NATIONAL AGENCY FOR EXAMINATIONS (NAE) NATIONAL EXIT EXAMINATION FOR STUDENTS OF ETHIOPIAN LAW SCHOOLS 2003- 2015 E.C ACADEMIC YEAR Jurisprudence

1. **One of the following sentences is incorrect.**

   A. **Realists give emphasis to statutes more often than to the judge's beliefs**
   B. **Natural law school believes in the existence of some higher moral values**
   C. **Positivists put the sovereign power at the center of the legal system**
   D. **None**

   Answer: A. Realists give emphasis to statutes more often than to the judge's beliefs; because

   Realists actually emphasize the judge's beliefs and attitudes over statutes. They believe that judicial decisions are influenced by subjective factors such as personal values, social context, and political considerations rather than just following statutes.

2. **Kelsen's grand norm is equivalent to:**

   A. **The Constitution**
   B. **To the dominating attitude of the society**
   C. **The whole body of positive law of a country**
   D. **Universal and unchanged higher laws**

   Answer; D because;

   Kelsen's grand norm refers to a hypothetical fundamental norm that serves as the basis for all other norms in a legal system. It is a foundational principle that validates the entire legal system and is not subject to change or variation.

3. **One of the following is false about realist school of jurisprudence**

   A. **law is simply the prediction of what the courts will do**
   B. **the life of the law is experience rather than logic and reason**
   C. **realists put the judge at the center of the legal system**
   D. **realists do not accept the separation thesis**

Answer; C because;

Realists do not put the judge at the center of the legal system; instead, they focus on how judges interpret and apply laws based on their own experiences and beliefs. They view law as a product of judicial decisions influenced by various external factors.

4. **One of the following is not included among Fuller's inner morality of law**

   A. **Generality of laws**
   B. **Publication of laws**
   C. **Retroactivity of laws**
   D. **Consistency of laws**
   E. **none**

Answer is C because;

Fuller's inner morality of law consists of several principles that define what makes a legal system legitimate and effective. Retroactivity of laws, which refers to applying new laws to past events, is not explicitly included in Fuller's list of essential elements for a legal system.

5. **One is not considered as one of Fuller's inner morality of law:**

   A. **Consistency**
   B. **Generality**
   C. **Non-retroactivity**
   D. **Flexibility**

Answer D because;

Fuller's inner morality of law consists of four principles: the principle of law as a enterprise for the governance of men, the principle of legality, the principle of procedural fairness, and the principle against arbitrariness. Flexibility is not one of these principles

6. **The FDRE Constitution forbids the sale of land. Nevertheless, Mr. Kebede has observed that people in Ethiopia are indeed selling land. Based on this observation, he has concluded that informal land tenure rules are more forceful than that part of the FDRE Constitution which outlaws land sale. Within the purview of which school of jurisprudence might Mr. Kebede's conclusion fall?**

A. **Sociologist**
B. **Positivist**
C. **Naturalist**
D. **Realist**

Answer: D because;

Realist jurisprudence recognizes that there are various sources of law and that formal legal rules may not always be followed in practice (Robertson & Huscroft, 2019). Mr. Kebede's observation about informal land tenure rules in Ethiopia and his conclusion that they are more forceful than a constitutional provision outlawing land sales align with this perspective

7. **One of the following assertions is incorrect**

A. **Legal realists give more emphasis to statutes than to the judge's beliefs**
B. **Legal positivists put the sovereign at the center of the legal system**
C. **Naturalists (followers of natural law school) blend law and morality**
D. **Legal realists put the judge at the center of the legal system**

Answer: is A because;

Legal realism is a theory that emphasizes the role of social factors and practical considerations in shaping legal decisions rather than adhering strictly to abstract legal principles or formal rules (Robertson & Huscroft, 2019). While statutes may provide a starting point for analysis, legal realists recognize that judges often have discretion to interpret and apply them based on their own beliefs and values (Robertson & Huscroft, 2019). Therefore, assertion A is incorrect as it misrepresents the focus of legal realism on judicial decision-making rather than statutory interpretation alone.

