**Purpose of Laws**

1. Laws protects citizens, their \_\_\_\_\_\_\_\_\_\_\_\_\_\_, and their rights.
2. Law is a way of resolving disputes in an orderly manner following legal \_\_\_\_\_\_\_\_\_\_\_\_.
3. Law provides a framework for order in our society and ensures some degree of \_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
4. Laws support the broad social values with goals such as promoting \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ processes, protecting the right to a fair trial, prescribing honest business practices, and establishing social programs.

**Justinian Code**

* Emperor Justinian I (527-565) codified 1600 books of Roman law.
* It inspired modern concept of \_\_\_\_\_\_\_\_\_\_\_\_
* Elements can be found in the laws of many European countries, especially \_\_\_\_\_\_\_.

In February 528, The Emperor, Justinian appointed a commission, consisting of ten persons, to make a new collection of imperial constitutions.

The result was to gather together Roman law into one code, known as the Justinian Code.

The Justinian Code was divided into four parts:

1. The *Institutes* served as a textbook in legal \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for students and lawyers.
2. The *Digest* was a 50 volume casebook covering \_\_\_\_\_\_\_\_\_\_\_ made by respected judges.
3. The *Codex* was a collection of 4652 \_\_\_\_\_\_.
4. The *Novels* contained new proposed laws by Justinian and his successors.

This legal code became the foundation of law in most western European countries. It was a compilation of early Roman laws and legal principles, illustrated by previous \_\_\_\_\_\_\_\_, and combined with an explanation of new laws and future legislation to be put into effect.

It inspired the modern word “\_\_\_\_\_\_\_\_\_\_\_\_\_”.

**There are two major modern law systems:**

|  |  |  |
| --- | --- | --- |
|  | **Civil Law** | **Common Law** |
| **Legal System** | Legal system originating with the Justinian Code and modified heavily by Napoleon. Its most prevalent feature is that its core principles are codified into a referable system which serves as the primary source of law. **Law based on interpretation!** | A legal system dating back to the English monarchy when courts began collecting published legal decisions. Those published decisions are used as the basis to decide similar cases. Characterized by case law. **Law based on precedent!** |
| **Role of Judges** | Judges are the chief investigator, they make the rulings based on their interpretation of the law code. | Judges make rulings, set precedents, and referees between lawyers. |
| **Countries** | France, China, Germany, Japan, most African nations, most of Europe. | USA (except Louisiana), England, Canada (except for Quebec), Australia, India. |
| **Role of Lawyers** | Because the judge is the main investigator, a lawyer’s role is to advise a client on legal proceedings, write legal pleadings, and help provide evidence to the judge. | Usually, two lawyers argue their side of the case. Generally the judge (and sometimes a jury) listens to both sides in order to come to a conclusion. |
| **Precedent** | Only used to determine administrative or constitutional court matters. | Used to rule on future or present cases. |
| **Main Difference** | **Legal rulings based on judge’s interpretation of coded law.** | **Legal rulings based on precedent.** |

**How does Canada’s modern law contrast with ancient Justinian Law?**

|  |  |  |
| --- | --- | --- |
| **Laws About:** | **Justinian Code:** | **Canadian Law:** |
| Women’s Rights | All women can own property, make contracts and will, and bring a lawsuit. | All women can own property, make contracts and wills, bring a lawsuit. Women are \_\_\_\_\_\_\_\_ the same rights as men. |
| Robbery | Robbery was not a crime. The victim could sue the robber for up to four times the values of the stolen property. | Robbery is a crime and is punishable by a \_\_\_\_\_\_ and/ or a \_\_\_\_\_\_\_\_\_\_\_\_ sentence. |
| Failure to pay debts | People owed something had to sue the person owing them to gain debt back. | People owed something must sue the person owing them in \_\_\_\_\_\_\_ to gain their debt back. |
| Murder | Murder was punished by banishment. | Murder is punished by a \_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_. |
| Inheritance | Women could not inherit property from their husbands unless it was provided in a will. Children received equal amounts of the father’s estate. | Standard law allows wives and children to divide an estate. Other directions may be provided for in a \_\_\_\_\_\_. |