

Part 4

Power and authority

Unit 8

Rules and law

What sort of rules does a society need?

Unit 9

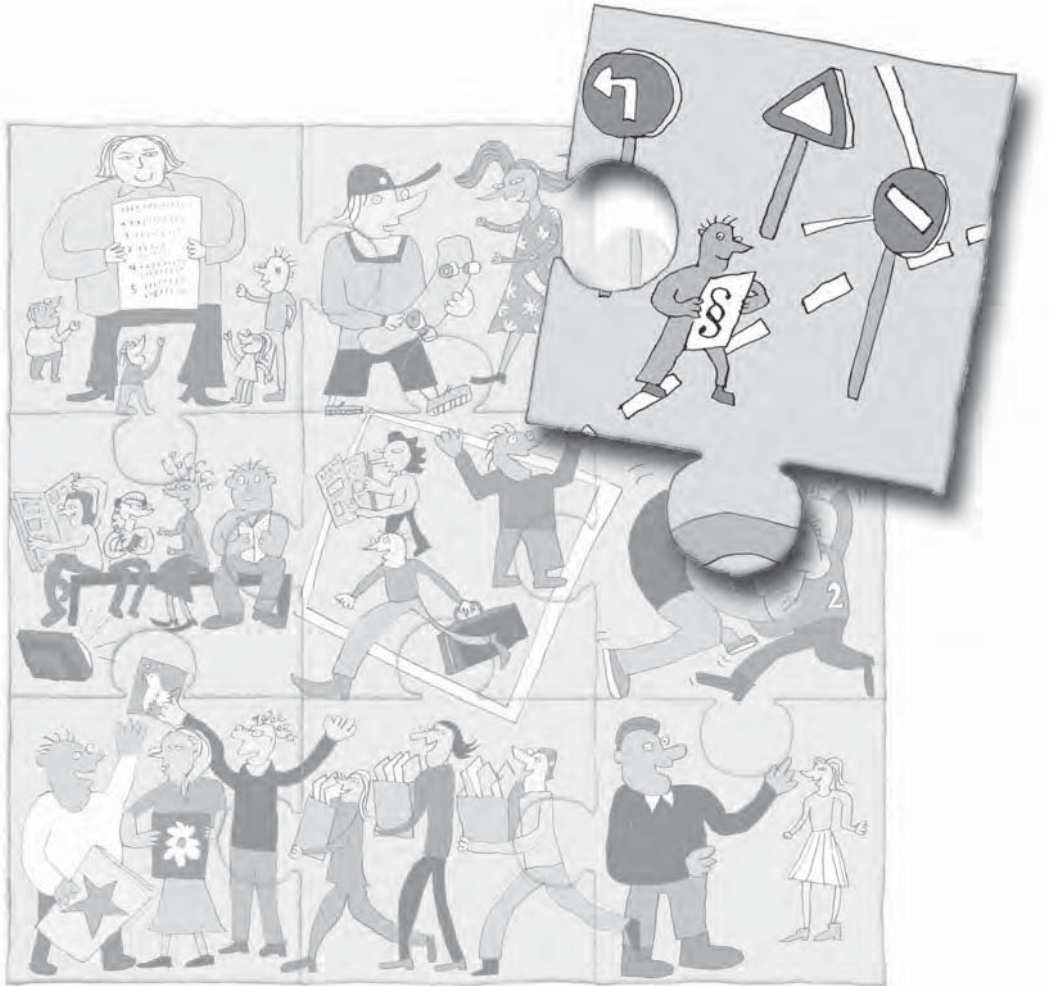
Government and politics

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UNIT 8

Rules and law

What sort of rules
does a society need?



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UNIT 8: Rules and law

What sort of rules does a society need?

Laws of some kind are essential for the fair and efficient running of any society. Laws apply in all situations, to everyone within the community of a country – although there are certain groups, such as children, who are not affected by some laws until they reach a certain age.

One of the ways in which the law can be divided up is into what is known as civil and criminal law. Civil law provides a way of settling disputes between individuals and groups of people. Criminal law covers behaviour that the state has decided must be discouraged or prevented.

Laws can never be perfect, however. They are human creations and sometimes need changing. They may become out of date, ineffective or be simply unfair on certain groups in society.

Law can never be divorced from politics. For it is within political systems that laws are made and changed. In a democratic political system it is important that all citizens are able to have an equal say about this. It is also important that the law is applied equally to all citizens, and that no one is above the law. This concept is sometimes known as the rule of law.

Finally, laws should comply with human rights. This is important in order to make sure that laws are fair and that they are not abused as a means of oppression or dictatorship. Most democratic systems therefore rely on written constitutions that provide a human rights framework that stands above the laws of the country. Some countries have also established constitutional courts to decide whether laws are in line with the constitution or not.

Learning for Education for Democratic Citizenship and Human Rights

Through this series of lessons students will:

- develop a greater understanding of the concept of law and its importance in a democratic society;
- recognise that the main purpose of law is to help people and protect society;
- develop a greater respect for the idea of the rule of law;
- find out more about the legal system in their own country.

UNIT 8: Rules and law

What sort of rules does a society need?

