Interpreting the Law

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Discussion: Riding a Bicycle 5

Visuals: Parts of a Bicycle 6–7



Overview

Level

With preparation, the lesson is adaptable for later elementary, middle, and high school.

Time Required

1–2 class periods

Overview

Students will:

- Discuss the meaning of an excerpt from a state law (statute or constitutional provision) that is relevant to their lives.
- Simulate "interpreting the law," a power of the judicial branch of government.
- Discuss the simulation with the class.

Michigan Social Studies Standards – 3 – C3.0.3, 3 – C3.0.4, 3 – C3.0.5, 3 – C5.0.1, 4 – C1.0.1, 4 – C5.0.1, 4 – C5.0.2 | HS Civics C – 2.2.3, C – 3.2.3, C – 6.2.1, C – 6.4.3, C – 6.4.4

Simulation

Before the Lesson

Students should be familiar with the reason for laws and the power of the judicial branch of government to interpret the law.

In addition, you may wish to:

- Select for relevant excerpts from the Michigan Compiled Laws (MCL) or the Michigan Constitution through Michigan Legislature.r
- Develop a relevant story to explain why the particular law needs to be interpreted.
- Review the example discussion about bicycles on page 5.

Activities

1. Discuss why laws require interpretation.

- People need to know what laws mean to follow them. The language of laws can be complicated.
- Laws cannot be written to anticipate every situation. Courts often must decide whether a law fits a particular case.
- Laws sometimes include words like "reasonable." A court applies the facts of a case to decide. For example, is it "reasonable" to drive 70 miles per hour on the highway during a blizzard?
- More than one law or constitutional principle may apply, e.g. balancing individual rights and the common good.
- Laws cannot violate constitutional law.

2. Show the text of a law to the class and introduce its general meaning.

Simulation

3. Use close reading to determine the specific meaning of the text. Depending on the text, this could be done as a class or in smaller groups.

- Observe the location of punctuation. Pay special attention to words like "and," "or," "may," "shall" and "reasonable."

- Use a dictionary to define words.

4. Once the group has come to a satisfactory meaning, write a brief "opinion of the court," clarifying the meaning of the law. The opinion should restate the law and define words, if necessary. It may also include a test for other judges to use in similar cases.

   Example test: "To be within the law: (1) each person must have a seat and equipment for their hands and feet, and (2) the bicycle or motorcycle must be safe to ride."

5. Debrief.

- Was it difficult to agree on the meaning of the law? Why or why not?

- Did they think the law was fair? If not, were they tempted to change the meaning? Judges must interpret and apply laws whether they like them or not.

- How did their discussion change their idea of the meaning of "interpreting the law?"

- Based on this experience, do they think they would like to be a judge?

Example

Michigan Vehicle Code (Excerpt)

MCL 257.658, Section 2.

A bicycle or motorcycle shall not be used to carry more persons at 1 time than the number for which it was designed and equipped.

A. Introduce the following story:

> Mr. Schuler and Ms. Abraham were riding a bicycle down the street. A police officer saw them and became concerned. He stopped them and said, "You are breaking a state law. You must stop riding your bicycle that way." Were they breaking the law?

B. Show students the text of MCL 257.658(2) and read it aloud. Be sure they understand this is an actual state law made by the legislative branch and enforced by the executive branch. They will interpret what the law means, like the judicial branch.

C. Highlight keywords, such as "bicycle," "shall not," "carry more persons," and "designed and equipped." Arrive at definitions for each word or phrase, using a dictionary as a resource.

- Find images of a variety of bicycles or "assemble" a bicycle from the visuals on pages 6–7. (Be sure to have extra parts, but do not reveal them unless asked to do so by a student.)
- Discuss what "shall not" means. Compare the use of "may" (allowed) and "shall" (must), two common words used in laws.
- Decide what "carry more persons at one time" and "designed and equipped" mean.

D. Rewrite the sentence.

E. Ask if students think the law allows more than one person to ride a bicycle at one time. Introduce the idea that a bicycle can be "designed and equipped" with two or more seats if it has not already been raised.

- Should their interpretation allow user-added seats, such as after-market baby seats?
- What about homemade seats?

F. Write the "opinion of the court." The opinion should include the law in their own words (step C) and definitions of words, if necessary. It might also have a test for other judges to use in similar cases, e.g., "To be within the law: (1) each person must have a seat and equipment for their hands and feet, and (2) the bicycle or motorcycle must be safe to ride."

G. Test the opinion by brainstorming a situation where Mr. Schuler and Ms. Abraham are following the law and when they are not following the law, according to their interpretation.

H. Debrief the exercise as outlined in step 5 on the previous page.



