

BOWEN UNIVERSITY, IWO, OSUN STATE

COLLEGE OF LAW

FIRST SEMESTER EXAMINATION, 2022/2023 SESSION

COURSE CODE: PIL 501 COURSE TITLE: JURISPRUDENCE AND LEGAL THEORY I

Instructions: Answer any TWO questions from each section, making FOUR questions in all

Time Allowed: 3 Hours

SECTION A

1. There is no universal or uniform definition of jurisprudence. This is because authors, writers and jurist generally have different ideologies and notions about jurisprudence throughout the world.

With the preceding in mind, define jurisprudence and examine the various conceptualizations of jurisprudence by jurisprudential theorists as well as the origin, scope and the purposes of the study of law and jurisprudence.

2. Appraise the relationship between Law and Society.
3. In the preface to Cross Monograph, which he quoted in his book: *Statutory Interpretation*, the author stated as follows:

When teaching law at oxford in the 1950s and 1960s, I treated my pupils as I had been treated and told them to write essays criticizing the English rules governing the subject. Each and every pupil told me that there were three rules – the literal rule, the golden rule, the mischief rule and that courts invoke (sic) whichever is believed to do justice in the particular case. I had, and still have my doubts but what was most disconcerting was the fact that whatever question I put to pupils or examined, elicited the same reply.

In the light of the above, discuss the various rules of interpretation of statutes.

SECTION B

4. (i) In the context of both the realities in the nation and the Constitution of the Federal Republic of Nigeria, 1999 (as amended), is Nigeria a secular state?
- (ii) The State of Dadi prescribes that civil servants must salute the flag, sing the national anthem and recite the national pledge at public events. Ade refused to do any of these on the ground that his religious faith forbids him from doing so. He was dismissed from public service.

- (iii) Jones, a pupil in a state elementary school, on the instruction of his parents declined to recite the national pledge and salute the flag on the ground that saluting the flag or reciting the national pledge contradicts his faith. Jones was suspended from the school.
- (iv) The doctors arrived at the conclusion that Kad, a 12- year old girl needed blood transfusion. The parents, on the basis of their faith, refused to give their consent to the procedure. The doctors were in a dilemma as Kad's prospects of surviving dimmed by the day.

In the light of relevant legal authorities, advise the parties involved in (ii)-(iv) above, bringing out the jurisprudential issues in the relationship between law and religion.

- 5. The relationship between law and morality is an age-long jurisprudential matter that endlessly provokes divergent, and sometimes, convergent views. **Discuss this assertion in the light of recent happenings in Nigeria and abroad, drawing copiously from the debate on the subject matter between Professor H.L.A. Hart and Sir Patrick (later Lord) Devlin.**
- 6. Human personality and legal personality are sometimes coterminous in jurisprudential debates. But the rights, duties, powers, and obligations conferred on man by the legal system under which he lives seem to place legal personality above human personality. **Discuss the preceding assertion critically within the context of the various theories of legal personality.**