

Must we always obey the law?

The law has been internationally recognised as a legitimate authority and as a prerequisite for a functioning society and democracy. The lack of law invokes chaos and anarchy, allowing those who intend to inflict harm on another to run rampant. However, the law can repress freedom of expression and the right to protest, bringing into question whether acts are created in the best interest of the country or the state. Can the law's claim of authority be justified in a society characterised by stringent and, at times, immoral legislation? And if that's the case, does justified legal authority necessitate a duty to obey said legislation? (Dempsey, n.d).

What is the law? The law, in its most general and comprehensive sense, is "a set of rules that are created and are enforceable by social or governmental institutions to regulate behaviour." Most people obey the law, not because they agree with it, but because they are afraid of the consequences that will follow. Socrates, however, believed that because the state had made his entire way of life and existence possible, he should obey its laws. The state has allowed you to marry whoever you want, provided you are both of legal age, and birth children who will receive education and healthcare provided by said state. Therefore, to thank the state, you should obey its laws. Philosophers concerned with deontological ethics, such as Immanuel Kant, argue that obeying the law is an inherently moral act. Climate activists would argue that breaking the law to protest climate change is both justified and morally acceptable, arguing that an attempt to save the planet transcends the law. This essay will discuss what it means to be politically obligated, what civil disobedience is, in what cases it is justifiable to break the law, and present theories by philosophers.

Socrates, credited as the founder of Western philosophy, believed his extended residence in Athens demonstrated his agreement with the city's laws and his commitment to upholding them. This is seen as the "consent theory" of political obligation, which is the capacity of individuals to make free choices based on their will. His second argument is that he owes his birth, nurture, and education,

among others, to the laws of Athens. (Dagger and Lefkowitz, 2014). Therefore, according to the consent theory, the authority of the state to rule and our duty to obey are a result of giving our consent to be ruled like this. You gave your consent, and thus your political obligation, by agreeing to obey the law and support the state. However, this theory is inherently flawed because what counts as consent? John Locke took a unique approach to what counts as consent. He believed that consent is not just express consent but also includes tacit consent, an indirect way from which political obligation can be derived. (Franklin, 1996). John Simmons summarises Locke's assessment of actions that appear to suggest express consent: "First, there are promises; second, there are written contracts; and third, there are acts of consent, which are essentially authorizations of the actions of others." (Simmons, 1976). According to Simmons, tacit consent occurs "when it is given by remaining silent and inactive; it is not express or explicit, it is not given directly or distinctly expressed by action; rather, it is expressed by the failure to do certain things." (Ibid). According to Locke, whether consent is given explicitly or implicitly, the individual who consents has a political obligation to the state in which they reside. (Fritz, n.d). Thus, based on political obligation and Locke's theory, we must always obey the law, no matter what the law is, because the state has permitted our existence, and having a child is an acknowledgement that the state has permitted our existence.

From the fight for women's suffrage in the UK to the Boston Tea Party, civil disobedience has often played a pivotal role in bending the arc of the moral universe towards justice. The definition of civil disobedience is widely accepted as being "a public, non-violent and conscientious breach of law undertaken with the aim of bringing about a change in laws or government policies" (Rawls, 1971). Those who take part in civil obedience have general respect for the regime, and it is not viewed as revolutionary action or militant protest. For an act to be considered civilly disobedient, it must involve an infringement of the law. Rosa Parks is a well-known example of civil disobedience. She directly broke the law she opposed by violating the city ordinance that required African Americans to occupy the back seats of public buses and give up those seats to white passengers if the front of the bus

became full to capacity. Deontological ethics cannot be considered in this situation, and instead utilitarianism can be applied. Utilitarianism is "generally held to be the view that the morally right action is the action that produces the most good." (Driver, 2014). In Rosa Parks' situation, giving up her seat would not just be obeying the law but also allowing the Jim Crow South to endure. Her arrest was met with a 381-day boycott of the Montgomery bus system and the 1956 Supreme Court decision banning segregation on public transportation. By viewing the act of breaking the law as an inherently immoral act, we disregard the immorality of the law. This stifles progress and leads to stagnation, both of which are harmful to modern society. If it weren't for civil disobedience, as in Mahatma Gandhi's Salt March, which paved the way for Indian independence, or Nelson Mandela's fight against apartheid in South Africa, societies would be subject to outdated and harmful ideals for fear of being "immoral" by breaking the law.

Finally, aside from civil disobedience, there can be several cases in which it is justifiable to break the law. It can be considered justified to break the law if the law being broken is unjust and immoral. For instance, in Nazi Germany, those protecting Jewish people risked severe punishment if captured. Opposing Nazi law would, in this situation, be the only moral thing to do. It is only reasonable to assume that it is justified to break a law when said law violates more fundamental laws than human rights. Because legality does not always follow morality, people should challenge laws they deem unjust. The controversial Public Order Bill in the UK is seen as an attack on the right to protest, and the Joint Committee on Human Rights warned that the introduction of the bill risks creating a "hostile environment" for people exercising their fundamental rights. (Government creating hostile environment for peaceful protest, report finds, 2022). The bill is aimed at protestors who are determined to cause public disruption on a regular basis, and it strengthens police powers to respond to protests more effectively, and it strengthens police powers to respond to protests more effectively. In a country where protestors face increasingly stringent restrictions, it sends a hauntingly poignant message. Some of the measures in the bill have been rejected by the police, Home Office, and Her

Majesty's Inspectorate of Constabulary and Fire and Rescue Services for being incompatible with human rights. (Getting the balance right?, 2021). The bill is unlikely to be compliant with Article 10(1) of the Human Rights Act (1998), which stipulates "freedom to hold opinions and to receive and impart information and ideas without interference by public authority." and Article 11(1), which is freedom of assembly and association.

For that reason, it can be acceptable to disobey laws that, in effect, display a complete disregard for human rights. The Police Reform and Social Responsibility Act of 2011 and the Anti-social Behaviour, Crime and Policing Act that followed in 2014 introduced a "controlled area" around Parliament. The use of loudspeakers without permission is prohibited, and protestors must seek permission from the GLA to hold a demonstration on Parliament Square. In 2011, 10 people were arrested for protesting corporate greed without prior agreement in Parliament Square. As we are a country driven by capitalism and profit, questioning the human cost of financial injustice seems only fair. Therefore, breaking the law to demand an answer to the greed of a minority in support of the majority is surely morally correct. After all, capitalist greed has led to an increase in poverty and hunger, which is more immoral than any illegal protest ever could be.

To conclude, whilst the law remains a touchstone of a functioning society, there are many circumstances in which it cannot be deemed morally or ethically possible. Nevertheless, extent clearly matters; breaking the law to fulfil self-interest or to carry out abhorrent actions can never be justified, as the crimes are not committed for the greater good. Governments that actively prohibit protestors from demonstrating in a meaningful and effective way illustrate that the law is not something that should be blindly followed, but instead something to criticise and act upon if it is necessary. Hence, disobeying the law is justifiable only if it furthers the protection of democracy or will produce the greatest good for the greatest number.

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