

**NATIONAL UNIVERSITY OF LESOTHO**

**FACULTY OF LAW**

**LL. B EXAMINATIONS**

**L4308 – JURISPRUDENCE**

**MAY 2023**

**MARKS: 100**

**TIME: 3 HOURS**

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**INSTRUCTIONS**

1. There are 6 Questions. All questions carry equal marks.
2. Answer **four (4)** Questions in all. Answer any **two (2)** questions from section A and any **two (2)** questions from section B.
3. Essays must not exceed 3 pages in length.

## **SECTION A**

### **QUESTION 1**

How does John Rawls define Justice? Under what circumstances does he argue that we should be under the veil of ignorance? Discuss.

**[25 MARKS]**

### **QUESTION 2**

Part of feminist legal theory is the analysis of the extent to which the legal system reflects and reinforces a male perspective and the counter part relates to the analysis of how women's differences from men should or should not be reflected in legal rules, legal institutions and legal education. Critically discuss using legal feminist theories on whether government should legislatively enforce women's representation in positions of power and decision making.

**[25 MARKS]**

### **QUESTION 3**

The government of country X recently made a public announcement proclaiming that "Marriage is between a man and a woman. To change that would go against natural law and to legalize same sex marriages is a denial of marriage's role of procreation. This nation will never legalize such a marriage, it is contrary to the laws of nature and customary law practices of this country." In fury, the LGBTQTI+ community issued a commentary on national television arguing that "equal rights must mean equal rights. If you do not legalize same-sex marriages, we will fight all the way to the international courts."

You are legal theorist, using case law and other relevant jurisprudence, write an opinion letter to the government of country X advising government on whether they should or should not legislatively safeguard the human rights of LGBTQTI+ people.

**[25 MARKS]**

## **SECTION B**

### **QUESTION 4**

Write short notes explaining the following:

- (a) The difference principle (10 Marks)
- (b) Retribution (5 Marks)
- (c) Cultural feminism (10 Marks)

**[25 MARKS]**

### **QUESTION 5**

How have the various courts applied the jurisprudence of *Ubuntu* in a Constitutional democracy to legitimise judicial decisions?

### **QUESTION 6**

The concept of *Se Moshoeshe* is an African concept that represents unique African views of law and society. What is this concept and how does this concept differ from western thought? Provide practical examples to illustrate.

**[25 MARKS]**