

EXERCISES

CHAPTER I

1. Comment the following statements:

- a) The Law, whilst a human phenomenon, is not a phenomenon of the isolated man, but instead a social phenomenon; there is a constant and necessary connection between law and society.
- b) The social life implies the respect of rules, but not all of them have to be recognized by the law.
- c) Objective Law sets rules. Subjective law is its projection on people.
- d) There are no subjective rights besides the ones that the objective Law grants.
- e) The certainty of the Law implies safety in people's lives and in society in general.
- f) The Law is not the only normative order.
- g) Each time it is thought to have killed the Natural Law, it is reborn.
- h) Each Society shall have its Natural Law; and the Natural Law of today is not the same Natural Law of yesterday.
- i) The individual autonomy characterizes the moral, as opposed to the heteronomy of the Law.

2. Identify and explain two institutes or principles which safety and juridical certainty involve the sacrifice of Justice.

3. In a famous shopping center in Lisbon a lady, who has just purchased several items and is carrying several bags, sees a close friend inside a shop, in which it is expressly prohibited the entrance carrying bags from other shops. The lady sees a young man nearby alone, close to the door of the shop, and asks him to look after her bags, which contained valuable items. The young man promptly agrees and the lady leaves the bags next to the young man and enters the shop. Afterwards, to the extent the young man was feeling quite sleepy he decides to go the coffee shop located on the ground floor, totally neglecting the lady's bags. Someone approaches the bags and steals them all. The lady wishes that the young man pays the amount of the stolen bags (compensation for damages) and is willing to resort to court if necessary. Is the lady right? Justify your answer.

4. In June 2015 **António (A)** filed an eviction lawsuit against his tenant **Bernardo (B)** with the following grounds:
 - i. B never says hello to the other neighbours and is always speaking very loud in the building;
 - ii. B never goes to the church of the neighbourhood and is for sure atheist.

Will A succeed in a court of law?