

Rule of Law: An Investigation into the Public's Understanding of Legislation

Laws govern society. Everywhere that we turn, there is legislation that dictates proper behaviour. We experience these laws daily when, for example, we accelerate at a green light, pay for our coffee, take a lunch break, or go out for a drink. Although we constantly live our lives surrounded by these regulations, it is my assumption that on average, we do not understand them. For example, we know that it is against the law to steal and that if found guilty of the crime, we may be incarcerated. Despite this knowledge, we do not know the rationale behind the decision to make this act illegal. This paper will attempt to sociologically explain the origins of law as well as discuss how the law influences society and vice versa. In doing so, some problems with current legislation will be highlighted. For example, certain laws are very specific while others tend to use more general terms. Military laws, an example of the former, can be used to outline some of the conflicts that arise when they are in the presence of the laws of Canada, which tend to be much broader. This paper will conclude with an outline of how leaders, using the United Nations as a working example, can influence others to take a stance similar to their own. This paper serves as a summary detailing how people understand laws in society as well as to explain how this knowledge can be used to influence others.

Without laws, people would be in disarray and as a result, civilization would not be able to function properly; laws are essential to society. Legislation provides people with the knowledge of what they can and cannot do: "It is the law which teaches that men must not resort to violence to obtain their ends; that they must keep their promises; that they must not

injure their neighbour; that they must act fairly....The law covers the whole range of human behaviour and says what men must do and not do" (Weeramantry; 1975: ix). Thus, for average members of the public, the law simply amounts to a list of rules. People know that if they injure someone they will be punished. Unfortunately, most people do not understand the state of affairs that took place in order to make this act impermissible. Who decided to make assault illegal and how did the public respond to the new legislation? One author suggests that even "reading a shelf full of law books may only give you the surface manifestations of law without the general philosophy that animates and gives rise to the manifestations" (D'Amato; 1989: viii). It is ironic that something the public experiences daily is so widely overlooked and taken for granted.

Sociological Theory

Consequently, it is evident that there is a need to outline how law influences society as well as how society influences law. In addition, the public needs to be educated about the origins of law, a topic that will be discussed later in this paper. Academics Brian Burtch and Nick Larsen admit that "the chicken-and-egg question of whether specific laws can produce social change, or whether legislation actually emerges from changing values and interests in society, is very much alive" (Burtch & Larsen; 1999: xv). I will not attempt to solve this question but instead will outline what the main sociological theories determine to be important issues. According to sociologist Elizabeth Comack, in the sociology of law there are four significant schools of thought: functionalism, liberal-pluralism, Marxism, and feminism.

Functionalism is associated with the works of Emile Durkheim and Talcott Parsons. These theorists view society as akin to a living organism with individual parts. Each

individual part has its own specific function which, when the parts are brought together, make up the whole. Accordingly, functionalists see that "the different institutions within society-such as the economy, family, religion, state, and legal system-can be said to perform different functions that contribute to the maintenance of the social whole" (Comack; 1999: 27). The existence of laws allows society to function properly in its totality. As for its own specific role, "law both represents and reinforces the collective conscience of society" (Comack; 1999: 28). In other words, laws embody the norms of society as well as ensure that these norms are preserved. The law helps to maintain the equilibrium within society "because crime shocks the collective sentiments of society's members" (Comack; 1999: 28). Crime causes an imbalance in society. The law conveys the message to society that crime is wrong and criminals will be punished for their acts. This legislation returns society to a proper balance, which in turn allows society to continue to function properly.

While functionalists see society as having a unified set of goals and values, liberal-pluralists believe that there are many different interests among individuals and that everyone is competing to be the best. At the same time however, proponents of liberal-pluralism, such as Weber and Rousseau, point out that many goals of the public require people to work together. As a result, the objective becomes the need to strive for a balance between individual aspirations and the goals of society (Comack; 1999: 30).

