

**LL.B (hons) Semester IV**  
**PAPER 1 JURISPRUDENCE**  
**UNIT - 4**

**Q.1 Explain the interaction between Law and Morality and how can morality be enforced by law?**

**Q.1 (a) Discuss interaction law and morality.**

i). Law and Morality are two systems that govern the way humans behave. Law is a body of rules and regulations that all people are mandatorily obligated to adhere to.

ii). Morals, on the other hand, refer to general principles or standards of behavior that define human conduct within society but are not compulsory to be followed.

iii). The relationship between law and morality is a complicated one and has evolved over the years.

iv). Initially, the two were considered equivalent but with time and progressiveness, it is highlighted that the two are different concepts, but with certain inter-dependency between them.

**Q.1 (b) Discuss how morality can be enforced by law.**

i). Morality as the basis of law

ii). Morality as the ends of law

iii). Morality as the test for law.

**Q.1 (c). Differentiate between law and morality.**

i). Law is derived from an external source which means that it is obtained through rules and regulations. Morality emerges from internal sources, i.e. it comes from the individual mind of a person.

ii). Law treats all people in the same manner and doesn't change from person to person but morality is a subjective concept. Morality has influenced the creation of laws but morality existed in society since even before legal implications were discussed.

iii). Disobedience of the law leads to punishment but there are no repercussions of doing anything morally wrong.

iv). Laws lay down mandatory behaviour that is expected out of the people who are governed under the said law. However, morality does not lay down strict guidelines of how one should behave but is a more personal concept.

**Q.1(d). Discuss the Hart -Fuller debate on law and morality.**

i). Hart is a positivist and is thereby of the opinion that while there may be a close relationship between law and morality, the two are most definitely not interdependent. That being said, Hart does believe that law has been heavily influenced by the morals that prevail within the society.

ii). Fuller is a naturalist who believed that there exists a strong necessary connection between law and morals. According to him, all legal norms are based on moral norms. In simplest terms, no law can be deemed as valid if it does not pass the test of morality which is based on ethical ideas that people have. Fuller has further categorized morality into two aspects; Morality of aspiration and morality of duty.

**Q.1 (e). Discuss the case of R v Dudley and Stephens (1884) with reference to law and morality.**

i). One of the most famous cases that deals with the age-old debate between law and morality are R v Dudley and Stephens (1884).

ii). Whether cannibalism, which was considered a highly immoral act could be committed when there is a question of necessity and helplessness was discussed in the case. iii). However, a clear distinction was made between law and morality and it was observed that personal inconvenience or an attempt to save your life by killing another cannot be used as a justification.

**Q.1 (a) Discuss interaction between law and morality.**

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**Q.1 (b) Discuss how morality can be enforced by law.**

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**Q.1 (c). Differentiate between law and morality.**

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**Q.1(d). Discuss the Hart -Fuller debate on law and morality.**

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**Q.1 (e). Discuss the case of R v Dudley and Stephens (1884) with reference to law and morality.**

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**Q.2 What is social justice and how it is different from distributive justice ?**

**Q.2(A) Define social justice.**

- i). Social justice refers to the fair and equitable distribution of resources, opportunities, and rights within a society to ensure that all individuals have equal access to basic human needs and can fully participate in social, economic, and political life.
- ii). It encompasses the idea of creating a society where every individual is treated with dignity and respect, regardless of their background, identity, or socioeconomic status.

**.Q.2 ( B) Define distributive justice**

- i). Distributive justice focuses specifically on the fair allocation of resources and goods within a society, including wealth, income, opportunities, and other benefits.
- ii) It is concerned with determining how resources should be distributed among members of society to ensure fairness and equality, particularly in terms of meeting basic needs and promoting well-being.

**Q.2(C) Differentiate between social and distributive justice.**

Social justice	Distributive justice
.Social justice encompasses a broader range of issues beyond resource allocation, including systemic barriers, discrimination, and access to social, economic, and political opportunities.	.Distributive justice focuses specifically on the fair allocation of resources, goods, and benefits within society
Social justice is concerned with addressing systemic inequalities and promoting equal rights and opportunities for all individuals, particularly those who are marginalized or disadvantaged.	Distributive justice is primarily concerned with determining how resources should be distributed among members of society to ensure fairness and equality in meeting basic needs and promoting well-being.
. Social justice emphasizes systemic change, policy reform, and advocacy to address root causes of inequality and discrimination.	Distributive justice focuses on developing principles or theories to guide the distribution of resources based on various factors such as need, merit, contribution, or utility.
Social justice addresses a wide range of issues, including poverty, education, healthcare, housing, employment, civil rights, and environmental justice	Distributive justice primarily focuses on economic resources such as wealth, income, property, and opportunities for advancement.

**Q.2(D) Describe theories of distributive justice.**

- i). Utilitarianism suggests that the fairest distribution of resources is one that maximizes overall welfare or happiness in society. According to this theory, resources should be allocated to maximize the greatest good for the greatest number of people. It focuses on achieving the greatest overall utility or well-being, even if it means unequal distribution.
- ii). Rawlsianism, proposed by philosopher John Rawls, posits that distributive justice should be based on principles that individuals would agree to under conditions of fairness or impartiality. Rawls's "veil of ignorance" thought experiment suggests that individuals, unaware of their own position in society, would choose principles that ensure the greatest benefit to the least advantaged.

**Q.2(E) Describe theories of social justice.**

- i). Feminist theories of social justice highlight the intersectionality of gender, race, class, and other social identities in shaping experiences of injustice. They aim to challenge patriarchal structures and advocate for gender equality and the empowerment of marginalized groups. Feminist theories often emphasize the importance of recognizing and addressing the unique needs and experiences of women and other marginalized communities.
- ii). Marxist theories of social justice critique capitalism and class-based inequalities, arguing for the abolition of private property and the establishment of a classless society. They emphasize the importance of collective ownership and democratic control of the means of production, with the goal of achieving economic and social equality for all members of society.

**Exercise 2**

**Q.2(A) Define social justice.**

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**.Q.2 ( B) Define distributive justice**

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**Q.2(C)Differentiate between social and distributive justice.**

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**Q.2(D)Describe theories of distributive justice.**

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**Q.2(E)Describe theories of social justice.**

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