

Date Reviewed

December 2020

Course

[Explorations in Social Studies 11](#)

Topic

Legitimacy of the State

Big Idea

Examining questions in philosophy allows people to question their assumptions and better understand their own beliefs. (from Philosophy 12)

Essential Question

What makes a law legitimate? Is it every okay to disobey the law?

Learning Standards**Content:**

Students are expected to know the following:

- fundamental nature of knowledge, existence, and reality (adapted from Philosophy 12)

Curricular Competencies

Students are expected to be able to do the following:

- Make reasoned ethical judgments about people, places, events, phenomena, ideas, or developments and determine appropriate ways to respond (ethical judgment)

Core Competencies

[Communication](#) – I can discuss the basis of law and the state in our democratic society

[Thinking](#) – What factors would I consider when obeying/ignoring an existing law?

[Personal and Social](#) – I have a personal understanding of my rights and obligations as a citizen of a democratic society.

First People's Principles of Learning

Learning involves generational roles and responsibilities.

Introduction

- [Think Pair Share](#)
 - What life would be like without laws or police or courts?
 - Why is it illegal for teenagers to Drink? Drive? Smoke? Get married?
 - Why must we obey laws?
 - When is it acceptable (or even laudable?) to disobey the state?

Pre-Assessment

[Carousel Activity](#)

- Post around the room “Quotations about Government, the State, and Democracy”:
 - Giving every man a vote has no more made men wise and free than Christianity has made them good. - H.L. Mencken
 - The government, which was designed for the people, has got into the hands of the bosses and their employers, the special interests. An invisible empire has been set up above the forms of democracy.
- Woodrow Wilson
 - A government that is big enough to give you all you want is big enough to take it all away. - Barry Goldwater
 - The oppressed are allowed once every few years to decide which particular representatives of the oppressing class are to represent and repress them. - Karl Marx
- Have students work in groups to analyze and comment on these quotations.

Interactive Learning Activities

Part 1: [The State](#)

- Play a round or two of Musical Chairs.
- After order is restored, suggest life without the State would be like a game of Musical Chairs: “Nasty, Brutish and Short”. (Hobbes)
- Show the slideshow “The State”. Use the questions and talking points in the notes of the slides to engage students in discussion.
- Have students consider the balance of freedom with equality and security. Ask: If there were no laws or government and people had the freedom to do whatever they wanted, would society be fair and safe? Who would benefit from absolute freedom? Who would be vulnerable and lose out?

Part 2: Types of Government

- Review “Types of Government” and engage students in a discussion of the pros and cons of each type of government.
- Organize students in pairs or triads and provide each with a copy of the “Democracy Ranking Chart”. After students have had time to complete their rankings, have students share their rankings. Where groups disagree, facilitate a conversation about the criteria for being considered democratic.

Part 3: Rules for Society

- Organize students in groups of 5 or 6 and provide each group with a copy of the “Desert Island Activity”. Have each group imagine that they are on a deserted island and they are tasked with creating a list of basic rules for their island society.

- Afterwards, have groups share their rules.
- Debrief activity by drawing attention to areas of similarity and difference. Point out which groups chose democracy and which chose other forms of government. What are the benefits and problems of each?

Part 4: The Social Contract

- Show the slideshow “The Social Contract”
- Point out that the social contract is a useful fiction because it shows how a state could have started, and if it could have been created in a moral way (fair, consensus) it gives the state its moral justification. It claims to be the kind of state you would have chosen in the first place, were you there at the beginning. The social contract tells us that the existence of the state is justified but also tells us what that the democratic state is the ideal.

Post-Assessment

- Have students reflect on the following questions in a written response:
 - Explain the basis of law and the state in our democratic society
 - What factors would you consider when deciding whether to obey or criticize an existing law?
 - What are your rights and obligations as a citizen of a democratic society?
 - If you were creating a new state from scratch what laws would you put in place? Why should people agree to obey them?

Extension Activities

- Have students write a class constitution that will govern how they and the teacher will conduct themselves. Students will decide the content of this constitution by establishing a social contract.
- The first step is for students to answer the following questions which will form the basis of the class constitution:
 - My favorite teacher always used to...
 - I believe that as a student I am responsible for...
 - I don't like it when other students in my class...
 - I would like you to know that...
- Collate the responses by grouping together similar answers and noting how many times students give the same or similar responses. For example, a student's comment that expresses a dislike for others talking out of turn would be placed under the general heading of respect.
- Organize students into groups of 4 or 5 and distribute the collated responses to the questions. Have each group create a document that organizes their rules into three categories of rights and obligations:
 - the teacher
 - the citizen-student
 - the civil classroom
- Each team must negotiate and to reach consensus on their top three rules for each category.
- Reconvene the entire class and invite each group to report on its choices. At this stage, the students should critique each proposed rule. As they negotiate the articles of their constitution, the following problems inevitably arise and must be addressed:

- How many rules should each article have?
- Should rules be chosen by a simple majority, a two-thirds majority, or unanimity?
- Does majority rule quash minority rights?
- Who's going to enforce the rules?
- Can the constitution be amended later in the class?
- Students generally have strong opinions on all these matters, and they often will be willing to try to convince each other of their positions. Remind them that everyone, including the teacher, will have to live with the rules they choose.
- Hold a constitutional convention in which students will ratify their constitution.

Additional References

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Materials and Resources

Giving every man a vote has no more made men wise and free than Christianity has made them good. - H.L. Mencken

The government, which was designed for the people, has got into the hands of the bosses and their employers, the special interests. An invisible empire has been set up above the forms of democracy. - Woodrow Wilson

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Types of Government

Directions: Consider the pros and cons of each of the following types of government.

