12th Grade Social Studies - Teacher: Olivia Vacca

Unit:	***Declaration of Independence*: Justification for Governance 1 - Consent**	Lesson 1	Social Studies
Objectives	- Students will interact with John Locke's "merchant and highwayman" scenario to deepen their understanding of the definitions of "consent" and "legitimacy." - They will then engage in dialectic/Socratic discussion on the concept of **consent** as a **justification** for **authority**. - Finally, students will analyze the Declaration of Independence's claim that governments derive their just powers from the consent of the governed and evaluate competing understandings of political legitimacy.		
Materials	Each student must have a copy of the Declaration of Independence and a copy of the case brief for United States v. Kozminski, linked below, for homework.		

INSTRUCTION

Bellwork (5 min.)	On the board or in a slide, present the following scenario, and ask students to write a brief response to the following scenario (adapted from John Locke's *Second Treatise*, Chapter VIII), justifying their answers: *"Imagine you are a merchant traveling alone on a long, deserted road at night, and you are stopped by a highwayman who demands, at knifepoint, 'Give me your money and your freedom, or I will take your life.' In an effort to preserve your life, you choose to surrender your property and follow him into servitude. Did you "consent" to his authority? Why or why not?*
Introduction (10 min.)	Call on students to share their responses and ask the following questions to clarify and redirect as indicated: 1. Does the highwayman have the "right" to rule over the person and property of the merchant because the merchant consented to his authority? 2. Does every action in life stem from a conscious choice? 3. Can force produce consent? 4. Does one have to be truly **free** in order to consent? 5. Don't we always choose the apparent "best" option and avoid the "worst" option? Does the act of making a "choice" to avoid death somehow render that choice void? 6. What exactly is "consent?" What is the opposite of consent? **(Make two columns on the board and fill in characteristics of consent/opposite of consent as the students produce them).** **Now present the students with another scenario:** *The United States is at war, and the President drafts you into the military (against your will) and expropriates your company in order to use its machinery to make weapons for the war effort. Anyone who refuses to comply is threatened with imprisonment, or worse. Did you "consent" to these actions? Is it just for the government to draft you or use your property for the war effort? Why or why not?*

	1. Both scenarios seem to involve coercion, lack of will, lack of freedom, and threats against one's freedom and preservation. Yet, are they equally unjust? Why or why not? 2. **Return to the two columns on the board** ("consent/opposite of consent"); can we further refine our definitions now that we have this second scenario?
Body (40 min.)	**Direct the students to read and annotate the following section of the Declaration of Independence**: *"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.–That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed…"* **Socratic questions:** 1. Is authority (government) necessary to society? Why or why not? a. What is the goal of government? (i.e. to "secure rights") b. What does it mean to "secure" a "right?" c. What exactly is a **right**? Do we all have the same rights? d. What is an "**unalienable**" right? e. If the rights listed in the Declaration are considered unalienable, then why do we need government to secure them? 2. The Declaration states that all men are created **equal**; if that is the case, then how can any man have authority over another? a. Are we equal in all ways? In which ways does the Declaration say we are equal? b. Jefferson seems to be saying that authority must be determined - how then should we determine who has authority and in what ways? 3. How should we determine who exactly should have authority in society? a. Should the strongest or most powerful men rule? The men who know the most about the given situation or sector? The oldest and wisest men? Should children rule? b. How exactly should authority be selected or implemented in a government? What does the Declaration say? 4. What makes authority **legitimate**? a. What does the word legitimate mean? [Note its etymological relationship to the term "law" or "legal"] b. What do you think Jefferson means by "just powers"; what exactly makes the power of one man over another "just?" c. Is there such a thing as "natural" authority or power? What might that look like? [What about parents?] d. How does Jefferson say authority is derived? [**consent**] e. Do you agree or disagree with Jefferson? **Can you think of any legitimate forms of authority that do <u>not</u> rely on consent?** f. In what ways, if any, do American citizens consent to being governed? i. Do we consent by being born in the United States? ii. Do we consent by using government resources? iii. Can we "un-consent" by leaving the nation?

	Explain to the class that the *Declaration of Independence* in and of itself points to the idea of governance by consent. Jefferson is formally removing America's consent to be governed by the English monarch and is formalizing the Americans' **consent** to a new and different form of government. Yet, before the Americans could consent to a new form of government, they had to be **free** from the tyranny of the king. **Return to the consent columns on the board. Can you further refine your definitions? Why is <u>freedom</u> so important to consent?** **Check(s) for understanding**
Conclusion (5 min.)	**Exit ticket:** **Write at least 4 sentences on the following question:** "If the government passes a law, by majority rule, that you consider unjust, what are your options, as a citizen in a country legitimized by consent?
Homework	Read the attached case brief for the case [United States v. Kozminski]. https://supreme.justia.com/cases/federal/us/487/931/ [Read just the brief summary and stop where the page says "Opinions"] Write a 4-paragraph response paper to the case, arguing for whether or not the two men in question ***justly consented*** to laboring on the farm, using the following structure: 1. A very brief overview of the case. 2. A clear explanation of the ways in which you are defining your terms, namely "consent" and "just." 3. An argument for why/why not the two men consented or why/why not they were coerced. 4. A recommendation to the judge for how to respond to the employers of the two men.