Lesson title	Objectives	Student tasks	Resources	Method
Lesson 1: Good law – bad law	To be aware of and understand the factors that determine what makes a good law.	To discuss school rules and identify what makes a good school rule. To discuss laws and identify what makes a good law. To examine critically an area of law in their country, e.g. laws on alcohol. To propose and justify their own new school rule or law.	Two cards for each student – one labelled with a letter “A” (in green), the other with a letter “B” (in red). Handout – Laws on alcohol in our country Markers and a large sheet of paper for each group of 4-6 students. Flip chart or a large piece of paper for display in class.	Small group work and class discussion.
Lesson 2: At what age?	To examine how the law applies to young people.	To work out the legal ages at which young people become entitled to take part in different adult activities. To consider how appropriate the current law is for young people.	Three large signs labelled “A”, “B” and “C” put up on three different walls of the classroom. Copies of student handout 8.1 – one for every two students. Marker pens and a large piece of paper each for group of 4-6 students.	Pair work, small group work and class discussion.
Lesson 3: You make the law	To examine the question of whether young people who have broken the law should be punished at all, and if so, how.	To consider the different factors that come into play when deciding what is a fair punishment for a crime.	A copy of the story and extra information for the teacher	Small group work and class discussion.
Lesson 4: Rules of evidence	To understand the rules of evidence in a court of law.	To consider the kind of evidence that should count in a court of law and the kind of evidence it would be wrong to use.	Discussion cards (student handout 8.2) for each group of 4-6 students	Small group work and class discussion.

Lesson 1

Good law – bad law

What makes a good law?

Learning objective	To be aware of and understand the factors that determine what makes a good law.
Student tasks	To discuss school rules and identify what makes a good school rule. To discuss laws and identify what makes a good law. To examine critically an area of law in their country, e.g. laws on alcohol. To propose and justify their own new school rule or law.
Resources	Two cards for each student – one labelled with a letter “A” (in green), the other with a letter “B” (in red). Handout – Laws on alcohol in our country. Marker pens and a large piece of paper each for group of 4-6 students. Flip chart or a large piece of paper for display in class.
Method	Whole class discussion and small group work.

Information box

The method used in this lesson is known as “inductive learning”. This is where the teacher helps students to understand abstract principles by basing them on concrete examples. The lesson begins with such examples – in this case examples of rules or laws – and students are encouraged to draw out general principles from these. Here, the principles are the criteria that can be applied to rules or laws to judge whether they are good laws or not: Are they fair? Are they useful? Are they for the good of all? Can the police enforce them? Are they simple to understand and obey?

Where specific material is needed, for example, laws on alcohol as they apply in the country, the teacher or the students have the task of feeding this material into the lesson.

The lesson

The teacher begins the lesson by giving each of the students two cards – one labelled with a large letter “A” (in green) and the other with a large letter “B” (in red).

The teacher explains to the students that they are going to hear some imaginary school rules and they should decide whether they think these would be good rules or bad rules. For good rules they should hold up card “A”, and for bad rules card “B”.

The teacher reads out the imaginary school rules one by one. Each time, the students must hold up one of their cards – depending on what they think of the rule. The rules used could include:

- homework is banned;
- no bullying;
- students should have to pay to come to school;
- no chewing gum to be brought to school;
- students must like all their teachers;
- students should be able to choose which classes to go to;
- older teachers should have an easier timetable;
- no mobile phones in school.

For each one, the teacher should ask two or three different students to justify their decisions:

- Why do you think it is a good/bad rule?

The students’ ideas should not be further discussed or commented on at this stage.

Then the teacher should divide up the class into groups of 4-6 and ask the students to try to pinpoint the factors that make a school rule a good one:

- What makes a good school rule?

The groups should present their ideas to the class as a whole.

Next, the teacher repeats the whole exercise with the class – reading out statements, the students holding up their cards and justifying their decisions, etc. – but this time focusing on imaginary laws, rather than school rules. The laws used could include:

- all citizens should have to follow the same religion;
- murder is wrong;
- no telling lies;
- junk food should be banned;
- citizens should be allowed to decide for themselves which side of the road they drive on;
- women should be paid the same as men.

Then the teacher should ask the students to return to their groups and try to pinpoint the factors that make a law a good one:

- What makes a good law?

The groups should present their ideas to the class as a whole. In doing so, the teacher should try to steer student thinking towards a number of key criteria that can be applied to laws and that help to make them good laws. They include:

- fairness – justice and equality, such as equal pay for men and women;
- usefulness – making society run smoothly, such as laws on driving to make roads safer;

- common good – not just supporting the interests of particular groups, such as the wealthy;
- enforceability – the majority are willing to obey them, police are able to catch those who break them;
- simple – easy to understand and to obey, not too complicated.

When the class has agreed on these criteria, they should be displayed in the classroom on a flip chart for everyone to see. The title for the display should be “What makes a law a good law?”.

The teacher should then ask the students, in their groups, to study a law or area of law from their country (such as the laws on alcohol). This material should be provided on a handout. If more time is available, the students can obtain other material that they are interested in, for example, the rights and duties of children and teenagers. The groups are each given marker pens and a large piece of paper and asked to prepare a presentation to the class on whether they think the law(s) they have chosen are good laws or not – using the principles they have previously identified and that are displayed on the classroom wall.

Groups make their presentations to the class.

As a final exercise or a homework assignment, students could be asked to propose a new law or a new school rule on a topic of their choosing, such as the environment, and to prepare arguments for its introduction in terms of the key principles they have identified.

Lesson 2**At what age?****How should the law apply to young people?**

Learning objective	To examine how the law applies to young people.
Student tasks	To work out the legal ages at which young people become entitled to take part in different adult activities in their country. To consider how appropriate the current law of their country is for young people.
Resources	Three large signs labelled “A”, “B” and “C” put up on three different walls of the classroom. Copies of student handout 8.1 – one for every two students. Marker pens and a large piece of paper each for groups of 4–6.
Method	Pair and small group work and whole class discussion.

