

This article arose out of some work done with local teachers in connection with a project in environmental education.

Dr David Regis is a Research Fellow with the Schools Health Education Unit.

David Regis

Is it ever right to break the law?

A Greenpeace action is not just a demonstration — it is an affirmation of our values. We use boats, helicopters, inflatables and all the traditional forms of political protest. We block toxic outflow pipes, we scale chimneys, we put ourselves between the whalers and their quarry.

— *Greenpeace International*

When we see Greenpeace campaigners zip-ping about in a tiny inflatable boat between a whaling ship and its quarry, many of us may feel great sympathy for the campaigners and their cause. Among the range of environmental issues — bypass protests, fox-hunting, whaling, Sellafield, live animal exports, and so on — some of the most striking images we have are of the protests and often the illegal acts of civil disobedience that campaigners make. In fact, some acts of disobedience have been protesting about the very illegality of actions, in particular over the recent Criminal Justice Act. Direct action can undoubtedly create a powerful impression and arguably attract more public and media attention than marching or writing letters.

An honourable tradition?

Civil disobedience has a long tradition in this country and elsewhere, and many would say an honourable one — its role in the fight for women's suffrage is well-known, and non-violent direct action or *satyagraha* was a feature of Gandhi's campaigning*. On the other hand, we

*"The pursuit of truth does not admit of violence being inflicted on one's opponent, but ... he must be weaned from error by patience and sympathy." — Gandhi.

have heard noble motives ascribed to what many people would describe as a simple act of vandalism, for example, throwing stones through a shop window. One observer's symbolic act of resistance is another's mindless violence.

We have been much taxed by this issue of illegal acts of protest while assembling and developing materials for our environmental education project. For instance, it appears from the data shown in Teacher's Sheet 1 (Fig. 1) that 10-20% of pupils (more boys than girls) in Years 7-11 believe *it is acceptable to damage property in support of a cause you believe in.*

What cause?

However, although we asked this question in the context of a survey on environmental issues, the nature of the cause that might justify such an act was not defined. So we asked 45 pupils in Year 9 from a local school a series of open-ended questions about this issue.

We have found in our survey work that 10-20% of young people in school say that damaging property is acceptable to support a cause.

1. What sort of **property**, and what sort of **damage**, do you think they have in mind?
2. What sort of **causes** do you think they have in mind?
3. Do **you** think damaging property for a cause is acceptable? Please say **why** you think so.
4. Do you think **you** could be persuaded to damage property for a cause? Please could you say **what** might persuade you?
5. Are there any other comments you would like to make?

One observer's symbolic act of resistance is another's mindless violence.

Fig. 1. From *Teacher's Sheet 1*: the question, and the answers arising from it, to be used as the basis for discussion about civil disobedience in a 'good cause'.

19	It is acceptable to take the following actions to support a cause you believe in.								
		0 = Strongly disagree	1 = Disagree	2 = Not sure	3 = Agree	4 = Strongly agree			
19a	Writing letters, voting	0	1	2	3	4			
19b	Signing petitions	0	1	2	3	4			
19c	Being involved in protest marches and other non-violent action	0	1	2	3	4			
19d	Causing damage to property	0	1	2	3	4			
19e	Disrupting fox hunting	0	1	2	3	4			
19f	Disrupting fishing competitions	0	1	2	3	4			

Responses for all schools: % that answered AGREE or STRONGLY AGREE

19	It is acceptable to take the following actions to support a cause you believe in.	Year 7		Year 8		Year 9		Year 10		Year 11	
		B	G	B	G	B	G	B	G	B	G
19a	Writing letters, voting	62.5	65.5	57.6	71.4	66.7	78.9	75.6	85.1	79.5	80.6
19b	Signing petitions	55.6	57.5	62.4	76.5	67.6	93.9	83.2	90.9	80.8	90.3
19c	Protest marches/ non-violent action	43.1	47.8	41.6	55.5	3.7	66.7	60.3	67.8	60.3	66.7
19d	Causing damage to property	22.2	13.3	24.0	5.9	25.0	10.5	22.1	10.7	19.2	5.6
19e	Disrupting fox hunting	48.6	61.1	58.4	53.8	53.7	57.0	51.1	48.8	63.0	45.8
19f	Disrupting fishing competitions	29.9	36.3	26.4	31.1	25.0	30.7	23.7	23.1	19.2	26.4
	None of the above (or missing data)	16.0	13.3	7.2	5.0	4.6	4.4	4.6	3.3	9.6	5.6

Examining the answers to question 2 (*what sort of causes do you think they have in mind?*) revealed that this was quite a hard one for them. Several pupils said they didn't know, or gave some very general answer, e.g. *political cause*. The most common types of cause were *animal-related* (12 mentions) or *personal*, e.g. to get back at somebody (11 mentions). Others included *racial prejudice* (2) and *nuclear testing* (1).

