

# UNIT 1

- Law
- Law and justice
- Legal vs. moral
- Legalese
- Essay writing



## LAW AND JUSTICE

### KEY VOCABULARY

**LAW**, the body of official **rules** and regulations, generally found in constitutions and **legislation**, is used to govern a society and to control the behaviour of its members. In modern societies, a body with **authority**, such as a **court** or the legislature, makes the law: and a **law enforcement agency**, such as the police, makes sure it is observed.

In addition to enforcement, a body of expert **lawyers** is needed to apply the law. This is the role of the **judiciary** - the body of **judges** in a particular country. Of course, **legal systems** vary between the countries, as well as the basis for bringing a case before a court or **tribunal**. One thing, however, seems to be true all over the world – starting a **legal action** is both expensive and time-consuming.

The concept of **JUSTICE** is a bit different. Justice is what is **right**, fair, appropriate, deserved. It is identical to the truth. It is **upholding of rights** and **punishment of wrongs**. Law should be written to be as **just** as possible and in a just society the right **criminal** is punished for each **crime committed** and he is punished in a **fair** way.

# LISTENING I

## WHAT IS LAW?

- I. You are a student of law in the University. The title of your first lecture is „What is Law?“.**
- a. Write a definition of law
  - b. What other ideas will be in this lecture? Make some notes.
- II. Listen to Part 1 of the talk. What does the lecturer say about law? Tick one or more of the following:**
- a. It's about rules.
  - b. It is about not doing things.
  - c. It is about punishment.
  - d. It is more complex than this.
- III. In part 2 of the talk, the lecturer mentions BAR, FAIR and JUST.**
- a. What do these words mean in general English?
  - b. What do they mean in law?
  - c. Listen and check your ideas.
- IV. In part 3 of the talk the lecturer describes different branches or types of law.**
- a. How many branches or types of law you can think of?
  - b. Listen and check your ideas.
- V. In the final part of the talk the lecturer gives a definition of law and some examples. Listen and mark each word in the box D if it is part of the definition and E if it is part of the example.**

set	rules	drive
forbid	speed	require
limit	camera	actions

- VI. Write a definition of law. Use words from Exercise V.**

## DISCUSSION

### LAW

#### I. Read and think

**LAW**s are separate, individual rules. **A LAW** is one individual rule, or one Act of Parliament. **LAW** or **THE LAW** is a whole system. Each rule, which we call **A LAW**, is a part of the whole system, which we call **LAW** or **THE LAW**.

#### II. In pairs, discuss the use of the word **LAW** in the following:

- a. If you break the law, you must expect to be punished.
- b. There is no democracy without the rule of law.
- c. Boyle's law is a scientific principle.
- d. With the president's signature the bill becomes a law.
- e. Driving when you've had too much to drink is against the law.
- f. She is a student of Law.
- g. Their ultimate goal is to establish law and order.
- h. You'll find the definition of «asylum seeker» in the Law on Citizenship.
- i. He took the law into his own hands and shot the burglar.

#### III. What terms would you use in your mother tongue for each of the terms in exercise II?

#### IV. Try to match the sentences from the II with the following:

1. a rule that is supported by the power of government and that controls the behaviour of members of society
2. the whole set of such rules
3. a statement expressing what has been seen always to happen in certain conditions
4. respect and obedience for the law in society

### JUSTICE

#### V. Fill in the gaps with the following words:



**power    prejudice    justice    impartially    facts**

In the law courts of the United Kingdom, the symbol of \_\_\_\_\_ is portrayed as a woman holding out a set of scales in one hand and a sword in the other. The sword is held in the right hand and represents the \_\_\_\_\_ of discrimination and judgment, applied \_\_\_\_\_ after weighing up the \_\_\_\_\_ presented on the scales held out in the other hand. Furthermore, to show that judgment is made "without \_\_\_\_\_" the woman wears a blindfold.



## READING



### Pre-reading

#### Discuss:

1. Look at the title of the text below. What do you understand by **miscarriage of justice**? What do you think might be done to avoid it?
2. Different punishments are used in various countries for the same type of crimes. In your opinion, should cultural/religious code of behavior be taken into account when deciding on somebody's guilt/innocence or the type of punishment/length of sentence?.

