

# Laying Down the Law

## Complying With the Spirit and Intent of Laws and Regulations

### Objectives

- A** Explain the nature of laws and regulations.
- B** Demonstrate how to comply with the spirit and intent of laws and regulations.



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Sara was at her friend's house working on homework until 11:30 p.m. Since she lives in a safe neighborhood and her house is just a couple of streets away, she decided to walk home. As she was walking, she suddenly saw flashing lights coming up behind her. A police car pulled up next to her, and an officer got out of the car.

"Excuse me, ma'am," he said, "but how old are you?"

"I'm 17," Sara said, unsure why the police officer had stopped her.

"Ma'am, the legal curfew for anyone under 18 years of age is 11 p.m.," the officer said sternly. "You can't be out without a parent or guardian this late. I'm afraid I'm going to have to issue you a written warning."

Sara broke a local law—without even knowing she was doing anything wrong! City or state curfew laws are just one type of law that can affect students. If broken, laws can bring serious consequences, so it is important to be informed about laws impacting you. But what exactly are laws? Where do they come from, and how can you make sure you are following them? Read on to find out.

So What

## Laws and Regulations

**W**hen you go to the grocery store, you must pay for groceries. If you own a large business, you must provide health insurance for your employees or face tax penalties. If you work as a server at a restaurant, you must be sure that customers are at least 21 years old before serving them alcohol. Where do these requirements come from? They are all examples of laws and regulations.

The **law** is commonly understood as a set of rules that, if violated, results in punishment or penalty. In the United States, laws are the products of written statutes passed by a governing body, such as the United States Congress or state legislatures.



Laws are not the same as regulations. **Regulations** are standards and rules that dictate how laws will be enforced. Laws are created by Congress, whereas regulations are created by governmental agencies. For example, the Clean Air Act is a law passed by Congress that controls pollution. A specific rule created by the Environmental Protection Agency that explains how violations of that law will be handled is a regulation. Regulations are based on laws, so they carry the same weight and importance.

So why do we need laws and regulations? The legal and

philosophical principle of the **rule of law** explains that laws, rather than individuals or governments, should govern society.

### Rule of Law

The law exists to serve, represent the interests of, and protect the rights of all people, rather than just those in power. It is meant to apply equally to everyone and to maintain order in society. Imagine a world in which there were no laws against violence, or if those in power were allowed to take whatever they wanted from everyone else.

### Fairness

Society wouldn't be **fair**, and there would be no way to seek **justice**. Following the rule of law, therefore, means that we all must comply with laws and regulations so that society functions ethically.



▲ *Even powerful world leaders are subject to laws and their consequences. For example, Brazil's former president Dilma Rousseff was charged with breaking budgetary laws and was impeached (removed from office).*



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This quick video from the United States Institute of Peace explains the concept of the rule of law—and what can happen in societies *without* the rule of law: <https://www.youtube.com/watch?v=IZDd2v18vfw>.

## Laws in Action

The law has several different functions and roles in society. As we just mentioned, maintaining order is an important purpose of the law. Laws help to control society and set the standards for being a part of civilization. The punishments for breaking the law aim to prevent people from harming themselves, others, or society as a whole.

Another function of law is resolving disputes. Despite people's best intentions, conflict sometimes occurs, and the law provides a structure for handling this conflict in an orderly and fair way. For example, if Trisha is let go from her job and feels that she was treated unfairly, she can file a wrongful termination lawsuit and attempt to receive compensation for her employer's wrongdoings.

Laws can also be a vehicle for enacting social change and are often passed in response to shifts in public opinion, as well as social movements such as the Civil Rights Movement and Women's Rights Movement. For example, if many people are unhappy with the legal status of a particular drug, legislators might create a law to change that substance's legality.



Maintaining order



Resolving disputes



Enacting social change



## Levels of Law

Who is in charge of making laws? Laws are created by governing bodies of various size and **jurisdiction**. **International law**, for example, includes treaties and laws that are created and enforced by organizations such as the United Nations and the International Criminal Court. International law deals with agreements between nations and globally accepted standards of behavior in areas such as human rights, refugees, migration, and war.

