

Law and Society

MATERIALIEN

M 1 Arbeitsblatt: What Does the Law Mean For You?

Brainstorming

What do you associate with the word "law"?

<i>feelings ... (e. g. about people, places, consequences ...)</i>	
<i>positive</i>	<i>negative</i>

Just an ordinary day ...

On the first day after the holidays Peter didn't want to get up and go to school. So he got up rather late and left the house in a hurry. As he was too late for the bus, he took his bike. As there were plenty of red lights he had to stop at he just about made it in time for school. The first lesson was fun: he scribbled little pictures into his neighbour's book. Unfortunately the teacher saw him and told him that he had to pay for the damage. In the break Peter was thirsty, so he got himself a bottle of orange-juice. On his way home he stopped at a store to look at a new computer he was interested in. The shop-assistant told him that he could give him all the necessary information but he had to bring along his parents if he wanted to buy the machine. Peter spent the afternoon copying CD-ROMs for friends, who paid him \$ 3 for each copy. In the evening he was rather angry as his father didn't allow him to go out.

1. The text above describes an ordinary day in an ordinary teenager's life. Sum up how Peter's life is affected by laws.

<i>When Peter</i>	<i>gets up</i>	<i>there is a law which</i>	<i>says that ...</i>
	<i>stops ...</i>		<i>regulates ...</i>
	<i>damages ...</i>		<i>bans ...</i>
	<i>...</i>		<i>...</i>

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M 1 Arbeitsblatt (Fortsetzung): What Does the Law Mean For You?

2. Imagine that the laws mentioned above didn't exist. What would be positive and negative consequences?
3. Why do we need laws in a civilized society? The following poem may give you a hint.

*For the rich you [the laws] are a check
When his foot is on the neck
Of his victim. For you make
That he treads upon a snake.*

P.B. Shelley: *The Mask of Anarchy*

Sum up the specific task that laws fulfil in society („Rechtsfunktion“) that is described in this poem. Find more examples.

4. In Ovid's *Metamorphoses* the author describes a golden age which does not need an economy (you might have read the excerpt at the beginning of the year). Interestingly this golden age doesn't need laws either:

There was no punishment, nor fear. No menacing words could be read on brass plates. Everyone kept to the rules on his own free will. People did not have to fear a judge's sentence but were safe without judges. (adapted)

- a) What negative aspects of laws and judges are mentioned?
 - b) Why can people in the "golden age" do without laws? Is this realistic?
5. David Dicks, head of police in the town of Flint near Detroit (a town with a high crime rate), sees it as his task to control teenagers' clothing habits. He has issued the following leaflet which describes the "offences" that might lead to fines or even prison sentences.



Discuss whether these rules are necessary and if they should be enforced. At least one in the group should take David Dicks' position.

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M 2.1 Arbeitsblatt (Text): Children and the Law

(Note: The following text refers to the United States)

ENTERING CONTRACTS:

A contract is valid if both parties give their assent: an offer is made and the offer is accepted. They must act in such a way that their intention to make a contract is obvious. A contract is an agreement that can be enforced by law. Businesses could not exist without such contracts as the business must be sure that the other party meets its obligations. If a party breaks the contract it can be sued for damages.

Many people think that an enforceable contract must be in writing. This is usually untrue. Most oral contracts are enforceable, but written contracts are easier to prove. Some contracts must be in writing, for example, contracts for the purchase or sale of real property.

WHY THE LAW TREATS CHILDREN DIFFERENTLY:

A minor does not have the same legal rights as an adult. In most states (§ BGB) a person reaches majority when he or she turns 18. The law sees children as incompetent to make important decisions about their lives and unable to take care of themselves (§ BGB). So if a minor enters a contract, it may be voidable because the minor cannot fully understand the consequences of what he or she is doing. Similarly, criminal law is much less strict on juveniles, believing that a minor can still be rehabilitated.

There are, of course, circumstances in which a minor has got independence from his or her parents and is considered emancipated. Emancipation can happen:

- when a child gets married before the age of 18
- when a child moves out, gets a job and becomes fully self-supporting
- when a child joins the military (§ § 111 ff. BGB)

WHEN A MINOR ENTERS A CONTRACT:

Generally a contract entered into by a minor is not valid or binding (§§ 107, 110 BGB). That means that if a minor rented a car, took out a loan or bought a car from a neighbour, the minor would not have to carry out the transaction. Only if the minor's parents agreed to co-sign, the deal would be valid. Also, the minor could back out of the contract, but the adult could not, since the adult is supposed to know better (§ BGB). If a minor turns 18 without trying to back out of the contract, the contract becomes binding (§ § 108 III BGB).

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M 2.1 Arbeitsblatt (Aufgaben): Children and the law

Tasks:

1. Find the English equivalents (not exact matches!) of the following German terms in the text.

einen Vertrag schließen _____

Antrag _____

einen Antrag annehmen _____

sich vom Vertrag lösen _____

schwebend unwirksam _____

einen Vertrag erfüllen _____

eine Einwilligung erteilen _____

nichtiger Vertrag _____

2. Why does the law treat children differently?

3. Compare German and American laws concerning children. The relevant aspects are marked with a ð in the text. Read the articles of the BGB (*Bürgerliches Gesetzbuch*) and point out differences and similarities.

similarities	differences

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M 2.2 Folie

Basic Legal Concepts
(German law)How to enter a contract:

An **offer** to enter a contract must be **accepted** in time.
An acceptance which comes too late needs a new offer
which can be accepted or not.

If an offer is accepted in time the contract is **valid**.
If it isn't the contract is **void**.

The law does not treat minors as adults because ...

- they may not realize the consequences of their actions.
- they must be protected from the negative consequences contracts might have for them.