- **Democracy** is a form of government in which all eligible citizens have an equal say in the decisions that affect their lives. Democracy allows people to participate—either directly or through elected representatives—in the proposal development, and creation of laws. It encompasses social, economic and cultural conditions that enable the free and equal practice of political self-determination.
- **Monarchy** is a form of government in a state is ruled by an individual who typically inherits the throne by birth and rules for life or until abdication.
- **Theocracy** is a form of government in which official policy is governed by immediate divine guidance or by officials who are regarded as divinely guided, or is pursuant to the doctrine of a particular religion or religious group. Theocracy essentially means rule by a church; a state in which God himself is the theoretical “head of the state”.
- **Consensus** governments generally have no political parties. The decision-making structure takes into account a broad range of opinions. In Canada, the Northwest Territories and Nunavut have consensus-style governments.
- **Anarchy** is a belief system that rejects governmental authority in favor of self-governing or community consensus. It is a political philosophy in opposition to the rule of government and the establishment of hierarchies.

	Pros	Cons
Democracy		
Monarchy		
Theocracy		
Consensus		
Anarchy		

Democracy Ranking Chart

Instructions: The following countries are not real, but they are based on real countries in the world. Read the descriptions of each using highlighters of two different colours. When you read something that makes the country seem more democratic, shade it one colour. When you read something that makes a country seem less democratic, shade it a different colour. Share your colouring with a partner and work together to fill out the following table. Rank the seven countries from “Most Democratic” to “Least Democratic”. Give reasons for your rankings.

Rank	Country	Reasons for ranking
Most Democratic 1		
2		
3		
4		
5		
6		
7 Least Democratic		

Sulisia

This country has been ruled for 62 years by only two leaders – the original “Excellent Leader” for 40 years, and his son “Super Leader” for the last 22 years. There are no elections of any sort for any level of government. The country is extremely isolated, with only one television station that broadcasts government propaganda and no Internet access for the population. Few foreigners are ever allowed to visit. Anyone expressing any concern about the government can expect a long prison sentence doing hard labour.

Polarania

This country was one of the first in the world to allow women to vote, in 1905, and currently has both a female president and a government with equal numbers of male and female elected members. The only people restricted from voting are residents who do not have citizenship and criminals serving sentences in jail. Elections are seen as fair and free, and there are a wide variety of political parties. At election time, on average 78% of eligible voters cast a ballot. Recent polls show that the majority of citizens have high confidence in government.

Nanistan

This country was formed 60 years ago. There are four major political parties that compete for power in elections every four years. 60 of 450 seats in the parliament are reserved for women. Election campaigns are exciting but can be dangerous, with at times violent demonstrations between supporters of different parties. The military has carried out coups d’etat against prime ministers that they have not liked several times over the last two decades. After seizing power, the military allows elected politicians to take over again after a period of months or years. A popular former prime minister was assassinated during the last election, perhaps by the military.

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North Dominiona

This country has a system of elections that is respected around the world for being fair and free. The constitution protects the right of all citizens over 18 to vote, including criminals in jails. While everyone has the right to vote, the percentage of people who actually vote is about 60%. Only 30% of youth aged 18-24 voted in the last election. 22% of elected members to the government are women. Opinion polls show that citizens have a high level of trust in their government.

Hengary

This highly-populated country allows all citizens over age 18 to vote. As a good percentage of the population cannot read or write and as it is hard for the government to keep an accurate list of voters, there have been some concerns about cheating in elections in some parts of the country. The overall outcome of the elections seems fair, however. One continuing problem is with corruption. Politicians and government workers regularly accept bribes from citizens who want the help of government.

Tarvu

This large country has been ruled by the leaders of just one political party since a revolution decades ago. Other political parties are not allowed to exist. The only elections are for village councils. In these elections, all the candidates are from the same party and are screened ahead of time by party leaders. People in this country are quite free to travel, start businesses, become educated and can access the Internet and satellite TV. The government blocks certain Internet sites. People are not allowed to protest against the government. If they do, they will be arrested or could face violence from police.

Jarrar

This country has only one official religion, and the religious leaders in that country have ultimate power over the government. While there are political parties and elections, the religious leaders choose who will be allowed to run for president. If the people are set to elect someone who is not the favorite choice of the religious leaders, these religious leaders falsify the election results to have it turn out the way they want. Women are highly educated in this country and are allowed to vote and be elected as politicians but they are not allowed to be judges. It can be very dangerous to be a journalist here. Journalists who have openly criticized the government have been arrested, with a few being beaten to death in jail, likely under government orders.

Desert Island Activity

Instructions: Pretend we've all been marooned on a desert island for the rest of our lives. How will decisions be made and what type of government, if any, would you like to create? Come to consensus on some basic rules:

<p>How should decisions be made on the island: how do you find/build shelter, how do you gather food?</p>	
<p>What if there are mean, weak, and/or skilled/smart people in your group? How do we treat them?</p>	
<p>What if someone takes something from another person? How are people protected? Is it every person for him or herself, or does someone watch out for others?</p>	
<p>Do you need a government for your island? Why?</p>	
<p>What will happen if no one is responsible for decision making?</p>	
<p>What traits or characteristics of basic human nature do you need to think about in organizing how your island will be run? In other words, are humans basically good or evil?</p>	
<p>What form of government would you select for your island? Why?</p>	