

CLN4U  
Chapter 3  
Homework Questions

1. List and briefly explain the three purposes of law according to your text book. [75]
2. Differentiate between sovereignty and jurisdiction. [76]
3. Provide the importance of the Treaty of Westphalia signed in 1648 and it was later challenged. [76]
4. Differentiate between power and authority. Provide an example where they may act together and one where they may not. [77]
5. Why is there issue with the term "legitimate ownership"? [77]
6. In Canada, "you do not have the right to watch TV". Briefly discuss in the context of rights and duties.
7. Differentiate between equality and equity and comment on the following statement, "Treating everyone the same is unfair". [81]
8. Comment on the statement, "Morality can be different from community to community, but humanity is not". [81]
9. Define justice and briefly outline how Hobbes and Plato viewed it. [84]
10. Differentiate between "divine", "natural", and "positive" law. [85]
11. For each one of the following statements or behaviours link the appropriate philosopher. [87- 94]

"Justice is nothing else than that which is advantageous to the strong. It follows that a just man disregard laws, as the subject who obeys them hurts himself and promotes the good of others. It pays to act unjustly." \_\_\_\_\_

"As people are unequal, a just society would not rest on equal treatment of all its members." \_\_\_\_\_

"If you feel that a law is unjust it is your duty to break it, but you must submit to the authority of the time and to any punishment meted out. Try to change the law but if it is not changed, take the punishment." \_\_\_\_\_

"Justice should aspire to equality, it should do so in the distribution of wealth and honours, but if people are unequal then they may be allotted unequal shares." Allotment should not depend on luck (birthright) but rather on an individuals own merit and performance of their civiv duties (meritocracy) \_\_\_\_\_

"A person could only live a proper life if he or she obeyed the state." \_\_\_\_\_

"Justice, right, equality, and fairness should underlie all law and that law was a natural force in the mind and reason of intelligent men by which justice and injustice are measured." \_\_\_\_\_

"If the state enacted 'evil laws', it was permissible for citizens to withdraw their support from such a government"

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"All people were born free and slavery violated the universal laws of nature. Husbands could no longer sell their wives into slavery nor a father in the role of head of the family, kill or sell his children or force his daughter to marry."

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"Ideal justice could only be achieved when the 'City of God', came on earth (meaning when God came back to earth and Christian justice reigned supreme." It also meant that the church had a moral duty and authority to check on abuses of the state. The church had a 'moral' veto." \_\_\_\_\_

"It belongs to the law to command and to forbid...the intention of the lawmaker is to 'lead men to virtue'. He did not assume that law makes people good but rather, 'that a man obeys a law due to his being good'. The first rule of law is that good is to be done and evil is to be avoided." \_\_\_\_\_

"Believed that security and preservation of peace were fundamental to political and social justice and as such human-made laws were far more important than natural law. Justice depended on the existence of a superior power (ruler) who used his authority to take whatever steps were necessary to protect life, property, and contract." People need government because human life is short, poor, nasty, brutish, and short. (humans are not nice). Justice, therefore, depends largely on people's obedience to the law." \_\_\_\_\_

"Positive law should be embedded in a constitution but that constitution must be based on natural law. Collective rights were not more important than individual rights and reasonable natural rights should be entrenched as to provide people with life, liberty, and rights to property. As individuals were free to apply their minds and bodies to gain wealth, naturally some would gain more than others and they should be allowed to do so and be protected. The sole purpose of government should be to protect individuals against arbitrary acts of others who would interfere with their freedom." (By the way, the foundation of Canadian constitutional law) \_\_\_\_\_

"Coined the phrase 'Man is born free; and everywhere he is in chains...' to mean that civilization and governments have a corrupting influence on humans by creating social structures that encourage self-interest instead of goodwill towards others. At the same time he recognized the necessity of the state in governing but felt that the state should govern according to the 'general will of the people'." \_\_\_\_\_

"Dismissed all natural law and felt that all laws should be based on what is practical and realistic. First advocate of utilitarianism (the greatest good for the greatest number of people is the correct path). Law was simply a means of social control and had nothing to do with morality." \_\_\_\_\_

"Main purpose of government and of law is to enable the greatest possible advancement of human happiness. Justice meant lawfulness and no positive law could be unjust because the positive law was the measure of what was just or unjust. Acts of individuals were to be tried against the objective standard of the law and that ethics and morality should not play a role in determining whether a law was good or bad." \_\_\_\_\_

12. Outline what "Feminist Jurisprudence" refers to and provide an example. [97]
13. For each one of the following statements or behaviours link the appropriate contemporary philosopher. [98 - 99]

"The purpose of law is to coerce, or force people to do certain things and not do others. Legal systems must have rules that are backed up by threats and a system of enforcement." \_\_\_\_\_

"Justice is fairness and the only way this could truly occur is for the justice system to operate behind a veil of ignorance, meaning that no one in the system would be aware of the wealth or social status of the individuals involved." \_\_\_\_\_

"Law primarily serves the purposes of those in power. There is co-operation between the elite class and the law makers to make laws that maintain the status quo and hence the wealth and power of the elite." \_\_\_\_\_