



DEPARTMENT OF JURISPRUDENCE AND INTERNATIONAL LAW

Set 1 2021_1 EXAMINATION QUESTIONS¹²³⁴

JUNE 2021

COURSE TITLE: Jurisprudence and Legal Theory 11

COURSE CODE: JIL516

Instruction: ANSWER FOUR QUESTIONS ONLY

TIME ALLOWED: 3 HOURS

QUESTION NO. ONE IS COMPULSORY

1. Natural law tend to have common characteristics in all Legal systems of the world, be it Civil, Common Law, Islamic Law or customary Law jurisdiction. Discuss. 25 marks
2. Thomas Aquinas categorizes law into four categories. The issue of what is just or unjust law, and how we are supposed to react to unjust law is viewed through the lenses of philosophers who were confronted with these issues in generations past. Describe. 15 marks
3. The political ruler ship of Nigeria from 1966 to 1999 Nigeria was largely aberrational. In the period, military dictatorship flowered under the pretext of promoting the common good. It so turned out that such promise was a decoy to perpetrate or promote the interests of a few individuals. John Locke the first

proponent of separation of powers held the view that natural law is to the effect of one person should not combine power. Discuss his views in relation to Nigeria.

4. Standing in stiff opposition to natural law school of jurisprudence is legal positivism. Legal positivism stands for almost everything against that natural law school advocates. It is a theory of law that emphasizes what 'is' as against the 'ought.' Can there be a marriage union between the two schools? 15 marks

5. Legal positivism is appreciated for making lawyers to differentiate between the "law as it is" and the "law as it ought to be". What are the criticisms against positive school? 15 marks

6. Explain the command theory of law vis-à-vis International law. What is the view of John Austin as regards to International Law? 15 marks