

E (Principles Of Law)

Legal doctrine

Contemporary Canadian Business Law: Principles and Cases (9th ed.). McGraw-Hill Ryerson. Media related to Legal doctrines and principles at Wikimedia Commons Pierre

A legal doctrine is a framework, set of rules, procedural steps, or test, often established through precedent in the common law, through which judgments can be determined in a given legal case. For example, a doctrine comes about when a judge makes a ruling where a process is outlined and applied, and allows for it to be equally applied to like cases. When enough judges make use of the process, it may become established as the de facto method of deciding like situations.

Tort

based on Roman Law principles. Tort law is referred to as the law of delict in Scots and Roman Dutch law, and resembles tort law in common law jurisdictions

A tort is a civil wrong, other than breach of contract, that causes a claimant to suffer loss or harm, resulting in legal liability for the person who commits the tortious act. Tort law can be contrasted with criminal law, which deals with criminal wrongs that are punishable by the state. While criminal law aims to punish individuals who commit crimes, tort law aims to compensate individuals who suffer harm as a result of the actions of others. Some wrongful acts, such as assault and battery, can result in both a civil lawsuit and a criminal prosecution in countries where the civil and criminal legal systems are separate. Tort law may also be contrasted with contract law, which provides civil remedies after breach of a duty that arises from a contract. Obligations in both tort and criminal law are more fundamental and are imposed regardless of whether the parties have a contract.

While tort law in civil law jurisdictions largely derives from Roman law, common law jurisdictions derive their tort law from customary English tort law. In civil law jurisdictions based on civil codes, both contractual and tortious or delictual liability is typically outlined in a civil code based on Roman Law principles. Tort law is referred to as the law of delict in Scots and Roman Dutch law, and resembles tort law in common law jurisdictions in that rules regarding civil liability are established primarily by precedent and theory rather than an exhaustive code. However, like other civil law jurisdictions, the underlying principles are drawn from Roman law. A handful of jurisdictions have codified a mixture of common and civil law jurisprudence either due to their colonial past (e.g. Québec, St Lucia, Mauritius) or due to influence from multiple legal traditions when their civil codes were drafted (e.g. Mainland China, the Philippines, and Thailand). Furthermore, Israel essentially codifies common law provisions on tort.

Laws of thermodynamics

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The laws of thermodynamics are a set of scientific laws which define a group of physical quantities, such as temperature, energy, and entropy, that characterize thermodynamic systems in thermodynamic equilibrium. The laws also use various parameters for thermodynamic processes, such as thermodynamic work and heat, and establish relationships between them. They state empirical facts that form a basis of precluding the possibility of certain phenomena, such as perpetual motion. In addition to their use in thermodynamics, they are important fundamental laws of physics in general and are applicable in other natural sciences.

Traditionally, thermodynamics has recognized three fundamental laws, simply named by an ordinal identification, the first law, the second law, and the third law. A more fundamental statement was later labelled as the zeroth law after the first three laws had been established.

The zeroth law of thermodynamics defines thermal equilibrium and forms a basis for the definition of temperature: if two systems are each in thermal equilibrium with a third system, then they are in thermal equilibrium with each other.

The first law of thermodynamics states that, when energy passes into or out of a system (as work, heat, or matter), the system's internal energy changes in accordance with the law of conservation of energy. This also results in the observation that, in an externally isolated system, even with internal changes, the sum of all forms of energy must remain constant, as energy cannot be created or destroyed.

The second law of thermodynamics states that in a natural thermodynamic process, the sum of the entropies of the interacting thermodynamic systems never decreases. A common corollary of the statement is that heat does not spontaneously pass from a colder body to a warmer body.

The third law of thermodynamics states that a system's entropy approaches a constant value as the temperature approaches absolute zero. With the exception of non-crystalline solids (glasses), the entropy of a system at absolute zero is typically close to zero.

The first and second laws prohibit two kinds of perpetual motion machines, respectively: the perpetual motion machine of the first kind which produces work with no energy input, and the perpetual motion machine of the second kind which spontaneously converts thermal energy into mechanical work.

Common law

derivation of general principles in both common and constitutional law ... arise gradually, in the emergence of a consensus from a multitude of particularized

Common law (also known as judicial precedent, judge-made law, or case law) is the body of law primarily developed through judicial decisions rather than statutes. Although common law may incorporate certain statutes, it is largely based on precedent—judicial rulings made in previous similar cases. The presiding judge determines which precedents to apply in deciding each new case.

