

CHUKA



UNIVERSITY

UNIVERSITY EXAMINATION

RESIT /SPECIAL EXAMINATION

EXAMINATION FOR THE AWARD OF DEGREE OF BACHELOR OF LAW

BLAW 114: SOCIAL FOUNDATIONS OF LAW

STREAMS:

TIME: 2 HOURS

DAY/DATE: WEDNESDAY 03/11/2021

2.30 P.M – 4.30 P.M

INSTRUCTIONS:

- 1. ANSWER QUESTION ONE AND ANY OTHER TWO QUESTIONS.**
- 2. DURATION IS 2 HOURS.**

Questions 1 (a)

Explain in detail what you understand by the term social stratification and its effects in society
(10 marks)

Question 1 (b)

Explain how society and the role of law are viewed in the different social conceptions (10marks)

Question 1 (c)

Law is seen as a social phenomenon and over the years scholars have struggled with the social of the origins of the law. Many have been propounded in an attempt to explain this. Explain the two broad categories in which these theories have been classified. (10 marks)

Question 2

The legal system reflects and reinforces a male perspective and patriarchy runs deep in our society and it is for this reason that the feminists have insurmountable challenge of dismantling patriarchy. This is compounded by emergence of different types of feminists. Discuss the feminism legal

theory identifying the content, types of feminism and achievements of this movement.

(20 marks)

Question 3

The Hart-Fuller debate is an exchange between H.L.A Hart and Lon Fuller on morality and law. Law and morality are two different words with different meanings, yet they influence each other and are often seen as overlapping.

Discuss the Hart-Fuller debate and its impact in law-making in the society.

Question 4 (a)

For centuries there has been heavy influence of natural law theory. However, from the 19th century onwards, this idea was displaced by legal positivism and historical schools. Please explain the following:

- i) Natural law theory
- ii) Legal positivism
- iii) Historical schools.

(13 marks)

Question 4 (b)

Utilitarianism continues to influence decision makers such as legislators, judges, or policy makes in different ways. Using contemporary examples explain the theory of utilitarianism and its relevance today.

(7 marks)