Liberal-pluralists see law as "a reflection of power differentials in society" (Comack; 1999: 30). According to these theorists, crime is a status that is placed upon a person by a group of individuals who make the rules. In their studies relating to law, liberal-pluralists tend to focus upon how citizens in the criminal justice system exercise their power. They question the laws themselves as well as why certain people are labeled criminal while others

are not. Their aim is to shift the "focus away from the criminal offender towards the question of the social creation of crime" (Comack; 1999: 33). Liberal-pluralists are concerned with the social construction of deviance.

The third theoretical approach, Marxism, posits that the institutions that people have created have limited their true potential. Society is structured so that people fall into one of two groups; they are either in the dominant class or the subordinate one. Those in the dominant class possess the materials for production, allowing them to control the subordinates who lack these materials:

The capitalist class...owns and controls the businesses, factories, land, and capital, while the working class...must gain a livelihood by working for wages. The relationship is exploitative because while the labour power of the workers produces the products and, hence, the surplus or profits of the production process, the capitalist possesses rights of ownership and can appropriate the surplus value that is produced (Comack; 1999: 38).

Marxists believe that structures within society, such as law, regurgitate the values of the dominant class: "Law itself is a weapon of class rule" (Comack; 1999: 39). The elite of society are the ones who create the rules. As a result, law is a way for the dominant class to protect their assets. Those in the dominant class have created rules to make them more successful while at the same time causing subordinates to be more dependent on them. Basically, law is used to maintain the status quo, allowing one class to rule over another.

The final relevant sociological school of thought is feminism. Feminism is both a body of knowledge as well as a political movement. There are three main perspectives from the feminist point of view. The first, conservatism, is rather atypical when one hears the word 'feminism'. Conservative feminists believe that traditional gender relations in society should remain as they are (Comack; 1999: 44). They maintain that women are naturally inferior to men. The subordinate position of women in relation to men is not considered to

be a problem for society. This inferiority is seen as both functional and natural. It is taken for granted that "women are viewed as the weaker sex" (Comack; 1999: 45). According to conservative feminists, this is the way things naturally exist and, consequently, they do not need to be changed. These feminists would argue that the legal system is fine the way it is in relation to men and women.

Radical feminists also believe that men and women are naturally different. While conservative feminists value the characteristics that males tend to have, radical feminists believe that women have superior features. For example, Comack points out that radical feminists believe that "men are by nature assertive, aggressive, and competitive. Women are by nature nurturing, caring, and sensitive" (Comack; 1999: 49). These feminists value the traits of the females over those of the males.

Radical feminists "locate capitalism as but one manifestation of male dominance; they cast its economic, social, religious, and political institutions as male-defined and male-centred" (Comack; 1999: 49). Hence, they would argue that men created the legal system with their own gender as the main focus. According to radical feminists, that is why the system does not relate to the unique needs and values of women. It supports men but fails to properly represent females. These feminists would defend a complete restructuring of the legal system in order to meet the needs of women. The result would be a system that "effectively precludes men" (Comack; 1999: 50).

While both conservative and radical feminists believe men and women to be naturally different, liberal feminists state that the difference is not due to nature but rather to culture and socialization. They believe that "males and females have been taught to conform to gender roles and to adopt identities based on culturally prescribed notions of masculinity and

femininity" (Comack; 1999: 46). Thus, they would argue that males and females act the way that they do because that is how their culture dictates they should act. The goal of liberal feminists is the equality of treatment for men and women. They have targeted legislation as an area of inequality for women and as a result, continue to pressure government to "make appropriate changes or reforms to provide women with equal opportunities relative to men" (Comack; 1999: 46).

