



ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW

DEPARTMENT OF PUBLIC LAW

EXAMINATION PAPER

COURSE CODE : LLB 304
COURSE TITLE : JURISPRUDENCE
DURATION : 3 Hours
DATE :

INSTRUCTIONS TO CANDIDATES:

1. Answer FOUR questions only.
2. Choose at least ONE question from each section.
3. Each question carries 25 Marks.
4. Start each question on a new page of your answer sheet.

SECTION A

Question 1

“Nay, whoever hath an absolute authority to interpret any written or spoken laws it is he who is the Lawgiver for all intents and purposes and not the person who first wrote or spoke them”

Discuss the above statement in relation to legal realism and whether the fundamental features of legal realism are applicable in the Zimbabwean legal system. **[25 marks]**

Question 2

“Political power, properly so called is merely the organized power of one class for oppressing another”

Using the above statement, give a critique of Karl Marx’s definition of law as serving bourgeois interests and the interests of the ruling class. **[15 marks]**

With reference to relevant case law, legislation as well as provisions of the Constitution of Zimbabwe 2013, write a legal opinion in which you examine fully whether Marx’s conclusions on the nature and role of law in society constitutes a realistic reflection of law in Zimbabwean society. **[10 marks]**

SECTION B

Question 3

With reference to the Zimbabwean legal system, with cases, legislation and constitutional provisions, discuss and explain what has come to be known as the Hart-Fuller debate in jurisprudence. Your answer must also highlight one theorist who, in your view present a more compelling argument on law and morality and why. **[25 marks]**

Question 4

One of the most contentious debates in Zimbabwe is centered on the rule of law. Discuss the issues that have been raised concerning the rule of law and how it is observed in practice. Your answer must give a jurisprudential critique of the rule of law. **[25 marks]**

Question 5

“Law is the imperative or command emanating from the State” Give an exposition of this analytical school of thought. **[10 marks]**

With reference to authoritative text and case law, elucidate on the practicability of this theory in the Zimbabwean legal system **[15 marks]**

Question 6

Discuss the major arguments and debate introduced by Critical Legal Scholars to legal jurisprudence, including their critique of other theories of law. In your answer, possible criticisms that can be made against the Critical Legal Scholars. **[25 marks]**

*******END OF QUESTION PAPER*******