

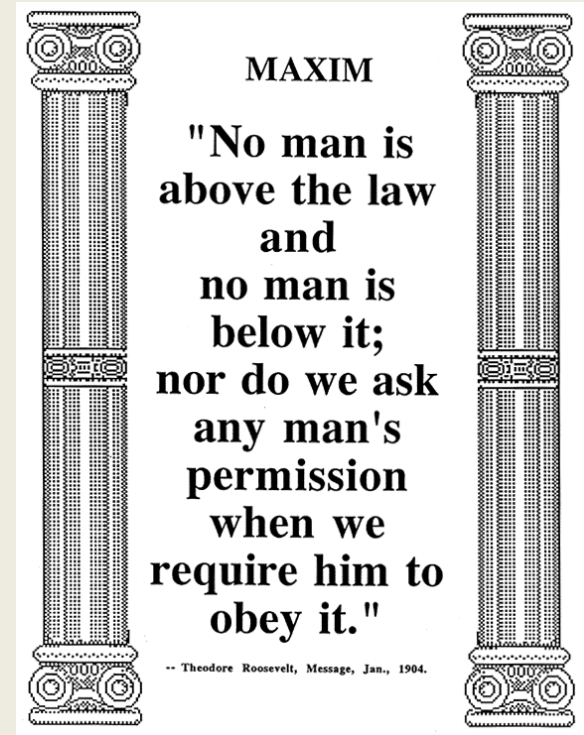
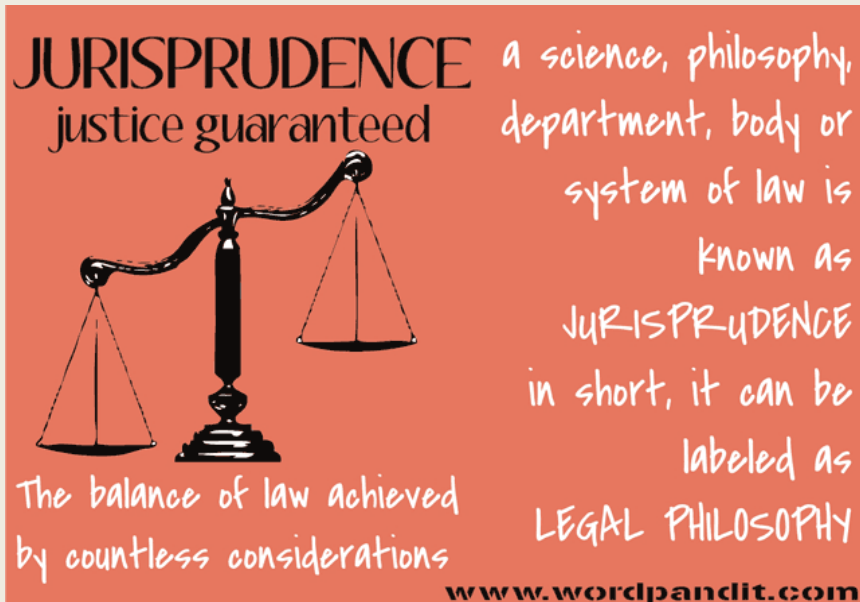
Introduction to Law

Chapter 1 Notes

“What is Law?”

