

LAW & JUSTICE REVISION WORKSHEET

1. THE MEANING OF JUSTICE

(a) Give a definition of justice

(b) Distinguish the two types of justice:

Procedural –

Substantive –

(c) Match the theorist to the correct summarised theory of justice:

THEORIST	THEORY
1. Aristotle	(a) Calculate the effect of a law in terms of the greatest happiness of the greatest number, by measuring the relative benefits.
2. Natural Law theorists	(b) Law can be separated from what is just or morally right. A law is still a law and should be obeyed even if it is completely immoral.
3. Utilitarians	(c) There is a higher order of law, and if the laws of society follow this order they will be just.
4. Economic Analysts	(d) If a rule maximises happiness or has some other desirable effect, for the majority, it is just.
5. Rawls	(e) The State should have the minimum possible right to interfere in the affairs of individuals; its functions should be limited to the basic needs.
6. Nozick	(f) The members of society should decide on a set of principles designed to make their society just, and advance the good of all its members.
7. Kelsen and Positivists	(g) A just law is one which allows individuals to fulfil themselves in society. He distinguished between distributive and corrective justice.

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2. THE EXTENT TO WHICH JUSTICE IS ACHIEVED

(a) Procedural Justice

Does everyone have equal access to the law?

How did the rules of natural justice operate in:

R v Thames Magistrates' Court ex parte Polemis

R v Bingham ex parte Jowitt

How did the rules of evidence ensure justice in:

R v Watts

R v Miller

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(b) Substantive Justice

How does the appeal system correct errors and miscarriages of justice?

What can be done to avoid the rigid application of precedent, which may otherwise lead to an unjust result?

Giving examples, how can a “conscience” decision by a jury lead to justice?

The common law had only one remedy, that of damages. How do equitable remedies achieve justice?

How do judges aim to pass just sentences in criminal cases?

How was this limited by the Crime (Sentences) Act 1997?

Why is it sometimes not possible to achieve perfect justice?