

GX 1815

Ollscoil na hÉireann, Gallimh
National University of Ireland, Galway

Semester II Examinations, 2002/2003

Exam Code(s)	2BL1, 2BL2, 2CW1, 3BL1, 3BL2, 3CW1, 4BL2, 1EM & 1OA1
Exams(s)	2 nd & 3 rd & 4 th LL.B 2 nd & 3 rd Bachelor of Civil Law Erasmus & Occasional
Module Codes(s)	LW308
Module(s)	Jurisprudence
Paper No.	1
Repeat Paper __ Special Paper __	
External Examiner(s)	Professor Thomas Watkin
Internal Examiner(s)	Professor Gerard Quinn
Instructions	Answer THREE questions
Duration	TWO Hours
No. of AnswerBooks	
Requirements:	
Handout	
MCQ	
Statistical Tables	
Graph Paper	
Log Graph Paper	
Other Material	
No. of Pages	23
Department(s)	Law

1. Answer either (a) or (b)

- (a) What is liberal legality and what role does the doctrine of the 'rule of law' play in advancing this conception of politics and law?

Or

- (b) What was and is the 'civic republican' philosophy of politics and law? Does it have any resonance in Ireland?

2. How and why did Gramsci advance the Marxist conception of law? Is there anything valuable left in neo-Marxist analysis despite the collapse of communist systems?
3. The tactic of legality was used by the Nazis to demolish all legal inhibitions on the total use of power. Does the tactic of legality have any limits? Please refer in your answer to State (Ryan) v Lennon (1935).
4. What was Legal Formalism and how did Oliver Wendell Holmes and Roscoe Pound critique it?
5. Answer either (a) or (b)
- (a) Was Jerome Frank right to insist that the personality of the judge is itself the law?
- (b) Is property sovereignty and what difference does it make to look on property as a species of 'sovereignty'?
6. Discuss the theory of 'neutral principles' and the philosophy of 'reasoned elaboration'. Do you think that the reference to 'justice, prudence and charity' by the Supreme Court in X v Attorney General constitutes an appeal to 'neutral principles'?
7. How and why did H.L.A. Hart and Ronald Dworkin agree and disagree on the question of adjudication?

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8. Answer either (a) or (b).

(a) What is Critical Legal Studies and does it have any value in a specifically Irish context?

Or

(b) Does 'deconstruction' offer anything useful or interesting as a technique of legal analysis in an Irish context?

9. The Minister for Health and Children is fed up with bureaucracy and wants to deregulate everything in his policy brief including adoption. He asks you for advice on the wisdom and practicality of introducing a straightforward market for babies with the possibility of upgrades in a second hand market as well a futures market.

Advise the Minister.

END