Common law is deeply rooted in stare decisis ("to stand by things decided"), where courts follow precedents established by previous decisions. When a similar case has been resolved, courts typically align their reasoning with the precedent set in that decision. However, in a "case of first impression" with no precedent or clear legislative guidance, judges are empowered to resolve the issue and establish new precedent.

The common law, so named because it was common to all the king's courts across England, originated in the practices of the courts of the English kings in the centuries following the Norman Conquest in 1066. It established a unified legal system, gradually supplanting the local folk courts and manorial courts. England spread the English legal system across the British Isles, first to Wales, and then to Ireland and overseas colonies; this was continued by the later British Empire. Many former colonies retain the common law system today. These common law systems are legal systems that give great weight to judicial precedent, and to the style of reasoning inherited from the English legal system. Today, approximately one-third of the world's population lives in common law jurisdictions or in mixed legal systems that integrate common law and civil law.

List of eponymous laws

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Contract

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A contract is an agreement that specifies certain legally enforceable rights and obligations pertaining to two or more parties. A contract typically involves consent to transfer of goods, services, money, or promise to transfer any of those at a future date. The activities and intentions of the parties entering into a contract may be referred to as contracting. In the event of a breach of contract, the injured party may seek judicial remedies such as damages or equitable remedies such as specific performance or rescission. A binding agreement between actors in international law is known as a treaty.

Contract law, the field of the law of obligations concerned with contracts, is based on the principle that agreements must be honoured. Like other areas of private law, contract law varies between jurisdictions. In general, contract law is exercised and governed either under common law jurisdictions, civil law jurisdictions, or mixed-law jurisdictions that combine elements of both common and civil law. Common law jurisdictions typically require contracts to include consideration in order to be valid, whereas civil and most mixed-law jurisdictions solely require a meeting of the minds between the parties.

Within the overarching category of civil law jurisdictions, there are several distinct varieties of contract law with their own distinct criteria: the German tradition is characterised by the unique doctrine of abstraction, systems based on the Napoleonic Code are characterised by their systematic distinction between different types of contracts, and Roman-Dutch law is largely based on the writings of renaissance-era Dutch jurists and case law applying general principles of Roman law prior to the Netherlands' adoption of the Napoleonic Code. The UNIDROIT Principles of International Commercial Contracts, published in 2016, aim to provide a general harmonised framework for international contracts, independent of the divergences between national laws, as well as a statement of common contractual principles for arbitrators and judges to apply where national laws are lacking. Notably, the Principles reject the doctrine of consideration, arguing that elimination of the doctrine "bring[s] about greater certainty and reduce litigation" in international trade. The Principles also rejected the abstraction principle on the grounds that it and similar doctrines are "not easily compatible with modern business perceptions and practice".

Contract law can be contrasted with tort law (also referred to in some jurisdictions as the law of delicts), the other major area of the law of obligations. While tort law generally deals with private duties and obligations that exist by operation of law, and provide remedies for civil wrongs committed between individuals not in a pre-existing legal relationship, contract law provides for the creation and enforcement of duties and obligations through a prior agreement between parties. The emergence of quasi-contracts, quasi-torts, and quasi-delicts renders the boundary between tort and contract law somewhat uncertain.

Gestalt psychology

the early twentieth century in Austria and Germany as a rejection of basic principles of Wilhelm Wundt's and Edward Titchener's elementalist and structuralist

Gestalt psychology, gestaltism, or configurationism is a school of psychology and a theory of perception that emphasises the processing of entire patterns and configurations, and not merely individual components. It emerged in the early twentieth century in Austria and Germany as a rejection of basic principles of Wilhelm

Wundt's and Edward Titchener's elementalist and structuralist psychology.

Gestalt psychology is often associated with the adage, "The whole is other than the sum of its parts". In Gestalt theory, information is perceived as wholes rather than disparate parts which are then processed summatively. As used in Gestalt psychology, the German word Gestalt (g?-SHTA(H)LT, German: [????talt] ; meaning "form") is interpreted as "pattern" or "configuration".

It differs from Gestalt therapy, which is only peripherally linked to Gestalt psychology.

