

**NATIONAL OPEN UNIVERSITY OF NIGERIA,
91, CADASTRAL ZONE, NNAMDI AZIKIWE EXPRESS WAY,
JABI UNIVERSITY VILLAGE, JABI, ABUJA.
JANUARY 2018 MARKING GUIDE**

COURSE CODE: JIL516
COURSE TITLE: JURISPRUDENCE AND LEGAL THEORY 2.
GENERAL INSTRUCTIONS: ANSWER FOUR QUESTIONS IN ALL.
QUESTION ONE IS COMPULSORY.

TIME ALLOWED: 2 ½ HRS

INSTRUCTIONS: ANSWER ANY FOUR QUESTIONS

1. The Sociological School of jurisprudence considers law or legal development from the perspective of the people in the society. Perceiving law as a social phenomenon, it posits the harmonisation of law with the wishes and aspirations of the people. In other words, it insists on the harmony between law and the interests of the people. Therefore, if law becomes inconsistent with the people or even violates their interests or expectation, such law is not worth it. Such law is not people-oriented.
 - a. How far is the above statement true?
 - b. Is the Sociological School of Jurisprudence of any relevance to Nigeria?
2. The greatest contribution of analytical positivism to legal scholarship is the idea of critical analysis of legal issues devoid of moral values and other extraneous considerations. Do you agree?
3. “The ‘historical jurisprudence’ asserts that a deep knowledge of the past is essential for a comprehension of the present and that a study of existing legal institutions and contemporary legal thought demands an understanding of historical roots and patterns of development. Savigny, the founder of the German historical school viewed law as reflecting a people’s historical experience, culture and ‘spirit.’ For him, ancient custom guides the law; the growth of legal principles is evidence of ‘silently-operating forces’ and not the result of deliberate decisions.” Discuss.
4. Write short note on the following:
 - a. The Scandinavian School of Legal Realism,
 - b. The American School of Legal Realism,
 - c. Bentham’s Theory of Crime and Punishment,
5. Like the question, what is law, what is natural law also provoke so many different answers. The term has had very different meanings and has served entirely

different purposes. What remained as a common and constant assertion as to the essence of natural law is that there are objective moral principles which are based or depend upon the nature of the universe and which can be discovered by man through the exercise of the faculty of reasoning. These principles constitute the natural law. Critically examine this statement.

6. Discuss Henry Maines' three stages of legal development, static and progressive societies, and the change from status to contract.