

**NATIONAL UNIVERSITY OF LESOTHO**

**FACULTY OF LAW**

**LL.B SUPPLEMENTARY EXAMINATIONS**

**L4307 – JURISPRUDENCE**

**AUGUST 2023**

**MARKS: 100**

**TIME: 3 HOURS**

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**INSTRUCTIONS**

1. There are 6 questions.
2. Answer any **FOUR (4)** questions.
3. All questions carry equal marks.

## QUESTION 1

- a. Discuss Hans Kelsen's theory of the Basic Norm (Grundnorm). **10 Marks**
- b. Critically discuss his understanding of the conditions in which the basic norm could change. **15 Marks**

**[25 MARKS]**

## QUESTION 2

Lesotho Council of Christians (LCC) is an ecumenical Christian organisation promoting Christian Faith. A whistle-blower informed LCC about the intention of Parliament to legalise abortion in terms of the Laws of Lesotho. This decision follows an outcry made by a women's organization demanding access to abortion medical services and to have all legal hurdles removed on the ground that women have a right to determine their sexuality, fertility and reproduction.

The Head of churches intends to write a letter to Parliament to condemn this decision to legalise abortion on the basis that it is a transgression of faith, and contrary to the law of God. You are an independent researcher, write an opinion to the Head of churches of LCC and give your opinion on the issue.

Do you agree or disagree with the Head of churches? Use either the Natural Law or Positive Law theories that you have studied to support your opinion.

**[25 MARKS]**

### QUESTION 3

“Justice for the common good in a democratic society such as Lesotho is often bias and influenced by different backgrounds, circumstances or even religious beliefs.”

In light of a jurisprudence theory of justice that you have studied, do you agree or disagree with this statement? According to this theory discussed above, what should be done to cure bias democratic societies and achieve justice?

**[25 MARKS]**

### QUESTION 4

H.L.A. Hart set the groundwork for the restatement of Legal Positivism.

- a. What was the demarcation point offered by H.L.A. Hart? **10 Marks**
- b. How did Lon Fuller respond to the demarcation point offered by Hart?  
Discuss. **15 Marks**

**[25 MARKS]**

### QUESTION 5

- a. The debate between law and morality has existed since time immemorial.  
Give your opinion to best describe the relationship between law and morality among non-positivist legal theorists. **15 Marks**
- b. Who wrote the book “The concept of law?” and according to the author of this book, what is the concept of law? **5 Marks**
- c. What does the phrase *lex iniusta non est lex* mean? **5 Marks**

**[25 MARKS]**

**QUESTION 6**

Write short notes explaining the following:

- |                         |                 |
|-------------------------|-----------------|
| a. Command Theory       | <b>5 Marks</b>  |
| b. Primary Rules        | <b>5 Marks</b>  |
| c. Rules of Recognition | <b>5 Marks</b>  |
| d. Separability Thesis  | <b>10 Marks</b> |

**[25 MARKS]**