

BOWEN UNIVERSITY
(OF THE NIGERIAN BAPTIST CONVENTION)
IWO, NIGERIA
COLLEGE OF LAW

2022/2023 LL.B. PART V SECOND SEMESTER EXAMINATIONS

PIL 502: JURISPRUDENCE AND LEGAL THEORY II

JUNE, 2023

Instructions: * The questions are in Three (3) sections. Answer four (4) questions with at least one question from each section.

*All Questions carry Equal marks.

Time Allowed: Three (3) Hours.

SECTION A

1. (a) ".....For any law to be just, such law must be virtuous, necessary, useful, clear and must be for the common good" – Thomas Aquinas. To what extent does the above capture the essence or postulations of the natural law Theory?

(b) Briefly account for the development of natural law.

(c) Explain the contributions of natural law to contemporary Nigerian Jurisprudence?

2.(a) Explain the major postulations of Legal positivism.

(b) A cardinal postulation of Legal positivism is that Law is a command of an uncommanded commander represented by a sovereign authority. To what extent is the above postulation correct in the Nigerian society?

(c) Briefly explain the major contributions of positivism to contemporary Jurisprudence. Evaluate the contributions of Realist Theory to contemporary Nigerian Jurisprudence.

SECTION B

3. The Sociological approach to the study of law emphasises the effect which law has on the society on the one hand and the effect which the society has on law on the other hand. In this sense, law can hardly be studied in isolation since it cannot exist *in vacuo*. Discuss this assertion with a particular focus on the relevance of the Sociological School of Jurisprudence to the Nigerian *corpus juris*.

4. Though feminists share common commitments to equality between men and women, feminist jurisprudence is not uniform. Discuss the schools of thought within feminist jurisprudence.

SECTION C

5. Hans Kelsen (1881 - 1973) was an Austrian jurist and philosopher who began his career as a legal theorist at the beginning of the 20th century. He was a judge in the Supreme Constitutional Court of Austria from 1920 to 1930. His notable works are *Principles of International Law* and *Pure Theory of Law*. Hans Kelsen's pure theory of law is also known as Normative Theory. It is called the pure theory of law because, first, it talks about pure law, and second, it excludes other factors affecting the conceptualization of law like morality, ethics, economics, sociology, etc.

With this, discuss Hans Kelsen's Pure Theory of Law.

6. Discuss the historical background of Karl Marx, how the Hegelian metaphysics influenced his thoughts, his rejection of dialectical idealism, his philosophy, the fundamentals of the Marxist Theory of Law and its criticisms.