CRITICAL THINKING & THE RULE OF LAW

The principles of the rule of law provide a framework for teaching skills that promote critical analysis, evaluating the effectiveness of legal responses to contemporary issues, and advocating on ideas which are central to maintaining the integrity and responsiveness of the legal system.

PRINCIPLES & CONTEXT

The rule of law pyramid articulates a framework for teaching critical thinking by showing relationships between rule of law principles.

- Flexible framework of rule of law principles, contrasted against their absence.
- Demonstrates abstract legal concepts visually.
- Sets the context for engaging stories integrating black-letter law.
- Pyramid is an anchor for legal, political, historical, or social contexts.

STORY + SKILLS

A good story always has a hook at the beginning, an interesting complication and a resolution.

- Case studies establish relevance to multiple principles in the pyramid.
- A judgment-call is made by the presenter about how to integrate black-letter law with the story depending on the group of students and the case study.
- Explicit teaching of skills supports comprehension of legal texts: the golden rule is to chunk complex concepts into smaller units with reference to real life examples.

SYNTHESIS

Synthesis is the act of using the resolution of the story, the principles in the pyramid and the context to leave students with a broader idea or problem to think about.

- The resolution of the story refers explicitly back to principles.
- The resolution is frequently problematic.
- Critical thinking is when students can articulate a judgement based on a synthesis of principle, context and law.
- Students use this skill to examine and interpret other case studies and legal issues.

IMPlications of using the rule of law as a critical approach

The rule of law is essential for protecting human rights.

The legal system cannot be perfect, but it needs to maintain and strive to embody rule of law principles.

‘The Law’ – lawyers, judges, politicians, government officials and police are human beings who have an important job to do in our society.

Legal processes and decisions are not always comfortable or moral but are based on the law.