### Reading

## Miscarriage of Justice

Any system operated by human beings, with all our fallings and despite all the safeguards is fallible. It is inevitable that there should occasionally be miscarriages of justice. Witnesses sometimes make mistakes, so perhaps do juries, and even a judge may go wrong. What is important is that when miscarriages of justice occur we should be careful to apply the lessons which they may bring with them.

Perhaps the most remarkable case of a miscarriage of justice - a case involving systematic frauds on women, was that of Adolf Beck. What is especially notable about this case is that it led shortly afterwards to a fundamental reform in the English legal system. In 1895, when the first blow fell, Adolf Beck, a Norwegian who had business interests in Britain, was living in Westminster in the very heart of London. At that time, an ex-convict, W. Thomas, alias John Smith, who had been convicted of numerous frauds on women, was back again at his old tricks in London. Both men were of similar age and build, had grey hair and grey moustache. Thomas had a little scar on the right side of his neck, resembling a mole. He was well dressed and usually wore black frock coat. Beck also had a mark on the right side of his throat and a mole close to it. He also used to wear a black frock coat. In December 1895, a woman who had been defrauded by W. Thomas, saw Beck near Victoria station in London. She was at once convinced that Beck was the man who had defrauded her of her jewels. So began the case which will be for ever remarkable in English history of criminal justice. Beck was up for identification and the women who had been defrauded, one after another, picked out Beck as the man who had cheated her. None of the property in question was in the possession of Beck, but the prosecution assumed he had promptly got rid of it. They assumed that he was W. Thomas, ex-convict, and when the defense sought to enquire whether he was in fact the same person, the prosecution successfully objected lest he might be prejudiced in the eyes of the jury, for the jury, as a rule, knew nothing of a prisoner's criminal history, if he had one. In addition, in those days a prisoner did not have the right to give evidence on his own behalf. So, merely hearing his protestations of innocence, the jury found Beck guilty and he was sentenced to seven years penal servitude.

He was released from prison in the summer of 1901. W. Thomas was arrested the same year and confessed to the crime Adolf Beck had been accused of. So, truth and justice triumphed at last. Beck was given 5000 pounds of compensation but nobody could take away the ordeal he had passed through. Even a Committee of Inquire was set up and the vindication of Beck was complete. As a result, the Court of Criminal Appeal was established in 1907 - a court to which any person who complains of his conviction before jury, or of his sentence, may resort.

*(Adapted from BBC European Service: A Magistrate's Remember)*

## **Post-reading**

### **Comprehension check:**

1. Discuss on what grounds this miscarriage of justice occurred and why the prosecution assumed that Beck was guilty.
2. Would this be possible today?
3. Why was this case important for the English legal system?

### **Vocabulary:**

1. Match the terms from column A with their meaning in column B:

A	B
1. fraud	a) false name
1. ex-convict	b) suffering
2. to convince	c) cannot be prevented
3. inevitable	d) former prisoner
4. prejudice	e) to turn to
5. vindication	f) punishable
6. fallible	g) misrepresentation leading to a deceit
7. alias	h) a strong bias
8. ordeal	i) exoneration
9. penal	j) likely to make a mistake
10. to resort	k) to persuade

# VOCABULARY

## I. Match the phrase with justice with the appropriate explanation

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. escape justice</li> <li>2. bring somebody to justice</li> <li>3. justice has been served</li> <li>4. do justice to somebody</li> <li>5. poetic justice</li> </ol> | <ol style="list-style-type: none"> <li>A) a situation in which someone is made to suffer for something bad they have done in a way that seems perfectly suitable or right.</li> <li>B) Someone has been treated fairly or has been given a punishment they deserve</li> <li>C) To catch someone who you think is guilty of a crime and arrange for them to go to court</li> <li>D) Avoid being punished for a crime</li> <li>E) To treat or represent someone in a way that is fair and shows their best qualities</li> </ol> |
|---|---|

## II. Fill in the gaps with the appropriate phrase from exercise I:

1. After being bullied by her for so long, it struck me as \_\_\_\_\_ that she was now being victimized.
2. Military intelligence suggests that Osama Bin Laden is probably still hiding in Afghanistan, but British Government claim that he cannot hide forever and that he surely cannot \_\_\_\_\_.
3. We will not rest until her killer \_\_\_\_\_.
4. The photo \_\_\_\_\_ – she was really beautiful and in the photo she looks too thin.