This overview of the sociological theories shows how law and society are intermingled. One argument is that the laws that are drafted influence society in certain ways. For example, radical and conservative feminists would say that the laws are male-centred while liberal-pluralists and Marxists see law as reinforcing differences in power and class. Marxists believe that the laws that are established allow certain people to have power over others. On the other hand, society has the potential to have an impact on legislation. Functionalists view law as a tool used to preserve the social balance among people. We must keep in mind that laws are not stringent; they can be changed. For example, the inclusion of section 15 of the Charter of Rights and Freedoms is considered to be "[a] key victor[y] for liberal feminists" (Comack; 1999: 47). Section 15 concerns the issues of equality rights and discrimination before the law. Some of the theories support the notion that laws have the ability to be modified by its citizens. If laws do not reflect the values of its people, the general public must come together in order to put pressure on government, in the hopes that the elected officials will then amend the legislation. Thus, society has the ability to influence laws while at the same time, legislation has an effect on the citizens that it governs.

The Origins of Law

If laws are required to govern society, then how do they go about fulfilling such a role? In order to answer this question, we must start with a basic understanding of legislation. There are two important types of law which govern: Napoleonic Law and the British Common Law. American legislation is based on Napoleonic Law while Canadian legislation takes its form from British Common Law. This means that American laws are concerned with individual rights while Canadian legislation focuses on the common good of society. Quebec is considered to be a Canadian exception, as it is the only province influenced by Napoleonic Law.

C.J. Friedrich summarizes the original intent of the Napoleonic Code:

The content [of the Code] was, of course, bound up with, and to some extent expressive of, the aspirations of the spirit of 1789: all citizens are legally equals; primogeniture, hereditary nobility, class privileges, and execution are unjust; private property is sacred; the conscious is or ought to be free; government employment should be available to all, indeed general opportunity should be equal for all citizens; laws should be simple and legal proceedings public, efficient, and inexpensive; to put it all in a nutshell, personal liberty and civil rights should be inviolable
(Friedrich; 1956: 1-2)

From the preceding quotation, it is evident that the main focus of the Code is on the individual. It exported the ideas of the French Revolution and put them to use. An excellent example of the Napoleonic Code in use in Canada today is a comparison of the Human Rights Act of Quebec with the Acts of the other provinces. Quebec's Act centres around the rights of individuals while other provinces have created Acts that focus on the rights of a society as a whole.

In contrast to Napoleonic Law, the British Common Law focuses its attention on the common good of society. It likely got its name because, "the word 'common' comes from the twin principles that what has been the common custom has become the law and because the law applies in common to all" (Landry; On-line). In other words, this type of law derives

from everyday patterns of behaviour and applies to everyone. Individual rights are not a principle concern of this type of legislation. As Norman Cantor notes, the history of the sociology of law produces an interesting study of the British Common Law system because it demonstrates "how a set of institutions and regulatory concepts founded in a rural aristocratic society became adapted...to the needs of an increasingly commercial and eventually industrial society" (Cantor; 1997: xii). The specific origins of British Common Law are difficult to discern but it has adapted to the changes in society. This leads to one of the major critiques of the Common Law system. It is so large-scale that at times, it "threatens to take over society and transform its institutions" (Cantor; 1997; 46). It has the potential to change the norms and values of the common good. Marxists would argue that due to their position, members of the dominant class are the ones who transform society through legislation. The values that the dominant class put in place will favour them and likely put subordinates in an increasingly inferior position.

Common Good Theory

The Common Law is based on principles that focus on the common good of society. Sociologist William Graham Sumner would argue that the notion of the 'common good' derives from 'folkways' and 'mores'. He theorizes that people follow certain patterns of behaviour, called folkways. Over time, if folkways become "necessary for the welfare of society and are made conscious in the minds of individuals" they become mores (Trevino; 1996: 30). Basically, mores prescribe what is proper conduct in society. They are similar to laws because, they set limits on human behaviour (Trevino; 1996: 30). To act in a manner opposite of what is deemed to be a more is to discourage normal behaviour; the violation of mores is not looked upon approvingly.

