



**ZIMBABWE EZEKIEL GUTI UNIVERSITY**

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**1. FACULTY OF LAW, BUSINESS INTELLIGENCE AND ECONOMICS**

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**DEPARTMENT OF LAW AND LEGAL SERVICES**

**2025 EXAMINATION PAPER (1)**

**MODULE CODE** : **LLB 313**

**MODULE TITLE** : **JURISPRUDENCE**

**SPECIAL REQUIREMENTS** :

**DURATION** : **3 HOURS**

**LEVEL** : **3.1**

**INSTRUCTIONS TO CANDIDATES:**

1. This paper contains 7 Questions.
2. Answer any 4 questions.
3. Start each question on a new page.

**NB : DO NOT TURN OVER THE QUESTION PAPER OR COMMENCE  
WRITING UNTIL INSTRUCTED TO DO SO**

### QUESTION 1

The rule of law to me means that everyone must be subject to a shared set of rules that are applied universally and which deal even handedly with people and which treat like cases alike. It means that those who are affected by official inaction should be able to bring actions, as did the respondent *in casu*, on the basis of the official rules - i.e the law, to protect their interests." [per Chinhengo J in Commissioner of Police v Commercial Farmers Union 2000(1) ZLR 503(H)].

Demonstrate your understanding of the concept of the rule of law.

### QUESTION 2

Does the controversy between Hart and Fuller over law, morality and justice have any relevance in the jurisprudence of today?

### QUESTION 3

"The natural law theory covers a vast historical spectrum but its central concerns may readily be identified"

Identify the central concerns of natural law and to what extent, if any, are they relevant in modern jurisprudence?

### QUESTION 4

John Mackie has called Ronald Dworkin's theory of law "The third theory of Law". He says: "I call it the third theory of law because it contrasts with legal positivism and with the doctrine of natural law, and in some way intermediate between the two."

To what extent is this an accurate characterization of Ronald Dworkin's theory of Law?

### QUESTION 5

"A positivist might argue that principles cannot count as law because their authority, and even more so their weight, are congenitally *controversial*." (Ronald Dworkin, Taking Rights Seriously, London, Duckworth, p.36). Critically discuss how Ronald Dworkin deals with this argument.

How central is this issue to Ronald Dworkin's theory of law?

**QUESTION 6**

Marxism provides a total and holistic theory and explanation of law unparalleled in its completeness by all the modern theories on law and legal phenomenon. Discuss.

**QUESTION 7**

"Judges do as they please". Are there any legal theories which support this observation?

**THE END**

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