## III. Collocations with “law”:

*Note the phrase used to describe what the law states:*

*“Laws **govern** important things and relations in our society”*

Other phrases that collocate with “law” include:

THE LAW	<b>provides for</b> <b>provides that</b> <b>sets down</b> <b>lays down</b> <b>requires</b> <b>allows</b>	emergency procedures in the event of fire decisions can be vetoed by the president the requirements for a lawful procedure strict standards for water quality that helmet be worn at all times that the same official be re-elected
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## IV. Fill in the sentences with the following phrases (in the appropriate form):

- |                      |                                     |
|----------------------|-------------------------------------|
| a. as the law stands | c. the letter of the law            |
| b. law and order     | d. take the law into your own hands |
1. When police failed to arrest the suspect, local people \_\_\_\_\_ and beat him up.
  2. \_\_\_\_\_ you can get married while still too young to have a driving licence.
  3. In spite of the difficulties it would cause her family, the judge stuck to \_\_\_\_\_ and jailed her.
  4. Marital law was imposed to prevent the breakdown of \_\_\_\_\_.

**V. Find the definition for each term**

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. Authority</li> <li>2. Court</li> <li>3. Govern</li> <li>4. Judge</li> <li>5. Law enforcement agency</li> <li>6. Lawyers</li> <li>7. Legal action</li> <li>8. Legal system</li> <li>9. Legislation</li> <li>10. Rule</li> <li>11. The judiciary</li> <li>12. Tribunal</li> </ol> | <ol style="list-style-type: none"> <li>a) A body that is appointed to make a judgment or inquiry</li> <li>b) A country's body of judges</li> <li>c) An act or acts passed by a law-making body</li> <li>d) Behaviour recognized by a community as binding or enforceable by authority</li> <li>e) Legal proceedings</li> <li>f) An official body that has authority to try criminals, resolve disputes, or make other legal decisions</li> <li>g) An organization responsible for enforcing the law, especially the police</li> <li>h) A senior official in a court of law</li> <li>i) The body or system of rules recognized by a community that are enforceable by established process</li> <li>j) The control resulting from following a community's system of rules</li> <li>k) Members of the legal profession</li> <li>l) To rule a society and control the behaviour of its members</li> </ol> |
|---|---|

**VI. Fill in the gaps in the text with the most appropriate of the following words:**

- |               |               |               |                  |               |
|---------------|---------------|---------------|------------------|---------------|
| <b>custom</b> | <b>jus</b>    | <b>ethics</b> | <b>govern</b>    | <b>equal</b>  |
| <b>unjust</b> | <b>wrongs</b> | <b>value</b>  | <b>impartial</b> | <b>forbid</b> |

Justice is the basic \_\_\_\_\_ which a system of law in any country seeks to attain. It is a difficult concept because everybody has a different subjective idea what justice is, and it depends on the moral principles known as \_\_\_\_\_, which differ from country to country and from person to person. The word itself comes from the Latin \_\_\_\_\_, which means a right deriving from a rule of law. So, a simple idea of justice is the **upholding of rights** and **punishment of** \_\_\_\_\_ by the law. This is what we mean by **fairness** and we have a strong idea of the rules of "natural justice": the basic requirements of a fair, open hearing, \_\_\_\_\_ court (judge and jury), giving each side an \_\_\_\_\_ chance to state its case and to call evidence in support of it. This is what is known as "doing justice according to law".