According to Sumner's theory, rights are assumed in mores. If this is the case, then it can be presumed that rights cannot be determined before the development of mores. In addition, he asserts that because mores are determined culturally, different cultures have different mores and in turn, different rights. It is these rights which then become represented in our laws. The social rules that are followed daily become enacted in written legislation; laws reflect social behaviours. According to Sumner, "whereas rights are nothing more than philosophical expressions, mores...are essential for the survival of society and must be reflected in the laws"(Trevino; 1996: 31). Since people follow different mores from region to region, these social rules get reproduced in their respective laws. As a result, different cultures have different laws. It seems evident that the culture to which we are accustomed shapes our laws, and in turn, our lives: "We are all, to a greater or lesser extent...shaped by the culture in which we live and work. Not only our attitudes and values but also our very identity as individuals are profoundly shaped and influenced by institutional norms and structures" (Schafer; 1997: 33).

Sumner's theory then discusses legal changes in relation to mores. He believes that "sociolegal changes that are congruent with mores are easily realized, but sociolegal changes that are opposed to mores require long and patient effort, if they are possible at all" (Trevino; 1996: 33). This is because on the one hand, those changes that follow the mores of the culture abide by their customs and way of life. Legal changes should be a natural procession as mores become more and more ingrained into the everyday lives of the citizens. On the other hand, those that do not follow the culture's mores violate what the people believe. It is logical that these latter changes will likely take up more time because proponents may have to attempt to alter the customs of the society as well as the legislation itself.

In an attempt to bring the laws of Canada closer in line with the mores of its citizens, former Canadian Prime Minister, Pierre Trudeau, was able to change legislation regarding the Constitution of Canada. He was successful in setting up a procedure that allowed the approval of constitutional amendments to take place in Canada instead of in Britain. It was no longer necessary to gain Britain's approval, thus allowing Canadians to acquire their "complete national sovereignty" (Trudeau; On-line; 1982). This is an example of changing laws to coincide with the mores of the society. According to Trudeau, "we now have a Charter which defines the kind of country in which we wish to live" (Trudeau; On-line; 1982). The changes in the legislation were something that matched the mores of the people of Canada, which is why the public was so receptive to the alterations.

Problems with Legislation

If much of the law is born from public sentiment, it is ironic then, that average citizens do not understand legislation. The public seems to be disinterested because they misunderstand the written laws. Likely, this lack of interest stems from the difficult language in which a lot of legislation is written: "It is very easy for laypersons to misinterpret [laws], because they constitute a specialized language that is addressed to its own interpretive community of lawyers and judges" (D'Amato; 1989: viii). If law is worded so that only lawyers and judges can understand it, this causes disinterest among the public. This is an unfortunate situation because legislation makes up a large part of their lives. Law is supposed to reflect the beliefs that people hold regarding proper conduct. Some scholars point out the paradox in the fact that people are often required to learn and memorize the rules when they join clubs and organizations. This is not the case when it comes to legislation that governs how people must act in their everyday lives:

It is not a little strange that when every club, trade union or society which a person joins, requires him immediately to familiarize himself with its rules, the State, the most important of all societies, does not. The citizen entering this great society is, as though by a sad conspiracy, kept largely unacquainted with its rules. And to make confusion worse confounded, the State lays down for good measure that ignorance of the law is no excuse.

(Weeramantry; 1975: 56)

The same can be said about basic education in legal studies: "Religion, politics, art, literature-all these are taught as part of general education, but not the fundamentals concerning the administration of law, nor the history of liberty, nor the need for public vigilance over its legal system" (Weeramantry; 1975: 5). Society is not taught where laws originate and what they are all about; people do not know the basics behind the laws that govern them. If laws exist to provide stability, society must understand the laws in order to know how to behave according to the law. Legislation is not able to do what it is deemed to do if people do not understand it. Public misunderstanding of the law seems to be the case in our society and as a result, legislation lacks the respect that it deserves: "[respect for the law] is only retained by appreciation and understanding" (Weeramantry; 1975: 3). Simply put, if people do not understand legislation, they cannot respect it. Most people only see the law as existing in order to control wrongdoers. This is no longer true because presently, law exists "as an instrument of social well-being" (Weeramantry; 1975: 6). Laws reflect society's culture and values. Legislation exists to ensure that all people enjoy basic rights. If the legal system is to function effectively, it needs the public to support it. Without their support, the entire system may be in jeopardy (Harrell; 1985: 4). There are many cases where the public is astonished at the sentences that are imposed by judges. In most cases, the public believes that the law is too lenient. As a result, citizens become angry and frustrated with the law. Yet, people do not understand the sentences that offenders are given and that judges must

