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NATIONAL UNIVERSITY OF IRELAND, GALWAY
FACULTY OF LAW

SEMESTER I EXAMINATIONS – 2002/2003

B.A. PUBLIC AND SOCIAL POLICY – SECOND YEARS
BACHELOR OF CIVIL LAW – FIRST YEARS
OCCASIONAL/ERASMUS STUDENTS

SOCIOLOGY OF LAW (LW220)

Prof. T. Watkin
Ms. L.A. Buckley

Time allowed: **TWO** (2) hours. Erasmus students have 2½ hours. Answer **THREE** (3) questions. All questions carry equal marks.

1. Outline, compare and contrast the principal tenets of Positivism, Legal Realism and Natural Law, paying particular attention to the role played by values in each school of thought.
2. *'It is far from clear how specific Marx and Engels believed the determination of law by relations of production to be... Perhaps the point is, not that each legislative choice is directly motivated by the interests of the ruling class, but that the economic basis of class interests will filter out and render ineffective all laws which are not'.*
- Harris, *Legal Philosophies*, p. 270.
Critically discuss the principal tenets of Marxism and their implications for an understanding of law, in light of the above statement.
3. Critically analyse the role of the police in the enforcement of law, paying particular attention to the issues of police discretion, culture and accountability. Support your answer by reference to appropriate legal and other authority.
4. *'It is difficult to devise a sentencing or, more accurately, a punishment policy. The major problem is that such a policy must have a certain purpose to it. We must be clear about what we are trying to achieve when we inflict punishment on offenders... [I]t could be argued that the actual practice in the ... courts is a reflection of the different priorities and the different balances struck by individual judges between the competing claims of justice and the offenders' needs'.*
- Mc Cullagh, *Crime in Ireland* (1996), p. 185-6.
Discuss critically, supporting your answer by reference to appropriate legal and other authority.
5. *'Gender-based myths and stereotypes play a key role in the enforcement of rape law'.*
Discuss critically, supporting your answer by reference to appropriate authority.
6. Describe and critically discuss the current Irish policy on drugs. In your opinion, is it true to say that the social implications and consequences of current policy necessitate a move towards decriminalisation? Support your answer by reference to appropriate authority.

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