Information box

This lesson involves a lot of physical activity. If you think this is inappropriate for your students, the main exercise can be adapted so that students remain seated at their desks – for example, voting with a show of hands, or holding up cards “A”, “B” or “C”, instead of moving to different parts of the classroom.

The lesson

The teacher begins the lesson by asking the class if they think it is fair to have a law making young people go to school, when there is no law like this for adults:

- Do you think it is fair to have a law that forces young people to go to school? Why or why not?

The teacher then divides the students into pairs and gives them a questionnaire (student handout 8.1) to fill in. The questionnaire relates to the legal age at which young people become entitled to take part in different adult activities in their country.

The teacher asks for some volunteer pairs to read out one of their answers. After each answer, the teacher pauses and, if necessary, corrects the students' answer. The students then write down the correct answer on their questionnaires.

For each answer, the teacher should ask the pairs:

- What do you think? Is this age:
 - a) too low?
 - b) too high?
 - c) about right?

The teacher gives the pairs a minute to think and decide, then asks them to move to a different part of the room depending on their answer. (The teacher has already put up large signs labelled "A", "B" and "C" to show the students where to stand.)

The teacher then asks randomly chosen pairs to explain their thinking to the class and to justify their opinions. The teacher also gives other students an opportunity to question them about their decision.

To end this section of the lesson, the teacher asks:

- Do you think it is fair that the law treats young people differently from adults? Why or why not?

The teacher then divides up the class into groups of 4-6 students and gives each group marker pens and a large piece of paper. The teacher asks the groups to think of a change in the law in their country that would benefit young people. They can propose an entirely new law – for example, that every school should have a student parliament or a minimum wage for young people at work, or they can propose a change in the existing law – for example, about the law on the voting age or the age for obtaining a driving licence. Each group should prepare a presentation to the class on their chosen topic, outlining their arguments and exactly how they think their law would benefit young people. After the presentations, the class can take a vote as to which group's suggestion was the best.

As a final exercise or for homework, students should consider the steps that they, as young people, or as a school group, can take to persuade the government to accept the change(s) in the law that they are proposing.

Lesson 3**You make the law****How do you deal with young offenders?**

Learning objective	To examine the question of whether young people who have broken the law should be punished at all, and if so, how.
Student tasks	To consider the different principles – retribution, deterrence, rehabilitation – that come into play when deciding what is a fair punishment for a crime committed by a young person.
Resources	A copy of the story and extra information for the teacher.
Method	Small group work and whole class discussion.

Conceptual learning: three basic principles on the purpose of punishment

While lesson 2 focused on civil law, this lesson will look at criminal law, focusing on the issue of whether or not to punish young offenders and if so, how to punish them. The basic question in the theory of punishment is, “why punish?”. This question has been answered in different ways throughout the course of history and changes in scientific and philosophical thinking. Three principles relating to the purpose of punishment have emerged.

1. **Retribution.** Punishment is related to guilt and responsibility. A criminal deserves to be punished, and society expresses its disapproval for the crime. This concept also provides a standard of proportion, thereby protecting the criminal from over-severe punishment. The objective is to restore justice.
2. **Deterrence.** The punishment sends a message to potential criminals in society, discouraging them from turning to crime, as the “pain” of punishment outweighs the benefit. The objective is to prevent crime by others.
3. **Rehabilitation.** A crime is perceived as a cry for help. The criminal needs treatment rather than punishment and the objective is to help him not to commit further crimes in the future by integrating him in society.

Penal systems around the world differ considerably in the way they balance these three principles, both for adults and young offenders. Generally speaking, many countries have given rehabilitation priority over the principles of retribution and deterrence. But not all countries are moving in this direction. Closely linked to the question of rehabilitation is the issue of where to draw the line between young and adult offenders. The Council of Europe has called for the age limit to be fixed at 18, and has referred to the Children’s Rights Convention of 1989 to justify this (see background information for teachers).

This lesson provides an introduction to the three key concepts of punishment outlined above. Once again, an inductive approach is applied. The students deal with a case study about a young offender and discover the different principles of punishment, their implications and the need for balance. The teacher may outline the concepts in a brief lecture during or after the discussion in class.

This lesson may open the door to a follow-up project that would require approximately two further lessons. The students could use the concepts they have learnt in this lesson to describe the balance that has been struck by the penal legislation for young offenders in their country.

The lesson

The teacher begins the lesson by dividing the students into groups of 4-6. The teacher explains that the rule of law includes the principle that judges should be bound by the law when imposing a penalty on a criminal or offender. In this lesson, the students will look at the way such laws should be designed when dealing with young offenders. They are going to hear a story about a crime and each group has to imagine that they are members of parliament who have to pass the law that lays down the punishment the criminal should receive.

The teacher tells the students the basic story and gives them an opportunity to decide as groups what they think would be a fair punishment for Tom. The groups present their ideas to the class as a whole.

Then the teacher gives the groups some extra pieces of information. After each piece of new information, the groups are given an opportunity to change their mind about the punishment they had originally planned.

At the end of the activity, the teacher asks each group to present their ideas to the class:

- What punishment do you think Y should have? Why?
- Did any of the extra information make you change your mind about your original decision? If so, how?