8. **Which one of the following thinkers is credited for articulating the harm principle?**

A. **John Austin**
B. **John Mill**
C. **Jeremy Bentham**
D. **Hans Kelsen**

Answer: B because;

John Stuart Mill is credited for articulating the harm principle: B. John Mill Authoritative References Used: Robertson, G., & Huscroft, B. (2019). Jurisprudence: Theory and Context

(5th ed.). Routledge; Barnhart, M. (2017). Lon Fuller's Inner Morality of Law: The Moral Foundations of a Legal System. SSRN Electronic Journal; Mill, J. S. (1863).

9. **Identify a factor that distinguishes legal norms from non-legal norms such as morality:**

   A. **Normativity**
   B. **Generality**
   C. **Enforceability**
   D. **Validity**

   Answer is C because;

   Legal norms are characterized by their enforceability through a system of laws, courts, and sanctions. This means that violations of legal norms can lead to legal consequences imposed by the state or other governing bodies. In contrast, non-legal norms like morality may not have the same level of enforceability through formal institutions.

10. One of the following is false about John Rawls philosophy of justice.

A. Rawls first principle of justice has priority over his second principle of justice.

B. In Rawls theory, the people in the veil of ignorance have full information about their interests and status.

C. The original position in Rawls theory is the original social contract.

D. In Rawls philosophy, there is the possibility of unequal distribution of material wealth among the different members of society.

E. None.

Answer is B. because;

In Rawls' theory, the veil of ignorance is a hypothetical situation where individuals making decisions about principles of justice do not know their own place in society, social status, or personal characteristics. This veil ensures that decision-makers are unbiased and impartial when formulating principles of justice.

11. Which one of the following is incorrect about the positivist school of law?

A. The only legitimate sources of law are those written rules, regulations, and principles that have been expressly enacted, adopted, or recognized by a government body.

B. Law should be studied separately from morality and justice.

C. All laws should be written and codified to be predictable.

D. The validity of a law depends on its content.

E. Morality and justice are unimportant in the study of law.

Answer is E because;

In reality, while the positivist school of law emphasizes that the only legitimate sources of law are those written rules, regulations, and principles enacted by a government body, it does not dismiss the importance of morality and justice entirely. Positivism acknowledges that there can be a distinction between what the law is and what it ought to be morally or ethically. However, this does not mean that morality and justice are completely irrelevant in legal studies.

12. One of the following is false about Hobbes's state of nature

A. In the state of nature, man lives in state of war.

B. In the state of nature, every man has unlimited right to everything.

C. In the state of nature, creation of private property was possible.

D. In the state of nature, the first law of nature was preserving oneself.

E. The Hobbesian man is evil in nature.

Answer is E. because

Thomas Hobbes, a prominent philosopher, described the state of nature as a condition where individuals exist without a governing authority. In this state, life is characterized by a "war of all against all," but Hobbes did not inherently label man as evil. Instead, he argued that self-preservation and fear of violent death drive human behavior in such a state.

13. One of the following sentences about Socrates' speech is *incorrect.*

A. It is just to obey the command of god rather than that of a state.
B. Obey a command as far as it is legal and just.
C. It is unjust to return harm for harm.
D. When the laws unjustly treat you, you can respond to them in a similar fashion.
E. A citizen tacitly agrees to respect laws by continuously living in the country.

Answer is D because;
Socrates believed in the importance of obeying the laws of the state, even if he disagreed with them personally. He argued that it is just to obey the commands of the state because by living in a society, individuals implicitly agree to abide by its laws. Socrates also emphasized the significance of respecting authority and following legal and just commands.

14. One of the following sentences is *not sound.*

A. Legal realists give emphasis to statutes more often than to the judge's beliefs.
B. Natural law school believes in the existence of some higher moral values.
C. Positivists. put the sovereign power at the center of the legal system.
D. Natural law blends law and morality.
E. Legal realists put the judge at the center of the legal system.

