

# What is Law?

## CHAPTER 1

# What is Law?

- ⦿ Laws are rules made by the government that tell people in a society how they should act.
- ⦿ While every society has some type of law, it can take many different forms depending on the given society
- ⦿ Stable societies depend on government officials to enforce the laws and the citizens to obey them.

# Law and Values

- ⦿ Laws generally reflect people's ideas about right and wrong.
  - However, not everything that is immoral is illegal.
- ⦿ Laws often change over time as a society's values change.
- ⦿ One goal of the law in democratic societies is to respect the majority's wants while protecting the rights of those who have less of a voice in the system.

# Human Rights

- ① Human rights are the rights that belong to people simply because they are human beings.
- ② Most countries have agreed to recognize and respect human rights by signing the Universal Declaration of Rights.
- ③ The United Nations has developed a system of international treaties that protects specific human rights.

# Human Rights

- ⦿ Many countries also create laws aimed at protecting human rights.
- ⦿ Our Constitution, Bill of Rights, and other state and federal laws are all influenced by a desire to protect human rights.

# Balancing Rights and Responsibilities

- ◎ Americans enjoy many individual rights, but some people argue that these rights must be balanced with social responsibilities to foster a sense of community.

# Kinds of Laws

- ⦿ Law can be divided into two major categories: civil and criminal.
  - Criminal laws regulate public conduct. In a criminal case, the government brings legal action against a person and imposes a penalty.
  - Civil laws regulate relations between private individuals and may be enforced in a civil action by a private citizen (or group) who feels wronged.

# Kinds of Laws

- ⦿ Sometimes the same act or wrong can be tried as both a civil and criminal case.
- ⦿ However, criminal cases require a higher standard of evidence for conviction than civil cases, because the penalties are more severe.

# Our Constitutional Framework

- ⦿ The United States Constitution is the highest law in the United States and the longest lasting written constitution in the world.
- ⦿ The United States Constitution sets forth guidelines for the organization of the government, lists the government's powers and limits, and outlines the freedoms of United States citizens.

# Our Constitutional Framework

- ◎ The Constitution also designates that the federal government's power must be divided among three branches, each with distinct roles and checks on the other branches' power.
- ◎ In addition to federal power being shared among the three branches, power is also divided between the federal and state governments.

# Our Constitutional Framework

- ⦿ Each state has its own constitution, which organizes its government and sets out the rights of its people.
- ⦿ These constitutions, like the federal Constitution, are difficult to change, but amendment processes exist and are used when necessary.