A minor can enter a valid contract if either ...

- he or she has no legal disadvantages from the contract whatsoever,
- his or her parents have given their permission,
- the payment is made with pocket-money or ...
- the contract is made within an employment.

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M 2.2 Folie 2.2 (Fortsetzung)

if not ...

- the contract is voidable, i. e. ...
- becomes fully valid if parents agree.
- becomes void if parents disagree or don't react.

A minor is not treated as an adult as he or she cannot ...

- **enter all contracts.**
- be **sued for damages** like an adult.
- be **convicted** in a penal court like an adult.

Law and Society**M 3 Arbeitsblatt****Florida vs. Haliburton: A Criminal Case**

Princess Haliburton, a 13-year-old girl of Orlando, Florida, shot and killed Erica Bearden, a girl she had known since the 4th grade. The two girls often had arguments that often ended in fights.

We don't quite know what happened that day, but we are sure that Haliburton came home and met Bearden with two friends on the front porch. Bearden wanted to know about a bicycle that Haliburton had borrowed from her cousin. The bike had been stolen and Bearden wanted Haliburton to pay for it. An argument started and Bearden and her friends took a wristwatch from the house and wrote graffiti on the outside wall.

Witnesses say that afterwards Haliburton and some friends followed Bearden. There was another argument, Haliburton pulled her gun, fired one shot and killed Bearden.

There were many witnesses to the shooting, but they don't agree on what happened. Some say that Bearden started the argument while others say that Haliburton's group put on a threatening behaviour. Some say that Haliburton suffered a nervous breakdown after the deed while others say that she boasted about the crime with members of a "gang" that has a history of violent crimes.

Prosecutors have charged Haliburton as an adult. In Florida, a child of any age can be tried as an adult, and a person who is sixteen or older could face the death penalty. Haliburton is charged with first degree murder. If convicted, she could spend the rest of her life in prison.

The first witness is Nikea Nieves, one of Haliburton's friends, who witnessed the shooting. Another witness is Jarmen Sharp, who says that Bearden started the fight by running up to Haliburton as she walked down the street.

The defence claims that Haliburton is the victim in this case, that there has always been trouble between the two girls and that Haliburton suffered most from the conflict. Haliburton's mother will testify about buying the gun that killed Bearden and about the troubled family background.

Preliminary tasks:

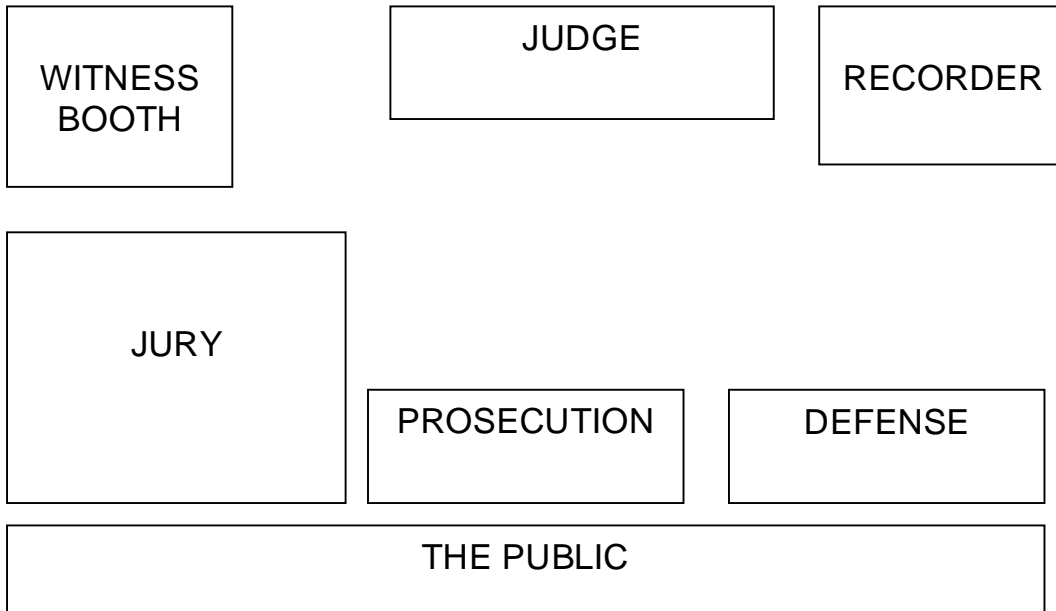
1. *Collect vocabulary concerning criminal law and look up unknown words in your dictionary.*
2. *Explain the headline. Who is trying whom?*
3. *What differences from German law are there? How do you feel about these differences?*
4. *Collect arguments which could be used by the prosecution and by the defense.*

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M 3 Arbeitsblatt (Fortsetzung)

<i>ARGUMENTS</i>	
PROSECUTION	DEFENSE

THE COURTROOM



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Roles:

JUDGE:	leads the proceedings, calls to order, pronounces the verdict
PROSECUTION:	call witnesses (for cross examination) ask questions about the murder and personal background <i>We call ... for cross examination.</i>
DEFENSE:	call witnesses (for cross examination) ask questions about the murder and personal background <i>We call ... for cross examination.</i>
WITNESSES:	explain their own background and their relation to the defendant and victim <i>On that day in December I saw ..., we met ..., I heard ...</i> <i>I know Bearden/ Haliburton as a person who ...</i> <i>In the past Bearden / Haliburton often had ...</i>
RECORDER:	sums up the proceedings
JURY:	discuss the case, plead guilty or not guilty
THE PUBLIC:	take notes, discuss the trial (fairness etc.), discuss the performance of the participants, criticise the verdict, write a newspaper article/ letter to the editor