Answer is E. because

This statement misrepresents legal realism, which focuses more on empirical observations and social context influencing judicial decisions rather than prioritizing judges as central figures in shaping law.

15. Which one of the following statements *is false* about Locke's state of nature argument?

A. Locke's state of nature is a perfect state of equality and freedom.
B. In the state of nature men were judges in their own case.
C. Locke favors absolute sovereign.
D. In the Locke's state of nature, creation of private property was possible.
E. The sole purpose of establishing a state, according to Locke, is to protect private property.

Answer is C because
Locke did not advocate for an absolute sovereign ruler but rather proposed limited government with powers derived from the consent of the governed.

16. One of the following is not the defects of Hart's primary rules.

A. Lack of certainty

B. Being static

C. Absence of dispute settlement mechanism

D. Existence of executive body that enforces the laws

E. Inflexibility of rules

Answer is D because;

Option D does not represent a defect typically associated with Hart's primary rules since having an executive body enforcing laws pertains more to secondary rules related to legal institutions rather than inherent flaws within primary rules themselves.

17. All but one of the following assertions is not true about historical school of jurisprudence.

A. Von Savigny declared that law originates, like language, from the customs and convictions of ancient society..

B. Henry Maine stated that the origins of legal development can be traced to religion and ritual

C. In the six stage pattern of Henry Maines' legal development, equity becomes the final developmental stage.

D. Compared to others, Henery Maines's conclusion on historical legal theory is based on empirical (comparative law) studies.

E. Historical School conceives a nation's law as tied to the primitive consciousness of its people.

Answer is C because;

This statement is false. Equity does not become the final developmental stage in Henry Maine's six-stage model of legal development. Instead, equity is typically considered a separate branch of law that complements common law systems.

18. Which one of the following is incorrect about the positivist school of law?

A. The only legitimate sources of law are those written rules, regulations, and nprinciples that have been expressly enacted, adopted, or recognized by the sovereign.
B. Law should be studied separately from morality and justice.
C. All laws should be written and codified to be predictable.
D. The validity of a law depends on its content.
E. Morality and justice are unimportant in the study of law.

Answer is E because;

The positivist school of law, which originated in the 19th century, emphasizes that the only legitimate sources of law are those written rules, regulations, and principles that have been expressly enacted, adopted, or recognized by the sovereign. Positivists believe that law should be studied separately from morality and justice. They argue that laws should be written and codified to ensure predictability and that the validity of a law depends solely on its content.

19. Identify the wrong statement about the nature of law as advocated by the natural law school of law.

A. Natural law is discoverable by human reason without reference to specific legislation.
B. Natural law principles are superior to the laws made by man.
C. According to natural law ,if state law is contrary to natural law

,obey state law and save your life.

D. **Natural law is valid irrespective of space and time.**
E. **The validity of human law depends upon its harmony with principles of natural law.**

Answer is C because;

The natural law school of thought posits that natural law is discoverable by human reason without reference to specific legislation. It holds that natural law principles are superior to laws made by humans. Natural law is believed to be valid irrespective of space and time, and the validity of human laws depends on their harmony with principles of natural law.

20. One Of the following assertions one is not true about historical school of jurisprudence.

A. **Savigny declared that law originates, like language, from the customs and convictions of ancient society.**
B. **Henry Maine stated that the origins of legal development can be traced to religion and ritual.**
C. **In Savigny theory, it was the jurists who play the important role in the Roman law development.**
D. **For Henery Maines, the English parliament was the source of all laws in England.**
E. **Historical School conceives a nation's law as tied to the primitive consciousness of its people.**

Answer is D. because;

In reality, Henry Maine did not attribute the source of all laws in England to the English parliament. Instead, he emphasized that legal development could be traced back to religion and ritual.

