



## Uganda Martyrs University

### Faculty of Law

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#### Constitutional History

#### Final Exam

#### Bachelor of Laws (LLB1)

March 2021

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#### Instructions:

1. This is an OPEN BOOK exam. The use of course materials to comprehensively answer the questions is permitted.
2. However, access to online/Internet resources, sharing course materials, electronic resources, consulting or holding discussions with your colleagues IS PROHIBITED.
3. Failure, neglect or refusal to comply with Instruction No. 2, shall lead to your disqualification from this assessment and further disciplinary action in accordance with University Rules.
4. Answer the questions in Section A and then choose TWO questions from Section B.

#### SECTION A : (COMPULSORY – ATTEMPT BOTH QUESTIONS)

#### Questions:

1. Concisely and authoritatively discuss the contribution of the following philosophers and jurists to modern constitutionalism.
  - Aristotle.
  - Thomas Hobbes.
  - David Hume.
  - John Locke.
  - Hans Kelsen.

[ 25 marks ]
2. "The *Magna Carta Libertatum* (1215 AD) is considered the seminal document of the English and derivative constitutional systems. However, the *Cortés of Leon* (1188 AD) has been recognised as the earliest statement of European parliamentarism. One view is that these two documents speak to different conceptions of constitutionalism. Another, is that they are indistinguishable in the devolution of the 'divine right of kings' and the dispensation of civil liberties. That, therefore, the latter is the keystone of modern constitutionalism. "

Critically discuss this statement.

[ 25 marks ]

**SECTION B: (OPTIONS – ATTEMPT TWO QUESTIONS ONLY).**

3. The agreements between the interlacustrine kingdoms of the African Great Lakes and the British Colonial Government more than just established the territorial dominion of England and its claims to the fertile lands straddling the Nile. These agreements introduced a new constitutional order. Nation states would sprout from their pages to define the destiny of the nonchalant natives of that day and their progeny.

Critically discuss this statement with reference to relevant authorities. [ 25 marks ]

4. The contributions of the ephemeral Corsican Republic (1755) to constitutionalism are not widely acknowledged. The Corsican constitution is invariably a footnote in the biographies of luminaries like Rousseau, Paoli, and Montesquieu. Here was a candle in the tempests of tyranny that, while snuffed out in 1769, still represents the first codification of liberty.

Discuss the above statement with reference to relevant studies of that era. [ 25 marks ]

5. The Uganda's 1966 constitutional crisis was a blessing in disguise without which the survival of the republic could not have been assured. The constitutional experiments of that decade and the subsequent turbulence elevated constitutionalism. In sum, the crisis was the necessary nation building crucible from which a republic could emerge. Uganda, as we know it, was created in the year 1966 AD.

Critically examine the above statement and submit an informed opinion. [ 25 marks ]

6. It was the Roman sage, Pliny (23-79 AD), who said, *Semper aliquid nove Africam adferre* ("Africa always brings something new"). Yet, African philosophical traditions are not usually regarded as a source of constitutional doctrine. This should be quite surprising given that the prominent civilisations of antiquity were either African or influenced by her. When Fanon, Senghor, and Nkrumah proclaimed this, they were ridiculed as atavistic miscreants.

Critically discuss this opinion. [ 25 marks ]

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THE END

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