

UNIVERSITY OF SWAZILAND  
FACULTY OF SOCIAL SCIENCE  
DEPARTMENT OF LAW  
SUPPLEMENTARY EXAMINATION PAPER  
YEAR: 2015/2016

TITLE OF PAPER : JURISPRUDENCE

COURSE CODE : L 502

TIME ALLOWED : THREE (3) HOURS

INSTRUCTIONS:

- (i) ANSWER ANY FOUR (4) QUESTIONS.
- (ii) EACH QUESTION CARRIES 25 MARKS.
- (iii) IN ANSWERING ANY QUESTION, NOTE THAT THE QUALITY OF THE CONTENT, CLARITY OF EXPRESSION AND LEGIBILITY OF HANDWRITING ARE ABSOLUTELY ESSENTIAL.

DO NOT OPEN THIS PAPER UNTIL TOLD TO DO SO BY THE INVIGILATOR.

## **QUESTION ONE**

Currency notes and coins are legally tender, i.e., they can be legally used to pay for things in a particular country. The following statements appear on currency notes in Swaziland and the United States of America.

- (a) Swaziland: "GOD IS OUR SOURCE";
- (b) United States of America: "IN GOD WE TRUST".

Consider the above statements against the following questions:

- (i) State, without discussing, the school of jurisprudence to which these statements directly relate. **[2 Marks]**
- (ii) Briefly discuss how the entity called GOD features in the postulates of this school of jurisprudence. **[8 Marks]**
- (iii) Critically discuss the main jurisprudential objections raised against the place of GOD in the postulates of this school by any two other schools of jurisprudence. **[15 Marks]**

**[25 Marks]**

## **QUESTION TWO**

- (a) Critically discuss the three principal assumptions that characterise the Marxist theory of law. **[15 Marks]**

(b) Briefly, but critically, discuss the following aspects of Marxist jurisprudence:

- (i) Marxist perception of the state and law; and **[5 Marks]**
- (ii) Marxists' prediction for the state and law. **[5 Marks]**

**[25 Marks]**

## **QUESTION THREE**

Critically discuss the statement that a jurisprudential analysis of the racial principle and the leadership principle aspects of the racial theory of law exemplify the contention that jurisprudence apprises one with the fundamentals or rudiments of moral argument. **[25 Marks]**

#### **QUESTION FOUR**

Critically discuss the statement that the international community, acting through the General Assembly of the United Nations has, to a very large extent, responded to the postulates of feminist jurisprudence through the adoption of the UN Convention on the Elimination of All Forms of Discrimination against Women, 1979.

**[25 Marks]**

#### **QUESTION FIVE**

Critically discuss the statement that the existence of different schools of thought in respect of jurisprudence should be expected.

**[25Marks]**

**END OF PAPER**