

Introduction to Legal Studies

Spring 2007

Discussion Questions for Thursday, February 15th

Why do people obey the law?

The question of why people do or should obey the law has preoccupied philosophers, judges, lawyers and activists for generations. On Thursday we will explore a variety of writings that attempt to answer the question from normative and empirical perspectives.

1. Peter Kropotkin's 1927 essay "Law and Authority" lays out a passionate case that people obey the law because they merely submit to authority unquestioningly. What about his argument do you find convincing? What about it fails to convince you? What is the role of power in his understanding of obedience? How does it operate to compel obedience?
2. How does he characterize the law?
 - What does he mean when he calls law a "fetish"?
 - What does he mean when he says law has a "twofold character"?
 - Why does he not believe that law deserves such obedience?
3. Peter D'Errico in "The Law is Terror Put into Words" argues, among other things, that there is widespread disenchantment with the law.
 - Do you agree there is widespread disenchantment in the law? Why or why not?
 - He argues that law "depersonalizes" people. How does this happen, and do you agree?
 - What does he argue is the real purpose of legalism?