Although the basic notion of justice has survived through centuries, laws change from time to time in order to keep up with changes in a society's values and with development of technology. There are rules that are basic, commonsense rules of everyday life (for example, we must not kill or rob), that \_\_\_\_\_ things which everyone thinks are plainly or morally wrong. There are laws that \_\_\_\_\_ important things and relations in our society or community about which we learn from the experience. Some of the rules have gradually developed over a period of time, and have grown out of \_\_\_\_\_ which has settled as the accepted way of behavior. Many more rules have been laid down by parliament. Although the laws themselves may be just or \_\_\_\_\_ depending upon how you look at them, they can be said to be just when they create the conditions leading to peace, happiness and prosperity for all individuals.

## Speaking

### *Explaining what a law says*

There are several ways to refer to what a law says. Look at the following sentences:

1. The law **stipulates** that corporations must have three governing bodies.
2. The law **provides** that a witness must be present.
3. The patent law **specifies** that the subject matter must be 'useful'.

These verbs can also be used to express what a law says:

The law **states/sets forth/determines/lays down/prescribes that...**

Choose a law that you are familiar with and explain what it says using the verbs listed in the box above.

## Speaking



# MORAL RESPONSIBILITY

### ***I. Please read the story, then follow the instructions given below.***

As he left for a visit to his outlying district, the jealous Prince warned his pretty wife: «Do not leave the castle when I am gone, or I will punish you severely when I return!»

But as the hours passed, the young Princess grew lonely, and despite her husband's warning, decided to visit her lover who lived in the countryside nearby.

The castle was located on an island in a wide, fast flowing river, with a drawbridge linking the island and the land at the narrowest point in the river.

«Surely my husband will not return before dawn,» she thought, and ordered her servants to lower the drawbridge and leave it down until she returned.

After spending several pleasant hours with her lover, the Princess returned to the drawbridge, only to find it blocked by a madman wildly waving a long and cruel knife.

«Do not attempt to cross the bridge, Princess, or I will kill you,» he raved. Fearing for her life, the Princess returned to her lover and asked him to help.

«Our relationship is only a romantic one,» he said, «I will not help. «The Princess then sought out a boatman on the river, explained her plight to him, and asked him to take her across the river in his boat.

«I will do it, but only if you can pay my fee of five Euros.»

«But I have no money with me!» the Princess protested.

«That is too bad. No money, no ride,» the boatman said flatly.

Her fear growing, the Princess ran crying to the home of a friend, and after again explaining the situation, begged for enough money to pay the boatman his fee.

«If you had not disobeyed your husband, this would not have happened,» the friend said. «I will give you no money.»

With dawn approaching and her last resource exhausted, the Princess returned to the bridge in desperation, attempted to cross to the castle, and was slain by the madman.

### ***II. In the story above, there are six characters. They are (in alphabetical order):***

The Prince \_\_\_\_\_

The Friend \_\_\_\_\_

The Princess \_\_\_\_\_

The Lover \_\_\_\_\_

The Boatman \_\_\_\_\_

The Madman \_\_\_\_\_

***Using the list above, rank the characters (from 1 to 6) in the order of their responsibility for the death of the Princess.***

### ***III. Discuss your decision with the rest of the class***

## Discussion

# LEGAL VS. MORAL

### I. Discuss the following questions in the class:

2. Is there anything that you consider to be immoral, although it is legal? Try to make a list and share it with the class.
3. Do you think that the items from your list should be made illegal? Explain
4. Is there anything that you consider to be moral, although it is illegal? Try to make a list and share it with the class.
5. Do you think that the items from your second list should be legalized? Explain

### II. Read the introduction to the article "It's Simple Really" by Shelly Strauss Rollison.

## It's Simple, Really

by Shelly Strauss Rollison

### Introduction

I know I've written about this topic many times, but it's been coming up a lot in many of the conversations I'm having in both real life and online. Not being a person who believes in coincidence, I take such recurrences as a sign and so I'm addressing it again. The issue is one that most people make far too complicated: legal vs. moral. Legal/illegal are objectively defined: moral/immoral (right/wrong) are subjectively defined based on what you believe and what faith you hold dear (even if that faith is atheism or agnosticism.) The Supreme Court of the United States, in the *Lawrence v Texas* ruling a couple years ago, reaffirmed that the job of government is *NOT* to define morality. They recognized that morality is based on one's personal beliefs and that such beliefs are part of one's right to life, liberty and the pursuit of happiness.