take many factors into account. If citizens knew more about legislation and the sentencing procedure, they would likely not be so frustrated by the legal system. With increased understanding of legislation comes more respect for it.

Another problem with the legal system is an ethical one. What are people to do if a law contradicts their personal morals? Which takes precedence, law or ethics? There is no better example of this question than in the military setting. The military is set up according to a chain of command so that orders come from the top and move down the line. According to Section 83 of the National Defence Act of Canada, "every person who disobeys a lawful command of a superior officer is guilty of an offence and on conviction is liable to imprisonment for life or to less punishment" (Canada; On-line: 11). Members of the military must obey superior orders without question. This helps to reiterate the military's values of "group loyalty, rigid obedience to superior orders, and strict discipline" (Schafer; 1997: 29). This is also done for the soldiers' own protection: "Military necessity often requires that soldiers act rapidly and in concert. Delay or hesitation could be fatal" (Schafer; 1997: 30). Hence, members of the military are taught to obey orders for their own safety as well as out of respect for military values. If they fail to carry out a command, they may face conviction under the National Defence Act of Canada.

When orders go against what a soldier believes, a major conflict arises. The soldier is taught to follow orders without question, yet at the same time, the soldier has a civilian upbringing as well. The latter experience differs a great deal from the former because of its focus on values such as "individuality, autonomy, and openness" (Schafer; 1997: 29). People in society are encouraged to speak their minds and express themselves. These values contrast those of the military, which support unquestioning obedience. What happens when a

soldier receives a command that is against his morals? Should he follow the order (as he was trained to do by the military) or question it, as civilians are more likely to do?

Major-General Guy Tousignant experienced a conflict between ethics and law when he served as Force Commander of the United Nations Assistance Mission in Rwanda from 1994 to 1996. When he took command, he learned that there were 1.5 million internally displaced persons (IDPs) in the southwest of Rwanda. When the government ordered their camps to be closed, he predicted that many of the IDPs would move to the IDP camp in Kibeho. Tousignant sent this information to the UN, telling them that he believed the government might decide to close the camp using force. He asked them what they would like him to do. The UN decided that Tousignant and his soldiers were to leave Kibeho, meaning that there would be no peace soldier presence in the area. Violence would likely erupt in Kibeho. The responsibilities of the Force Commander to the UN involve the notion that "he has an executive function which is limited to the implementation of the UN decisions even if these decisions go against his best military judgement" (Tousignant; 1996: 34). In other words, the UN had the final say in what action he had to take. According to legislation, he had to do as the UN dictated and leave the area.

Tousignant found himself in an ethical dilemma. In his own words he admits, "I...could not in my own conscience abandon these people, 125, 000 of them, mainly women and children" (Tousignant; 1996: 34). At the same time, he was ordered by the UN to leave the area. He was stuck between ethical and military values. In order to make his decision about what to do in the situation, he analyzed it according to 4 criteria: politics, military, law, and morality. In the case of politics, he found that "as a rule, there is no situation where the political judgement of a military officer will be preferred to that of a politician" (Tousignant;