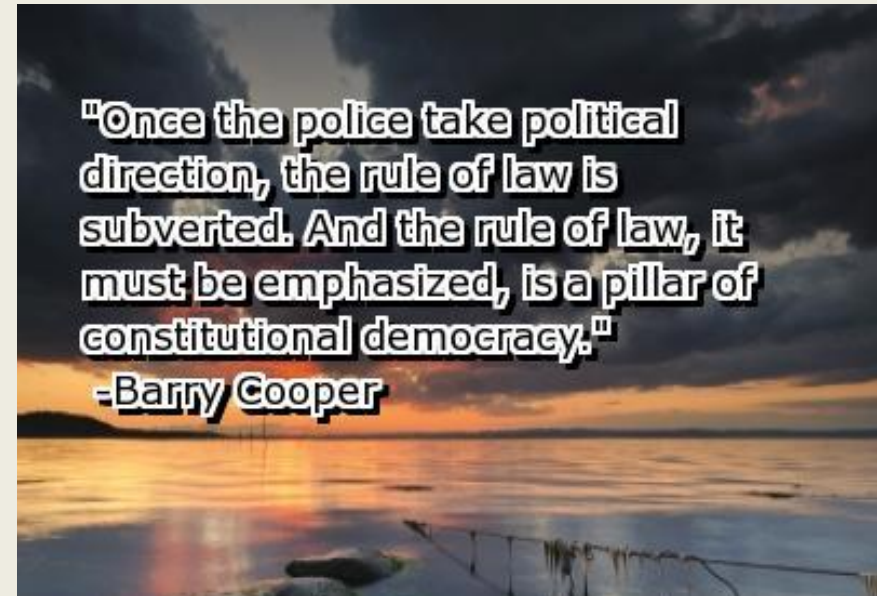


Law – the rules and regulations made and enforced by government that regulate the conduct of people within a society



Jurisprudence – the study of law and legal philosophy

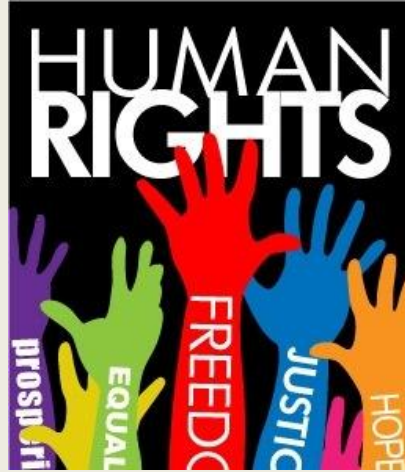
Rule of Law – implies that government authority may only be exercised in accordance with written laws, which were adopted through an established procedure. The principle is intended to be a safeguard against arbitrary rulings in individual cases.



Law and Values

- laws generally reflect and promote a society's values or the traditional views of "right and wrong"

Goals of our legal system:



1. protect basic human rights



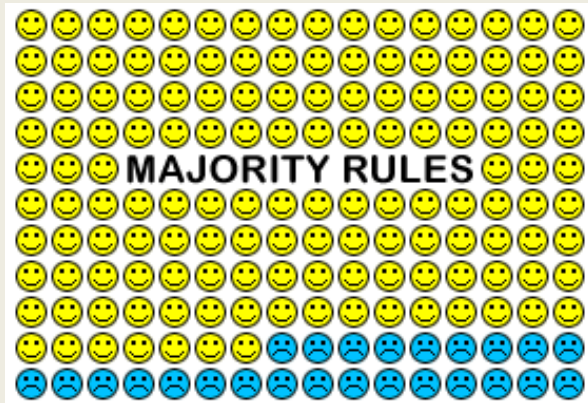
2. promote fairness



3. help resolve conflicts

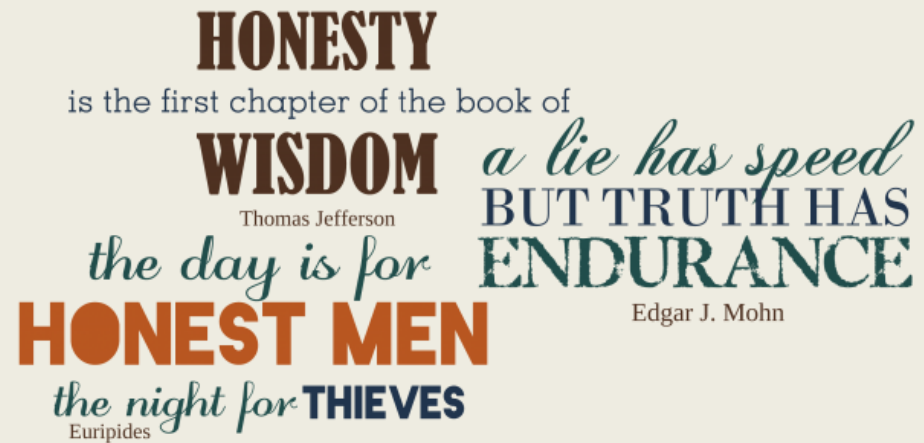


4. promote order and stability



6. represent the will of the majority

7. protect the rights of minorities



5. promote desirable social and economic behavior

- laws must balance rights with responsibilities, the will of the majority with the rights of the minority, and the need for order with the need for basic human rights

Values

- laws can be based on moral, economic, political, or social values (and any combination)



Moral – deal with fundamental questions of rights and wrong

Economic – deal with the accumulation, preservation, use, and distribution of wealth

Political – reflect the relationship between government and individuals

Social – concern issues that are important to society

Why do humans obey the law?

