



KISII UNIVERSITY
UNIVERSITY EXAMINATIONS

FOURTH YEAR EXAMINATION FOR THE AWARD OF
THE DEGREE OF BACHELOR OF LAWS
FIRST SEMESTER, 2023/2024
(AUGUST-DECEMBER, 2023)

LLBK 414: JURISPRUDENCE

STREAM: Y4 S1

TIME: 2 HOURS

DAY: MONDAY, 9:00 – 11:00 AM

DATE: 20/11/2023

INSTRUCTIONS

- 1. Do not write anything on this question paper.***
- 2. Answer Question ONE (COMPULSORY) and any other TWO questions.***
- 3. Illustrate your answer with relevant cases and statutory provisions where applicable.***

QUESTION ONE

The natural school of Jurisprudence has very eminent jurists who have made tremendous impact in the development of Law and especially Constitutional Law in Kenya. Discuss in detail the philosophy of:

- a. Thomas Aquinas. **(15 Marks)**
- b. Thomas Hobbes and the social contract theory **(15 Marks)**

QUESTION TWO

“Law is the command of the sovereign” John Austin. Discuss extensively the characteristics of the sovereign and the criticisms against this position.

(20 Marks)

QUESTION THREE

Onyango while having his drink at Mashindano bar told the patrons that he has just discovered very late in life that “Law is not in statutes but it is what the judge decides based on other considerations”. Discuss the concept of Law from the realist school of jurisprudence with special emphasis on:

- a) Justice Benjamin Cardoso **(10 Marks)**
- b) Justice Jerome Frank with his pragmatic approach to law. **(10 Marks)**

QUESTION FOUR

The highly intellectual group called critics see law as the reason certain sections suffer. Equally, They propose Law still to be the solution. Explain the views of the following over law:

- a. Feminist Theorists **(10 Marks)**
- b. Critical Race Theorists **(10 Marks)**

QUESTION FIVE

Answer the following questions –

- a) Briefly highlight Jeremy Bentham's principle of utility and how it relates to John Stuart Mill's utilitarianism. **(10 Marks)**
- b) What is the Marxist theory on governance? **(5 Marks)**
- c) Highlight John Austin's command theory. **(5 Marks)**