



DECEMBER 2016

JURISPRUDENCE

**Instructions to candidates:**

- a) Time allowed: Three hours (plus an extra ten minutes' reading time at the start – do not write anything during this time)
  - b) Answer any FIVE questions
  - c) All questions carry equal marks. Marks for each question are shown in [ ]
1. Discuss Ronald Dworkin's '**Third Way**'. Is it a halfway house between Natural Law and Legal Positivism or not? [20]
  2. Compare and contrast early Christian natural law with secular natural law. [20]
  3. Explain what is meant by John Austin's **command theory** and assess its advantages and disadvantages. [20]
  4.
    - a) What are John Rawls' two principles of justice as fairness? [5]
    - b) What are Rawls' priority rules in conjunction with which his principles of justice as fairness must be applied? [5]
    - c) Describe the contents of Rawls' suggested 'original position'. [5]
    - d) Evaluate Rawls' three important ideas which link his 'original position' to the 'veil of ignorance'. [5]
  5.
    - a) What is meant by **jurisprudence**? [6]
    - b) What is involved in the 'is' and 'ought' distinction and why is it crucial to jurisprudential thought? [6]
    - c) Write brief notes on FOUR of the following:
      - i Analytical jurisprudence
      - ii Felicific or hedonistic calculus
      - iii Empiricism
      - iv Sociological jurisprudence
      - v Utilitarianism
      - vi Relativism [2 each]
  6. Evaluate THREE different schools of Marxism. [20]
  7. What are the different variants of legal positivism? [20]
  8. To what extent during the course of the twentieth century have elements of natural law developed into human rights? [20]