

What is Law: An Introduction



Street Law, Chapter 1

Chapter 1: What is Law?

- **Laws are rules made by the government that tell people in a society how they should act.**
- **law 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.**

Laws 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

- **Human rights are the rights that belong to people simply because they are human beings.**
- **Most countries have agreed to recognize and respect human rights by signing the Universal Declaration of Rights.**

the Universal Declaration of Rights

- **The United Nations has developed a system of international treaties that protects specific 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 with 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.**

Criminal or civil?

- **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.**

Standard or “Burden of Proof”

- Criminal: beyond a reasonable doubt
- Civil: by a preponderance of the evidence

Why is there a different standard?

- Criminal cases involve potential loss of life or freedoms
- Civil cases involve monetary damages alone
- As a society, we place a higher value on life and freedom, therefore a higher burden is imposed on those who would limit or take them away

Our Constitutional Framework

- **The United States Constitution is the highest law in the United States**
 - **the longest lasting written constitution in the world.**

*The US 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.**

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.**

Power is also divided

- **between the federal and state governments.**
- **Each state has its own constitution,**
- **organizes its government and sets out the rights of its people.**

These state constitutions

- **like the federal Constitution, are difficult to change,**
- **but amendment processes exist and are used when necessary.**