The teacher then brings all the students together in a plenary session and asks:

- What sort of factors should the law take into account when deciding on the punishment to be given to someone convicted of an offence?
- Do you think the law should treat young people differently from adults? Why or why not?

As a final exercise or for homework, the teacher asks students to think of a case they have heard about – on TV, in the papers or one that has happened locally – where a young person who has broken the law has been given a punishment that they think is either:

- a) too harsh; or
- b) too lenient.

Students should write a short piece about their chosen example and present it to their peers in the next lesson, outlining the factors in the case that led to their opinion about it. One example would be a case involving someone having a car accident under the influence of alcohol.

You make the law

“Leonard and Tom were both 15 and went to the same school. They had known each other for many years, but they had never really got on.

One day, Tom’s mobile phone went missing and he blamed Leonard for stealing it. Leonard said he hadn’t stolen it, but said that Tom was jealous of him because he had lots of friends and Tom didn’t have any.

After school that day, there was a fight. Tom drew a knife even though Leonard was unarmed. During the fight Tom cut Leonard’s face so badly that it left him with a scar for the rest of his life.”

Task

What do you think would be a fair punishment for Tom? Discuss this question in your group and then write down what punishment the law should provide for this kind of offence.

Extra information

1. Tom had been brought up very strictly, and had been repeatedly beaten by his father.

Does this affect your view about Tom's punishment? If so, how? Change your draft law if necessary.

2. Tom was isolated in his class and had nobody who would listen to his problems.

Does this affect your view about Tom's punishment? If so, how? Change your draft law if necessary.

3. Leonard really had stolen Tom's mobile phone and he had actually started the fight because Tom had reported the theft of the mobile phone to the police.

Does this affect your view about Tom's punishment? If so, how? Change your draft law if necessary.

4. Leonard was the leader of a gang who had been bullying Tom for months. The gang had beaten Tom up more than once, hitting him with sticks, chains and a metal bar. This gave Tom nightmares and he was even afraid to go to school.

Does this affect your view about Tom's punishment? If so, how? Change your draft law if necessary.

5. Tom's father had tormented Tom by repeatedly telling him that he was too soft and that he should stand up to bullies like Leonard.

Does this affect your view about Tom's punishment? If so, how? Change your draft law if necessary.

6. Tom only got out the knife to frighten away the bullies. He never meant to use it. Twenty other young people were standing around at the time, all encouraging the boys to fight.

Does this affect your view about Tom's punishment? If so, how? Change your draft law if necessary.

7. A teacher had seen Tom bring his knife to school two days before the fight, but he did not ask Tom about it.

Does this affect your view about Tom's punishment? If so, how? Change your draft law if necessary.

The students appoint spokespersons for their groups, who then present their draft laws to the class. It may be expected that they all will be aware of the dilemmas involving conflicting objectives and principles of justice such as the following.

- How do we show that society disapproves of such behaviour?
- How do we make sure that school is a place where violence is banned?
- How harshly must we punish someone like Tom to discourage others, such as Leonard's gang, from also using knives?
- Tom's behaviour is a cry for help and he could not choose the family in which he was raised. How can we help Tom so that he feels happier and has no need to fight with knives in future?

The teacher can sum up this discussion up by linking these questions to the three principles of retribution, deterrence and rehabilitation. By referring to the Children's Rights Convention, the teacher can propose that priority to be given to rehabilitation.

If time allows and the students are interested, this issue can be taken further. If they disagree on the question of how to balance the different principles of punishment, this debate should be continued. If they agree on the principle of rehabilitation, they can study how the law in their country takes the three principles of retribution, deterrence and rehabilitation into account.

Lesson 4**Rules of evidence****What evidence should count in a court of law?**

Learning objective	To understand the rules of evidence in a court of law.
Student tasks	To consider the kind of evidence that should count in a court of law and the kind of evidence it would be wrong to use.
Resources	Discussion cards (student handout 8.2) for each group of 4-6 students.
Method	Small group work and class discussion.

Information box

One of the key elements in any system of criminal justice is a set of rules that determines what kinds of evidence should and should not be used in a court of law in order for a trial to be a fair one. For example, is it fair to use “hearsay” evidence (that is, evidence not directly experienced by a witness but reported to them by someone else), evidence obtained as a result of torture or the threat of violence or evidence obtained through “leading questions”, that is, questions which put words into a witness’s mouth?

The lesson

The teacher begins the lesson by presenting the following provision from the ECHR (1950), both orally and in written form on the blackboard or a flip chart:

“Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.”

European Convention of Human Rights (1950), Article 6, No. 2

The teacher invites the students to explain this provision. The teacher may add the category of initial presumption of innocence. The students should understand the importance of this principle for a fair trial, and should learn that an accused person may only be convicted if sufficient evidence has been given to prove his or her guilt. In this lesson, the students will look at rules of evidence in a court of law.

The students should form groups of 4-6.

The teacher then tells the groups about a criminal trial that is taking place. It concerns a young man called Manuel, who is accused of stealing a car belonging to a Mr Kay. The car disappeared from outside Mr Kay’s house late one evening and was discovered abandoned outside the village next morning. It had been doused in petrol and set on fire. Manuel was arrested by the police later in the week and charged with theft and criminal damage.

The teacher then gives each of the groups a set of discussion cards. Each of the cards contains a piece of evidence that the prosecution is using in court to try to prove that Manuel is guilty.

The teacher asks the groups to:

- put the pieces of evidence in order – from strongest to weakest;
- decide whether any pieces of evidence should be ruled out all together because either they are irrelevant or unfair.

