



**UNIVERSITY EXAMINATIONS**  
**FIRST YEAR EXAMINATION FOR THE AWARD OF THE**  
**DEGREE OF BACHELOR OF ARTS**  
**SECOND SEMESTER 2023/2024**  
**[JANUARY – APRIL, 2024]**

**PHIL 106: LAW AND SOCIETY**

**STREAM: Y1 S2**

**TIME: 2 HOURS**

**DAY: MONDAY, 12:00 - 2:00 P.M.**

**DATE: 15/04/2024**

**INSTRUCTIONS**

- 1. Do not write anything on this question paper.***
- 2. Answer question ONE (Compulsory) and any other TWO questions.***

**QUESTION ONE**

- a. Legal formalism is the view that judges should apply rules according to their plain meaning, irrespective of how unjust or unreasonable the rule is.  
Discuss this view in line with Ronald Dworkin's Philosophy.  
(10 Marks)
- b. Do you agree with the Natural Law or Not? Explain your answer.  
(20 Marks)

**QUESTION TWO**

- a. Discuss the contribution of the Natural Law to the development of positive laws in society.  
(10 Marks)
- b. Examine the contribution of Karl Marx's critique to legal Philosophy.  
(10 Marks)

**QUESTION THREE**

- a. Explain the concept "The Rule of Law"  
(10 Marks)
- b. With special reference to Kenya, illustrate the relevance of the "Rule of Law"  
(10 Marks)

#### **QUESTION FOUR**

- a. Analyze the Thomistic characteristics of Law (5 Marks)
- b. Which one of the following theses of legal Positivism do you support? And why? (15 Marks)
- i. Positivism
  - ii. Conventionality Thesis
  - iii. Separability Thesis
  - iv. Social Facts Thesis

#### **QUESTION FIVE**

- a. Illustrate Emile Durkheim's concept of "Restitutive Law" as an instrument for social order. (10 Marks)
- b. In regard to law, describe the responsibility of the Legislature Arm of government (10 Marks)