**Federal laws** are created by the national government. Federal law applies to the entire nation and deals with topics such as intellectual property, tax fraud, and Social Security. Well-known examples of U.S. law include the Civil Rights Act, the Age Discrimination Employment Act, and the Endangered Species Act. Federal law has the highest authority in the United States, which means that it overrules any contradictory laws at the lower level.

**State laws** are created by state legislators. In the U.S., each state has its own constitution, government, elected officials, and courts. State laws can cover anything that is not already covered by the federal Constitution, federal statutes, or international treaties. Some specific state law topics include divorce, business contracts, and workers' compensation.

**Local laws** are created by legislators in cities, counties, towns, and villages. Examples include laws regarding rent and safety.



▲ *The United Nations is headquartered in New York and includes 193 member states.*



**W**ant a refresher on how a law is made in the U.S. Congress? Check out “How a Bill Becomes a Law” from CrashCourse Government and Politics: <https://www.youtube.com/watch?v=66f4-NKEYz4>.

## Breaking Down the Law

The law is complicated and broad, and includes several types of laws. To understand them, it is helpful to break them down into categories based on who creates them, how they are created, and their purposes.

**Common law** is law created by court decisions rather than through written legislation. In a common law system, legal decisions are based on past rulings and the precedent set by higher courts. For example, let's say a judge ruled that a business owner was not allowed to refuse service to customers based on their religious beliefs. Another lower ranked court in the same **jurisdiction** cannot contradict that previous decision. Judges, therefore, have an active role in interpreting how laws should be applied. Since there are no courts that can overrule the U.S. Supreme Court, its decisions have the force of law. The United States, the United Kingdom, Australia, Canada, and India are examples of countries that abide by common law.

Though the United States uses common law in its courts, the written legislation that comes from Congress is still the foundation that judges must interpret when making rulings, and legislators still hold immense power over creating law. Legislation can be broken down by whom it affects and how it is handled.



▲ *Under common law systems, judges have an important role in determining what laws look like in action.*

- **Civil law** includes laws that deal with the rights and duties of private entities, as well as possible disputes between them, which include contract disputes, personal injury claims, property disputes, and civil rights violations.
- **Criminal law** deals with crime and the legal punishment of criminal offenses, which can cause damage to an individual as well as society as a whole. For example, when someone steals a car, s/he is not just hurting the owner of the car. S/He is also damaging society by making people feel that their property is not secure.



More information on the differences between civil and criminal law can be found here: [http://www.diffen.com/difference/Civil\\_Law\\_vs\\_Criminal\\_Law](http://www.diffen.com/difference/Civil_Law_vs_Criminal_Law).

**Administrative law** pertains to the actions of government agencies, such as the Federal Trade Commission or the Food and Drug Administration. Administrative law grants these agencies certain powers, provides guidelines for the regulations they create, and defines the relationships they have with other governmental bodies.

### The Letter of the Law vs. the Spirit of the Law

Knowing about laws is one thing, but understanding and following them in your own life is another. To understand the complications that can arise when interpreting the law, it is necessary to understand the concepts of the letter and the spirit of the law. The **letter of the law** refers to the literal meaning of a law, as it is written, word for word. However, the **spirit of the law** refers to the *intent* of the law. It is the social and moral consensus of how to interpret the law. The spirit of the law might go beyond the exact wording. It is possible to break the letter of the law and not the spirit, and it's also possible to break the spirit of the law without violating the letter.

Let's take a look at an example. If a law states that all dogs must be kept on a leash when in public spaces, the letter of the law means exactly that: Everyone must keep his/her dog leashed at all times when in public. But what is the spirit of this law? The intent of a leash law is probably to keep dogs under control and away from other people who do not want to come into contact with them. However, Tim's dog Buster is a highly trained and obedient service dog that never leaves his side. If Tim takes Buster off his leash when walking in the park, he is violating the letter of the law. But is he complying with the spirit of the law?