The founding fathers wrote a document entitled the *Declaration of Independence*. In that document, it declares that all individuals are entitled to life, liberty and the pursuit of happiness and that it is the government's job to protect those rights for EVERY individual. There is, in reality, only one way that can happen: through the limitation of any individual's actions that would interfere with another's right to live his or her life as s/he sees fit. This limitation can be voluntary or it can be done through the legal system. The problem is that over the course of the past 230 years (almost), the legal system has been clogged with unconstitutional laws. As a result, the line between legal and moral has been blurred so much that many have come to equate the two. In the past, I have always addressed this issue from a logical point of view. This time, it's going to be from a sort of experiential point of view. I'm going to provide examples of the difference between moral and legal. A key point to remember is that of **the role of the government: to protect the rights of every individual to live his/her life as s/he sees fit.**

**III. Split into groups and discuss the examples provided by the author. Try to decide whether the situations are illegal or not and whether the state has the right to interfere. Report to the rest of the class!**

**IV. Read the conclusion of the article. Do you agree with it?**

**Conclusion**

The question to ask yourself with respect to any action you take is "Does this harm someone else or interfere with their ability to live their life as they see fit?" If it does, then it should be illegal. If it does not, then it should be legal. Whether or not you consider some actions that are legal to be immoral is between you and your conscience. You might even consider some actions that are illegal to be moral. The two are not synonymous since morality is based solely and utterly on what one believes. One need only look at the Catholic position on birth control: those Catholics who use birth control obviously don't find birth control immoral although the faith they profess to follow does. So morality is based on the beliefs of the individual, which are protected by the first amendment, which is why the government must not legislate morality and why any law that attempts to do so is unconstitutional.

**V. Take the complete article from your teacher and read it.**

# LEGALESE

Legal writing in English has developed over hundreds of years and is characterised by specific features, some of which can make it difficult for the non-lawyer to understand. Characteristics of legal writing include:

- ◆ using Latin terms;
- ◆ using technical terms;
- ◆ using old-fashioned words not much in general use;
- ◆ using pairs of words with a reciprocal relationship (lessor/lessee);
- ◆ using legal jargon (without prejudice to) including the use of pairs of words (terms and conditions), or triplets (build, erect or construct);
- ◆ having special meanings for words in ordinary use (the judge determined the facts of the case, where determined means decided);
- ◆ using vague words (provide a sufficient service);
- ◆ using long sentences with little punctuation;
- ◆ inverting word order (title absolute);
- ◆ using capital letters to signal important or defined terms (the term of the Lease..);
- ◆ avoiding personal pronouns (you, we, I);
- ◆ the specific use of the modal verb **shall** to impose an obligation or duty on someone (The tenant shall not sub-let the whole or part of the premises)

There is a movement to draft legal text in standard, modern, 'plain' English but any change will be slow.

***I Read the text. The underlined words are probably familiar to you in general English. But can you think of a different meaning for each word in legal English?***

My friend walked into the bar. He was carrying a small case. We had a brief conversation about the weather and then started chatting about last night's football match. I have hardly finished a sentence when he complained that his team had lost because the defence had been really bad. They had played without any conviction. I took stand against him and said you shouldn't judge a team on the evidence of just one match.

**II Read these sentences from legal texts. Complete each sentence with one of the underlined words from Exercise I**

1. The \_\_\_\_\_ asked the members of the jury to leave the court.
2. A solicitor gives \_\_\_\_\_ to the barrister which consists of important legal documents.
3. My lawyer disagreed with the verdict and wants my \_\_\_\_\_ to go to a higher court.
4. The accused was shocked when he was found guilty and given a four year prison \_\_\_\_\_ .
5. I think she already has a \_\_\_\_\_ for shoplifting.
6. As the key witness took the \_\_\_\_\_ there was complete silence in the court.
7. The prosecution hasn't got enough \_\_\_\_\_ to secure a guilty verdict.
8. Barristers are lawyer who have been called to the \_\_\_\_\_ .
9. The lawyers for the \_\_\_\_\_ complained that their client could not get a fair trial.

