



**NATIONAL OPEN UNIVERSITY OF NIGERIA**  
**DEPARTMENT OF JURISPRUDENCE AND INTERNATIONAL LAW**  
**2021\_2 EXAMINATIONS**

**COURSE TITLE: JURISPRUDENCE AND LEGAL THEORY 1 1**

**COURSE CODE: JIL516**

**ANSWER FOUR QUESTIONS ONLY**

**TIME ALLOWED: 3 HOURS**

**QUESTION NO. ONE IS COMPULSORY**

1. According to Kelsen a revolution occurs whenever the legal order of a community is nullified and replaced by a new order in an illegitimate way, that is, in a way not prescribed by the first legal order itself. Give examples of how a constitution can be change. Explain. **25 Marks**

2. Savigny's tract entitled Of the Vocation of Our Age for Legislation and Jurisprudence 1814, summarized his historical approach to law as follows:

“We first enquire of history how law has actually developed among nations of the nobler races. That which binds a people into one whole is the common conviction of the people, the kindred consciousness of an inward necessity, excluding all notion of an accidental and arbitrary origin.”

Elucidate this statement. **15 Marks**

3. Critically examine the relevance of Durkheim's theory to the Nigerian legal order.

**15 Marks**

4. Critically examine the statement that those in powers always exhibits three types of authority are identify in a modern system of government and therefore command the respect of followers.

**15 marks**

5. The criticisms of the methodology of Bentham are so overwhelming as to discredit the entirety of the utilitarian principle. Discuss. **15 Marks**

6. As society progresses 'new interests' will emerge or evolve. Notice that international human rights law has witnessed the evolution of new generational human rights in addition to the traditional first and second generational rights. Recognition of such new interests would be realised subsequent to their being tested by reference to 'jural postulates' of a civilised society. Identify the jurist that the citizens can postulate and assumed. **15 Marks**