The groups present their ideas to the rest of the class and try to agree on those pieces of evidence that should be accepted and those that should be ruled out altogether.

The teacher asks the students to return to their groups and consider:

- What questions would you like the court to put to these witnesses or to Manuel now? Why?
- Are there any kinds of question that it would be unfair for the court to ask them? If so, what kinds and why?

The groups present their ideas and the class, working collectively, tries to draw up lists of types of evidence and types of questions that they think it would be wrong to use in a court of law.

If time allows, this lesson can lead to a research task. For homework, the students are asked to research the rules of evidence that apply in criminal trials in their country and present their findings to the class in the next lesson.

Student handout 8.1

A questionnaire: at what age?

At what age does the law in your country allow young people to:

1. Have a driving licence?
2. Get married?
3. Vote in elections?
4. Join the army?
5. Pay tax?
6. Stand for political office?
7. Be put in prison?
8. Leave school?
9. Adopt a child?

Student handout 8.2

Discussion cards

<p>A police officer tells the court that Manuel confessed he had stolen the car when he was being questioned at the police station.</p>	<p>A young man tells the court that Manuel is always bragging about stealing cars.</p>
<p>A young girl tells the court that she overheard a friend of hers talking to Manuel on his mobile phone. Her friend was talking to Manuel about stealing Mr Kay's car.</p>	<p>Mr Kay tells the court that he thinks Manuel must be the chief suspect as he had borne a grudge against the Kay family ever since Mr Kay stopped Stefan from seeing his daughter.</p>
<p>One of Manuel's teachers tells the court how he caught Stefan stealing from school several times when he was at school.</p>	<p>Manuel has no one to back up his alibi that he was alone at home on the evening the car was stolen.</p>
<p>When asked by the prosecutor, "Did you see a young man like Manuel driving away the car that evening?", a neighbour of the Kay's told the court, "Yes, I did."</p>	

8.1 Background information for teachers

Integration, not criminalisation

Thomas Hammarberg, Commissioner for Human Rights, Council of Europe

In most European countries, teenagers are not dominant in the overall crime statistics. Also, juvenile crime rates remain more or less stable from year to year across our continent.

This does not mean that the problem is insignificant. A worrying trend reported from several countries is that some crimes committed by young offenders have become more violent or otherwise more serious. This is a warning signal in itself. (...).

There are two different trends for the moment in Europe. One is to reduce the age of criminal responsibility and to lock up more children at younger ages. The other trend is – in the spirit of the UN Convention on the Rights of the Child – to avoid criminalisation and to seek family-based or other social alternatives to imprisonment.

I am going to argue for the second approach. In that I am supported not only by the UN Convention but also by the European Network of Children's Ombudspersons. In a statement [in] 2003 no less than 21 national ombudspersons stressed that children in conflict with the law are first and foremost children who still have human rights.

They proposed that the age of criminal responsibility should not be lowered but raised – with the aim of progressively reaching 18 – and that innovative systems of responding to juvenile offenders below that age should be tried with a genuine focus on their education, reintegration and rehabilitation.

The Convention of the Rights of the Child – ratified by all European states – asks governments to establish a minimum age below which children shall be presumed not to have the capacity to infringe the penal law. The treaty does not spell out at which precise age the line should be drawn. However, the Committee monitoring the implementation of the Convention has expressed concern about the low age in several countries. In most European states, children are held criminally responsible between 12 and 15 or 16, but there are also examples of age limits as low as seven, eight and 10.

Though the message of the Convention on the Rights of the Child is that criminalisation of children should be avoided, this does not mean that young offenders should be treated as if they have no responsibility. On the contrary, it is important that young offenders are held responsible for their actions and, for instance, take part in repairing the damage that they have caused.

The question is what kind of mechanism should replace the ordinary criminal justice system in such cases. The procedures should recognise the damage to the victims and it should make the young offender understand that the deed was not acceptable. Such a separate juvenile mechanism should aim at recognition of guilt and sanctions which rehabilitate.

It is in the sanction process that we find the difference to an ordinary criminal procedure. In juvenile justice there should be no retribution. The intention is to establish responsibility and, at the same time, to promote reintegration. The young offender should learn the lesson and never repeat the wrongdoing.

This is not easy in reality. It requires innovative and effective community sanctions. In principle, the offender's parents or other legal guardian should be involved, unless this is deemed counter-productive for the rehabilitation of the child. Whatever the process, there should be a possibility for the child to challenge the accusations and even appeal.

An interesting procedure for "settlements" has been introduced in Slovenia. There, a case of an accused juvenile can be referred to a mediator if this is agreed by the prosecutor, the victim and

the accused. The mediator then seeks to reach a settlement which would be satisfactory to both the victim and the accused and a trial can thereby be avoided.

One aspect should be further stressed: the importance of a prompt response to the wrongdoing. Delayed procedures – which [are] a problem in several European countries today – are particularly unfortunate when it comes to young offenders whose bad actions should be seen as a cry for immediate help. (...)

Thomas Hammarberg, Commissioner for Human Rights, Council of Europe, excerpt from “The human rights dimension of juvenile justice”, a presentation given at the Conference of Prosecutors General of Europe, Moscow, 5-6 July 2006. Source: <http://www.coe.int/t/commissioner/>

8.2 Background information for teachers

Convention on the Rights of the Child

Adopted by the General Assembly of the United Nations on 20 November 1989

“Article 37

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child’s best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
- (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.”