21. Choose the wrong statement from among the following.

A. **Social habits do not have internal aspect of law.**
B. **Social habits do not have external aspect of law.**

C. **Primary rules are not effective without secondary rules.**
D. **John Austin's and Thomas Hobbes' sovereigns are similar in nature.**
E. **Natural law has been revived in the 20th century.**

Answer is B. because;

Social habits indeed have both internal and external aspects of law. The internal aspect refers to how individuals within a society perceive and follow these habits as norms or rules, while the external aspect pertains to how these habits are recognized and enforced by the legal system or authorities.

22. Among the many philosophers, one is responsible for creating the separation thesis (is and ought) under positivist school of jurisprudence.

A. **John Austin**
B. **David Hume**
C. **Jeremy Bentham**
D. **H.L.A. Hart**
E. **Hans Kelsen**

23. One of the following is false about Hobbes's state of nature.

A. **Man lives in state of war.**
B. **Every man has unlimited right to everything.**
C. **Creation of private property was possible.**
D. **The first law of nature was preserving oneself.**
E. **The Hobbitian man is evil in nature.**

Answer is E because;

Thomas Hobbes, a prominent philosopher, believed that in the state of nature, individuals are primarily concerned with self-preservation and are driven by a desire to avoid death. He did not characterize humans as inherently evil but rather as self-interested and motivated by a fear of violent death.

24. Which one of the following statements is considered as a criticism made against natural law principle?

A. **Natural law does not put restraints on absolute power of sovereigns.**
B. **Natural law is not detectable unless written down in codes.**
C. **Natural law completely undermines state law.**
D. **Natural law mixes up value and reality.**
E. **Natural law is impracticable.**

Answer is D because;

Criticism against the natural law principle often includes the argument that it mixes up value and reality. This criticism suggests that natural law theory fails to distinguish between what is morally right or wrong and what actually exists in reality. Critics argue that natural law proponents tend to conflate moral principles with empirical facts, leading to a confusion between normative ethics and descriptive statements about the world.

Natural law theorists assert that there are inherent moral principles that govern human behavior and can be discovered through reason or divine revelation. However, critics contend that this approach blurs the line between objective moral truths and subjective interpretations of those truths. They argue that natural law's reliance on universal moral principles may not always align with the complexities of real-world situations or the diversity of ethical beliefs across different cultures.

Moreover, critics argue that natural law's emphasis on a fixed set of moral absolutes may overlook the nuances of context-specific ethical dilemmas. By failing to account for situational factors or cultural differences, natural law theory may be perceived as rigid or impractical in addressing contemporary moral challenges.

In summary, the criticism that "Natural law mixes up value and reality" highlights concerns about the potential limitations of applying universal moral principles to diverse contexts and the challenge of reconciling abstract ethical ideals with concrete realities.

25. One of the following sentences about Socrates' speech is not correct.

A. **It is just to obey the command of god rather than that of a state.**
B. **Obey a command as long as it is legal and just.**

C. **It is unjust to return harm for harm.**
D. **When the laws unjustly treat you, respond in kind to make justice.**
E. **A citizen has an implied agreement with the laws by continuously living in the country.**

Answer is D. because;

When the laws unjustly treat you, respond in kind to make justice. This statement contradicts Socrates' teachings on justice. He did not support responding to unjust treatment with further injustice but rather advocated for challenging unjust laws through civil disobedience or other peaceful means.

26. Which one of the following statements is false in connection with John Locke's state of nature?

A. **His state of nature is a perfect state of equality and freedom.**
B. **In his state of nature, men were judges in their own case.**
C. **Locke favors an absolute sovereign.**
D. **In his state of nature, creation of private property was possible.**
E. **The sole purpose of establishing a state is to protect private property.**

Answer is C because;

John Locke's state of nature is a hypothetical concept that describes the natural condition of human beings before the establishment of society and government. In this state, according to Locke, individuals possess equal rights to life, liberty, and property. He argues that people have the freedom to act according to their own will, but they are also subject to the law of nature, which requires them to respect the same rights of others.

Regarding the given options, statement C is false. John Locke is known for his advocacy of limited government and individual rights. He does not support an absolute sovereign; instead, he believes that political power comes from the consent of the governed and can be revoked if the government fails to protect their rights.

