a plenary discussion. Students critically evaluate reasons for legal obedience. Students suggest situations in which a moral duty might override the duty to obey the law.
Resources	Copies of the story "Schmitt's Dilemma". Paper for written tasks. Blackboard.
Methods	Shared analysis of moral dilemma. Teacher-supported analysis. Story writing. Plenary discussion.

Conceptual learning

Law: A rule made by local or national government.

Rule of law: In democratic societies, governments and those in power are subject to the law of the land. Power changes hands democratically according to the rules of the country's constitution, not as the result of force or war. People have a general duty to obey the law because it is democratically decided.

Legal duty: The obligations people have put upon them by the law.

Moral responsibility: The personal obligations people feel based on their beliefs about what is right and wrong.

The lesson

The teacher introduces the story “Schmitt’s Dilemma” and asks students to work in pairs to consider whether Schmitt should break the law and steal the money or not. The teacher writes different opinions on the blackboard as to whether Schmitt should steal the money.

The teacher asks the students to choose an opinion they agree with and add their own reason in writing:

- Schmitt should steal the money because...
- Schmitt should not steal the money because...

The teacher notes the range of reasons suggested by the students on the blackboard. For example,

“He should steal the money because his daughter’s life is more important than the law against stealing”;

“He should not steal the money because he could get caught”; or

“He should not steal because it is wrong to break the law”.

The different reasons are then discussed in class. Why are they different? Are some reasons better than others? The teacher then asks the students to complete this sentence:

“It is generally wrong to break the law because...”

Alternatively the teacher could ask the class to think of as many reasons as they can as to why it is wrong to break the law. Typically, in answer to this question, people come up with a range of replies, including the following:

“It is wrong to break the law because:

- you could get caught and be punished;
- the law protects people from harm and it is wrong to harm other people;
- everyone would go wild if the law did not stop them;
- law-breaking undermines trust between people;
- society needs law and order to survive, without laws there will be chaos;
- law-breaking violates individual people’s rights, such as their rights to property or to life.”

The teacher points out to the class that people have a range of reasons for obeying the law. Some of these have to do with self-interest, other reasons show concern for other people and some show a concern for the well-being of society as a whole (see note below).

To illustrate these concepts, the teacher could draw a series of three concentric rings on the blackboard with “self”, “others” and “society” written in each ring, starting from the inner ring. The different reasons should be written in the appropriate area.

The teacher stresses that legal obedience of itself is not necessarily a sign of a “good citizen”. Many wrong deeds have been committed by people who were in fact obeying the law, saying they were only “doing their duty”. On the other hand, the story shows that from time to time even good people might have to consider breaking a particular law for a morally good reason.

To support the students’ understanding of the difficult balance between legal duties and moral responsibilities, the teacher then asks the students to write their own short stories in which people (for good reasons) consider breaking the law. Examples might be breaking the speed limit in an emergency or defying a law because it is bad or unjust.

Some of the students read their examples aloud in the plenary discussion. The teacher then underlines the distinction between moral responsibilities (which people take upon themselves as part of their own values and beliefs) and legal duties, which are imposed by governments. The

tensions between these two kinds of responsibility may lead citizens to criticise some laws they disagree with and to work to change them. They may even, on occasion, decide to break some laws for morally positive reasons. History offers many examples of situations in which people have broken laws in order to protest against them or to rebel against tyrannical governments. The teacher should illustrate this with some local examples. The teacher should stress that such actions should not be taken lightly because of the danger of undermining the rule of law, upon which stable democracies depend.

Note

The moral dilemma offered in this lesson is not unlike the famous “Heinz Dilemma” devised by Lawrence Kohlberg, the American psychologist, in the 1950s. This was one of a number of dilemmas Kohlberg and his colleagues put to young people every three years or so between the ages of 10 and 25. It was found that over time young people, on average, progressed from using self-centred reasoning when they were young to using more person-centred reasoning in early adolescence. Then, in mid-adolescence, most of them showed a progression towards using society-centred reasoning, though the context and the type of dilemma can influence which type of reasoning people use at any one time. Younger children have been shown to regard rules and laws as inflexible and based not on social purpose but solely on the authority of the rule maker. By adolescence, young people are more aware that laws have social purposes, which can be reviewed, questioned and criticised as being morally wrong or unfair.