Natural law

connected to moral principles. Natural law can refer to "theories of ethics, theories of politics, theories of civil law, and theories of religious morality"

Natural law (Latin: *ius naturale*, *lex naturalis*) is a philosophical and legal theory that posits the existence of a set of inherent laws derived from nature and universal moral principles, which are discoverable through reason. In ethics, natural law theory asserts that certain rights and moral values are inherent in human nature and can be understood universally, independent of enacted laws or societal norms. In jurisprudence, natural law—sometimes referred to as *iusnaturalism* or *jusnaturalism*—holds that there are objective legal standards based on morality that underlie and inform the creation, interpretation, and application of human-made laws. This contrasts with positive law (as in legal positivism), which emphasizes that laws are rules created by human authorities and are not necessarily connected to moral principles. Natural law can refer to "theories of ethics, theories of politics, theories of civil law, and theories of religious morality", depending on the context in which naturally-grounded practical principles are claimed to exist.

In Western tradition, natural law was anticipated by the pre-Socratics, for example, in their search for principles that governed the cosmos and human beings. The concept of natural law was documented in ancient Greek philosophy, including Aristotle, and was mentioned in ancient Roman philosophy by Cicero. References to it are also found in the Old and New Testaments of the Bible, and were later expounded upon in the Middle Ages by Christian philosophers such as Albert the Great and Thomas Aquinas. The School of Salamanca made notable contributions during the Renaissance.

Although the central ideas of natural law had been part of Christian thought since the Roman Empire, its foundation as a consistent system was laid by Aquinas, who synthesized and condensed his predecessors' ideas into his *Lex Naturalis* (lit. 'natural law'). Aquinas argues that because human beings have reason, and because reason is a spark of the divine, all human lives are sacred and of infinite value compared to any other created object, meaning everyone is fundamentally equal and bestowed with an intrinsic basic set of rights that no one can remove.

Modern natural law theory took shape in the Age of Enlightenment, combining inspiration from Roman law, Christian scholastic philosophy, and contemporary concepts such as social contract theory. It was used in challenging the theory of the divine right of kings, and became an alternative justification for the establishment of a social contract, positive law, and government—and thus legal rights—in the form of classical republicanism. John Locke was a key Enlightenment-era proponent of natural law, stressing its role in the justification of property rights and the right to revolution. In the early decades of the 21st century, the concept of natural law is closely related to the concept of natural rights and has libertarian and conservative proponents. Indeed, many philosophers, jurists and scholars use natural law synonymously with natural rights (Latin: *ius naturale*) or natural justice; others distinguish between natural law and natural right.

English law

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English law is the common law legal system of England and Wales, comprising mainly criminal law and civil law, each branch having its own courts and procedures. The judiciary is independent, and legal principles like fairness, equality before the law, and the right to a fair trial are foundational to the system.

General principles of European Union law

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The general principles of European Union law are general principles of law which are applied by the European Court of Justice and the national courts of the member states when determining the lawfulness of legislative and administrative measures within the European Union. General principles of European Union law may be derived from common legal principles in the various EU member states, or general principles found in international law or European Union law. General principles of law should be distinguished from rules of law as principles are more general and open-ended in the sense that they need to be honed to be applied to specific cases with correct results.

The general principles of European Union law are rules of law which a European Union judge, sitting for example in the European Court of Justice, has to find and apply but not create. Particularly for fundamental rights, Article 6(3) of the Treaty on European Union provided:

Fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they result from the constitutional traditions common to the Member States, shall constitute general principles of the Union's law.

Further, Article 340 of the Treaty on the Functioning of the European Union (formerly Article 215 of the Treaty establishing the European Economic Community) expressly provides for the application of the "general principles common to the laws of the Member States" in the case of non-contractual liability.

In practice the European Court of Justice has applied general principles to all aspects of European Union law. In formulating general principles, European Union judges draw on a variety of sources, including: public international law and its general principles inherent to all legal systems; national laws of the member states, that is general principles common to the laws of all member states, general principles inferred from European Union law, and fundamental human rights. General principles are found and applied to avoid the denial of justice, fill gaps in European Union law and to strengthen the coherence of European Union law.

Accepted general principles of European Union Law include fundamental rights, proportionality, legal certainty, equality before the law, primacy of European Union law and subsidiarity. In Case T-74/00 *Artegodan*, the General Court (then Court of First Instance) appeared willing to extrapolate from the limited provision for the precautionary principle in environmental policy in Article 191(2) TFEU to a general principle of EU law.

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