



KISII UNIVERSITY
UNIVERSITY EXAMINATIONS

SPECIAL EXAMINATIONS
FIRST YEAR EXAMINATION FOR THE AWARD OF THE
DEGREE OF BACHELOR OF LAWS
SECOND SEMESTER, 2021/2022
(FEBRUARY - JUNE, 2022)

LLBK 122: SOCIAL FOUNDATIONS OF LAW

STREAM: Y1 S2

TIME: 2 HOURS

DAY: MONDAY, 8:00 – 10:00 A.M.

DATE: 25/07/2022

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

- a) Discuss the nexus between law and morality. (10 Marks)
- b) Analyse the relevance of the natural law theory in modern Kenya. (10 Marks)
- c) Discuss the applicability of the command theory in Kenya's democracy. (10 Marks)

QUESTION TWO

- a. Discuss the place of customary law in Kenya. (10 Marks)
- b. Discuss any of the five of the Principles of Legality as advanced by Lon Fuller. (5 Marks)
- c. Explain the five truisms identified by Prof. H.L.A Hart. (5 Marks)

QUESTION THREE

“Man defines woman not as herself but relative to him, she is not regarded as autonomous being and therefore, she is differentiated with reference to man and not herself.” Anonymous

Explain the tenets, proponents and criticism to the above postulation. (20 Marks)

QUESTION FOUR

The Building Bridges Initiative will conclusively terminate ethnic antagonism. *Anonymous.*

With reference of the two conceptions, analyze the above. (20 Marks)

QUESTION FIVE

Write explanatory notes on the following

- a. Utilitarianism (4 Marks)
- b. Classes (4 Marks)
- c. ‘the bad man’ (4 Marks)
- d. *Lexinjusta non estlex* (4 Marks)
- e. Social engineering (4 Marks)