When they responded to question 4 (*what might persuade you to damage property?*), about half the group could conceive of something that might persuade them to do so. Most common were *personal reasons* (7), e.g. if a person did something to one of their family. Five mentioned *animal-related* causes (one qualified a "rare creature").

Three thought they might succumb to *bullying or threats*; others mentioned the *excitement or adventure* (2). *Peer pressure* was clearly seen as a potent force in its own right by two pupils. One insisted that if they were going to damage

anything, it would be the property of "a Manchester United supporter".

An 'ethical framework'

In order to think about ethical issues of this sort many teachers have found Lawrence Kohlberg's framework useful. Kohlberg used moral dilemmas both to assess and to promote the level of children's ethical reasoning. We include a summary of the framework in Fig. 2, which formed Teacher's Sheet 2 in our draft resources for this topic.

The most familiar of his 'dilemmas' involves a choice between theft and the life of a spouse. (However, our experience suggests that in fact making the life at risk a spouse may be less interesting than making the person more removed — say, a neighbour.)

The question at stake in environmental activism is how to effect a particular change — in law of the land, in the policy of a company, or in the practice of other individuals. The dilemma lies perhaps in dealing with frustratingly

Level 1: Pre-conventional	
STAGE 1	<i>Heteronomous morality</i>
Reasoning	Good is seen as <i>what is rewarded, bad acts being punished</i> .
Examples	NO, I don't think he should steal. He could go to jail if he got caught. He shouldn't just steal. YES, he should steal it because if he lets his wife die they'll take it out on him.
STAGE 2	<i>Instrumentalism</i>
Reasoning	Good is seen as <i>what serves my interests</i> .
Examples	NO, he shouldn't if he thought that going to jail would do him more harm than saving his wife's life. YES, he should steal if he felt that his wife's life was worth more to him than the possibility of his going to jail.
Level 2: Conventional	
STAGE 3	<i>Interpersonal relationship and conformity</i>
Reasoning	Good is seen as <i>what is approved by significant others (trust, loyalty, role)</i> .
Examples	NO, because he would be ostracised if he was known as a thief. YES, he is still saving a person's life. People should try their best to keep other people alive.
STAGE 4	<i>Social system maintenance</i>
Reasoning	Good is seen as <i>abiding by conventions (law, authority, duty)</i>
Examples	NO — it's essential to obey the law because respect for the law will be destroyed if citizens feel they may break it at any time because they disagree with it. YES, because his wife is the wage-earner, and if he lost her earnings it would cost society far more than the value of the drug.
Level 3: Post-Conventional	
STAGE 5	<i>Social contract and individual rights</i>
Reasoning	Good is seen as <i>more general values, e.g. can argue about infringement of rights by social conventions</i> .
Examples	NO, because if she dies it may lead to a change in the law and a better deal for others in a similar position. YES — letting someone die is worse because the value of human life is prior to the value of property.
STAGE 6	<i>Universal ethical principles</i>
Reasoning	Good is seen as <i>universal principles, e.g. respect regardless of race and other attributes, liberty and justice for all — impartial as to own interests</i> . <i>Would anyone like to offer some examples?</i>

Fig. 2. Kohlberg's model of development of moral reasoning: Use of dilemmas to assess and promote development of moral reasoning. In this example, Heinz's wife is dying for want of a drug, available from a local chemist for a price they cannot afford. Should Heinz steal the drug? This formed *Teacher's Sheet 2* in our draft resource.

little progress using conventional and legal methods of protest.

A test-case

Let us spell this out in more detail. We have heard of an example locally where a butcher's shop window was broken, seemingly in protest about the fact or practice of raising animals for food. How can Kohlberg help us here?

One way is to listen for and try to identify examples of pupils' moral reasoning. In this instance, we might offer the example of the broken shop window for consideration, and hear the different reactions expressed in the shaded box (top right).

Kohlberg's work has been much-discussed, and criticised from many angles. For instance:

Should you smash a butcher's window to campaign for animals' rights?

Level 1: Pre-conventional (stages 1 & 2)
Yes, you should throw stones if it will stop them killing animals.
No, I don't think you should break windows. You could be arrested if you got caught.

Level 2: Conventional (stages 3 & 4)
Yes, you should do what you think is right.
No... vandalism like this is against the law and society wouldn't work if we don't obey the law.

