



The University of Fiji
(An Entity of Arya Pratinidhi Sabha of Fiji)



JDP SCHOOL OF LAW
Semester 1, 2025



FINAL EXAMINATION PAPER

LAW 307: JURISPRUDENCE

Important Instructions to Students:

1. Read the questions, instructions carefully and answer the questions.
2. You are allowed an **extra 10 minutes reading time** (during this time, you are not allowed to write with pen) and **180 minutes (3 Hours) to complete this paper**.
3. Write all your answers in the answer booklet provided. If you need extra sheets, please ask from the supervisor. Write your name, course code and student identification number in the answer booklet and in the attendance sheet.
4. This paper contains **TEN (10) questions**. Students **must answer ANY SIX (6) questions**.
5. Write all your answers legibly. The marker has the right to award zero for answers that are not legible.
6. This is a **CLOSED BOOK EXAMINATION**.
7. The University views plagiarism, cheating and dishonest practice as serious offences and if found, offenders are penalized.

Examination Paper Content (Format):

<u>Question</u>	<u>Content</u>	<u>Marks</u>	<u>Suggested Time</u>
1-10	Analysis and essay- Answer any six (6) questions	10 marks each	30 minutes/question
	TOTAL	60	180 Minutes

Answer ANY SIX (6) questions. All scenarios are fictitious.

Question 1

A court in the nation of Fuschia is faced with a case involving a complex business transaction where the language of the contract is ambiguous. The judge is aware of the intentions of the parties involved but also understands that the terms of the contract must be applied according to the strict text of the law, which seems to be unclear. The judge ultimately decides to interpret the contract in a way that aligns with societal interests, even though this interpretation is not strictly grounded in the letter of the law.

Analyse this scenario using legal positivism, particularly in the context of Hart's theory of law. Discuss how the theory of legal positivism addresses the relationship between law and judicial discretion.

[10 marks]

Question 2

In the nation of Frapania, MAD or medically assisted dying/euthanasia is legal in certain circumstances, such as when the patient has a terminal illness and expresses a clear desire to end their life. A new case comes before the courts where a person suffering from chronic pain- patient has a medical record of on/off medical intervention including intermittent medication- but not terminally ill, requests euthanasia. The law in Frapania requires the person to be terminally ill to qualify. The family of the patient argues that MAD should be allowed based on principles of individual autonomy and morality, despite the clear legal restrictions.

Discuss this case from the broad perspectives of legal theories/theorists. Consider especially Mill's assessment of this scenario.

[10 marks]

Question 3

In the country of Gumdrops, a new law is proposed that allows the government to seize private property without compensation during times of national emergency. A group of citizens, who own valuable land, argue that this law violates their natural rights, specifically the right to property.

Critically assess the argument made by the citizens of Gumdrops from the perspective of natural law theory, particularly the contributions of John Locke. How would a natural law theorist like Locke respond to the justification of this law? Would natural law theory support or oppose this legislation, and why?

[10 marks]

Question 4

In the beautiful island nation of Saroba, economic disparities between the rich and the poor have become unfortunately pronounced. The government is considering a policy to redistribute wealth from the richest individuals to the poorest, in an effort to reduce inequality. Some citizens argue that the policy is unfair and infringes upon the property rights of the wealthy, while others believe it is necessary to achieve fairness and social justice.

**Analyse the Saroba scenario from the perspectives of: Rawls, Marx, Bentham and Posner.
In your opinion, which theory stands to provide the best resolution for the Saroba crisis.**

[10 marks]

Question 5

Sujee, an atoll, has dealt with a number of recurring climatic crises in recent times. Last year, a law was passed requiring companies to comply with stringent environmental regulations in an effort to reduce carbon footprint and pollution in general. While the law is clear, it is widely believed that the government lacks the capacity to effectively enforce it. It also appears as though some major offenders of the identified problem have made strides to “influence” the enforcement of environmental regulations. As a result, businesses are found to be violating the law with little to no consequence.

Using the theory of legal realism, critically assess the effectiveness of the law in Sujee. Would legal realists view the situation differently than legal formalists? Discuss.

[10 marks]

Question 6

With reference to the hypothetical “Speluncean Explorers” case, discuss the appropriateness of the judgement handed down to the explorers. Base your arguments around natural rights, utilitarianism and morality.

[10 marks]

Question 7

“The Big Question is: Why are legal philosophers drawn to think that moral principles can be legal norms, just by virtue of being the correct moral principles that apply to the circumstances?” Using this statement, explain inclusive legal positivism. Argue against inclusive legal positivism and for exclusive legal positivism.

[10 marks]

Question 8

Modern jurisprudence is incomplete without the notable contribution of H.L.A Hart to legal positivism. Using Hart's "Concept of Law", elaborate on the "separability thesis" which is often associated with Hart.

[10 marks]

Question 9

American realism primarily concerns the actions of judges, while looking at the impact of the law from a pragmatic lens, encompassing some sociological elements and assessing the impact of the law particularly judgements upon the "target element". Assess the appropriateness of this approach in relation to formalism, legal positivism? What are drawbacks of such an approach, if any?

[10 marks]

Question 10

Natural Law provides some of the earliest basis for individual rights. Drawing upon the work of Thomas Hobbes, John Locke and Rousseau, explain the development of inalienable rights, the right to property ownership and social contract.

[10 marks]
