

# Rule of Law & Legality and Right to Life, Property & Liberty

Theme 3.4 1<sup>st</sup> “B”

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# Rule of Law & Legality

3.4

# The principle of legality.

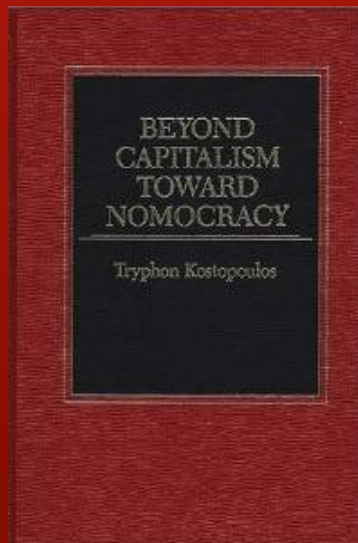
- The principle of legality is the legal ideal that requires all law to be clear, ascertainable and non-retrospective. It requires decision makers to resolve disputes by applying legal rules that have been declared beforehand, and not to alter the legal situation retrospectively by discretionary departures from established law. It is closely related to legal formalism and the rule of law and can be traced from the writings of Feuerbach, Dicey and Montesquieu.



- Legal formalism: legal positivist view in philosophy of law and jurisprudence.

A Companion to  
Philosophy of Law  
and Legal Theory

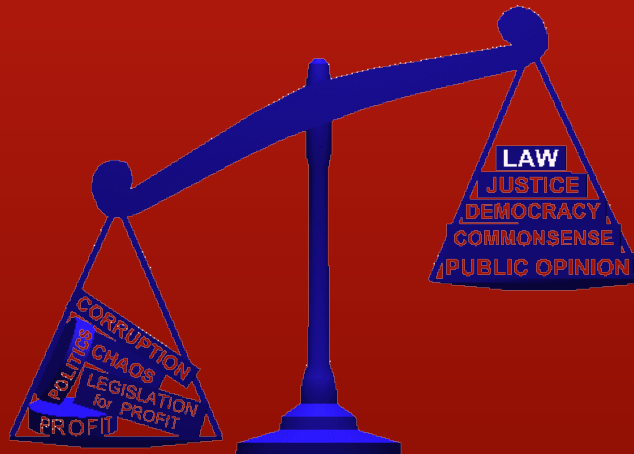
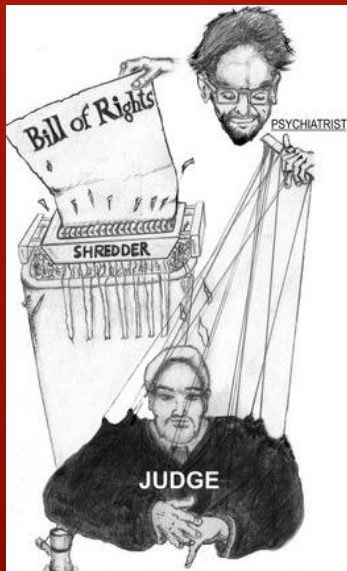
- The rule of law is a legal maxim whereby governmental decisions are made by applying known legal principles. Such a government can be called a nomocracy.



- Illegality is a potential ground in English contract law, tort or trusts for a court to refuse to enforce an obligation.



- Injustice refers to either the absence, or the opposite.



- Organized crime or criminal organizations are transnational, national, or local groupings of highly centralized enterprises run by criminals for the purpose of engaging in illegal activity, most commonly for monetary profit. Some criminal organizations, such as terrorist organizations, are politically motivated. Sometimes criminal organizations force people to do business with them, as when a gang extorts money from shopkeepers for so-called "protection". Gangs may become disciplined enough to be considered organized. An organized gang or criminal set can also be referred to as a mob.



- Impunity: exemption from punishment or loss or escape from fines.



## SOCIAL OPPRESSION (REPRESSION)

- The systematic, socially supported mistreatment and exploitation of a group, category, or team of people by anyone.



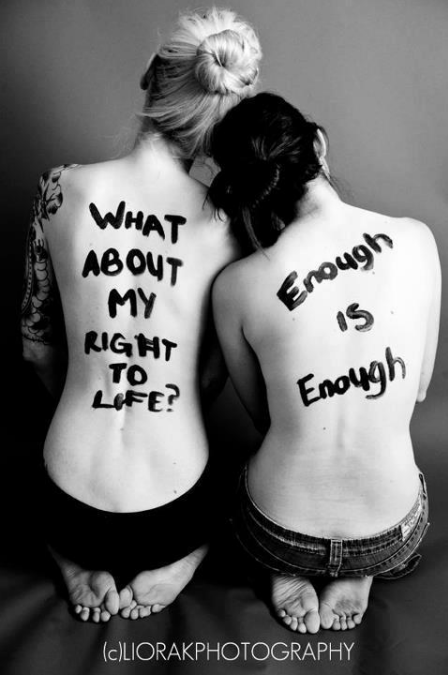
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Life, Liberty, and Property

Right to Life,  
Property &  
Liberty

3.5





## Right to Life

“It describes the belief that a human being has the right to live, in other words that a human being has the right not to be killed by another human.”





“ This concept is the center to debates about euthanasia, capital punishment, abortion, self defense and war.