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▲ *The letter of the law might not specifically prohibit all distracting behaviors while driving, but what about the spirit of the law?*

## **Punishments for Breaking the Law**

You probably already know that breaking laws can result in serious consequences. Generally, the more severe the infraction, the harsher the punishment. Punishments for civil injuries or damages, such as a breach of contract, are usually financial. Fines differ in amount depending on the situation. Those found guilty in criminal lawsuits can face fines, community service, imprisonment, or capital punishment. Criminal or civil consequences are not to be taken lightly; they can cause a multitude of problems in one's personal and professional life. For example, employers may be hesitant to hire you if you have been charged or convicted of a crime.

On the other hand, consider tax laws. A company can follow the letter of the law exactly, but it can also find loopholes that allow it to pay a lot less in taxes than it would have otherwise. Is the company violating the spirit of the law?

Following both the letter and the intent of the law are important and ethical. If you think about why a law was created in the first place, you can better follow its intention. For instance, what do you think is the intent of laws that prohibit texting while driving? They were created to keep you and others safe and to prevent accidents. To truly follow the intent of the law, you should not text while driving, but you should also not do other things that can distract you while you drive, such as talking on the phone, selecting music on your iPhone, or repeatedly switching the radio station.



But what about non-legal consequences for breaking the law or straying from the law's intention? If you do not comply with the spirit of the law, people who believe that the law is important may lose respect for you. A loss of respect can damage your personal and professional relationships. If you demonstrate that you do not value the intent of the law while you are at work, you may be reprimanded or even may lose your job. Following the intent of the law generally leads to ethical behavior and will help you find success.

## Summary

Laws are sets of rules that carry punishments when broken. Laws are written and passed by governing bodies. Regulations are passed by governmental agencies and explain how to enforce laws. Laws maintain order in society, set standards for acceptable behavior, resolve disputes, and enable social change. Laws are created at the local, state, federal, and international level. Types of law include common law, civil law, criminal law, and administrative law. Sometimes the letter of the law (literal wording) and the spirit of the law (the law's intention) do not match up. Following both the letter and the spirit of laws is important, and if either is broken, consequences will occur.

## TOTAL RECALL

1. What is the law?
2. What are regulations?
3. What is the rule of law?
4. What are the functions of law?
5. What are the levels of law?
6. What is common law?
7. What is civil law?
8. What is criminal law?
9. What is administrative law?
10. What is the letter of the law?
11. What is the spirit of the law?
12. What are consequences of breaking the law?

## THE GRAY ZONE

Kellan enjoys using social media to talk to his friends and post messages. One day, Kellan decided, as a joke, to post a message threatening violence towards classmates at school. He would never actually act in a violent manner but believed the post would be amusing to his fellow classmates. The next day, Kellan was surprised to find the police at his door, ready to take him into custody! Kellan believed that his post was clearly a joke and that he did not actually commit any crimes. Also, Kellan argued that he has the right to free speech, so he should not be punished. However, the authorities said that his post counted as a threat against his classmates and had to be treated as seriously as any other threat.

What do you think? Did Kellan break the law? Should he be punished for what was posted on his social media account? Or does he have the right to joke in a way that some might perceive as threatening?

## Follow the Law

It would be impossible to learn and remember every local, state, federal, and international law. There are just too many of them—and they are constantly changing and being challenged in courts. However, being unaware of the law is not an excuse for breaking it. The key to complying with the spirit and intent of laws and regulations is to focus on those that apply to you.

You've probably already learned many important laws simply by observing and interacting with the world around you. For example, when you were young, you observed adults paying for their groceries and soon understood that it is illegal to take food without paying for it. As a child, you learned that a red light means stop and a green light means go. And, you learned that it's against the law to trespass or go into someone else's house without permission. Even though you did not go out of your way to learn these laws, you learned them nevertheless.

Young adults assume greater responsibility for actively learning the laws affecting them and their actions. To obtain a driver's license, for instance, you must learn traffic law. On the other hand, when you get your first "real" job, it's a wise idea to learn the basics of labor and tax law, not because you're going to be tested on them, but because you need to know your rights and responsibilities as an employee.



