



**STRATHMORE LAW SCHOOL
MASTERS OF LAW (LL.M)
END OF MODULE MAIN EXAMINATION
LLD 9103: LEGAL THEORY**

Date: Friday, 14th July 2023

Time: 3 Hours

Instructions

1. This examination consists of **Three** questions.
2. Answer **Question ONE (COMPULSORY)**, and choose **one of the other two**.
3. This is an open-book examination. You may consult the slides and the written material afforded in the course outline to answer the questions. The exam mode for this exam is **OPEN**. However, **DO NOT** use any other bibliography other than the one provided in the course outline.
4. **DO NOT** copy and paste from any online source or from another candidate. The answers will be subject to a plagiarism check and a similarity index of over 30% will automatically lead to disqualification.
5. The **maximum number of words** you may use in each answer is stated at the right side of each question. Words exceeding this number will not be used to assess your answer.
6. You should spend a fair amount of time organizing your thoughts before starting to write.
7. Careful organization and clarity will be highly valued.

QUESTION 1:

(a) Choose any of the three positivist authors that we studied along the course, and state his answer to the question: “what is the nature of law?” (200 words max.).

(b) How would Ronald Dworkin answer this same question? (200 words max.).

(c) How would Aquinas answer this same question? (200 words max.)

(d) Which of the three previous ideas about the nature of law is the most universal? Why? (100 words max.)

QUESTION 2:

Choose any of the authors studied in class, and afford his answer to the question “What do we need the Law for? Use this answer to assess the decision of the European Court of Human Rights in the case of *Lautsi v. Italy* (400 words max.).

QUESTION 3:

Choose any of the authors studied in class, and afford his answer to the question: “what is deep structure of legal reasoning?” Use this answer to explain the structure of the decision of the Supreme Court of America in *Dobbs v. Jackson* (400 words max.)