

## De facto De jure Government

**De facto.** Actually; in fact; in deed. A term used to denote a thing actually done.

**De facto government.** A government de facto signifies one completely, through only temporarily, established in the place of the lawful government; *Thomas v. Taylor*, 42 Miss. 651, 2 Am. Rep. 625, *Chisholm v. Coleman*, 43 Ala. 204, 94 Am. Dec. 677, See *De Jure Austin, Jur. Lect. vi.* p. 336.

***Bouvier's Law Dictionary***, Third Revision (8<sup>th</sup> Edition)(1914), Volume 1, page 761.

**De facto government.** One that maintains itself by a display of force against the will of the rightful legal government and is successful, at least temporarily, in overturning the institutions of the rightful legal government by setting up its own in lieu thereof. *Wortham v. Walker*, 133 Tex. 255, 128 S.W.2d 1138, 1145.

***Black's Law Dictionary*** 4<sup>th</sup> Edition (1951) page 504.

**De facto** is a [Latin](#) expression that means "by [the] fact". In law, it is meant to mean "in practice but not necessarily ordained by law" or "in practice or actuality, but without being officially established". It is commonly used in contrast to [de jure](#) (which means "concerning the law") when referring to matters of [law](#), [governance](#), or technique (such as [standards](#)) that are found in the common experience as created or developed without or contrary to a regulation. When discussing a [legal](#) situation, *de jure* designates what the law says, while *de facto* designates action of what happens in practice. It is analogous and similar to the expressions "for all intents and purposes" or "in fact". The term *de facto* as of governments was created after the [Argentine Constitution](#) referred to illegal governments (governing bodies which Argentina did not acknowledge as individual nations) as *de facto* governments. The term *de facto* may also be used when there is no relevant law or standard, but a common and well established practice that is considered the accepted norm

A [de facto standard](#) is a [standard](#) (formal or informal) that has achieved a dominant position, by [tradition](#), [enforcement](#), or market dominance. It has

not necessarily received formal approval by way of a standardization process, and may not be an official standard document.

For example: band-aid, kleenex, hi-liter, white-out, jeep, etc., are all product brand names used to describe the item in a general way.

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## **De jure Government**

**De jure government.** government *de jure*, but not *de facto*, is one deemed lawful, which has been supplanted; a government *de jure* and also *de facto* is one deemed lawful, which is present or established; a government *de facto* is one deemed unlawful, but which is present or established. Any established government, be it deemed lawful or not, is a government *de facto*. *Austin, Jur. sec. vi. 336.*

***Bouvier's Law Dictionary***, Third Revision (8<sup>th</sup> Edition)(1914), Volume I, page 768.

## De Jure government

Of right; legitimate, lawful; by right and just title. In this sense contrary of *de facto*, (which see.) It may also be contrasted with *de gratia*, in which case it means "as a matter of right," as *de gratia* means "by grace or favor." Again it may be contrasted with *de æquitate*; here meaning "by law," as the latter means "by equity." See Government.

***Black's Law Dictionary*** 4<sup>th</sup> Edition (1951) page 481.

A **de jure government** is the legal, legitimate government of a state and is so recognized by other states. In contrast, a de facto government is in actual possession of authority and control of the state. For example, a government that has been overthrown and has moved to another state will attain de jure status if other nations refuse to accept the legitimacy of the revolutionary government.

De jure (in [Classical Latin](#) de iure) is an expression that means "concerning [law](#)", as contrasted with [de facto](#), which means "concerning fact".

The terms de jure and de facto are used instead of "in principle" and "in practice", respectively, when one is describing [political](#) or legal situations. In a legal context, de jure is also translated as "concerning law". A practice may exist de facto, where for example the people obey a contract as though there were a law enforcing it yet there is no such law. A process known as "[desuetude](#)" may allow de facto practices to replace obsolete laws. On the other hand, practices may exist de jure and not be obeyed or observed by the people.

[Latin, In law.] Legitimate; lawful, as a [Matter of Law](#). Having complied with all the requirements imposed by law. De jure is commonly paired with de facto, which means "in fact." In the course of ordinary events, the term de jure is superfluous. For example, in everyday discourse, when one speaks of a corporation or a government, the understood meaning is a de jure corporation or a de jure government. A de jure corporation is one that has completely fulfilled the statutory formalities imposed by state corporation law in order to be granted corporate existence. In comparison, a de facto corporation is one that has acted in [Good Faith](#) and would be an ordinary corporation but for failure to comply with some technical requirements.

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Latin: "of the law." The term has come to describe a total adherence of the law. For example, a de jure government is one which has been created in respect of constitutional law and is in all ways legitimate even though a [de facto](#) government may be in control.

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