



HERBERT CHITEPO LAW SCHOOL

BACHELOR OF LAWS HONOURS DEGREE

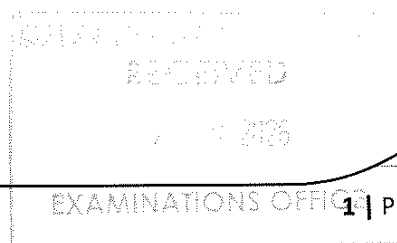
LEVEL 3 SEMESTER 2

EXAMINATION QUESTION PAPER

MODULE CODE	LLB 323
NARRATION	JURISPRUDENCE
DATE	2025
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 four pages.



SECTION A

THIS QUESTION IS COMPULSORY

QUESTION ONE

a) Ronald Dworkin's 'Original problem', based on *Riggs v Palmer*, 115 NY 506, is used to illustrate the principle that law is not merely a system of rules but there are also 'principles, policies and other sort of standards' that govern the legal system. Discuss. **[15 Marks]**

b) From which standpoint (legal theory) would you justify and substantiate the following concepts:

- (i) Rule of law;
- (ii) Human rights;
- (iii) Justice.

[15 Marks]

SECTION B

CANDIDATES MUST ANSWER TWO QUESTIONS.

QUESTION 2

The Herbert Chitepo Law School has commissioned three eminent jurists to carry out a fundamental review of its five year LLB (Hons) undergraduate degree programme, to ensure that it fulfils the Law School's main mission to train competent, ethical and innovative lawyers. In particular, the terms of reference of the jurists are to address the following issues:

- (a) To identify the underlying legal philosophical worldview of the present curriculum and the social interests it serves;
- (b) Whether modules based on 'general jurisprudence' should be added to the syllabus, and if so which ones;
- (c) Any other appropriate changes they see fit.

Write an opinion as one of the jurists based on any one of the following legal philosophies:

- (a) Theories of K. Marx and F. Engels;
- (b) Theories of St. Thomas Aquinas;
- (c) Radical feminist theories;
- (d) Theories of J. Austin and H. Kelsen;
- (e) Critical Race Theories or Nationalist Theories of Law. **[20 Marks]**

QUESTION 3

Section 3 of the Constitution of Zimbabwe, 2013 titled 'Founding values and principles' provides a list of particular values and principles that are the foundation of Zimbabwe's constitutional legal system.

- (a) Identify five values and principles that could be challenged by Legal Positivism on the basis that they should not be part of the law and justify why Legal Positivism can possibly reject such principles as being outside the province of the definition of law. **[10 Marks]**
- (b) Discuss whether in your view, the nature of the founding values and principles in Section 3 and the content of other constitutional provisions (e.g, on culture, youths, women, persons with disabilities, veterans of the liberation struggle and

elderly persons) are sufficient basis to categorise Zimbabwe's legal system as solely positivist or based on natural law considerations. **[10 Marks]**

QUESTION 4

Listing concrete examples, compare and contrast the Marxist legal philosophy with any other legal philosophy of your choice on (a) the origins and development of the state and law (b) purpose of the state and law. **[20 Marks]**

TOTAL MARKS: 70
END OF QUESTION PAPER