“Article 40

- (...) 3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:
 - (a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;
 - (b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.
- 4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.”

Source: Rolf Gollob/Peter Krapf: *Exploring children’s rights. Lesson sequences for primary schools.* EDC/HRE, Vol. V, Strasbourg 2007, pp. 77ff.

For further reading: Cyndi Banks, *Criminal justice ethics*, Thousand Oaks, 2004. A PDF version of Chapter 5, The Purpose of Criminal Punishment, is available at <http://www.sagepub.com>.

UNIT 9

Government and politics

How should society be governed?



9.1. Who is in charge?

What is the best way to govern a country?

9.2. If you were the president

What is government for?

9.3. Me and my role

What should a country expect of its citizens?

9.4. Student parliament

How should schools be governed?

UNIT 9: Government and politics

How should society be governed?

Politics is the process by which a society of people with different opinions and interests reaches collective decisions about the way their life together should be organised. It involves persuasion and negotiation, and some kind of mechanism for reaching a final decision, such as voting. It involves power and authority, and an element of coercion – if only to ensure that collective decisions are made binding on the group as a whole.

Politics is defined, therefore, in terms of the institutions of a state and the relation between a state and its citizens. This relation takes different forms under different types of political system, for example monarchies, democracies and totalitarian regimes.

In a democracy, citizens enjoy political equality. Collective decisions are made in terms of some form of majority voting, either by the citizens themselves or by their elected representatives. But democratic politics is not just about voting. It is also about discussion and debate, and opportunities for citizens to make their voices heard on issues of public importance.

An important question in a democracy is the proper function of the institutions of state and the corresponding duties of citizens. Another is the extent to which individual institutions within a democracy should be governed democratically (schools, for example).

Learning for Education for Democratic Citizenship and Human Rights

Through this series of lessons students will:

- develop an understanding of different forms of government and their implications for citizens;
- have a greater understanding of the responsibilities and functions of government, and the corresponding duties of citizens;
- become more familiar with democratic processes;
- find out more about the political system in their country.

The reader will notice that in the following lesson plans a piece of homework is suggested that will support the students' learning and understanding. Ideally, the following lessons should then begin with an input by the students. This takes time and often gives rise to questions in class, showing the need for repetition or explanation, or spontaneous discussions may be triggered off. It is for the teacher to decide whether the time budget allows an additional lesson to be added to the unit to account for the students' learning needs and interests. Obviously, there are limits to extending a unit, so alternatives are necessary. If the time budget is limited, the teacher could collect some or all written pieces of work and give feedback or, in some cases, also mark the students' work. The students may also hand in their work voluntarily. Finally, homework may serve as repetition or follow-up to prepare for a test. As a matter of principle, the teacher should always consider the function of the students' homework and decide whether to integrate it in his/her future lesson planning and if so, how.

An example of this kind of planning is discussed in the description of the fourth lesson.

UNIT 9: Government and politics

How should society be governed?

Lesson title	Objectives	Student tasks	Resources	Method
Lesson 1: Who is in charge?	The students learn about different forms of government, e.g. democracy and dictatorship.	The students reflect upon the fairness of the system of government in place in an imaginary society.	Copies of student handout 9.1 for each student, paper and pens.	Story, pair work, whole class discussion, formal debate.
Lesson 2: If you were the president	The students can explain the functions and responsibilities of government.	The students imagine that they form a government and have to decide how government money should be spent. They consider the sort of social ideals they would like to achieve.	A large piece of paper, marker pens and prompt sheet for each group of 4-6 students.	Posters, presentations, small group work and whole class discussion.
Lesson 3: Me and my role	The students learn about the duties of citizens in a democratic society.	The students consider the kinds of responsibilities that citizens have and how they can be encouraged to take their responsibilities more seriously.	Set of discussion cards (student handout 9.2), large piece of paper and marker pens for each group of 4-6 students.	Presentations, small group work and whole class discussion.
Lesson 4: Student parliament	The students can define criteria relating to how school should be governed and the role of the student body in this process.	The students consider how their ideal student parliament would work.	A questionnaire for each student (student handout 9.3) and a large piece of paper and marker pens for each group of 4-6 students.	Presentations, individual, small group and whole class discussion.

Lesson 1**Who is in charge?****What is the best way to govern a country?**

Learning objective	The students learn about different forms of government, e.g. democracy and dictatorship.
Student tasks	The students reflect upon the fairness of the system of government in place in an imaginary society.
Resources	Copies of student handout 9.1 for each student, paper and pens.
Method	Story, pair work, whole class discussion, formal debate.

Conceptual learning

Forms of government can be classified in different ways, for example, in terms of who holds power, how power is conferred on people, where sovereignty lies and how rule is enforced. In practice, the principal types are: democracy, monarchy, theocracy and tyranny or dictatorship. These should be thought of as “ideal types”, because in reality they can co-exist in the same country – for example, a parliamentary democracy may contain within it elements of dictatorship or may co-exist with a ruling royal family.

The lesson

The teacher begins the lesson by reading the story, “The Kingdom of Sikkal” (student handout 9.1). The students should each have their own copy of the story, so they can follow it whilst the teacher is reading.

The teacher should stop reading part way through the story and ask:

- What do you think of life in Sikkal from what you have heard so far?

At the end of the story, the teacher should ask:

- What do you think of life in Sikkal now?

The teacher divides the students into pairs and asks them to reflect upon the quality of life in Sikkal. Students are given a piece of paper on which they should write down what they think are the advantages and disadvantages of living in Sikkal.

