

BOWEN UNIVERSITY, IWO,

COLLEGE OF LAW

FIRST SEMESTER EXAMINATIONS FOR 2021/2022 LL.B. PART V

PIL 501: JURISPRUDENCE AND LEGAL THEORY I

Time Allowed: 3 Hours

INSTRUCTIONS: Answer any FOUR questions. Each question carries 17^{1/2} Marks

LOGICAL AND GRAMMATICALLY CORRECT PRESENTATION OF ANSWERS ARE IMPORTANT

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

With the above in mind, define jurisprudence and illuminates on the various conceptualization of jurisprudence by jurisprudential theorists and discuss the origin, scope and the purposes of the study of law and jurisprudence.

2. According to Grey:

“For more than a quarter of a century, Lord Denning has been delivering judgments of revolutionary impact at common law world. A careful reading would reveal a golden thread and show Lord Denning not only as a thorough judge but as the most practical exponent of a major school of jurisprudence.

Though Lord Denning expressed his contrary view on the subject matter of Jurisprudence, with the above, discuss the relationship between philosophy, jurisprudence, and law and illuminate on Lord Denning’s position on promissory estoppel as the champion of a major school of jurisprudence.

3. Discuss the relationship between Law and Society

4. In the preface to Cross Monograph, which he quoted in his book: Statutory Interpretation, he states that:

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.

With the above, discuss the various rules of interpretation of statutes.

5. (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, bringing out the jurisprudential issues in the relationship between law and religion.

6. 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.

7. Write exhaustive on the following:

- a. Law and Social Change
- b. Law and Ethics
- c. Law and Justice