1996: 35). According to Tousignant, in the realm of politics, a decision made by a politician will always take precedence over a military officer. As for the military component, he decided that the opposite was true, "as long as you can demonstrate that what you are about to do is absurd in military terms if you follow political advice" (Tousignant; 1996: 35). Although the decisions of officers are preferred to politicians in military situations, he felt that this particular case was not considered to be absurd by military standards. According to Tousignant, the parameter regarding the law did not apply either because, "it is safe to say that [the law] will work on the presumption that the political adviser is in position to order you to carry out policies" (Tousignant; 1996: 35). In keeping with the tradition of law, he was required to carry out the command. Tousignant found reason to disobey the order according to the issue of morality. He believed that he was in a position to make a moral decision: "I consider the politician or representative of the state on equal ground here with the military. The moral judgement of an officer is as relevant as that of the politician. You do not commit genocide because he orders you to do so" (Tousignant; 1996: 35). He found that, in this particular situation, his ethical beliefs were more important than the order he was given from the UN. He defied orders and Tousignant and his soldiers remained at the location.

This situation is not one that the military would have taken lightly: "Not to execute a lawful command is rarely justifiable" (Tousignant; 1996: 35). As it turned out, none of Tousignant's soldiers were killed, and many lives were saved. Tousignant believes that he was not reprimanded for his decision based largely on the fact that there were no fatalities among his soldiers. Major-General Tousignant's decision to defy orders turned out to be the correct one in this particular case.

Not only must people consider the ethical ramifications of legislation, but they must also be aware of conflicting laws within different institutions. Consider the crime that carries one of the longest prison sentences if convicted in Canada: murder. To take another person's life is something that Canadians do not tolerate. If people commit murder, they will be punished.

What about soldiers who kill enemies during war? At times, it may be required of soldiers to kill others: "Members of the armed forces will have, in some situations, a professional obligation, as soldiers, to engage in killing and destruction. Not to put too fine a point on it, education in professional military ethics includes the transformation of young people into trained killers" (Schafer; 1997: 30). Hence, the question becomes, does war constitute murder? Some people believe that it is murder because "[murder] is to be defined as the intentional and uncoerced killing of the innocent; and it is true by definition that murder is wrong. Yet wars, particularly modern wars, seem to require the killing of the innocent.... Therefore war...must be wrong" (Murphy; 1986: 342). The extremity of views on both sides of the debate lead to difficulty in deciding upon the answer (if there is one at all). This discussion simply highlights the confusion that exists when there are different laws among different organizations.

People must also keep in mind the different laws that exist when entering foreign territory. The words of Voltaire, speaking of pre-Revolutionary France still ring true today: "Is it not an absurd and terrible thing that what is true in one village is false in another? What kind of barbarism is it that citizens must live under different laws?...When you travel in this kingdom you change legal systems as often as you change horses'" (as cited in Chapman; On-line; 2001). What is legal and taken for granted in one country or city may be illegal in

another. This is because, as described earlier, different communities follow different mores. These mores are reproduced in laws leading to different laws in different areas. This may cause frustration in citizens because, if they are able to make sense of the laws in their area of residence, moving to another location may require them to learn a whole new gamut of rules. Sociologist Herbert Spencer theorizes that "as society increases in population size and density, progressive changes in its structure and organization will result. The outcome of the changes is increased differentiation" (Trevino; 1996: 24). He elaborates further by saying, "the more advanced and heterogeneous is a society, the more elaborate and differentiated will be its political organization" (Trevino; 1996: 24). Thus, according to Spencer, with increased differentiation of society come increasingly heterogeneous institutions. The legal system will adapt and become more elaborate as the people it represents develop new and varied needs.

The conflicts that arise due to the variety of laws in different countries are part of the reason why the United Nations officially came into existence on October 24, 1945. The UN strives towards "making a healthier, more stable world with enhanced opportunities and justice for all of us" (United Nations [UN]; On-line; 2001a). One of their aims is to reduce conflict and misunderstanding due to different cultures, laws, and morals. The UN is an elaborate organization made up of nearly every country on earth. Recently, the UN developed the International Criminal Court to deal with serious offences such as genocide, war crimes, and crimes against humanity. Part of the reason for the implementation of the court is because "those who commit crimes under the Statute often cross borders, it is necessary for States to be able to cooperate to capture and punish them" (UN; On-line; 2001b). As such, the court does not deal with criminal acts by individuals, only disputes between nations.