The teacher asks the pairs to present their ideas to the class as a whole and writes up the main points for all to see.

Then the teacher asks the class as a whole to reflect on the way that Sikkal is governed:

- Do you think Sikkal is run in a fair way? Why or why not?
- If you think it could be run in a fairer way, what sort of things would you need to change for it to be fairer?

Next the teacher asks the class to imagine that they are inhabitants of Sikkal. The class is divided into two large groups for a debate: one group is asked to argue in favour of the country continuing to be run by the king; the other group is asked to argue that every inhabitant – not just the king – should have a say in the running of the country. The teacher gives the groups a few minutes to think of and write down arguments they can use in the debate. The two different groups are seated facing each other on opposite sides of the classroom and the debate begins. Students from each side take it in turns to express their views – perhaps aided by a “talking stick”, that is, a stick used as a microphone.

The teacher asks the students to give their opinions on which of the two sides had the best arguments.

The students are now ready for a brief explanation (inductive approach). The teacher writes down the names of five types of government and explains how they are different, referring to the students’ inputs where possible:

- monarchy;
- democracy;
- dictatorship;
- theocracy;
- anarchy.

The lesson ends by asking the students about the system of government in their country. For homework, the students are asked to find out more about this and to formulate a quiz – of 5-10 questions – to test the knowledge of the rest of the class in the next lesson.

Lesson 2

If you were the president

What is government for?

Learning objective	The students can explain the functions and responsibilities of government.
Student tasks	The students imagine that they form a government and have to decide how government money should be spent. They consider the sort of social ideals they would like to achieve.
Resources	A large piece of paper, marker pens and a prompt sheet for each group of 4-6 students.
Method	Posters, presentations, small group work and whole class discussion.

Conceptual learning

The duty of the government in a democratic society is to promote the common good. This is more than the good of the majority. It is what is of ultimate benefit to all members of the society. What this means in practice is often the subject of debate. A number of different – sometimes conflicting – social ideals have been suggested, such as welfare, security, justice, social harmony, human rights or prosperity. Prioritising these in actual spending plans can be difficult, especially as the resources available to a government are always limited.

The lesson

The teacher begins the lesson by dividing students into groups of 4-6 and giving each group a large piece of paper and marker pens.

The teacher asks the groups to imagine that they are living at some point in the future and find they have been put in charge of running the country – in other words, they are the government. As the government, they have \$6 billion to spend. The teacher may adapt this figure to the annual budget of the government of the country.

The task for the groups is to decide how they will spend this money over the coming year. Using the paper and marker pens, each group creates a poster explaining how, as the government, it will spend its money and then gives a presentation setting out its ideas to the rest of the class. At the end of each presentation, the other students are given an opportunity to question the group about its spending plans.

The teacher also questions the groups as a way of introducing new information about the economy and the way that governments function, for example:

- Have you thought about using some of the money to pay off foreign debt?
- Should you use some of that money to create jobs?
- How important is it for a government to spend money on education?

Then the teacher works with the class as a whole to draw up a list, visible to everyone, of all the things they think a government should spend money on.

Next, the teacher asks the students to return to their groups and gives each group a prompt sheet containing a list of the kind of social ideals that a government of a democratic society might be trying to achieve, for example:

- welfare;
- security;
- justice;
- social harmony;
- human rights;
- prosperity.

The groups have to try to match the ideals on the list to the areas of spending they have already outlined by considering which of the ideals are achieved by each of their spending headings.

The teacher asks the groups to present their ideas to the class as a whole and finishes the lesson by asking all the students in turn:

- What do you think is the most important responsibility a government is meant to carry out?

For homework, the teacher asks the students to find out some of the ways in which government money in their country is spent. They might do this by watching TV or looking at a newspaper. The students present what they have found out at the beginning of the next lesson and consider whether their own priorities would be the same.

Lesson 3

Me and my role

What should a country expect of its citizens?

Learning objective	The students learn about the duties of citizens in a democratic society.
Student tasks	The students consider the kinds of responsibilities that citizens have and how they can be encouraged to take their responsibilities more seriously.
Resources	Set of discussion cards (student handout 9.2), large piece of paper and marker pens for each group of 4-6 students.
Method	Presentations, small group work and whole class discussion.

Information box

Citizens in a democratic society should expect to be granted certain rights such as civil rights, political rights, social rights, cultural rights and environmental rights. What these rights should be is a matter of debate. So is the question of the responsibilities that go with these rights. Some people think that citizens should just have one responsibility – to obey the law. Others think that society requires citizens to have a much wider range of responsibilities.

The lesson

The teacher begins the lesson by dividing the students into groups of 4-6 and giving each group a set of discussion cards (student handout 9.2). Each of the cards contains a suggested citizen's duty.

The teacher asks the groups to sort out the cards into three categories – depending on whether they think the suggested duty on the card should apply to:

1. ALL citizens;
2. SOME citizens; or
3. NO citizens.

The teacher asks the students to present their decisions to the class as a whole and to explain the thinking behind them.

The students return to their groups and are given large pieces of paper and marker pens. The teacher tells the groups that their task is to draw up a “citizens’ charter”. They should divide up their large piece of paper into two columns. In the first column they should write what they think every citizen in their country should be able to expect from their country (under the heading “RIGHTS”), and in the second, what citizens should be expected to do in return for this (under the heading “RESPONSIBILITIES”).

