



# THE UNIVERSITY OF THE WEST INDIES

## EXAMINATIONS OF DECEMBER 2001

CODE AND NAME OF COURSE: LA25A - JURISPRUDENCE

DATE AND TIME:

DURATION: 2 HOURS

INSTRUCTIONS TO CANDIDATES: This paper has 2 pages and 4 questions.

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Answer TWO (2) questions. Answers may be confined to the law of any jurisdiction in the Commonwealth Caribbean unless the context indicates otherwise.

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1. Assuming you were asked to assist in drafting a Constitution, which rights, if any, would you include as fundamental rights and which natural law theories would you use to justify the inclusion of such rights?
2. Evaluate the philosophical arguments of the school of legal positivism which justify **EITHER**
  - (a) obedience to an unjust law; **OR**
  - (b) the legal validity of an unconstitutional regime.
3. Answer **EITHER** (a) **OR** (b)
  - (a) Both the realist school and Dworkin's theory of adjudication seek to explain judicial decision making.  
  
Which school or theory offers a more predictable and practical explanation of the judicial process in the Commonwealth Caribbean?

**OR**

  - (b) Discuss the importance of "social engineering" as an effective tool in helping to mediate and effectively balance competing legal interests.

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4. Answer **EITHER** (a) **OR** (b)

(a) Explain the relevance of the theories of Rawls and Nozick in creating a just society **OR** the significance of the economic school.

**OR**

(b) Is it true that the historical school not only explains why the common law has developed and changed over time, but it also underscores the great necessity for such development and change?

**END OF QUESTION PAPER**