## **PREPOSITIONS**

***I Legal vocabulary often uses prepositions. Please complete the following sentences using the following prepositions. Some of them can be used more than once.***

under, into, on, against, as, of, from, in, to

1. The police officer informed the suspect that he was.....arrest.
2. Witness must give evidence.....oath.
3. He argued that he had committed the crime.....duress.
4. The parties entered.....a distribution agreement.
5. The company discriminated.....its women employees in relation to their salary.
6. The court served the judgment.....the parties.
7. Te borrower gave his house .....security for the loan from the bank.
8. Fining the newspaper for the article that it had written on the politician was a violation of freedom.....the press.
9. The Mafia try to extort money.....local shops and businesses.
10. The witness claimed that his life was.....danger.
11. The court awarded the defendant £5000 .....damages.
12. Suspected football hooligans can be prohibited.....leaving the country to watch football matches abroad.



**C)** *Lastly, one of the most attractive features of cats as house pets is their ease of care. Cats do not have to be walked. They get plenty of exercise in the house as they play, and they do their business in the litter box. Cleaning a litter box is a quick, painless procedure. Cats also take care of their own grooming. Bathing a cat is almost never necessary because under ordinary circumstances cats clean themselves. Cats are more particular about personal cleanliness than people are. In addition, cats can be left home alone for a few hours without fear. Unlike some pets, most cats will not destroy the furnishings when left alone. They are content to go about their usual activities until their owners return.*

**D)** "A dog is man's best friend." That common saying may contain some truth, but dogs are not the only animal friend whose companionship people enjoy. For many people, a cat is their best friend. **Despite what dog lovers may believe, cats make excellent house pets.**

**E)** *In the second place, cats are civilized members of the household. Unlike dogs, cats do not bark or make other loud noises. Most cats don't even meow very often. They generally lead a quiet existence. Cats also don't often have "accidents." Mother cats train their kittens to use the litter box, and most cats will use it without fail from that time on. Even stray cats usually understand the concept when shown the box and will use it regularly. Cats do have claws, and owners must make provision for this. A tall scratching post in a favorite cat area of the house will often keep the cat content to leave the furniture alone. As a last resort, of course, cats can be de-clawed.*

**II. Now match each paragraph with the following items of essay structure**

\_\_\_\_\_ Introduction

\_\_\_\_\_ Body (paragaraph 1)

\_\_\_\_\_ Body (paragaraph 2)

\_\_\_\_\_ Body (paragaraph 3)

\_\_\_\_\_ Conclusion

## ADDITIONAL MATERIAL

## It's Simple Really

by Shelly Strauss Rollison

### Introduction

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The founding fathers wrote a document entitled the Declaration of Independence. In that document, it declares that all individuals are entitled to life, liberty and the pursuit of happiness and that it is the government's job to protect those rights for EVERY individual. There is, in reality, only one way that can happen: through the limitation of any individual's actions that would interfere with another's right to live his or her life as s/he sees fit. This limitation can be voluntary or it can be done through the legal system. The problem is that over the course of the past 230 years (almost), the legal system has been clogged with unconstitutional laws. As a result, the line between legal and moral has been blurred so much that many have come to equate the two. In the past, I have always addressed this issue from a logical point of view. This time, it's going to be from a sort of experiential point of view. I'm going to provide examples of the difference between moral and legal. A key point to remember is that of the role of the government: to protect the rights of every individual to live his/her life as s/he sees fit.

**Example 1:** Jack believes that he has the right to kill anyone he wants whenever he wants. So he goes out one night and kills Jim. In doing so, Jack has violated Jim's right to live his life as he sees fit, therefore, what Jack did is illegal and the state must remove Jack from society until such time as Jack is willing to respect everyone else's right to live their life as they see fit. The state is making no moral judgment on whether killing is moral or not: it is simply illegal because it interfered with another's right to live his/her life as s/he wants.

