



HERBERT CHITEPO LAW SCHOOL

DEPARTMENT OF LAW

BACHELOR OF LAWS HONOURS DEGREE

LEVEL 3 SEMESTER 2

EXAMINATION QUESTION PAPER

MODULE CODE	LLB 323
MODULE NARRATION	JURISPRUDENCE
DATE	NOVEMBER 2024
DURATION	3 HOURS

INSTRUCTIONS TO CANDIDATES:

1. Answer ALL questions from Section A and TWO questions from Section B.
2. You are advised to read all questions carefully before attempting to answer any.
3. You are advised to cite relevant authorities to support your answers.
4. Students are allowed to bring any written material on hard copy into the exam.
5. This paper consists of three pages.

SECTION A

THIS QUESTION IS

COMPULSORY

QUESTION ONE

Discuss in summary the Speluncean Explorers' case and critically analyze the Judicial/Judges findings there from. Further compare those decisions with any relevant legal theories or schools of thought applicable to the findings if any.

[30 Marks]

SECTION B

**CANDIDATES MUST ANSWER TWO QUESTIONS
FROM THIS SECTION**

QUESTION TWO

Discuss the similarities and differences between the realist school of law and critical legal studies movement.

[20 Marks]

QUESTION THREE

“It sometimes happens that the goal of social change is reached more quickly through legal development by the judiciary than by the legislature. This is because judges have a certain amount of latitude in the process of interpretation and application of the law. They take part in the process of creation. Law-making is an inherent and inevitable part of the judicial process”. (per Gubbay ACJ, McNally and Manyarara JJ, in *Zimnat Insurance Company Ltd V Chawanda* 1990(2) ZLR 143

(SC)@154.

Critically discuss these sentiments in the light of any relevant legal theories.

[20 Marks]

QUESTION FOUR

“John Austin’s Command theory has been praised and criticized by many scholars”.

Discuss Austin’s Command Theory highlighting its features, strength and weaknesses.

[20 Marks]

QUESTION FIVE

“The distinction between natural law and positivism falls apart when one considers the theory of Ronald Dworkin” Do you agree?.

[20 Marks]

TOTAL MARKS: 70

END OF QUESTION PAPER