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▲ *Being a responsible driver includes knowing and following all traffic laws.*

Your career will also have an impact on the types of laws that you should learn. As an example, a nurse learns all about health care privacy laws during his/her training, but a marketing specialist at a fashion retailer wouldn't need to know the specifics of these laws. If you begin working in a restaurant, on the other hand, you'll need to learn the laws regarding food safety, and if you become a blogger, you'll want to brush up on copyright law. In short, when you become involved with a new organization, group, employer, or activity, it's always a good idea to research applicable laws or regulations.

## Laws You Should Know Now

As a student, laws that are likely to affect your daily life include:

- Traffic laws
- Laws against cyberbullying
- Curfews
- Laws on illegal substances
- Child labor laws
- Domestic violence laws
- Truancy laws
- Human trafficking laws



Piotr Adamowicz/iStock/Thinkstock

▲ *Laws are intended to be fair, just, and balanced.*



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These laws can vary depending on where you live, so visit the U.S. Congress's website (<https://www.congress.gov/>) or your state's legislature website (<https://www.congress.gov/state-legislature-websites>) to learn more about how these laws impact you directly.

Think you already know these laws? Let's look at a couple of examples in which the correct way to comply with the spirit and intent of the law might not be as clear as it seems.



**Cyberbullying.** Jenna’s friend Rory sent her an unflattering photo that he took of one of their classmates in the hallway at school. Jenna thought the photo was funny and forwarded it to a few other friends. Jenna knows that it isn’t nice to make fun of someone, but no one will ever find out what she says in her private conversations with her friends. Is Jenna at risk of breaking the law, or is she allowed to send and say whatever she wants?



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Many states have adopted anti-cyberbullying laws in the past several years that give students protection against online harassment. They have legal definitions of bullying and corresponding punishments to go along with them. For example, in California, students have the legal right to feel safe, secure, and peaceful at school. If Jenna’s classmate felt that this right was being violated, she could potentially press charges against Jenna, Rory, and their friends. They could face not only school punishments, but legal consequences as well.

▲ *Try to put yourself in someone else’s shoes before making a joke at his/her expense—what is funny to you and your friends might be hurtful to others!*



To learn about the cyberbullying laws in your state, check out this interactive map from StopBullying.gov: <http://www.stopbullying.gov/laws/>. You can click on your state to see the specific policies and laws that are in place.

**Underage drinking.** Imagine that you go to a friend's house to hang out, only to discover that he has invited over everyone you know for a party. Many of your friends are drinking alcohol, which you know is illegal. You do not want to drink, but you don't want to be the only person left out. If you stay at the party, but do not consume any alcohol, are you still breaking any laws?

You are taking a risk by being around alcohol. The law states that anyone under 21 cannot be in possession of alcohol. Therefore, you can break the law simply by holding an alcoholic beverage. In some states, you don't have to be in possession of alcohol at the time of your arrest; you can be convicted by simply appearing intoxicated. If police came to the party, you might face legal consequences. It is best to avoid any situation that involves underage drinking and to tell a responsible adult if you witness any illegal activity.

**Curfew.** You are probably all too familiar with the curfew your parents set for you. But did you know that most states and cities have a legal curfew for those under the age of 16 or 18? Your town may have a law, for instance, that prohibits those under the age of 16 to be out without a parent or guardian between the hours of 10 p.m. and 6 a.m. The hours and ages vary, so check with your local police department. If you are caught out during the restricted time without a reasonable cause, you may receive a ticket and have to pay a fine or perform community service.

These examples are just a few of many laws that could affect your daily life. It is important to be informed about these issues and to ask questions when you are unsure. If you are ever in a situation where you think that you may be at risk of breaking the law, remove yourself from the situation and consult a parent, teacher, or police officer.



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**L**awforkids.org has several video skits, animations, and cartoons that help to illustrate more legal issues that could affect you. Check them out under the "Get Involved" tab: <http://lawforkids.org/>.

