

**NATIONAL UNIVERSITY OF LESOTHO**

**FACULTY OF LAW**

**LL.B FINAL EXAMINATIONS**

**L4307 – JURISPRUDENCE**

**JANUARY 2024**

**MARKS: 100**

**TIME: 3 HOURS**

---

**INSTRUCTIONS**

1. There are 6 questions. All questions carry equal marks. Answer **four (4)** questions.

## **QUESTION 1 (Compulsory)**

Every year the People’s Republic of Bongo (PRB) holds a National cycling competition. During this time all roads are closed, all vehicles are banned from the streets and community members of Bongo come out on foot to watch the cycling race. Mosh was not a participant in the competition, but one night during the competition he decided to go on a road trip using his motor bike. It was at this time that the police stopped Mosh and arrested him for “driving a vehicle at night during the annual cyclist competition”, thus violating a law that prohibits the use of vehicles during this time. In defense, Mosh argued that he was not driving “a vehicle” within the definition of the law.

Imagine you are a judge and you are confronted with the above case, what would you as a judge, decide in this instance? Write an opinion using modern day legal theory and debates to interpret the law in question.

**[25 MARKS]**

## **QUESTION 2**

King X is a Monarch in country Z. King X appoints the Prime Minister, representatives of government, bureaucrats and local chiefs. King X is exempted from legal accountability and has absolute authority over all branches of government. Recently there has been a push for reform to establish political parties, and to democratically elect the Prime Minister. However, during a protest in support of, a group of activists were jailed for calling for democratic reforms.

*a.* Which legal jurist is attributed to the scenario above?

3 Marks

b. Which African country succumbs to the above legal system? 2 Marks

c. Explain the theory applicable in the above scenario, and outline the advantages and disadvantages of a State being under such legal regime? Support your answer with examples. 20 Marks

**[25 MARKS]**

### **QUESTION 3**

In an article published by Sowetan newspaper, it was stated that “the understanding of law in Africa has historically been used to execute the evil purpose of racial oppression, exploitation and deprivation.”

a. Critically analyse the above statement using naturalist and positivist approaches. In your analysis, illustrate with examples. 15 Marks

b. Do you believe the above understanding of law has changed in Africa? If so, how? 10 Marks

**[25**

**MARKS]**

### **QUESTION 4**

Why do societies need law? Enumerate reasons put forth by Hobbes, Locke and Rousseau.

**[25 MARKS]**

### **QUESTION 5**

In chapter V of Hart’s *The concept of law*, the author characterizes the basic elements of law as follows:

It is true that the idea of a rule is by no means a simple one:...if we are to do Justice to the complexity of a legal system, to discriminate between two different though related types. Under rules of the one type, which may well be considered the basic or primary type, human beings are required to do or abstain from certain actions, whether they wish to or not. Rules of the other type are in a sense parasitic upon or secondary to the first.

- a. How did Hart call the two types of rules? 5 Marks
- b. What is the difference between them? 10 Marks
- c. Do we have these types and or sub types in the Lesotho legal order? If so, give an example for each rule and sub rule. 10 Marks

**[25 MARKS]**

### **QUESTION 6**

Explain the phrases and indicate which Jurist propagated the following legal theories:

- a. True law is reason in agreement with nature 10 Marks
- b. Law is internal while morality is external 15 Marks

**[25**

**MARKS]**