Why Do We Obey the Law?

Some fear punishment. Others respect authority. But is there more to it?

When asked why people obey the law, legal scholars and academics usually give two answers:

1. **To avoid legal consequences and sanctions.**

   This is considered the economic or instrumental explanation. Under this explanation, the reason that I do not jaywalk is because I am afraid that I will be caught and ticketed, not because I believe that there is any *validity* in the laws against jaywalking or that jaywalking is inherently *wrong*. Under this paradigm, people are viewed as shaping their behavior to respond to changes in the immediate incentives and sanctions associated with following a given law.

2. **It possesses legitimate authority in their eyes.**

   This is considered the sociological explanation. Under this explanation, the reason that I do not jaywalk is because I view ordinances against jaywalking as a legitimate exercise of the state or city's power. Even if I knew that I would not be caught, I would still not want to break a law.

These two explanations have dominated legal discussions for decades. In recent years, however, Professor Richard McAdams at the University of Chicago Law School has been developing new theories about how the law works. Professor McAdams argues that in addition to deterrence and legitimacy, the law works "expressively" by allowing people to coordinate and by signaling new information and beliefs.

Coordination

According to McAdams, the law coordinates people by working as a "focal point" to help people avoid conflict or other undesirable situations. He gives the example of a one-way traffic sign, which “we could imagine working without sanctions or legitimacy, because you would be a fool to ignore it.” If you know that other people are seeing that sign, you would want to obey that sign even if you knew that there was no police enforcement, in order to avoid a head-on collision.

Signaling

McAdams also argues that the law works expressively by signaling information about risk or public attitudes that causes people to update their behavior: “People take the beliefs of others as input into their own beliefs, and changing their beliefs can cause them to change their behavior.”

He gives the example of a hypothetical new smoking ban: It could be a signal from the legislature that the lawmakers believe smoking is harmful; it could also be a signal from the people that there is a rising disapproval of smoking. The theory is that a nonsmoker would hear about this law and conclude that it signals a message about the dangers of smoke inhalation. Armed with this conclusion, a nonsmoker may be more aggressive about confronting and criticizing smokers. Smokers, in turn, might give up in order to avoid confrontation and criticism, thereby changing their behavior—in conformance with the law.

Limitations on the Theories

McAdams addresses the limits of the expressive theories: “In the smoking dispute, the theory works when you have two people who consider the worst outcome to be an altercation,” he said. “But, that’s not everybody. There are people who are happy to get in a shouting match. For those people, this theory would clearly not apply. They are not seeking to coordinate—they have a single strategy that is best, regardless of what the other side does. That’s why you need sanctions or legitimacy**.”**