

UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCES
DEPARTMENT OF LAW
FINAL EXAMINATION PAPER (MAIN)
YEAR: 2017/2018

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

In the Hart-Devlin debate, both Hart and Devlin raise important issues. **Critically examine both their views and state which one of the views you find most convincing and why.**

[25 Marks]

QUESTION TWO

Professor Hart claims to have found the key to the science of jurisprudence in what he calls "the combination of primary and secondary rules".

Roberts S. Summers 'Professor H.L.A Hart's concept of law' (1963) 623 *Duke Law Journal* 632.

Critically examine Professor Hart's claim.

[25 Marks]

QUESTION THREE

In opposition to Roscoe Pound's consensus model of society another model has been advanced i.e. the conflict model of society.

(a) With reference to relevant examples critically discuss the conflict model of society. [10 Marks]

(b) Critically evaluate the concept of social justice and its relevance to social ordering. [15 Marks]

[25 Marks]

QUESTION FOUR

The foundations of the racial theory of law are fundamentally opposed to the concept of human rights. Consequently, the community of nations has unequivocally expressed its rejection of this theory by adopting international, regional and domestic human rights instruments. **Discuss this statement.**

[25 Marks]

QUESTION FIVE

Feminism rejects the concept of legal objectivity and contends that such a concept is a myth as it does not exist in reality. **With reference to relevant examples and case law in the context of Swaziland, critically examine the above statement.**

[25 Marks]