

3: Purposes and Functions of law.

The law serves many purposes and functions in society. Four principal purposes and functions are **establishing standards, maintaining order, resolving disputes, and protecting liberties and rights.**

3.1 Establishing Standards and Means of Attaining Justice

The law is a guidepost for minimally acceptable behavior in society. Some activities, for instance, are crimes because society (through a legislative body) has determined that it will not tolerate certain behaviors that injure or damage persons or their property. For example, under a typical state law, it is a crime to cause physical injury to another person without justification – doing so generally constitutes the crime of assault.

3.2 Maintaining Order and Stability

This is an offshoot of establishing standards. Some semblance of order is necessary in a civil society and is therefore reflected in the law. The law – when enforced – provides order consistent with society's guidelines.

3.3 Resolving Disputes

Disputes are unavoidable in a society made of persons with different needs, wants, values, and views. The law provides a formal means for resolving disputes – the court system. There is a federal court system and each state has its own separate court system. There are also various less formal means for resolving disputes – collectively called alternative dispute resolution (ADR).

3.4 Protecting Liberties and Rights: A mechanism for peaceful transition

The constitutions and statutes of the United States and its constituent states (see chapter 5) provide for various liberties and rights. A purpose and function of the law is to protect these various liberties and rights from violations or unreasonable intrusions by persons, organizations, or government. For example, subject to certain exceptions, the First Amendment to the Constitution prohibits the government from making a law that prohibits the freedom of speech. Someone who believes that his free speech rights have been prohibited by the government may pursue a remedy by bringing a case in the

courts.