People obey either because they believe they should or because they are afraid not to.



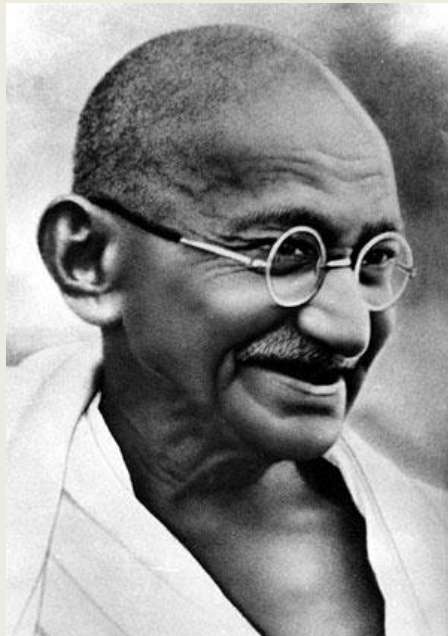
Paradox of Law in America => *We are a nation born of revolution, yet we strongly believe strongly in the rule of law.*



Sources of Law

1. Natural Law Approach

- the laws that govern relationships among people, like the laws that govern the physical universe, are from nature
- referred to as “higher law”, “God’s law”, has moral overtones
- provides justification for civil disobedience

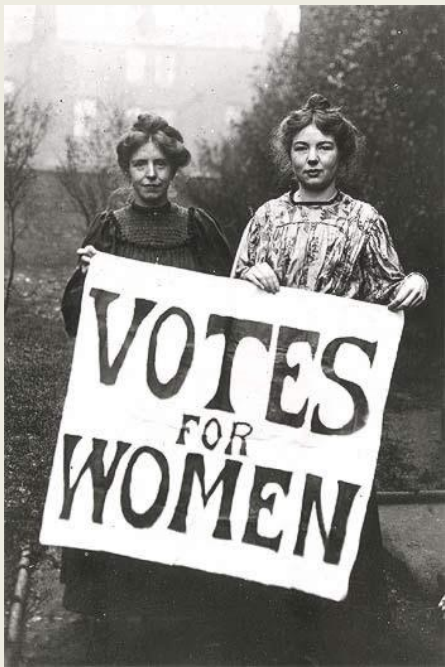




2. Positive Law Approach

- the belief that law should simply reflect the will of the majority
- law is stripped of any moral overtones and basically states that the will of the majority is the law

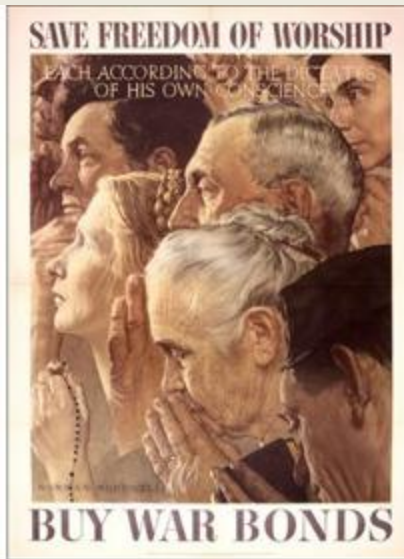
MA/ORITY
☒ **RULES**



3. Sociological Approach

- the law represents a reflection of the values, mores, and culture of the society that produces it, and that as the society changes, the law will also change





The government is faced with two balances in creating, interpreting, and applying laws:

Traditional Balance – needs of the people v. the needs of the individual
- our history demands maximum personal freedom but only to the extent it does not compromise the personal freedoms of others

Modern Balance – changing societal standards demand a responsive government
- the government must weigh the need for stability against the need for flexibility