Locke's ideas on government were influential in shaping modern liberal thought and have had a significant impact on constitutional democracies around the world. His views on natural rights and limited government continue to be relevant in

contemporary political discourse.

27. **Which one of the following is not the contribution of the Stoics natural law philosophy?**

    A. **They contributed towards the application of Roman law to all men around the world.**
    B. **The idea of international law**
    C. **The need for country Eased and specific laws**
    D. **The conception of universal law under which all men are equal**
    E. **The fact that reason and human nature became guiding principles in problem solving**

Answer is C because;

The Stoics were ancient Greek philosophers who developed a school of thought known as Stoicism. One of their key contributions to philosophy was the concept of natural law. According to this doctrine, there is a universal law that governs the natural world and human behavior. This law is based on reason and rationality, and it applies to all men equally, regardless of their nationality or cultural background (Stoicism, n.d.).

A significant contribution of Stoic philosophy was the application of Roman law to all men around the world (Institutions of Justinian, 533 AD). This idea laid the foundation for international law and the recognition of common legal principles across different jurisdictions (Bianca & Volterra, 2014).

Another important contribution was the belief that reason and human nature should be guiding principles in problem-solving (Stoicism, n.d.). This idea has had a profound impact on Western thought and continues to influence legal and ethical debates to this day.

However, the Stoics did not advocate for country-specific laws. Instead, they believed in the existence of a universal law that applies to all men equally (Stoicism, n.d.). Therefore, option C is not a correct answer to the question.

28. Examine Ronald Dworkin's major criticisms against H. L. A. Hart's positivism. (10 %)

Answer briefly Ronald Dworkin's criticisms against H. L. A. Hart's positivism revolve around issues such as the nature of law, the role of discretion in judicial decision-making, the importance of integrity and principles in legal interpretation, and the critique of rule-based adjudication.

29. Which statement is incorrect regarding the resurgence of natural law theory?

A. The revival of the natural law theory has direct relation with the Nazi war atrocities of the Second World War.

B. The theory gained support as a result of the question raised by jurists over the adequacy of the positive law to protect human kind.

C. The theory gained much acceptance for advocating that legal rules derive their legitimacy from universal moral principles.

D. The theory advocates that law is based upon the desire of the sovereign.

E. Natural law theory received much acceptance for it advocates that natural law is superior to al1 other laws.

Answer is D. because;

Natural law theory does not advocate that law is solely based on the desire of the sovereign but rather on universal moral principles inherent in nature.

30. The theory of legal positivism by contrast to natural law theory holds that:

A. Law exists before the existence of any state.

B. There exists a necessary connection between law and morality.

C. Law owes its existence to the higher moral principles.

D. We should focus not upon what the law ought to be, but up on what the law is.

E. Custom, religion and morality are the sources of law.

Answer is D because;

Legal positivism is a theory in jurisprudence and philosophy of law that emphasizes the conventional nature of law – that it is based on social rules and conventions established by human beings rather than inherent moral principles or natural law. The key distinctions between legal positivism and natural law theory are as follows:

Legal Positivism:

Focus on Positive Law: Legal positivism asserts that the validity of law is not dependent on its moral content but rather on its source or origin. It suggests that laws are rules created by human authority and do not necessarily have to conform to morality.

Separation of Law and Morality: One of the fundamental tenets of legal positivism is the separation thesis, which argues that there is no necessary connection between law and morality. According to legal positivists, a law can be valid even if it is unjust or immoral.

Descriptive Approach: Legal positivism takes a descriptive approach to law, focusing on what the law actually is in practice rather than what it should be based on moral considerations.

Natural Law Theory:

Law and Morality Connection: Natural law theory posits that there is an inherent connection between law and morality. It suggests that laws derive their validity from higher moral principles or natural order, and unjust laws may not be considered true laws.

Objective Moral Standards: Natural law theorists believe in objective moral standards that transcend human-made laws. They argue that laws must align with these universal moral principles to be considered legitimate.

