UNIVERSITY OF KWAZULU-NATAL, PIETERMARITZBURG
SCHOOL OF LAW: NOVEMBER 2015 MAIN EXAMINATION
MODULE AND CODE: JURISPRUDENCE (LAWS3JP) & (LAWP3JP)
FULL-TIME & PART-TIME
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DURATION: 3 HOURS          TOTAL MARKS: 150

INTERNAL EXAMINER          : DR H. MATISONN
INDEPENDENT MODERATOR     : PROF M. KIDD

INSTRUCTIONS

1. Students are requested, in their own interests, to write legibly.

2. This paper consists of TWO (2) pages. Please ensure you have ALL of them.

3. Students must answer THREE (3) questions, spending SIXTY (60) minutes on each question.

Continued/…
Question 1

How does Aquinas define a just law? Under what circumstances, if any, does he argue that we should obey unjust laws?

[50 marks]

Question 2

Hart and Fuller have contrasting views on the relationship between law and morality. Explain both their views and discuss which one you find more convincing.

[50 marks]

Question 3

Critically evaluate the two views of legal positivism offered by Austin and Hart. Your answer must include an explanation of both views and a discussion of which of the two theories you think is most convincing.

[50 marks]

Question 4

Imagine that you are a judge in a case where applying the law is neither vague nor ambiguous but will result in grossly unjust results. With reference to Hart and Dworkin, explain what your decision would be, and why.

[50 marks]

Question 5

‘What is important is not the quality of the creed but the strength of the belief in it.’ Discuss the Hart-Devlin debate in light of this quote

[50 marks]

Question 6

Critically examine arguments in favour of legalising euthanasia. Are these arguments convincing? Why/why not?

[50 marks]

TOTAL MARKS FOR PAPER: 150