When they have finished, the groups should present their ideas to the rest of the class, and give the other students an opportunity to question them about their work.

Finally, the teacher should ask the class as a whole:

- Do you think the citizens in your country always carry out their responsibilities as citizens as they should? Why or why not?
- What sorts of things do you think could be done to encourage people to take their responsibilities as citizens more seriously?
- Do you think that citizens should have some of their rights taken away if they do not carry out their responsibilities as citizens properly? Why or why not?

For homework, students should conduct a survey of family and friends, asking them what they think the responsibilities of a citizen should be. They should present their findings to their class at the beginning of the next lesson.

Lesson 4

Student parliament

How should schools be governed?

Learning objective	The students can define criteria relating to how school should be governed and the role of the student body in this process.
Student tasks	The students consider how their ideal student parliament would work.
Resources	A questionnaire for each student (student handout 9.3) and a large piece of paper and marker pens for each group of 4-6 students.
Method	Presentations, individual and small group work and whole class discussion.

Information box

Young people are citizens too. They have a right to have a say in things that affect them and their communities. This includes their school. Mechanisms that allow students to have a say in the running of their school not only help to ensure that young people enjoy this right, they also help them to learn about democratic processes. What these mechanisms might be is a matter for debate, however. Some people think that it is important for every school to have its own separate student parliament, others say that this is not necessary and that there are other ways of creating opportunities for students to contribute to the running of their school.

The lesson should begin with the students' inputs that they have prepared as homework. Depending on the richness of their material and the need for discussion, the time budget may need to be extended by a further lesson. As there are limits to this option, the teacher may also collect the students' work and give them written feedback. The teacher should make sure, however, that the students' work is given attention.

The lesson

The students begin the lesson by presenting the results of their surveys showing what their families and friends think about the responsibilities of a citizen. The students discuss their results.

The teacher introduces the new topic by referring to the students' material, as appropriate, and by asking students how well they think their school council or student parliament is working. If there is no form of student representation in the school at present, the teacher should ask the students if they know of any schools that have this and, if so, what form it takes.

The teacher tells the students that their task is to imagine the ideal student parliament – that is, a group of democratically elected students representing the interests of the student body in their school as a whole.

The teacher then gives out a questionnaire (student handout 9.3) which students fill in by themselves.

The teacher then divides up the students into groups of 4-6. The students in the groups have some time to compare their answers to the questionnaire and to ask each other further questions. Next, the teacher gives each group a large piece of paper and some marker pens. The task for the groups is to draw up a constitution for their ideal student parliament. The teacher should explain what a constitution is, and give some examples of the kinds of rules they might expect to find in the constitution of a student parliament.

When the groups have finished, they present their work to the rest of the class and consider the issues raised, for example:

- How much power should students have and how much should the school principal and the teachers have?
- Who should have the last word in decisions that affect the running of a school?
- Can a school be a democracy?

Finally, the students should make a class presentation to the school principal and, if they wish, make some concrete proposals for their own school parliament.

For homework, students should carry out a survey of family and friends, asking them:

- Do you think every school in the country should have a student parliament?
Why (or why not)?

The students should present the results of their survey at the beginning of the next lesson.

Student handout 9.1

The Kingdom of Sikkal

Sikkal is a country situated high in the mountains. For centuries it has had little contact with the rest of the world.

Although Sikkal is only a tiny kingdom, it has attracted a lot of interest lately. This is mainly because of the unusual way in which society is organised there.

To begin with, no one in Sikkal ever goes hungry. The Sikkalese people produce all their own food and it is shared out to whoever needs it. A house is provided rent-free for every family. The size of the house depends on the number of people in the family. Fuel for heating and cooking is provided free of charge, as is a regular repair service. Should anyone ever fall sick, a doctor is always at hand. Everyone is given a free medical check-up every six months and care-workers make regular visits to old people, families with young children and anyone else who needs extra attention.

In Sikkal the good things in life are available to all. Each family is given a book of vouchers which they exchange each year for different luxury items, such as scent, furniture or spices. The vouchers can be traded in right away or saved up over a period of time for something special.

How have the people of Sikkal been able to organise all these things? As far back as anyone can remember, Sikkal has been ruled by a royal family. The present ruler is King Sik III. He decides on the number of workers needed for each kind of work, such as growing food, building houses or medical care. The people who do these jobs are selected at five years of age and sent to special schools for training. Farmers are sent to agricultural school, house-builders to technical school, health-workers to medical school, and so on. Everyone else of working age is employed by King Sik in one of his royal palaces.

The most amazing thing about Sikkal is that there is no such thing as money. No one needs to be paid because everyone already has everything they need!

You may be asking yourself whether anyone in Sikkal ever complains about these arrangements. In fact, this very rarely happens. The few people that do complain are looked after in secure mental hospitals. After all, you would have to be mad to complain about life in a society like this, wouldn't you?

Student handout 9.2**Discussion cards**

Pay taxes	Be a member of a political party
Fight to defend your country	Vote in elections
Report crime to the police	Support your family
Obey the law	Help your neighbours
Speak up for your country when it is criticised	Something else... ?

In your ideal student parliament:

1. How many student representatives would there be?
2. How exactly would the representatives be chosen?
3. How often would the student parliament meet?
4. Where would the student parliament meet?
5. How, if at all, would teachers or parents be involved?
6. What issues would the student parliament be allowed to discuss, and what issues would it not be allowed to discuss?
7. What kind of decisions would the student parliament be allowed to make, and what decisions would it not be allowed to make?