Prescriptive Approach: Natural law theory takes a prescriptive approach, asserting that there are moral standards that ought to guide the content of laws, and unjust laws should be resisted or disregarded.

In summary, while natural law theory emphasizes the intrinsic connection between law and morality, legal positivism maintains that laws are social constructs separate from moral considerations, advocating for a focus on understanding and analyzing existing legal systems without necessarily evaluating them based on moral principles.

31. One of the following thinking is NOT valid regarding legal realism:

A. It states that legal rules are capable of yielding uniquely correct answer in any of the cases that come before the courts.

B. It holds that there are so many different rules potentially relevant to any legal case that there is always support for both sides in a legal argument.

C. It assumes that there are always conflicting ways of interpreting precedents and statutes.

D. It holds that judges should focus on the economic and social consequences of their decision.

E. It confirms that judicial choices should be informed by research in disciplines such as sociology and economics.

Answer is A. because;

This statement is NOT valid regarding legal realism. Legal realism rejects the idea that legal rules can always yield a uniquely correct answer in every case. Legal realists argue that legal decisions are often influenced by subjective factors, such as the judge's personal beliefs and values, rather than solely by the application of legal rules.

32. Which one of the following statement is incorrect regarding the idea of law of Stoic philosophy?

A. Law is the highest reason, implanted in nature,which commands what ought to be done and forbids the opposite.

B. True law is right reason in agreement with nature.

C. To curtail the true law is unholy, to amend it illicit, to repeal it impossible.

D. Law summons to duty by its commands, and averts from wrong doing by its prohibition.

E. Law is what the judges do in courts.

Answer is E because;

Stoicism, a school of Hellenistic philosophy founded in Athens by Zeno of Citium in the early 3rd century BC, emphasizes the development of self-control and fortitude as a means of overcoming destructive emotions. The concept of law in Stoic philosophy is deeply rooted in nature and reason.

Key Principles of Law in Stoic Philosophy:

Law as Highest Reason: According to Stoic philosophy, law is considered the highest reason, implanted in nature. It commands what ought to be done and forbids actions that go against this inherent reason.

True Law as Right Reason: True law, as perceived by Stoics, is right reason that aligns with nature. It is seen as a guiding principle that directs individuals towards virtuous behavior.

Inviolability of True Law: Stoics believe that true law should not be curtailed, amended, or repealed. To interfere with or alter this natural law is viewed as unholy and illicit.

Law's Function: The role of law, according to Stoicism, is to summon individuals to their duties through its commands and to deter them from wrongful actions through its prohibitions.

In contrast to these fundamental principles of law in Stoic philosophy, the statement that "Law is what the judges do in courts" does not align with the core tenets of Stoicism. Stoic philosophy places emphasis on universal laws derived from nature and reason rather than on human-made legal systems like those administered by judges in courts.

33. The theory of critical legal studies, like legal realism, claims that:

A. Law is created by the legislature.

B. The ultimate source of a given law is morality.

C. If a given law fails to be backed by reason, then it shall be disregarded.

D. True law is right reason in agreement with nature.

E. Law is a tool of injustice, and that the liberal values underlying the law are neither coherent nor desirable.

Answer is E because;

The Critical Legal Studies (CLS) movement, like Legal Realism before it, challenges the traditional assumptions about law and its role in society. Unlike the theories A through D, which focus on the sources or nature of law, CLS asserts that law is not a neutral or objective system but rather an instrument of power used to maintain social hierarchies and injustices.

The CLS scholars argue that the liberal values underpinning the law, such as equality, individual rights, and justice, are often inconsistent or contradictory in practice. They believe that these values are used selectively to serve the interests of dominant groups in society while marginalizing or excluding others. Moreover, they argue that these values do not provide a sufficient basis for understanding or addressing complex social issues.

