

Business Law  
Lesson: 4/7/2020

**Learning Target:** Describe differences between common law & positive law.

**Let's Get Started:**

Watch Video: [Legal positivism versus natural law](#)

# Common Law versus Positive Law

Laws reflect the wisdom—or lack thereof—of their creators. In any society laws should be both predictable and flexible. A system of laws that is not predictable will not produce a stable society. Chaos, unrest, and the replacement of the system by one that can exercise control and restore peace will follow.

A legal system that is too controlling and too rigid to change with the wants and needs of the people also will be overthrown. The best system of laws is always evolving towards a form that matches the current standards of the people.

Law based on the current standards or customs of the people is called **common law**. Common law usually is formed from the rules used by judges to settle people's disputes. However, as noted earlier, some laws are set down by a sovereign or other central authority to prevent disputes and wrongs from occurring in the first place. Law dictated from above is called **positive law**.

# WHAT IS LAW?

- laws should be both predictable and flexible

Common Law - Law based on the current standards or customs of the people.

- usually is formed from the rules used by judges to settle people's disputes.

Positive Law - Law set down by a sovereign or other central authority to prevent disputes and wrongs from occurring in the first place.

# ACTIVITY #2

Answer the following questions in your Journal. Please write the question and give responses in complete sentences that fully answer the question.

1. Why do societies need laws and courts?
2. What powers do the courts have when personal or private property is damaged or destroyed?
3. Explain the stages in the growth of law.
4. Describe the differences between common law and positive law.