

# [Gr. 12 law – chapters 1-3](https://assignbuster.com/gr-12-law-chapters-1-3/)

PEETSFive factors that drive lawdemographic changechange relating to birth and death rates or to trends in immigration, education and employment ONGR. 12 LAW – CHAPTERS 1-3 SPECIFICALLY FOR YOUFOR ONLY$13. 90/PAGEOrder Nowlobby groupnumber of people trying to influence legislators on behalf of a particular cause or interest. rule of lawformulated in the Magna Carta in 1215independent justice systemthe judges and courts of the country function independently of the other branches of governmentcase lawtype of law developed in England that is based on following previous judicial decisions and is common to the people of a countrystatue lawlaws passed by legislaturesad hoc organizationan organization created for a specific purposenational organizationan organization that represents a particular group of people on a permanent basis and has more than one purpose or goalRoyal Commissionsomeone who is appointed by the government to investigate and report on a particular issueinterveneran individual, agency, or group of people not directly involved in a case but who, as a third party, has a special interest in its outcomeexculpating factora factor that clears a defendant of blameprecedentlegal decision that is taken as a guide for subsequent casescivil disobediencea peaceful form of protest by which a person refuses to obey a particular law as a matter of conscienceapartheida former policy of the South African government that involved discrimination and segregation directed against non-whitespublic lawis usually punished with jail sentence; criminal vs. constitution/administrative law; cited: R vs. accused (defendant)private lawis conflict resolution - involving money; between individuals; barely any criminal acts; cited: plantiff vs. defendantsubstantive lawis law that defines the rights, duties and obligations of citizens and government. procedural lawis law that prescribes the methods of enforcing the rights and obligations of substantive lawtypes of public laware: constitutional (charter), administrative (Ministry of Labour) and Criminal Lawpublic lawgovernment vs. government or government vs. person. types of private lawtort law (wrongdoing), contract law (agreements), family law (marriage/divorce, custody), labour law (employment, employee/employer rights), and property law (real estate). primary sources of laware parts of a legal system that have the longest historical development and represent the system's cumulative values, beliefs and principles. types of primary sources of lawReligion & Morality, Historical Influences, Influence of Customs & Conventions, and Influence of Social & Political Philosophy. British and Frenchlaws have played an influence in Canadian lawsinherited from Greek lawCitizen participation (Section 3 of the Charter - right to vote) and trial by jury (Section 11 of the Charter - right to trial by jury)codea systematic collection of laws, written down and organized into topics. inherited from Roman lawthe use of codes - Canadian Criminal Code - and the use of lawyerscustoma long-established way of doing something that, over time has acquired the force of lawconventionis a way of doing something that has been accepted for so long that it amounts to an unwritten rule. secondary sources of lawcurrent laws that enshrine a society's values in written rules and regulations that have been formulated by legislators and judges. secondary sources of lawin Canada are the constitution, statute law, and case lawconstitutional lawis the body of written and unwritten laws that set out how the country will be governed. This type of law sets out the distribution of powers between the federal government and the provinces and embodies certain important legal principles. parliamentary supremacyis the principle that Parliament has the supreme power of making Canadian laws. Ultra viresmeans to act beyond one's power under the constitutionIntra viresmeans to act within one's power under the constitutionstare decisismeans to stand by the decision which, in law, means that a precedent must be considered when ruling on a case with similar circumstancesinternational lawlaw that has jurisdiction in more than one countryjurisprudencethe philosophical interpretation of the meaning and nature of law. natural lawthe theory that human laws are derived from eternal and unchangeable principles that regulate the natural world and that people can become aware of these laws through the use of reasonpositive lawis the theory that law is a body of rules formulated by the state, and that citizens are obligated to obey the law for the good of the state as a wholedialecticthe process of clarifying an idea through discussionSocratesbelieved in justice and obedience with the law, regardless of the circumstancesPlatoHe believed that as a human being achieves justice through reason, the state achieves justice through lawAristotlebelieved that what sets humans apart from the rest of the world is their ability to reason (tell difference between good and bad) which is known as rationalism. He believed that the majority of people are ruled by their passions, and only law can make them good. St. Thomas Aquinasadapted Aristotle's thoughts into his own purposes and developed the four kinds of lawThomas Hobbeshe believed that law maintained order and without law everyone would kill each other. John Lockebelieved law should preserve natural rights like freedom to life, liberty and propertyJeremy Benthambelieved that the purpose of the law was to secure the happiness of the majority (utilitarianism) and he separated law completely from morality; John Austinbelieved that people have different interpretations of what's wrong and right, therefore " set" laws needed to be established that had to be obeyed. Utilitarianismthe theory that the law should achieve the greatest good for the greatest number of peoplelegal realismis the school of legal philosophy that examines law in a realistic rather than a theoretical fashion. It is the belief that law is determined by what actually happens in the courts as judges interpret and apply law. Feminist jurisprudencethe theory that law is an instrument of oppression by men against women.