



KISII UNIVERSITY

UNIVERSITY EXAMINATIONS

**FIRST YEAR EXAMINATION FOR THE AWARD OF THE
DEGREE OF BACHELOR OF EDUCATION (ARTS/SCIENCE)**

SECOND SEMESTER, 2021/2022

(FEBRUARY - JUNE, 2022)

PHIL 106: LAW AND SOCIETY

STREAM: Y1 S2

TIME: 2 HOURS

DAY:

DATE:

INSTRUCTIONS

- 1. Do not write anything on this question paper.***
- 2. Answer Question ONE [Compulsory] and any other TWO Questions.***

QUESTION ONE

Discuss the following Legal Positivists Theses of Law

- | | |
|---------------------------|------------|
| a. Conventionality Thesis | (10 Marks) |
| b. Separability Thesis | (10 Marks) |
| c. Social Facts Thesis | (10 Marks) |

QUESTION TWO

Examine the arguments of the following Positivists Philosophers of Law

- | | |
|---------------|------------|
| a. Lon Fuller | (10 Marks) |
| b. Max Weber | (10 Marks) |

QUESTION THREE

Explain the main elements of Law according to the following thinkers

- | | |
|-----------------------|------------|
| a. St. Thomas Aquinas | (10 Marks) |
|-----------------------|------------|

b. The Roman Jurist Cicero

(10 Marks)

QUESTION FOUR

- a. Discuss the contribution of the Natural Law Theory to the development of Positive Law in society (10 Marks)
- b. The “Rule of Law” is key to society. Discuss (10 Marks)

QUESTION FIVE

- a. Elucidate Emile Durkheim’s concept of “Restitutive Law” as an instrument for social order (10 Marks)
- b. Law curtails *Freedom From*, but it enhances *Freedom For*. Discuss

(10 Marks)