

University of Dayton School of Law

## JUDEO-CHRISTIAN ETHICS AND THE LAW

Final Examination

Professors John Putka and Allen Sultan Monday, May 6, 2002

9:00 a.m. to 12:00 p.m.

### INSTRUCTIONS

The proctor will first distribute Professor Putka's question and the blue books. Please place your examination number and Professor Putka's name on the front of each blue book.

You will have 1 ½ hours for this question. Please sequentially number the blue books before you hand them in.

When all of the blue books are handed in, the proctor will distribute Professor Sultan's question and scrap paper. You will have 30 minutes to plan an outline. After the 30 minutes, the proctor will hand out the blue books. Please place your examination number and Professor Sultan's name on the front of each blue book.

You will then have one more hour to write your answer. Please sequentially number the blue books before you hand them in.

WRITE ON ONE SIDE OF THE PAGE ONLY.

NO NOTES, BOOKS, OR OTHER MATERIALS MAY BE USED DURING THE EXAM; PLEASE LEAVE THEM IN THE FRONT OF THE ROOM.

### GOOD LUCK

With the promulgation of the Declaration of Independence (eventually secured by the success of our Revolutionary War), the rug of the ultimate legal authority of England was pulled out from under the resulting thirteen sovereign nation states. At the suggestion of the Second Continental Congress, each promulgated their own constitution. Also, all formed a political confederacy. Known as the Articles of Confederation, it was no more than an alliance or league for their mutual support or common action. (Indeed, Maryland did not ratify the Treaty or compact until 1781.

Each state was virtually free to pursue its own course in securing the natural law principles and governmental objectives articulated in the Declaration of Independence, that was to a great degree the product of the constitutional tradition of England and its former North American colonies. Predictably the states experienced similar difficulties in their respective efforts to seat or establish the ultimate

institutional basis of legal power that reflected the will of their sovereign populations.

1. Describe their experiences in attempting to resolve this most important constitutional issue.
2. What resolution did they eventually embrace?
3. Was it the product of reflective logic or of practical necessity, and why?