The United Nations has also been successful in uniting countries according to concepts of basic human rights: "The Universal Declaration of Human Rights...is the most widely accepted proclamation ever made of the rights of all people everywhere" (Weeramantry; 1975: 196). The existence of the Declaration shows that there are universal rights to which everyone is entitled. The work that the UN has done (and continues to do) strives to "maintain international peace and security, to develop friendly relations among nations, to cooperate in solving international problems and in promoting respect for human rights, and to be a centre for harmonizing the actions of nations" (UN; On-line; 2001c). Basically, the UN is attempting to bring countries together in an atmosphere of respect and understanding of differences. As well as their other tasks, the existence of the UN proves that the presence of various laws in different nations leads to disputes.

Group Conformity

How is the UN able to maintain such a stronghold over others? In more general terms, how does one group influence another? Sociologists believe that society is broken down into in-groups and out-groups. An in-group consists of people with common interests that "command[s] a member's esteem and loyalty" (Macionis, Clarke, & Gerber; 1997: 176). It is a group of people to whom members share experiences and feel a sense of belonging. An out-group is the reference group used by the in-group. It is a group "toward which one feels competition or opposition" (Macionis et al.; 1997: 176). The out-group is not only a group with whom the in-group compares themselves, but they are also seen as outsiders: "The in-group's relationship with the out-group is one of hostility and war" (Trevino; 1996: 31). In essence, "all in-groups and out-groups work on the principle that 'we' have valued

characteristics that 'they' lack" (Macionis et al.; 1997: 176). The in-group believes itself to be superior to the out-group.

Members of the military and civilians who work for the military provide an example of in-groups and out-groups. Traditionally, soldiers are tied together in a bond that derives from the military while civilians lack the strength of this sort of connection in the military setting. Military members see civilians as outsiders because they "are incapable of understanding the lived experience of military life and work" (Schafer; 1997: 30). Soldiers form an in-group based on their military experiences. It is ironic that often the out-group that soldiers look to is composed of civilians; they were once solely part of the civilian population. It is suggested that "individuals who join the military are subjected to such a powerful and prolonged military socialization process that their group identity as soldiers or officers may easily overwhelm prior socialization in the less intensely inculcated values of our civilian culture" (Schafer; 1997: 33). It seems as though the powerful in-group sentiments may be due to the strong ties associated with the military. These bonds may even go so far as to take precedence over past civilian bonds.

Solomon Asch performed a study in 1952 concerning group conformity that is still discussed in sociology and psychology today. In his experiment, people were brought together in a room and they were told that they were going to participate in a visual perception study. The experimenter first showed a standard line and then asked the participants to indicate which line it was identical to from a choice of three lines. The correct answer was obvious because two of the lines were either too short or too long compared to the original line. The twist to the study was that all participants were actually confederates in the study except for one participant. The confederates all stated an answer that was

obviously wrong. Would the participant conform to the norm that was presented? Asch repeated this study numerous times and found that one-third of all participants chose to conform to the others and stated the wrong length (Macionis et al.; 1997: 173-174). Asch concluded that "many of us are willing to compromise our own judgment to avoid the discomfort of being different from others, even from people we do not know" (Macionis et al.; 1997: 174). People want to be part of an in-group and will go to great lengths to do so. They will conform according to what others are doing, even if they know that what they are doing is wrong.

Another development concerning group conformity looks at the types of societies in which conformity is most likely:

Berry suggests that in societies whose economies require a high degree of interdependence—for example, high food accumulating cultures—there will typically be greater pressures to conformity (and socialization practices consistent with this) than in societies where food accumulation is less important and where people are more independent of one another.

