



KISII UNIVERSITY
UNIVERSITY EXAMINATIONS

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

LLBK 414: JURISPRUDENCE

STREAM: Y4 S1

TIME: 2 HOURS

DAY: TUESDAY, 3:00 – 5:00 P.M.

DATE: 26/07/2022

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

Baringo County assembly has passed a law that punishes rapists and defilers with castration. The Governor Baringo County has sought your legal opinion. Advise him on the basis and criteria of law making as per Lon Fuller and John Finnis. (30 marks)

QUESTION TWO

Q2. a) What are the main differences between natural law and legal positivism? What are the different meanings of the phrase “legal positivism”? Can you name with examples of case law (where applicable) the natural Law judges in Kenya and some legal positivists? (10 marks)

b) Discuss the Key ideas of the natural law school and explain their relevance to the Kenyans legal systems (10 marks)

QUESTION THREE

The social contract since time immemorial creates governments and spells out their mandates. Discuss critically Thomas Hobbes arguments and his shortcomings. (20 marks)

QUESTION FOUR

“The Feminist jurisprudence has been dismissed as one targeting to eliminate the male species” Anonymous. Discuss the statement in detail. (20 marks)

QUESTION FIVE

Discuss the following and their importance to the development of law:

- a) John Austin (5 marks)
- b) Marx Weber (5 marks)
- c) Hans Kelsen (5 marks)
- d) Karl Marx (5 marks)