**Example 2:** Sue believes that she can marry anyone she wants, as long as they're both legal adults who are able to give informed consent. Sue wants to marry Jane and Jane wants to marry Sue. If Sue marries Jane, neither of them are interfering with anyone else's right to live their life as they see fit, therefore the state has no valid reason for making such an activity illegal. Any laws that make it illegal are therefore unconstitutional because said laws are not protecting anyone's rights but they are preventing Sue and Jane from exercising their rights.

**Example 3:** Tim believes he has the right to end his life when he decides that the quality of his life has fallen and will remain below a level he finds acceptable. Tim finds out that he's got inoperable brain cancer. He sells everything he has to finance the things he wanted to do but never got around to doing. When he's done, he decides to end his life and seeks the assistance of his physician to prescribe an overdose so that he will die painlessly and safely. The physician writes him a prescription knowing Tim's intentions and is later arrested and charged with murder. Such an arrest is unconstitutional. The acts of the physician did not violate anyone else's right to live their life as they see fit and therefore the government has no basis for preventing such an occurrence.

**Example 4:** Mary believes she has the right to end her life when she decides that the quality of her life has fallen and will remain below a level she finds acceptable. Mary marries Lou and after several years of wedded bliss, Mary develops inoperable cancer. She and Lou begin taking trips and going places and doing things she's always wanted to do. But she's in ever increasing pain. One day, Lou slips marry an overdose and Mary dies. Lou is arrested for her murder. And rightly so. While Tim (from example 3) and Mary held the same belief, in Tim's case it was he himself who decided when it was time to die. In Mary's case, it was Lou who decided when it was time to die. Lou interfered with Mary's right to live her life as she saw fit, which included her right to choose to end her life when SHE felt the quality of her life had fallen too low. Lou took that choice from her.

**Example 5:** Jason believes he can drink a six pack of beer and still be safe behind the wheel. He stops at the bar after work one day and downs six beers before heading home in his car. He gets pulled over by the police for a headlight that's out— not for erratic driving— and the officer smells alcohol and administers a field sobriety test, which Jason passes, and then a breathalyzer, which he fails. He is arrested for DUI. And rightly so. Whether or not Jason believes he can drink six beers and still be safe behind the wheel, it is fact that drinking impairs judgment and increases the risk of car accidents. Anyone climbing into a car today— or even living near

where cars are driven— has accepted the inherent risk that automobiles present: accident will happen and lives, including theirs, may be lost. But Jason, by drinking and driving, has INCREASED that risk without the permission of those he may pass on the road. Therefore, laws preventing drunk driving are constitutional because they protect the rights of ALL individuals.

**Example 6:** Connie is a smoker. She smokes in her car, in her house and outside on her porch. She believes she should have the right to smoke wherever she wants in public. But in doing so, Connie is forcing others to breathe her cancer-causing second hand smoke. Therefore, laws banning smoking in public places are constitutional because they're protecting the rights of ALL individuals.

Connie, however, argues that by banning smoking, you're violating the rights of the bar owner to allow whatever behavior he wants in his bar. Anyone coming into a bar has to know that the bar will be smokey and so they're tacitly agreeing to breathe smoke-filled air. Even employees have to know that when they take a job there, they're going to have to breath smoke-filled air. Therefore, it's the non-smoker's responsibility to not expose him-/herself to those places and to go elsewhere to dine.

As "logical" as that may sound, the bottom line is that the smoker is the one introducing the dangerous chemical into the shared environment and therefore it is the smoker's responsibility to insure that such chemicals don't affect others. Bar and restaurants are open to the public and as such, it is the bar owner's responsibility to protect the health and welfare of ALL the public who enter there-- smoker and non-smokers alike. If the bar owner wants a place where anyone can smoke anywhere, then s/he should open a private, members only club. All potential members and employees would be informed of the "smoke anywhere" policy. When a bar hires a bartender, the bartender is hired to mix and serve drinks. S/he should not be forced to compromise his/her health in order to hold a job unless such risk is inherent in the job. (For example, fire fighters have an inherent risk of having to breathe smoke and/or be burned while fighting fires.) There is no such inherent risk to the health in mixing and serving drinks to others. Simply walking into a bar does not mean that one gives informed consent to be poisoned by second hand smoke-- it means one has come to enjoy a drink and/or to dine.

