

Gr. 12 law – chapters 1-3



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PEETS Five factors that drive law demographic change change relating to birth and death rates or to trends in immigration, education and employment

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Order Now lobby group number of people trying to influence legislators on behalf of a particular cause or interest. rule of law formulated in the Magna Carta in 1215 independent justice system the judges and courts of the country function independently of the other branches of government case law type of law developed in England that is based on following previous judicial decisions and is common to the people of a country statute law laws passed by legislatures ad hoc organization an organization created for a specific purpose national organization an organization that represents a particular group of people on a permanent basis and has more than one purpose or goal Royal Commissions someone who is appointed by the government to investigate and report on a particular issue intervenor an individual, agency, or group of people not directly involved in a case but who, as a third party, has a special interest in its outcome exculpatory factor a factor that clears a defendant of blame precedent legal decision that is taken as a guide for subsequent cases civil disobedience a peaceful form of protest by which a person refuses to obey a particular law as a matter of conscience apartheid a former policy of the South African government that involved discrimination and segregation directed against non-whites public law usually punished with jail sentence; criminal vs. constitution/administrative law; cited: R vs. accused (defendant) private law is conflict resolution - involving money; between individuals; barely any criminal acts; cited: plaintiff vs. defendant substantive law is law that defines the rights, duties and obligations of citizens and government. procedural

law is law that prescribes the methods of enforcing the rights and obligations of substantive law types of public law are: constitutional (charter), administrative (Ministry of Labour) and Criminal Law public law government vs. government or government vs. person. types of private law tort law (wrongdoing), contract law (agreements), family law (marriage/divorce, custody), labour law (employment, employee/employer rights), and property law (real estate). primary sources of law are 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 law Religion & Morality, Historical Influences, Influence of Customs & Conventions, and Influence of Social & Political Philosophy. British and French laws have played an influence in Canadian law inherited from Greek law Citizen participation (Section 3 of the Charter - right to vote) and trial by jury (Section 11 of the Charter - right to trial by jury) code a systematic collection of laws, written down and organized into topics. inherited from Roman law the use of codes - Canadian Criminal Code - and the use of lawyers custom a long-established way of doing something that, over time has acquired the force of law convention is a way of doing something that has been accepted for so long that it amounts to an unwritten rule. secondary sources of law current laws that enshrine a society's values in written rules and regulations that have been formulated by legislators and judges. secondary sources of law in Canada are the constitution, statute law, and case law constitutional law is 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 supremacy is the principle that Parliament has the

supreme power of making Canadian laws. Ultra vires means to act beyond one's power under the constitution. Intra vires means to act within one's power under the constitution. stare decisis means to stand by the decision which, in law, means that a precedent must be considered when ruling on a case with similar circumstances. international law law that has jurisdiction in more than one country. jurisprudence the philosophical interpretation of the meaning and nature of law. natural law the 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 reason. positive law is 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 whole. dialectic the process of clarifying an idea through discussion. Socrates believed in justice and obedience with the law, regardless of the circumstances. Plato He believed that as a human being achieves justice through reason, the state achieves justice through law. Aristotle believed 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 Aquinas adapted Aristotle's thoughts into his own purposes and developed the four kinds of law. Thomas Hobbes he believed that law maintained order and without law everyone would kill each other. John Locke believed law should preserve natural rights like freedom to life, liberty and property. Jeremy Bentham believed that the purpose of the law was to secure the happiness of the majority (utilitarianism) and he separated law completely from morality; John Austin believed that people have different interpretations of what's wrong and right, therefore " set" laws needed to be

established that had to be obeyed. Utilitarianism the theory that the law should achieve the greatest good for the greatest number of people legal

realism is 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 jurisprudence the theory that law is an instrument of oppression by men against women.