LESSON 1

SOURCE AND TYPES OF LAW

NGSSS

SS.7.C.3.10 Identify sources and types (civil, criminal, constitutional, military) of law.

Essential Question

How do laws protect individual rights?

Guiding Questions

1. What is the purpose of laws?
2. What early legal systems influenced the laws we live by today?
3. What types of laws exist in the American legal system?

Terms to Know

code
an organized collection of laws

common law
law that grew from court decisions over many years

precedent
earlier ruling on which decisions in later cases are based

statute
law made by a legislature

lawsuit
a civil case brought before a court to collect damages for some harm that has been done

constitutional law
branch of the law dealing with forming and interpreting constitutions

case law
branch of law based on judge's decisions

administrative law
branch of law that includes all the rules the executive branch makes as it does its job

It Matters Because

Laws protect public safety and keep order in society.

What is an important law that affects your life? Write a sentence about the law. After you have read the lesson, write another sentence about it based on what you have learned.

What Do You Know?

Directions: In the first column, decide if you think the statement is true or false based on what you know in the "Now" column. Circle your answers. After the lesson, circle your answers in the "Later" column.

Now			Later	
True	False	Most of our laws come from Hammurabi, a Babylonian king.	True	False
True	False	The most important source of U.S. laws is English common law.	True	False
True	False	Roman law is a blend of English and French laws.	True	False

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Justinian I developed the Justinian Code.



Napoleon Bonaparte (Napoleon I) created the Napoleonic Codes.

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to parts of Europe, Asia, and Africa. In A.D. 533 the ruler of the Eastern Roman Empire, also called the Byzantine (BIH•zehn•TEEN) Empire, simplified the Roman laws into a body of rules. It was called the Justinian Code. Roman law also became part of the laws of the Roman Catholic Church. This part of church law is called canon law.

The Justinian Code was updated in 1804 by the French emperor Napoleon Bonaparte. He called it the Napoleonic Code. Napoleon spread his code to all the lands he conquered. The Louisiana Territory had been under French control before the United States bought it in 1803. As a result, Louisiana still has laws that were based on the Napoleonic Code.

The most important source for American laws is English **common law.** Common law is law based on court decisions and customs. It began after the Normans of France took control of England in 1066. Judges were sent into the countryside to hear cases. These judges based their rulings on **precedents,** or the rulings given earlier in similar cases. This practice of following precedent became part of the common law. Common law is considered judge-made law.

The English blended Roman law and canon law into common law. Common law included the basic principles of individual rights, such as the idea that a person is innocent until proven guilty. Over time the English added to the common law by allowing Parliament to make laws. Laws made by a legislature like Parliament are called **statutes.** When English settlers came to North America in the 1600s and 1700s, they brought their traditions of common law and individual rights with them. They are a key part of the United States judicial system today.

Think Critically

4. Summarize What contribution did the French emperor Napoleon make to the body of written law?

5. Contrast What is the difference between a precedent and a statute?

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