



THE UNIVERSITY OF THE WEST INDIES

EXAMINATIONS OF _____

DECEMBER 19 99

CODE AND NAME OF COURSE: LA25A - JURISPRUDENCE

DATE AND TIME:

DURATION: 2 HOURS

INSTRUCTIONS TO CANDIDATES: This paper has 1 pages and 4 questions.

Answer **TWO** Questions

1. Write a critical analysis of the decision in *Andy Mitchell and Others* from the standpoint of Kelsen's theory of revolutionary legality.
2. It is submitted that the intimate linking of law and obligation is the common undertaking of any adequate theory of law. Austin may in fact have undermined the ability of his theory to account for legal obligation by his insistence on the rigid separation of law and morals. Hart's "soft positivism", though a remarkable improvement on Austin's theory, nonetheless fails to offer an adequate account of legal obligation, largely because of its endorsement of the positivist thesis that there is no *necessary* connection between law and morals.

Discuss.
3. It is submitted that both Dworkin and the legal realists would endorse the result in *Riggs v. Palmer*. However, they would offer different explanations of the decision, given their respective conceptions of law and corresponding theories of adjudication.

Discuss.
4. It is submitted that the fundamental rights provisions of West Indian constitutions may be read in terms of natural law theory.

Discuss.

END OF PAPER