“ In debates about abortion, “right to life” is the concept used against abortion, but the concept “right to choose” is the concept used as in favor of abortion.





# Right of Property

“ Property is a physical entity owned by a person or a group of people or a legally entity like a corporation. The owner of the property has the right to consume, sell, rent, protect, transfer, exchange or destroy it, or to exclude others from doing these things. In all countries property is considered a



# History of Property

“The first laws of property originated in Lagash, with the king Urukagina

# Traditional Principles of Property

## Include

Control the use of property.

The right to any benefit from the property  
Ex. Mining rights and rent.

A right to transfer or sell the property (not all property can be sold or transferred).

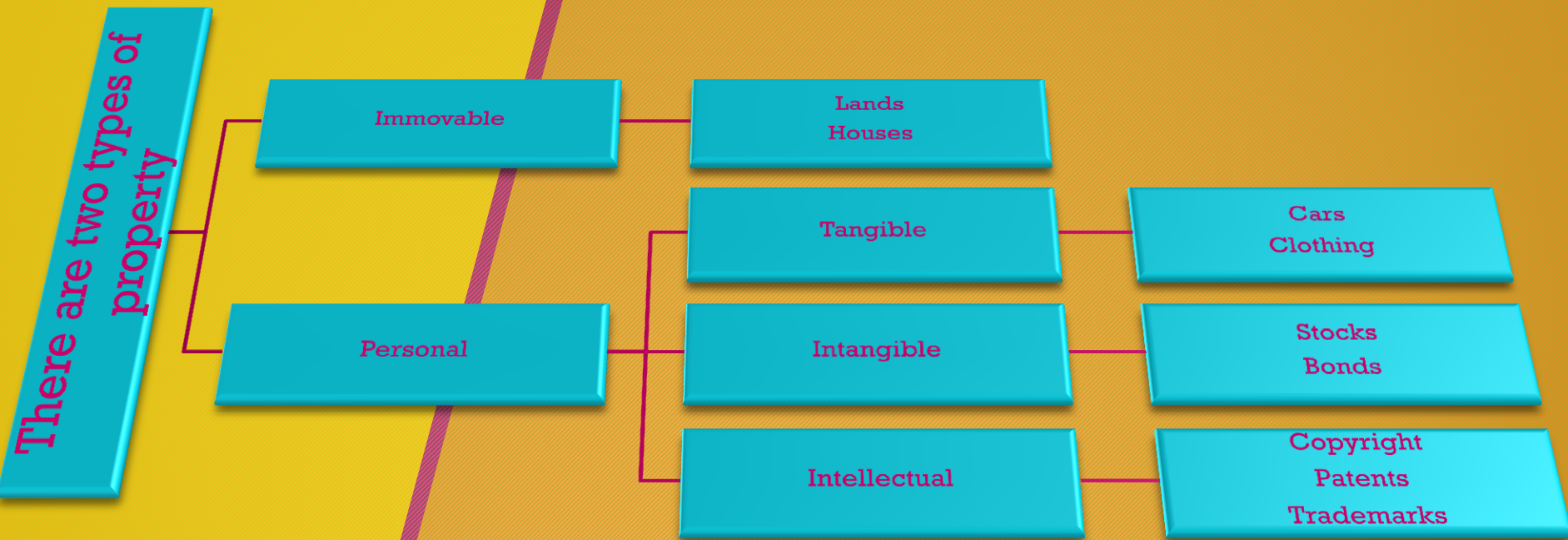
A right to exclude others from the property.

## Do Not Include

Uses that unreasonably interfere with the property rights or another private party (The right of quiet enjoyment)

Uses that unreasonably interfere with public property rights, including used that interfere with public health, safety, peace or convenience.

# Types of Property



There are two types of property

Immovable

Lands  
Houses

Personal

Tangible

Cars  
Clothing

Intangible

Stocks  
Bonds

Intellectual

Copyright  
Patents  
Trademarks



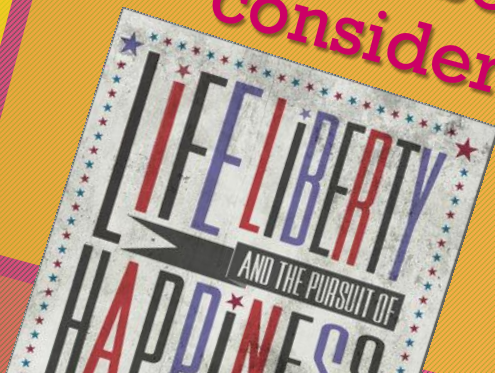
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# Right of Liberty

When governments  
fear the people,  
there is liberty.  
When the people  
fear the government  
there is tyranny

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“Liberty is the ability of individuals to have control over their own actions. There are some limits about liberty, for example: you are free to do whatever you want, as long as you don't affect someone else. In all countries liberty is supposed to be considered as a right.”





# History of Liberty



“ History: The first known use of the word freedom in a political context dates back to the 24th century BC, in a text describing the restoration of social and economic liberty in Lagash, with the king Urukagina. WWII, French Revolution and Slavery in United States are some examples of liberty not being applied well.





“ Symbol: a torch with fire.  
“ The statue of liberty is an artistic expression of the concept given to United States by the French

