

13.3: Understanding Law

Learning Objectives

- Define law

Lawyer and educator Lloyd Duhaime defines law as “conduct approved and enforced by the government of and over a certain territory.”^[1] Distilling the concept to its essence, McGill University law professor and author Wendy Adams defines law as “a mechanism for facilitating and regulating interaction between autonomous entities.” What’s fascinating is the essential role of law in society. In *Essentials of Business Law*, the authors note that “every society of which we have any historical record has had some system of laws.”^[2]

Note that the term “law” is used to refer to legislation—for example, the Civil Rights Act of 1964 and other anti-discrimination legislation discussed in Module 15: Human Resource Management—as well as common law, described as “judge-made law” since it’s based on precedent or prior court rulings.



Although intended to protect the fundamental rights and liberties of U.S. citizens, the legal system and its laws are not always readily understood by the average citizen. At what point do we cross that fine line between legal and illegal, and on what basis is that line even drawn in the first place? Most people understand (and accept) laws prohibiting acts of murder, thievery, physical harm, and financial malfeasance, but there are plenty of other laws that might give us pause. For example, in Minnesota, any game in which participants attempt to capture a greased or oiled pig is illegal. The same laws also prohibits turkey scrambles.^[3] Don’t attempt to substitute a ferret for a hunting dog in West Virginia. Anyone who hunts, catches, takes, kills, injures, or pursues a wild animal or bird with a ferret will face a fine of no less than \$100 (but no more than \$500) and no fewer than 10 (but no more than 100) days in jail. ^[4]

While you may never have considered taking part in a turkey scramble or hunting with a ferret, chances are good that you have broken some law at some time—perhaps even in the last twenty-four hours. Did you exceed a speed limit while driving? Roll through a stop sign at an empty intersection while riding your bike? Drive to the minimart without wearing your seatbelt? Although unlikely that you will be prosecuted and jailed for these minor traffic offenses, the fact is that you broke the law. Why do we have so many laws? Let’s take a closer look at the role of law in society and why laws are created in the first place.

Practice Question

<https://assessments.lumenlearning.co...essments/14329>

U.S. law is based primarily on English law, with influences from other societies as well as our colonial/revolutionary experience. Most notably, our Constitution, with its division of power between the state and federal governments, was inspired by the League of the Iroquois, a Native American League or Confederacy governance structure. As documented by the Milwaukee Public Museum, the structure was designed to unite the five major nations—the Cayuga, Mohawk, Oneida, Onondaga and Seneca—with “one mind, one heart, one law.”^[5] Intra-tribal issues were handled at the individual nation level. Each nation elected representatives to the Council, which was charged with managing relations between the tribes and the Confederacy and other entities – for example, relations with the United States Government.

1. "Law Definition." Accessed June 12, 2019. <http://www.duhaime.org/LegalDictionary/L/Law.aspx>. ↵

2. Beatty, Jeffrey F., and Susan S. Samuelson. *Essentials of Business Law*, 5th ed., p. 3. Stamford, CT: Cengage Learning, 2015. ↵

3. "2013 Minnesota Statutes Section 343.36." Accessed June 11, 2019. www.revisor.mn.gov/statutes/2013/cite/343.36. ↵

4. "West Virginia Code 20 - 2 - 5." Accessed June 11, 2019. www.legis.state.wv.us/legisdocs/code/20/WVC%2020%20%20-%20%202%20%20-%20%20%205%20%20.htm. ↵
5. "The League of the Iroquois." Milwaukee Public Museum. Accessed June 12, 2019. www.mpm.edu/content/wirp/ICW-155.html. ↵

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