



The Judicial Branch and Legal System: SS.7.CG.3.10
Sources and Types of Law
READING #2

Name: _____

Date: _____



SS.7.CG.3.10 Benchmark Clarification 2: Students will recognize natural, constitutional, statutory, case and common law as sources of law.

Laws come from different sources and are made at the local, state, and federal levels of government.

One of the earliest sources of law is **natural law**. Natural law is the idea that all human beings are born with and entitled to life and liberty and that the government must respect these natural rights. John Locke popularized this concept, and Locke’s views on government influenced the Founding Fathers as they began to craft a new government. Locke believed in the expectation that governments must protect natural rights and create a social contract that defines the rights, duties, and limitations of both the people and the government. When this social contract is broken, the people have the right to change it.

Based on Article VI (6) of the U.S. Constitution, the **Supremacy Clause**, the higher levels of government decide how much law-making power the lower levels have. For example, the national government decides how much power the states have, and states decide how much power local governments have. The laws made at the lower levels may not conflict with the state or national laws.

Constitutional law focuses on interpreting the U.S. Constitution. The U.S. Supreme Court is the highest authority on interpreting the U.S. Constitution. Congress or state legislatures pass **statutory laws**. An example of this is the Civil Rights Act of 1964.

Regulations are the rules a government agency makes to enforce laws. Agency heads decide how the laws will be carried out. **Case law** includes previous court decisions. Legal **precedents** ensure that court decisions agree with each other. **Common law** is based on customs and prior legal decisions used in civil cases.

The U.S. Constitution is the supreme law of the land. States cannot create laws that conflict with it.

case law - law established based on the outcome of former court cases

common law - law based on customs and prior legal decisions; used in civil cases

constitutional law - law that focuses on interpreting the U.S. Constitution

natural law - laws passed by government to protect natural rights

precedent - a court decision in an earlier case with facts and legal issues similar to those in a case currently before a court

regulation - a rule that a government agency makes to enforce a law

statutory law - laws passed by Congress or a state legislature

Supremacy Clause - the clause that states that the U.S. Constitution is the supreme law of the land, and that national laws are supreme over state laws, found in Article VI (6)