Carved in marble over the entrance of the Supreme Court building in Washington, D.C., is the motto “Equal Justice under Law.” What does this motto mean to you? It means that you and all other citizens are considered equal and are protected by the rule of law. Laws define individual rights and freedoms. But where does your freedom end and another person’s freedom begin? The judicial branch of the government—the court system—helps find the answer.

A Nation of Laws

Every society needs rules. Without rules, people might feel like they could do anything to anybody anytime they wanted. That is one reason why societies have laws. Laws are society's rules. Laws protect you. Laws, such as traffic laws and laws against rape and murder, are aimed at protecting your personal and physical safety.

Equal Justice under the Law

1. **Teach**  Ask students the Reading Focus questions to teach this section.

2. **Apply**  As students read the section, have them take notes on how the U.S. government helps guarantee justice.

3. **Review**  To review the section’s main ideas, have students recite together the last six words of the Pledge of Allegiance: “with liberty and justice for all.”

   Explain to the class that the word _liberty_ comes from the Latin word for “free.” Then lead a class discussion on how the ways the U.S. government ensures justice is related to Americans’ freedom.

4. **Practice/Homework**  Have students write a brief essay on the relationship between justice and freedom in the United States.
Other laws protect your property, your freedom to speak and practice your religion, and your health. Laws set boundaries or limits on behavior. So while you may have the right to practice playing your electric guitar, that right is limited somewhat by your neighbor’s right to the peaceful enjoyment of his or her property.

**Criminal Law**

There are two basic categories of laws, criminal law and civil law. When people talk about “breaking the law,” they are usually referring to a crime. A **crime** is any behavior that is illegal because society, through its government, considers the behavior harmful to society. **Criminal law** refers to the group of laws that define what acts are crimes. Criminal law also describes how a person accused of a crime should be tried in court and how crimes should be punished.

Criminal laws are intended to protect society as a whole. For example, laws against assault, murder, and rape help protect you and other people from being harmed. Laws against stealing help protect your property and other people’s property as well. You might think that a crime against another person does not affect you, but that is not true. If someone who breaks into your neighbor’s house and steals something is not caught and punished, the criminal may steal again. The criminal might even break into your house next. And if criminals are not caught and punished, people may begin to think that it is okay to steal.

**Civil Law**

The other basic category of laws is civil law. **Civil law** is the group of laws that refer to disputes between people. If you have a dispute with someone and you cannot solve it privately, you may go to court to settle the matter. In court, the judge and maybe a jury will listen to the facts of the case. The judge will then apply the civil law and make a decision. Civil laws are used to settle a wide range of personal issues, such as contract disputes, divorce proceedings, and property boundaries.

**Info to Know**

**Jury Selection** The Jury Selection and Service Act of 1968 recommends that juries be chosen from the list of registered voters. Most states use their voter lists as a source for jurors. Because of varying voter registration rates, however, this list may not meet the requirement that forbids discrimination in jury selection based on race, color, religion, sex, national origin, or economic status. Other lists that states use to select jurors include drivers’ license records, tax rolls, welfare rolls, telephone books, and records of utility company subscribers.
Sources of Law

There are several sources of criminal and civil law in the United States. The four principal sources include statutory law, common law, administrative law, and constitutional law. All these laws must follow the principles set forth in the Constitution, which is the supreme law of the land.

Statutory Law

Laws that are passed by lawmaking bodies are known as statutes, or statutory laws. Congress and state and local governments pass these laws. Most criminal laws are statutory laws. Many civil laws are also statutes. For example, a state law that requires all public buildings to contain fire exits is a statutory law.

Statutory laws usually represent majority rule, or what the majority of citizens believe to be right or wrong. If citizens later change their position on the issue, the law can adapt to the country’s needs. Every American citizen has the duty to know and obey these laws. One way to practice good citizenship is by obeying laws.

Common Law

No matter how hard the legislature tries, statutes cannot cover every type of wrongdoing. Judges and courts must often make decisions based on customs, traditions, and cases that have been decided before. This type of law is called common law. Common law is a type of law that comes from judges’ decisions that rely on common sense and previous cases.

For example, before automobiles became a major form of transportation, there were no laws about driving them. So if an automobile ran into a horse and wagon, the driver of the automobile might argue that the case should be dismissed. No laws existed that regulated the speed of automobiles so, the driver might argue, he should not have to pay. Would the case be dismissed? Probably not. The judge might reply that there is an established principle that people cannot use their property to injure others. The judge would apply tradition and common sense in such a case.

In the previous example, the judge’s decision might be remembered by another judge hearing a similar case. Eventually, most judges

Using Examples  To help students grasp vague concepts such as different types of law and the roles of the courts, give concrete examples. Then ask students to categorize each one. For example, tell students that the Supreme Court has ruled that segregation, or separating people by race, is illegal. Then ask them to identify which kind of law this represents.

constitutional
might follow the same precedent, or earlier decision, when considering such cases. Over time, this rule would become a part of the country’s customary, or common, law.

**Administrative Law**
Many of the laws that affect our daily lives are created by government agencies instead of legislatures. These laws, which are similar to statutory laws, are known as administrative laws. Administrative laws cover many areas of daily life, such as health, safety, education, and banking. For example, the Consumer Product Safety Commission (CPSC) uses administrative law when it rules that a particular toy is unsafe and must be taken off the market immediately.

**Constitutional Law**
The Constitution is the supreme law of the United States. Constitutional law is based on the Constitution and on Supreme Court decisions interpreting the Constitution. For example, the Sixth Amendment guarantees that a defendant in a criminal case has the right to the “assistance of counsel” for his or her defense. Because of the Supreme Court ruling in 1963 in the case of Gideon v. Wainwright, states are required to provide free legal aid to those defendants who cannot afford to pay for legal representation.

**The Roles of the Courts**
Courts use the four sources of law to settle disputes. Disputes may take different forms. Some disputes are between people; others are between people and the government; and still others are between governments. In a criminal case, the dispute is between society and an individual. Some disputes are between the government and the people; and others are between the people and the government. In a civil dispute, the dispute is between society and an individual. Society is represented by an attorney for the government. In a civil dispute, both sides have attorneys or may represent themselves.

In criminal cases, the person accused of the crime has certain rights, including the right to an attorney, the right to confront the accuser, and the right to a jury trial. The accused is also always presumed to be innocent. It is up to the person bringing the charges to prove “beyond a reasonable doubt” that the accused is guilty of a crime. Finally, if a person is convicted of a crime, he or she has the right to appeal the decision. An appeal is the process by which the person asks a higher court to review the result of the trial. A higher court may find that the lower court has applied the law unfairly or inaccurately. A review of a decision helps to ensure that cases are decided fairly.

**SECTION 1 ASSESSMENT**

**Reviewing Ideas and Terms**
1. a. Define Write a brief definition for each of the following terms: crime, criminal law, and civil law.
   b. Elaborate How does being a nation of laws both protect and limit freedom?
2. a. Define Write a brief definition for each of the following terms: common law, precedent, and constitutional law.
   b. Support a Point of View Do you think common law is more just or less just than administrative law? Explain your answer.
3. a. Define Write a brief definition for the term appeal.
   b. Explain What roles do courts play in society?

**Critical Thinking**
4. Categorizing Copy the graphic organizer. Use it and your notes to explain the four sources of law that govern Americans. Describe each type.

**Focus on Writing**
5. Problem Solving Write a descriptive paragraph about life in a country in which there is no rule of law. How might life be improved by establishing a permanent legal system?