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## REVIEW QUESTIONS.

### 1. What is law?

This is a very difficult problem, although I have studied the law for 4 years. So many scholars have tried to define the law, I don't know what is correct definition. What I think the law is that it is a kind of a promise to maintain our society. To maintain the society, it is imposed.(Compulsion.) Furthermore, every law has developed on its own background. This means even if there is exactly same law, it applies differently each society.

Reading case, I thought that this is a very easy case This is, what is called in Korean "Chaekimjogaksayoo". therefore I believe they should not be punished. But Teading each judge's reason, all of them is, at least partly proper. I have confused. Anyway I think that law is a promise between us to maintain our society.

### 2. What is the function of the Law?

The function of the Law is to predict our society, and to make us to decide correctly. Some say that the first function of the Law is to maintain a system of social control. Surely that is a correct answer too.

In Speluncean Explorers case, five people made a deal to cast a lot to sacrifice one of them to save four. I think this is a correct decision The law should support not only correct behavior also proper(reasonable) behavior. This is a kind of method to maintain a system also.

### 3. List five forms of social control and describe how they operate?

Morals is a way of controlling society widely. It is not a compulsory method of controlling, therefore its observance is utterly up to each person.

Ethics is a way of controlling the society, which is most useful in Korea I think. In our society, people are awfully being condemned by people who live with him.

Tradition is too familiar with our lives. 'Moreover we sometimes behave like that @tion is mor-e powerful Um the law. Of course, there is tradition apply before the law. But this is an exception.

Culture is another way of controlling a society that the law is the reflection of culwm.

Clandestine is a difficult method of consoling society to explain. It is formed natur-Ay, and forms a ordered society by means of needs.

4. Describe three views of the law and indicate the focus of each. Illustrate each view with an example.

Natural Law-The legal system is to reflect fundamental and absolute principles of justice that are inherent in human life. Proponents of natural law do not believe that legal principles should be the product of reasoning. Rather, they believe that law is derived from an absolute moral and ethical scheme. Murder is inherently wrong because it is universally regarded as a bad act. Natural Law can be contrasted with conventional laws, such as the age of majority.

Positivist Perspective-A law is truly a law if it has the form of a law, i.e, it can be enforced. A bad law is as much a law as a good one. "The existence of law is one thing: its merit or demerit is another," John Austin

Social Science-The practicality of the results of the application of the Law is to be considered as primary. Consider the precedent setting case of Brown vs. Board of Education (1954) which found that racially segregated schools were illegal. This decision was based on the sociological studies which showed that Blacks learned more in integrated schools than in segregated schools, and therefore the existing law was unfair and had negative results. In the Speluncean Explorers case, in the positivist way they should be hanged, but in the social science way they should not be punished because they were in the exceptional situation.

5. Socrates was convicted of sedition, specifically, corrupting the youth of Athens because of his basic tenet, 'Reject Authority.' Although he pleaded innocent of the charges, he was sentenced to death. He voluntarily drank the poison, which was his sentence, even though his followers had bribed the guards to facilitate his escape: Socrates died rather than break the law, even though he maintained his innocence. Given that he was the wisest man in Greece, what do you think his attitude toward the law was? What then could be meant by the dictum, "Reject Authority?"

Socrates perspective toward the law is positivist way.

6. What do you think of the legalization of Marijuana? Give three arguments, pro or con, using the three perspectives as discussed in class. Define each perspective and show why each argument fits its perspective.

I think that legalization of Marijuana is not proper. Although 1) it may be needed medically but 2) its misuse is not only a social problem but also a moral problem.

1) is social science's perspective, and 2) is natural law's perspective. A positivist perspective applies exactly what the law says.