



UNIVERSITY OF ESWATINI

FIRST SEMESTER MAIN EXAMINATION PAPER, JUNE 2020

FACULTY OF SOCIAL SCIENCES

DEPARTMENT OF LAW

COURSE CODE: LAW510

TITLE OF PAPER: JURISPRUDENCE II

TIME ALLOWED: 3 HOURS

Instructions

1. Answer any four (4) questions.
2. Each question carries a total of 25 marks.
3. In answering any question, note that the quality of the content, clarity of expression and legibility of handwriting are absolutely essential.
4. Refer to legal authority to support your answers.

Candidates may complete the front cover of their answer book when instructed by the Chief Invigilator and sign their examination attendance cards but must NOT write anything else until the start of the examination period is announced.

No electronic devices capable of storing and retrieving text, including electronic dictionaries and any form of foreign material may be used while in the examination room.

DO NOT turn examination paper over until instructed to do so.

QUESTION ONE

The Constitution of the Kingdom of Swaziland Act 1 of 2005 provides as follows:

Section 20(3) - For the purposes of this section, “discriminate” means to give different treatment to different persons attributable to only or mainly to their respective descriptions by gender, race, colour, ethnic origin, birth, tribe, creed or religion, or social or economic standing, political opinion, age or disability.

Section 28(1) - Women have the right to equal treatment with men and that right shall include opportunities in political, economic and social activities.

Critically discuss these provisions of the Constitution in relation to the postulates of Feminist Jurisprudence.

YOUR ANSWER SHOULD NOT EXCEED THREE PAGES

[25 MARKS]

QUESTION TWO

(a) Briefly state F. K. von Savigny's *Volksgeist* theory.

[5 MARKS]

YOUR ANSWER SHOULD NOT EXCEED HALF A PAGE.

(b) Critically examine the statement that the contribution of the *Volksgeist* theory to jurisprudence is without fault.

YOUR ANSWER SHOULD NOT EXCEED THREE PAGES

[20 MARKS]

[25 MARKS]

QUESTION THREE

Critically discuss how the following statement is related to the Critical Legal Studies Movement:

[i]f there is a single theme, it is that law is an instrument of social, economic and political domination, both in the sense of furthering the concrete interests of the dominators and in that of legitimating the existing order.

YOUR ANSWER SHOULD NOT EXCEED TWO AND A HALF PAGES

[25 MARKS]

QUESTION FOUR

Critically discuss the statement that, the postulates of the Marxist theory of law bear close relation to the general concerns of jurisprudence as outlined by Professor J.W Harris.

YOUR ANSWER SHOULD NOT EXCEED THREE PAGES

[25 MARKS]

QUESTION FIVE

Critically examine the statement that while the racial theory of law is clearly out of harmony with the concept of human rights, the United Nations has not come out firmly to express its disapproval of the theory.

YOUR ANSWER SHOULD NOT EXCEED THREE AND A HALF PAGES.

[25 MARKS]

===== **END OF PAPER** =====