



***THE UNIVERSITY OF THE WEST INDIES***

***EXAMINATIONS OF DECEMBER 2004***

**CODE AND NAME OF COURSE: LA25A (LAW2510) - JURISPRUDENCE**

**DATE AND TIME:**

**DURATION: 2 HOURS**

**INSTRUCTIONS TO CANDIDATES: This paper has 1 page(s) and 4 questions.**

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Answer **TWO (2)** out of four questions. Answers may be confined to the law of any jurisdiction in the Commonwealth Caribbean unless the context indicates otherwise.

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1. Finnis' reformulation of natural theory has provided an excellent exposition of the right to life as a basic human right.

Discuss whether in a just Commonwealth Caribbean society, the right to life should be absolute or whether there are circumstances where this right can be limited for morally justifiable reasons.

2. The 'West Indian Independence Constitution' is deemed to derive its 'validity' from an enactment of the British Imperial Parliament.

Does Hart's Rule of Recognition provide an adequate explanation of the 'validity' and moral legitimacy of the 'West Indian Independence Constitution'?

3. Both Dworkin and the legal realists would endorse the decision in *Riggs v. Palmer* but they would offer different explanations of the decision based on their competing theories of law.

Critically discuss.

4. With reference to *Andy Mitchell v. AG*, critically discuss whether Kelsen's grundnorm offers a satisfactory theory of legality for unconstitutional governments.

**END OF PAPER**