

BUSINESS LAW I
CHAPTER OUTLINE
CHAPTER 1

LEARNING OBJECTIVES:

- Define law
- List and describe the schools of judicial thought
- Learn the history and development of American Law
- List and describe the sources of law in the United States
- Learn what critical legal thinking is and how to apply it to analyzing legal cases

The definition of law varies but all of them have some of the same components:

A body of enforceable rules governing relationships among individuals and their society. Usually promulgated by a controlling authority and having legal consequences for lack of compliance. We might also say that the law consists of rules that regulate conduct. Conduct of individuals, business and organizations forbidding undesirable activities.

Functions of law:

Laws are created to keep the peace (criminal law is supposed to deter and punish illegal activities and civil law leaves matters like contract disputes to the courts as opposed to fighting in the streets).

Laws help to shape morals, promote social policies (children's rights, employee rights, etc.), protect the environment (Environmental protection act), check government powers (freedom of speech, of religion, etc.), promote economic growth through free competition (antitrust laws), facilitate planning and realization of reasonable expectations (contract laws)

The law in the United States is both fair and flexible. Yes there are abuses and yes it doesn't always seem fair but for the most part it is a comprehensive and fair system. There are societal changes technology changes and commercial changes that bring about changes in the law. These are to be expected in any system of law. These just show us the flexibility in the U.S. system.

JURISPRUDENCE:

Otherwise known as legal philosophy. It seems that every textbook author includes different starting points. If we look at general categories, we see natural law as the system of moral and ethical principles that are inherent in human nature (parents are responsible for the actions of their children, murder is wrong, etc.). And then there is positive law which is the conventional or written law of a particular society at any point in time including the US Constitution, books containing judicial decisions, state and federal statutes, etc.. Legal positivism says that law is the command of society's ultimate political authority. Simple in a dictatorship (law says jump or else). Natural law rejects the separation of law and morality. The basic idea behind it is that there is some set of moral standards that are

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Henry R. Cheeseman



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