## How to Interact with Law Enforcement

Even if you attempt to comply with laws and their intent throughout your life, you may encounter members of law enforcement, such as police officers or government officials. Although these interactions can be scary or intimidating, you should try your best to prevent conflict and to have a positive interaction by taking certain steps:

- Remain calm. You might be scared or nervous during an encounter with law enforcement, but you will have a more effective conversation if you stay relaxed and keep your emotions under control.
- Be respectful. You should be respectful to everyone you encounter, but being disrespectful to law enforcement can be especially problematic and create unnecessary conflict. Be polite and use civil language to create a respectful atmosphere. 
- Be honest. Hiding information or lying to law enforcement can make your situation worse. 
- Ask questions. If you are unsure why you have been stopped or do not understand the situation, you should clarify what is happening.
- Know your rights. You have the right to remain silent, to refuse consent to a search, to calmly leave if you are not under arrest, and to have a lawyer if you are arrested.
- File a complaint if your rights have been violated. Do not physically resist or confront the officer in the moment.



Darrin Klimek/DigitalVision/Thinkstock

▲ The role of police officers is to enforce laws and keep the peace.



For more information about what to do in an encounter with law enforcement, check out “Know your rights: What to do if you’re stopped by police, immigration agents or the FBI” from the ACLU:

<https://www.aclu.org/know-your-rights/what-do-if-youre-stopped-police-immigration-agents-or-fbi>.



## When the Law Is Lacking

The intention of creating laws is to protect the best interests of the greatest number of people in society. However, the law is not perfect. It is complicated and ever-changing. Sometimes lawmakers make mistakes or flawed decisions, or laws become outdated as society progresses. But even when the law is inadequate, it is still the law and must be followed. So what should you do if you think that a law is unfair and needs to be changed?

**Consult a legal expert to learn more about the law.** Experts such as lawyers and legal aid offices can break down the law for you and explain your options.

**Talk to your elected officials.** Call or email your elected officials (your state and federal legislators) to receive more information about a particular law or issue, or to express your opinion.

**Petition.** Petitions, which typically contain many people's signatures, are formal documents submitted to courts or elected officials that ask them to address an injustice. If you gather enough support, a petition can be a powerful tool for getting attention and enacting change.



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**C**hange.org is a popular online hub for petitions. Visit the website to see what petitions others have made and which ones have successfully led to changes in the law: <https://www.change.org/>.



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**Protest.** Sometimes, when people feel that their interests are not being protected by the law or lawmakers, they form protests. Citizens of many countries have the right to assemble and take a stand for or against a particular issue. For example, if your town's government decided to shut down the local library, you could get a group of students, teachers, and parents together to show that the town is against the decision. Before you start a protest, research any permits or other requirements that you might need to legally exercise your right to demonstrate peacefully.

While most protests begin peacefully, passions can rise and sometimes conflict occurs. To effectively communicate your message, you should avoid insults, violence, and vandalism. Stay focused on the goal of the protest and engage any opponents peacefully and respectfully.

*Remember:* Even if you disagree with a law, you should still try your best to follow it. You will risk facing serious consequences if you break a law, even one that you perceive as lacking or unfair.

## Summary

Complying with laws and regulations is a necessary part of ethical citizenship. Because memorizing every law is unrealistic, you should focus on those that affect you. Children often unconsciously learn laws from the world around them, while teens and adults have a responsibility to actively learn the laws affecting them and their actions, including in their careers. Laws affecting teens and students include traffic laws, curfews, child labor laws, domestic violence laws, laws against cyberbullying, laws on illegal substances, human trafficking laws, and truancy laws. If you come into contact with members of law enforcement, you should try your best to prevent conflict and to have a positive interaction. If you think that a law is unfair and needs to be changed, consult a legal expert to learn more about the law, talk to your elected officials, petition, or protest. Even if you disagree with a law, you should follow it to the best of your ability, or you may face punishments.

### TOTAL RECALL

1. What are three examples of laws that might apply to students?
2. What steps should you take to prevent conflict and have positive interactions with law enforcement?
3. What can you do if the law is inadequate or unfair?