(Brown; 2000: 130).

It can be concluded from this quote, that a country such as Japan is more likely to conform than Canada, where residents are much more independent. Thus, Berry would argue that the interdependent countries are more likely to be persuaded and influenced by organizations such as the UN than the independent ones.

There is also a high degree of group conformity in the military. Berry's theory would suggest that this is due to the interdependence that exists within this organization. Members of the military wear the same uniforms, the men all have the same haircuts, and they are all taught to adhere to the standard practices involved in being in the military. In sum, they are expected to conform to the military norm. Soldiers rely on one another to follow the regulations and routine of the military. Their interdependence would make them more

vulnerable to group conformity, according to Berry. In contrast, civilians seem to value their independence and do not conform to groups with such unquestioning obedience as is found in the military. Although civilians do conform to group norms, as can be seen from Asch's study, it seems evident that members of the military experience more instances of group conformity than those in civilian society do.

Conclusion

This paper has revealed the difficulties that exist when different countries and institutions abide by different laws. The reason why there are varying laws is because of the range of mores and folkways that exist in diverse regions. The cultural mores that are adhered to by citizens are reflected in the respective legislation that is produced; mores provide the basic framework for the legal system. Thus, laws are meant to represent what the people believe. In different regions there are varying beliefs and customs that are held by people. This is why laws differ from one area to another.

The variety of laws that exist lead to many problems in society. For instance, when travelers enter a new territory, they must learn the rules of the area. If they do not, they may find themselves in legal trouble for committing an act that they did not even know was illegal. The difficulty in learning these new rules, as well as those in the area where they live, is the language in which laws are written. Legislation is considered to be a very complicated read. It is not, by any means, straightforward. Lawyers are trained to read what the laws say but the average citizen lacks this education. As a result, most people are unable to make sense of the legal system. Most members of society do not understand the fundamentals of legislation. Consequently, not only do most people not comprehend their own laws, but they also lack the legal knowledge required to apply to the laws of different

nations and institutions. With this inability comes frustration because the people do not understand the reasons behind certain laws and judicial decisions.

There is no universal rule of law and as a result, all nations have a different concept of right and wrong. The UN was created to deal with issues of conflicting laws and to promote mutual respect among nations. The existence of the UN is a testament to the problems that exist when countries all have their own distinct laws and opinions about what is right and wrong. The UN has been successful in bringing nations with different sentiments, cultures, traditions, and legislation together based on the concept of fundamental human rights.

The UN is not an institution without flaws; problems still exist, to which Tousignant's experience with the organization can attest. Soldiers in the military continue to follow orders according to the chain of command. At the same time, I believe they must learn to question commands in order to ensure that it is the correct solution. I am not suggesting that they question authority, rather they must ensure that the command that they are about to carry out coincides with their morals. Much like Tousignant did, soldiers must learn to understand the situation that they find themselves in and whether or not they are taking the best course of action for all involved.

As for civilians, the inability to understand legislation, the foundation upon which society relies, is something that cannot be tolerated. Yet in reality, society cannot be blamed for its ignorance. Law is not taught as one of the basic subjects in school, like art or history. Even if people attempt to educate themselves, this is not considered to be an easy task because, as has previously been suggested, the wording of legislation does not encourage simple understanding. In order for people to understand laws, they must understand the

basics of the legal system. Members of society must become familiar with the theories behind legislation as well as the different types of systems that exist. Law must become a mandatory subject in school. When this becomes a reality the public will be knowledgeable of the origins of law and where their own mores come into play. With this enhanced knowledge comes understanding and in turn, an increase in respect for the legal system. Until then, we will continue to live in a society where people understand what is right and wrong, but do not have the underlying knowledge of why certain acts are considered to be impermissible. Their frustration with the legal system will continue and it will not gain any respect. In the end, if people do not respect legislation, how are they expected to abide by it?