

Art and the Law Introduction

Basics

- ✧Syllabus
- ✧Web site
- ✧Negotiation assignment
- ✧Assessment exercise
- ✧Argument Paper assignment

Elements of Argument

- ✧Claim: the proposition that is shown to be true.
 - ✦Associated word: "Therefore"
- ✧Evidence, or grounds: facts that support the claim.
- ✧Warrant, or connecting reasoning: logical link between the facts and the claim.
 - ✦Warrant is often implied – must think beyond surface to identify. Sometimes will be law or policy.
 - ✦Warrant is often the weakest link.

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Legal System 101: Executive

- ✧ Executive Branch:
 - ✦ Elected officials at the top
 - ⌘ Appointed or hired operations staff
 - ✦ Duty of enforcement of laws
 - ✦ Interpretation & explanation of laws
 - ⌘ Policy development
 - ⌘ Rule-making
 - ⌘ Regulations

Legal System 101: Legislative

- ✧ Legislative Branch:
 - ✦ Elected officials
 - ✦ Duty to debate public policy, receive information, do research
 - ✦ Enact legislation (laws) that promote public good
 - ✦ Legislation establishes broad, general principles
 - ⌘ Executive branch interprets and enforces laws

Legal System 101: Judicial

- ◇ Judicial branch:
 - † Some elected judges, some appointed
 - † Duty is to settle controversies arising in interpretation and application of laws
 - † Interpret laws and regulations that are ambiguous
 - † Enforce laws through requiring compliance
 - † Sometimes seem to make “new law” through interpretation of ambiguous provisions
 - † Constitution: highest source of law, both fed and state
 - ⌘ U.S. Constitution: Interpreted by federal courts, especially U.S. Supreme Court
 - ⌘ Court invalidates laws, regulations, policies that violate the constitution.

Legal System Interactions

- ◇ Judiciary can invalidate laws passed by legislature and enforcement actions of executive if finds that they violate Constitutional principles.
- ◇ Legislature can then pass new laws to comply with court’s decisions. New laws then reviewed once again.
- ◇ Executive branch can make new regulations and take new enforcement actions to comply with court’s decisions.
- ◇ Interactive process.

International Law

- ◇ Laws of each country do not apply outside that country’s borders.
- ◇ Controversies that involve more than one country often resolved through negotiation between diplomats
- ◇ Treaties can be enacted under which several countries agree to a certain rule or process for resolving controversies.
 - † E.g. controversies involving stolen art and antiquities may be resolved by treaty provisions
