

**UNIVERSITY OF COLOMBO, SRI LANKA  
FACULTY OF LAW**

**BACHELOR OF LAWS EXAMINATION, YEAR IV - 2023**

**JURISPRUDENCE**

(Three Hours)

Total Number of Questions: 07

Answer **FOUR (04)** questions and **no more**.  
(Candidates will be penalized for illegible handwriting.)

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01. Though the proponents of positivist schools of thought criticize that the natural law theory fails to distract itself from moral law, the principles of natural law have gained recognition in regulating the state-state and state-citizen relationships.

You are expected to critically analyse the above statement by drawing on at least three examples from legal authorities as to how principles of natural law succeeded in regulating state-state and state-citizen relationships.

(25 marks)

02. While certain positivist scholars argue that the judiciary should not perform a legislative function, other positivists claim that it is a herculean task to find the right answer in hard cases and this may sometimes require the judge to 'make new law'. Therefore, it would be inaccurate to suggest that legal positivism as a whole is opposed to the idea of judicial law-making.

Do you agree with the above statement? Justify your position by analysing at least two positivist conceptions of law focusing on the issue of 'judicial law-making'.

(25 marks)

03. *'He [Sociological jurist] holds that legal institutions and doctrines are instruments of a specialised form of social control, capable of being improved with reference to their ends by conscious, intelligent effort. He thinks of a process of social engineering, which in one way or another is a problem of all the social sciences'*

– Roscoe Pound, 'Sociology of law and sociological jurisprudence',  
V (1) *The University of Toronto Law Journal* (1943) pp.20

You are expected to comment as to how the legal institutions and doctrines, as proposed by Roscoe Pound in the above statement, have contributed to resolve the issues arose in relation to COVID 19 pandemic.

(25 marks)

04. American realism claims that the law in real sense should be derived from the appellate courts' interpretation of black and white letters and trial courts' determination of the facts of a case.

Comment. You are expected to support your answer with illustrations drawn from legal authorities of your choice.

(25 marks)

05. Analyze the key principles of feminist legal theory focusing on its challenge against traditional conceptions of law and justice, and alternative frameworks it proposes to address systemic gender inequalities within legal systems.. Substantiate your analysis citing examples.

(25 marks)

06. Assume that the Government of Sri Lanka is currently engaged in the process of enacting numerous laws which seek to reform the economic, political, and social landscapes of the country. The parliament wants to ensure that these enactments achieve the ends of justice. However, they cannot agree on what 'justice' actually means. Therefore, a special committee has been appointed to formulate a concept of justice to be used as the theoretical basis for all future legislative enactments.

As a member of this committee, you have been requested to draft a proposal analyzing the main aspects of justice the committee should include in their concept and how these can be applied in enacting legislation. Draft the proposal.

(25 marks)

07. Answer either (A) or (B)

(A) Critical Legal Studies is a theoretical basis that challenges traditional legal frameworks by questioning their neutrality and objectivity. It aims to expose how the law often serves the interests of the powerful while suppressing marginalized groups.

Critically analyze at least three principles of the Critical Legal Studies movement focusing on two jurists who have contributed to develop such ideas.

OR

(B) In the post-modernist approach to law, the concept of objective truth and universal legal principles are challenged.

Do you agree? Critically analyze to what extent the post-modernist approach to law undermines the stability and legitimacy of legal systems. In your analysis, consider its rejection of foundational truths, emphasis on subjective interpretation and its impact on justice.

(25 marks)

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