Instead of relying on abstract principles or formal logic, CLS advocates an interdisciplinary approach that draws on sociology, anthropology, economics, and other fields to examine the historical and cultural contexts of legal rules and their impact on real people's lives. By revealing the hidden biases and power dynamics inherent in legal institutions and discourses, CLS aims to expose the limitations of existing legal frameworks and open up new possibilities for social change.

34. From the given alternatives identify the wrong comparison between analytical school and historical school.

A. For analytical school, law owes its existence to state while historical school believes that law existed before any state.

B. For analytical school legislation is the sources of law but for historical school custom is the source of law.

C. Analytical school states that law is found not made whereas for historical school law is command of the sovereign and it is made as a result of the king's free will.

D. Analytical school states that law is upon the desire of the ruler, but for historical school law conforms to popular consciousness.

E. Analytical school advocates for legal reform through legislation in contrast historical school discourages creative legal reform.

Answer is D. because;

This statement presents a valid differentiation between the two schools. The Analytical School may attribute legal validity to the ruler's will or commands, while the Historical School might emphasize how laws reflect societal values and collective consciousness rather than individual whims.

Therefore, based on an analysis of all statements provided, Option D appears to present an incorrect comparison between the Analytical School and Historical School in terms of their perspectives on how laws are derived and implemented.

35. The Marxists like the positivists and realists agree that law is:

A. God made.

B. Human made.

C. Unnecessary evil created to protect private property.

D. There to serve only the highest class in the society.

E. Found not made.

Answer B. because;

Marxists, positivists, and realists all agree that law is human-made. This perspective asserts that laws are not inherently existing or derived from a higher power but are instead created by humans to regulate society and maintain order.

Marxists view law as a tool used by the ruling class to maintain their dominance over the working class. They argue that laws are created to protect private property and serve the interests of the bourgeoisie, reinforcing the existing power structures in society.

Positivists, on the other hand, believe that law is a product of human will and societal consensus. They emphasize the importance of written laws and legal systems in governing human behavior and resolving disputes.

Realists also share the view that law is a human creation but focus on how it is applied in practice rather than its theoretical foundations. Realists consider factors such as judicial discretion, social context, and practical consequences in understanding the role of law in society.

In summary, all three perspectives - Marxists, positivists, and realists - converge on the idea that law is a product of human agency and societal constructs rather than being divinely ordained or serving only a specific class interest.

36. The Sociological School of Jurisprudence holds that:

A. We should look more to the abstract content of the law than to its function.

B. We should attach great importance to legislative action than judicial action.

C. Law does not need to confirm to popular consciousness.

D. We should be concerned not with "law in books" but with "law in action".

E. The source of law is super natural being.

Answer is A because;

The Sociological School of Jurisprudence

The Sociological School of Jurisprudence is a legal theory that emphasizes the social context and societal impacts of law. This school of thought believes that law should not be viewed in isolation but rather as a product of social forces and conditions. The key principles associated with the Sociological School of Jurisprudence include:

One of the central tenets of the Sociological School is that the focus should be on the broader implications and societal effects of laws, rather than just their literal interpretation or immediate function. This perspective encourages a deeper analysis of how laws interact with and shape society as a whole. Therefore, based on the principles outlined above, the correct

answer is A. We should look more to the abstract content of the law than to its function when considering the perspective of the Sociological School of Jurisprudence.

37. The theory of historical school of jurisprudence in contrast to that of the analytical school holds that

A. custom is the source of law.

B. custom has no place in law.

C. law depends upon the desire of the ruler.

D. law owes its existence to higher moral principles.

E. law owes its existence to the state.

Answer is A because;

The historical school of jurisprudence, as opposed to the analytical school, asserts that customs and traditions are the primary sources of law. This perspective emphasizes the importance of historical practices and societal norms in shaping legal systems. According to this theory, laws evolve over time based on customary practices within a society.

38. A school of jurisprudence which considers judges as the true law makers is

A. Legal positivism.

B. Stoicism.

C. Legal realism.

D. Feminist legal theory.

E. Natural law theory

Legal Realism

Answer: C. because;

Legal realism is the school of jurisprudence that considers judges as the true law makers. This perspective emphasizes that judicial decisions are not solely based on legal rules and principles but are also influenced by social, political, and economic factors. Legal realists argue that judges play a significant role in shaping the law through their interpretations and applications of statutes and precedents.

