

**DEGREE OF BACHELOR OF LAWS**

**M9312 LEGAL THEORY (RESIT EXAM PAPER)**

**DATE: Friday 28<sup>th</sup> July 2023    TIME: 2.00pm – 4.00pm**

**Percentage of final mark carried by this paper: 66.7%**

**Please answer TWO questions in total (one from each section).**

**PLEASE TURN OVER**

## Section A: Answer 1 question from this section

### Section A

1. "Law is a coherent and self-contained system." Do you agree?

*Critically assess this statement with reference to ONE of the coherence theories of law (natural law, positivism, or common law theory).*

Do not answer this question if your group presentation was on the topic of Tutorial 1 (coherence theories, codification, etc.). This will be checked. You will receive a score of 0 on this essay if you answer it and your group presentation was on Tutorial 1.

2. What is the goal of the feminist legal judgment project and what are the constraints to achieve these goals within the liberal legal paradigm.  
Discuss with reference to examples of feminist judgments and feminist legal theories.

Do not answer this question if your group presentation was on the topic of Tutorial 2 (feminist judgment projects). This will be checked. You will receive a score of 0 on this essay if you answer it and your group presentation was on Tutorial 2.

**PLEASE TURN OVER**

3. Critical approaches, such as Marxist and Critical Legal Studies, tend to be dismissive of legal rights as individualistic and as acting as a foil for liberal legalism. Outline the reasons for this scepticism and are they justified?
  
4. 'Rather than attempt to offer a coherent approach to finding 'the' authoritative source of law or an all encompassing, coherent legal theory, the focus of contemporary legal theories should be on understanding the relationship between law and society.' Discuss this statement in relation to two legal theories you have studied this year.

**PLEASE TURN OVER**

**Section B: Answer 1 question from this section**

5. Critically discuss how deconstruction challenges the hegemonic force of positivist law?

Do not answer this question if your group presentation was on the topic of deconstruction. This will be checked. You will receive a score of 0 on this essay if you answer it and your group presentation was on deconstruction.

6. Critically reflect how the 'legal subject' matters in Critical Race Theory.

7. How does the Rights of Nature debate relate to Davies' proposition of ecolegality and new materialism in legal theory?

Do not answer this question if your group presentation was on the topic of Tutorial 4 (ecolegality). This will be checked. You will receive a score of 0 on this essay if you answer it and your group presentation was on Tutorial 4.

**PLEASE TURN OVER**

8. Critically discuss how post-colonial theory criticises the positive concept of law.

Do not answer this question if your group presentation was on the topic of Tutorial 3 (i.e. Colonialism/Post-colonial theory and/or Delgamuukw). This will be checked. You will receive a score of 0 on this essay if you answer it and your group presentation was on Colonialism/Post-colonial theory and/or Delgamuukw.

**END OF PAPER**

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