

Some Facts About Law

What is Law?

Law is a concept that we are exposed to all of our lives, and which affects our lives and the things around us. Law is as essential to a well ordered universe as it is to a stable and just civil or jural society, or a properly kept family unit. That we might better understand how law relates to us we need to define what it is or should be. The following is a definition of law from *Black's Law Dictionary*:

1. That which is laid down, ordained, or established.
2. A system of principles and rules of human conduct.
3. A rule of civil conduct.
4. A law is a general rule of human action.
5. A law is a command which obliges a person or persons.¹

Law is basically a rule that guides, directs or limits the conduct or action of something or someone, which is declared by some authority. The physical laws of nature guide, direct and limit the action of matter and energy. There thus are laws of thermodynamics, electricity, pressure, light, magnetism, gravity, chemistry and other physical laws. Our concern with law is its application to ourselves as a rule which guides and directs our action or conduct. A set of such laws establishes a jural system or order.

A law that regulates human conduct has attributes similar to physical laws. But laws regulating human conduct are distinguished from physical laws in that they are not self-executing, as are physical laws. Such laws usually need an outside force to assure they are

executed. Also, a law which regulates human conduct is not always of effect or enforceable, as it is limited or controlled by other laws and conditions. Where a conflict of laws exists, the superior law prevails. Also, a law for human conduct cannot be enforced where the right of a person to act differently exists. When the proper law is enforced or upheld, it is regarded as justice or doing that which is right and just.

Law then must have a binding legal force, and an appropriate means for its enforcement or execution to be of any use or importance in human affairs. This is because the concept of law implies a command, not an opinion or suggestion. Certainly no law would exist, or need to exist, if there were not those who are required to follow or obey it.

A law regulating human conduct can be of two types. It can be *negative* by prohibiting an act or declaring that it shall not be done, or it can be *affirmative* by commanding or requiring an action to be done. Most law is of a negative nature. Law can also be written or positive, such as a statute or constitution, or it can be unwritten, such as common law, natural law, or international law. We will find that what we are subject today are not constitutions or even legislative statutes directly, but a type of unwritten law.

If one is obliged or required to obey a law, there must of necessity be an authority for the law to exist.

Law in the sense in which courts speak of it today, does not exist without some definite authority behind it.²

1 *Black's Law Dictionary*, 2nd Edition, p. 700.

2 *Black & White Taxi Transfer Co. v. Brown & Yellow Taxi Transfer Co.*, 276 U.S. 518, 533 (1927).