Level 3: Post-Conventional (stages 5 & 6)
Yes, because the butcher could earn money in some other way — the rights of animals to life is more important.
No, because however strongly you feel about the welfare of animals, the welfare of people and their rights to make a legal living take priority.

N.B. The efficacy of the action in stopping the butcher carrying out their trade is not an ethical issue, so arguments like *no, because the butcher would be back in business in a day or two* have no bearing on the rights or wrongs of the action.

- Does the framework have much to do with real-life ethical thinking? That is, does this logical way of approaching ethics really have much to do with the messy compromises we see in real life?
- How often do any of us genuinely act from higher-level principles? Is the lofty and inclusive viewpoint represented by Level 6 ever actually attained in practice? Could it ever be applied to a real-life dilemma, like going on strike?
- Are the positions represented in levels 4/5/6 genuinely a hierarchical development or are these a choice of political stances that might be made by conservatives, liberals and radicals?

Thinking about ethics

These are interesting questions, and probably within the scope of discussion with a class in Years 10 or 11. The attraction of the Kohlberg framework is that it offers not only a method of assessing moral thinking but also promoting it — that is, by offering a dilemma and exposing the weaknesses and contradictions in a given way of thinking, young people are prompted to try and adopt higher levels of moral thinking.

So it is interesting for educators to think about the extent to which a class can take on

The National Curriculum and Civil Disobedience

The NCC document **Curriculum Guidance 8: Citizenship** is silent on the issues of civil disobedience as such.

Section 6: The Citizen and the Law

Whilst personal moral codes may differ, the law sets out a common code of conduct binding in all members of society (p.8).

It regards as one of the aims of citizenship education as being to establish the importance of positive, participative citizenship, and it does include the following relevant statements:

Knowledge

How communities are organised and the importance of rules and laws.
The role of custom and law in prescribing duties, responsibilities and rights.
Fairness, justice and moral responsibility.

Attitudes

A sense of fair play, including respect for the processes of law and the rights of others.
Respect for rational argument and non-violent ways of resolving conflict.

It also includes the following interesting statement:

It is unrealistic to expect that by the age of 16 every pupil will understand all the issues related to being a citizen.

Perhaps this whole issue is one that schools should not attempt to cover? Apart from any pragmatic benefits in keeping pupils out of trouble, there is scope in the curriculum for discussion of legitimate campaigning:

Section 3: Being a Citizen talks about:

Different kinds of rights and how these can be exercised, protected and in some cases threatened.
The duties of the citizen in a democratic society based on the rule of law.

Section 5: Democracy in action refers to:

The roles and aims of trades unions, professional associations and pressure groups

I would argue here that it is appropriate in the light of the survey findings to raise, and try to make progress with, the issues of vandalism and of civil disobedience, almost regardless of the specific content of this government guidance.

Fig. 3. Seeking openings for debate on civil disobedience and related issues within the National Curriculum framework.

directly the issue in question: *In a democratic society, is it ever justifiable to break the law to support a cause you believe in?* We believe there is scope for positive debate for discussing actions from this point of view. The point is implicit in the National Curriculum guidelines but not really taxed in any detail (Fig. 3) — perhaps it is obvious that in a democracy there are no circumstances which justify breaking the law!

For example, consider the range of actions and possible consequences given below:

- *Voting for candidates whose views you support*
- *Writing a letter to a local newspaper*

- *Writing a letter to an MP, who writes a standard reply*
- *Writing a letter to MP, who attends a meeting*
- *Throwing a stone through a butcher's shop-window*
- *Staging an event at an Embassy or company headquarters*

Now, for such a range of actions (a class could brainstorm more):

- *Which of these are illegal?*
- *What sort of press coverage might each attract?*
- *What direct effects do they have? (Effects on the cause itself? Effects on the people connected with the act? Effects on the opinions of those people and other people who may read about the action?)*
- *In a democratic society, is it ever justifiable to break the law to support a cause you believe in?*

Making themselves heard?

The invitation to add any comments (question 5) produced two of particular interest:

- *There should be a place to take their anger out on.*
- *I think it is wrong to damage property but in a way it's the only way young people can get themselves heard.*

Towards a conclusion

I have been discursive rather than prescriptive because we are on difficult ground. However, perhaps there are some firm suggestions for the PSE curriculum to offer for comment.

- The issues of vandalism and of violent protest are very much alive, relevant to young people's concerns, and a legitimate topic for debate.
- Rather than using imagined or composed moral dilemmas, we might be better off exploring young people's moral thinking with issues that are to hand and more within their range of experience.

I should like to record my thanks to the staff and pupils of the Community College involved in the study and the other local schools that took part in the project.

As always, comments on this and other articles are keenly anticipated!