

GX1448

NATIONAL UNIVERSITY OF IRELAND, GALWAY
FACULTY OF LAW

SUMMER EXAMINATIONS 1998/1999

LL.B - ALL YEARS
OCCASIONAL STUDENTS

JURISPRUDENCE (LW308)

Mr.T. G. Watkin
Dr. G. Quinn

Time Allowed: **THREE HOURS**

Attempt **FOUR** questions. Erasmus Students Answer Three Questions.

This examination accounts for 80% of the overall marks.

1. Discuss the following statement:

What has remained constant is an assertion that there are principles of natural law. Views as to the content of these principles have sometimes diverged but the essence of natural law may be said to lie in the constant assertion that there are objective moral principles which depend upon the nature of the universe and which can be discovered by reason. These principles constitute the natural law. (Lloyd)

2. Answer **BOTH** (a) **AND** (b):

- (a) Do you think that John Locke's Social Contract Theory retains any relevance for contemporary legal and political circumstances?

AND

- (b) Are there, in your view, any feasible alternatives to explain the general submission of citizens to the power of the state in non-coercive political situations?

3. From the perspective of societal analysis and, in particular, of the role of the legal system in society, did the Neo-Marxist theorists, in your view, address adequately the perceived flaws in original Marxist thinking?
4. Discuss the State (Ryan) v. Lennon [1935] IR. How could the 1922 constitution be collapsed so easily? Do you detect any echoes of the 'tactic of legality' used in Germany in the 1930s in the above decision?
5. What was legal formalism? Do you detect any formalistic tendencies in the Irish legal order?
6. Oliver Wendell Holmes is often described as the father of modern legal skepticism. Why? Are his views of any relevance to Irish law?
7. What was Legal Realist critique of judicial craftsmanship? How did the views expressed by the various Realists compare and contrast with those of Roscoe Pound? Why was Realism revolutionary in its day and has it left any lasting legacy?
8. Richard Posner has written extensively on the death of law as an autonomous discipline. What does he mean? Please refer in your answer to the rise of Law & Economics and Critical Legal Studies.
9. Does the appeal to legal principles by Ronald Dworkin solve the problem of adjudication in your view?