



# MACHAKOS UNIVERSITY

University Examinations for 2019/2020 Academic Year

SCHOOL OF HUMANITIES AND SOCIAL SCIENCES

DEPARTMENT OF SOCIAL SCIENCES

FOURTH YEAR FIRST SEMESTER EXAMINATION FOR

BACHELOR OF ARTS

APH 408: PHILOSOPHY OF LAW

DATE: 29/11/2019

TIME: 8.30-10.30 AM

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**INSTRUCTIONS: Answer QUESTION ONE and any other TWO QUESTIONS**

## QUESTION ONE (30 MARKS)

- a) Explain meaning of the following legal terminologies: (22 marks)
- i. De facto et de jure
  - ii. Mens rea et actus rea
  - iii. Motive versus intent
  - iv. Criminal liability
  - v. Civil liability
  - vi. Issue estoppe,
  - vii. Autrefois
  - viii. Nolle prosequi
  - ix. Ignorata juris
  - x. Animus nocendi
  - xi. Amicus curiae
- b) Demonstrate the relationship between law and ethics (8 marks)

## QUESTION TWO (20 MARKS)

Compare the definitions of law according to H. A. Hart, Ronald Dworkin, Joel Feinberg and Joseph Raz

## QUESTION THREE (20 MARKS)

Elaborate the St. Thomas Aquinas' conception of law

**QUESTION FOUR (20 MARKS)**

The social contract theory is the basis of modern law. Elaborate.

**QUESTION FIVE (20 MARKS)**

In mind with any work of literature discussed in class, explain how philosophy of law manifest itself in it