



UNIVERSITY OF ESWATINI

SECOND SEMESTER MAIN EXAMINATION PAPER, OCTOBER 2021

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 bases of the racial theory of law are highly offensive to the fundamental principles of the concept of human rights. It is no wonder then that the international community has, principally through the United Nations, emphasised that this theory of law has no place in the comity of civilised nations.

Critically discuss this statement.

YOUR ANSWER SHOULD NOT EXCEED THREE PAGES

[25 Marks]

QUESTION TWO

Critically examine the statement that there is no close relation between the postulates of feminist jurisprudence and the general concerns of jurisprudence.

YOUR ANSWER SHOULD NOT EXCEED THREE PAGES

[25 Marks]

QUESTION THREE

The Critical Legal Studies School of jurisprudence may have something in common with the Realist school of jurisprudence in its attitude towards formalism in law. However, it goes beyond the Realist school of jurisprudence through its concept of “empowered” democracy. **Critically discuss.**

YOUR ANSWER SHOULD NOT EXCEED THREE PAGES.

[25 MARKS]

QUESTION FOUR

One of the concerns of jurisprudence is the relation of law to politics.

Critically examine how the Marxist theory of law responds to this concern.

YOUR ANSWER SHOULD NOT EXCEED THREE PAGES.

[25 MARKS]

QUESTION FIVE

Critically examine the statement that the *volkegeist* theory does not take account of the mode of origin of all law in modern states.

YOUR ANSWER SHOULD NOT EXCEED THREE PAGES.

[25 MARKS]