

GX 1692

Ollscoil na hÉireann, Gallimh
National University of Ireland, Galway

Semester II Examinations, 2003/2004

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)	Prof Olivier De Schutter
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	
Department(s)	Law

PTO

1. How useful was, or is, Gramsci's development of classical Marxist analysis in the context of law.
2. Describe Hitler's 'tactic of legality'. Which side would you take in the Hart/Fuller debate about Nazi 'legality' and why?
3. Imagine that the State (Ryan) v Lennon (1935) ILTR could be appealed to an ever higher Supreme Court. You are counsel for Ryan and opt to defend the minority view of Kennedy C.J. as the 'correct' view before this super Supreme Court. What arguments would you use to defend Kennedy C.J.?
4. 'Oliver Wendell Holmes put a shot across the bow of formalism but he left nothing except naked power in its place'. Discuss in light of Holmes' essay '*The Path of the Law*'.
5. 'Although Pound may have been wrong to exaggerate the role of the personality of the judge he was surely right to point out that personality does play some role in adjudication. If so, then the main problem lies in trying to find some level at which the inevitable intervention of the personality is consistent with the maintenance of the rule of law'. Do you agree?
6. Are 'neutral principles' (Wechsler) ever possible in law? If not, would 'legal ideals' (Dworkin) capable of providing one right answer?
7. Describe and evaluate the feminist legal perspectives of Francis Olsen ('*The Family and the Market: A Study of Ideology and Legal Reform*', 96 Harv.L.Rev. 1427). How relevant are her insights to Irish legal analysis?
8. Do the Critical Legal Scholars go too far in their critique of rights and are they correct, in your view' in asserting that 'all law is politics'?
9. If Justice eludes definition then why not use 'allocational efficiency' as the sole or dominant criterion of Justice? Please respond in light of the controversy over whether adoption law should be replaced by a market for babies.

END