

Sources of American Law

What Are Laws?

- Laws are sets of rules that allow people to live peacefully in society
 - They are binding on everyone in a particular community
 - Make it possible for all parties to deal with one another
- Purposes of Laws:
 - Keep peace and prevent violent acts
 - Set punishments to deter (discourage) criminal acts
- To be fully effective, laws must:
 - Be fair
 - Treat all people equally
 - Be understandable

Historical Sources of American Law

- Unwritten Laws → early human societies used unwritten laws to help avoid or cope with social conflict; probably passed down by word of mouth



Historical Sources of American Law

- Code of Hammurabi → first written system of laws (comes from the Babylonian Empire); harsh punishments for law breakers



Historical Sources of American Law

- Ten Commandments → found in the Bible; Commandments include moral rules about how people should behave toward one another



Historical Sources of American Law

- Roman Law → made a science of the law (jurisprudence – the study of law); harsh penalties for law breakers



Historical Sources of American Law

- Justinian's Code → Byzantine emperor who boiled down the confusing mass of Roman law into an orderly body of rules



Historical Sources of American Law

- English Common Law → law based on court decisions rather than on a legal code; when judges decided a new case, they looked in the books for a similar case and followed the earlier ruling (precedent)



Historical Sources of American Law

- U.S. Constitution → the Constitution is the supreme law of the United States; however, the only crime defined in the Constitution is treason (committing acts designed to harm the U.S.)



Types of Crimes

- **Petty Offense** - is any misdemeanor, the penalty for which does not exceed imprisonment for a period of six months, a fine of not more than \$5,000, or both
- **Misdemeanors** - are criminal offenses that carry up to a year in jail in most states
- **Felonies** - is defined as a crime that is severe enough to be punishable by sentences ranging from imprisonment for more than a year, to life imprisonment without parole, and even death