



JOSEPH AYO BABALOLA UNIVERSITY IKEJI – ARAKEJI
COLLEGE OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF PHILOSOPHY AND RELIGIOUS STUDIES
FIRST SEMESTER EXAMINATION 2023/2024 ACADEMIC SESSION

Course Code: PHL 412

Course Title: Philosophy of Law

Instruction: Answer question number 1 and any other 2 questions

Time: 2 ½ Hours

- 1a. What is Philosophy of Law? 10 marks
b. Explain natural Law from the Philosophic and scientific perspectives 6 marks
c. Logically explain the reasons supporting the assertion that law is the handmaid of morality 4 marks
d. Succinctly differentiate between legal and moral obligations 4 marks
e. Differentiate between philosophy of law and science of law 6 marks
- 2a. Discuss positivism from the point of view of Auguste Comte 10 marks
b. What are the objections to legal positivism according to R. M. Dworkin and Lon. L. Fuller. 10 marks
3. For positive law to be valid it must be just and serve the cause of justice, copiously discuss other 5 reasons that justifies the validity of positive law. 20 marks
- 4a. The natural law cut across several epochs even to the Africa scene. Discuss 10marks
b. Explain 5 objection to natural law theory 10 marks
5. In all communities says Harts, "there is a partial overlap in content between legal and moral obligation". In view of the above assertion, discuss the similarities and differences between morality and law. 20 marks

Analysed

Efficiency

7/4/24

4

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DEPARTMENT OF PHILOSOPHY AND RELIGIOUS STUDIES
FIRST SEMESTER EXAMINATION, 2018/2019 SESSION

COURSE CODE: PHL 412

COURSE TITLE: PHILOSOPHY OF LAW

TIME ALLOWED: 2 ½ hours.

INSTRUCTION: Answer question number 1 (which carries more marks) and any other two questions.

- 1) (a) What is Philosophy of Law and what is the problem of the Philosophy of Law?
(b) Discuss the meaning of the Criminalization/Enforceability Perspective on the relationship between law and morality. Furthermore, is there a moral duty to obey the law even when it does not embody morality? Discuss reasonably and extensively.
(c) How does the retributive theory of punishment affect the question of the essential feature of Law.
(d) The concept of justice is central to both law and morality and yet justice is neither exactly identical with law nor morality. Discuss critically.
(e) Whereas morality is concerned with the 'adultery of the heart', Law is concerned with the 'external forum'. In the light of this, differentiate between moral guilt and legal guilt.
- 2) Thomas Aquinas defines Natural Law as *the rational creature's participation in eternal law*.
In the light of the above, discuss on relationship between the precepts of the natural law and the eternal law.
- 3) (a) Critically explain the main objects of the Philosophy of Law.
(b) Carefully explain the place of rules and facts towards the interpretation of justice.
- 4) (i) Outline and explain the two central believes common to all legal positivists and highlight on their criticisms.
(ii) How consistent were Hans Kelsen and H.L.A. Hart over their positivist views?
- 5) Critically examine Humean conception of Law and Morality, and carefully find a reconciliation of that with Holmes view on Law and Morality.