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**NATIONAL OPEN UNIVERSITY OF NIGERIA**

**14-16 AHMADU BELLO WAY, VICTORIA ISLAND LAGOS**

**SEPTEMBER/OCTOBER 2015 EXAMINATION**

**SCHOOL OF LAW**

**COURSE CODE: LAW 515**

**COURSE TITLE: JURISPRUDENCE AND LEGAL THEORY I**

**TIME ALLOWED: 2 ½ HRS**

**INSTRUCTIONS: ANSWER QUESTION ONE AND ANY OTHER THREE**

(1) “Whenever the concept of justice is brought into focus, thoughts automatically go to the institution known as, and what obtains, in the courts. This attitude presents a situation which tends to appear as if ‘justice’ commences and ends with the law courts. It is not so. For were it so simplistic, thoughts on justice would not have pervaded the life of man for so long and so widely one wonders not, therefore,… Why debates on the concept of justice have been so unending and so unyielding. “The Hon. Justice KayodeEso CON.*An Anatomy of Justice.*

Comment *exhaustively* on the above.

(2) “Human personality – a man’s unique system of physical and mental qualities can be considered as a gift of nature. Legal personality – a man’s rights, duties and similar powers and obligations- is conferred on him by the legal system under which he lives. John Smith‘s personality is manifest in his natural and acquired impulses, habits, beliefs etc. His ‘ legal personality’ is composed of his remedial rights, his rights in real and personal property, his duties towards those with whom he stands in a contractual relationship, etc. John Smith’s newly born child also has a ‘legal personality’. The registered limited company, ‘ John Smith & Co. Ltd’ of which he is a Chairman also has its own ‘ legal personality’ separate from that of Smith and the shareholders”. **Discuss**, bearing in mind the various theories of legal personality and the relevant cases.

(3). “I want to make the point that there are many meanings of the word ‘ possession’, that possession can only be usefully defined with reference to the purpose in hand; and that possession may have one meaning in one connection and another meaning in another”. SHARTOL, *Meanings of Meaning.* **Discus**

(4). “Ownership is simply a convenient method of denoting as a unit a multitude of claims. Ownership, therefore, can be treated apart from these component elements. The component elements constitute the content of ownership and not ownership itself. Thus a person may retain his ownership of a thing and yet part with some of his claims. **Discuss.**

(5) Write short but critical note on the following:

(i) Customary Law

(ii) Law and Morality

(iii) Rights and Duties

(iv) Retributive Theory of Justice

B. What do you understand by the term ‘Jurisprudence’? How can the study be applied to practical purpose, both in terms of practice and context?

(6) “The doctrine of judicial precedent is peculiarly of common law origin and what is more it is judge made and not statutory. The doctrine was imposed on the judges by the judges themselves and by nobody else. It is often said that judges intend to dispense justice in the sense that like cases must be treated alike and that the doctrine of judicial precedent is a way by which we can achieve certainty in the law”. **Critically examine this statement.**

**b**. Law according to justice is much to be preferred to justice according to law. Do you agree?