Oh, and one more thing. I'm a social smoker. But I don't even smoke in my own home because of my kids. I don't smoke in the car if they're in the car with me. And if I want to smoke when I'm with a crowd of people, I move away from the crowd (and downwind) so my smoke doesn't bother anyone else.

**Example 7:** Mike believes he has the right to smoke marijuana. But he realizes it does impair his ability to operate a motor vehicle and so he never drives after he uses it or does anything might endanger anyone else. He doesn't use it before going to work or any other time when his he needs to be unimpaired. He grows his own weed in his home and doesn't offer it to anyone else although he will share if asked by another consenting adult. He never gives weed to minors and he never sells what he grows. What Mike is doing is not violating the rights of any other individual and therefore the government has no justification for making it illegal.

**Example 8:** Sharon believes she has the right to gamble on who's going to win sporting events. As long as she's using her money that's not supposed to be paying bills, then her actions are not interfering with anyone else's right to live their life as they see fit and the government has no justification for making it illegal.

**Example 9:** Tom believes he should be able to pay someone to have sex with him and Allison believes that she should be able to earn a living having sex with whoever is willing to pay her, provided they are legal adults able to give informed consent. As long as both reveal relevant health facts and use precautions against the transmission of STD's and any partners they have are aware of their intent, then their actions are not violating the rights of any other individual to live his/her life as s/he sees fit and the government has no justification for making it illegal.

## Conclusion

The question to ask yourself with respect to any action you take is "Does this harm someone else or interfere with their ability to live their life as they see fit?" If it does, then it should be illegal. If it does not, then it should be legal. Whether or not you consider some actions that are legal to be immoral is between you and your conscience. You might even consider some actions that are illegal to be moral. The two are not synonymous since morality is based solely and utterly on what one believes. One need only look at the Catholic position on birth control: those Catholics who use birth control obviously don't find birth control immoral although the faith they profess to follow does. So morality is based on the beliefs of the individual, which are protected by the first amendment, which is why the government must not legislate morality and why any law that attempts to do so is unconstitutional.

## Can a cat be a good house pet?

"A dog is man's best friend." That common saying may contain some truth, but dogs are not the only animal friend whose companionship people enjoy. For many people, a cat is their best friend. **Despite what dog lovers may believe, cats make excellent house pets.**

*In the first place, people enjoy the companionship of cats. Many cats are affectionate. They will snuggle up and ask to be petted, or scratched under the chin. Who can resist a purring cat? If they're not feeling affectionate, cats are generally quite playful. They love to chase balls and feathers, or just about anything dangling from a string. They especially enjoy playing when their owners are participating in the game. Contrary to popular opinion, cats can be trained. Using rewards and punishments, just like with a dog, a cat can be trained to avoid unwanted behavior or perform tricks. Cats will even fetch!*

*In the second place, cats are civilized members of the household. Unlike dogs, cats do not bark or make other loud noises. Most cats don't even meow very often. They generally lead a quiet existence. Cats also don't often have "accidents." Mother cats train their kittens to use the litter box, and most cats will use it without fail from that time on. Even stray cats usually understand the concept when shown the box and will use it regularly. Cats do have claws, and owners must make provision for this. A tall scratching post in a favorite cat area of the house will often keep the cat content to leave the furniture alone. As a last resort, of course, cats can be declawed.*

*Lastly, one of the most attractive features of cats as house pets is their ease of care. Cats do not have to be walked. They get plenty of exercise in the house as they play, and they do their business in the litter box. Cleaning a litter box is a quick, painless procedure. Cats also take care of their own grooming. Bathing a cat is almost never necessary because under ordinary circumstances cats clean themselves. Cats are more particular about personal cleanliness than people are. In addition, cats can be left home alone for a few hours without fear. Unlike some pets, most cats will not destroy the furnishings when left alone. They are content to go about their usual activities until their owners return.*

Cats are low maintenance, civilized companions. People who have small living quarters or less time for pet care should appreciate these characteristics of cats. However, many people who have plenty of space and time still opt to have a cat because they love the cat personality. In many ways, cats are the ideal house pet.