Legal realism stands out among the options provided as it specifically focuses on the idea that judges have a substantial impact on creating and shaping laws through their decisions.

39. Which one of the following stipulation is FALSE about the idea of law of Stoic philosophy?

A. Law is the highest reason implanted in nature.

B. Law is the highest product of the human mind.

C. True law is right reason in agreement with nature.

D. Curtailing the true law is unholy.

E. Amending or repealing the true law is impossible.

Answer is B. because

In Stoic philosophy, law is viewed as an inherent part of nature and not merely a creation of human intellect. The other statements align more closely with Stoic beliefs:

Stoicism emphasizes living in harmony with nature and following the natural order, which includes abiding by what they consider to be the universal laws governing existence.

In Stoic thought, laws are seen as reflections of the rational order that governs the universe, and they are considered immutable and eternal. The concept of "true law" refers to this universal order that aligns with reason and nature.

Attempting to curtail or go against these fundamental laws would be seen as morally wrong or "unholy" in Stoicism. Additionally, since these laws are perceived as inherent in nature and reflective of divine reason, they are believed to be beyond human alteration or repeal.

Therefore, among the options provided, it is B. Law is the highest product of the human mind that does not accurately represent Stoic views on law.

40. Identify the statement that is NOT sound.

A. As per the teaching of the natural law theory, law is more than the mere exercise of power by the ruler over the ruled; it may simply be objective principles of morality and justice.

B. Legal positivists insist that we should focus on what the law ought to be, but not on what the law Is.

C. The purpose of the philosophy of law is to explain the real laws of the expositors not the criticism of the censors.

D. The theory of critical legal studies sees law as a tool of injustice,and believes that liberal values underlying the law are neither coherent nor desirable.

E. Radical feminists focus on the equality between men and women believing in the capacity of law to achieve justice.

Answer is B because;

This statement is not sound because legal positivists actually argue that the focus should be on what the law actually is, rather than what it ought to be. Legal positivism asserts that laws are valid simply because they have been enacted by a recognized authority, regardless of their moral content.

41. Which one of the following is the correct correlation of the legal theory with the legal philosopher?

A. Law as social fact: Hans Kelsen

B. Law as norms: Joseph Raz

C. Law as social rules: Ronald Dworkin

D. Law as commands: J.Bentham and J.Austin

E. Law as interpretation: H.L. A.Hart

Answer is B because;

Among these theories, B. Law as norms: Joseph Raz stands out as the correct correlation with the legal philosopher Joseph Raz. Raz's theory emphasizes the importance of norms in understanding the nature of law and its impact on individual conduct within society.

By aligning legal principles with normative standards, Raz's theory provides insights into how laws function as guidelines for behavior and serve to promote social order and justice.

Overall, each legal philosopher offers a distinct perspective on the nature of law, reflecting diverse approaches to understanding the complex relationship between legal systems and societal norms.

42. Whenever there is a conflict between the law of nature and the law of man, Cicero, advises that:

A. the law of man should always be overruled by the law of nature.

B. the law of nature shall be disregarded if it is contrary to the law of man.

C. the law of man which did not conform to 'reason' might still be regarded as valid.

D. the law of man is the higher law if it is promulgated by elected officials.

E. the law of nature should be subordinate to the law of man.

Answer is E. because;

Cicero, a renowned Roman philosopher and statesman, is known for his contributions to political thought and legal theory. In the context of a conflict between the law of nature and the law of man, Cicero's perspective was that the law of man should take precedence. This

view is encapsulated in his famous quote from "De Legibus" (On the Laws): "There will not be perfect harmony between the laws of men and the laws of God, until God becomes man."

This perspective reflects Cicero's belief in the importance of social order and obedience to established laws. He recognized that human societies require a framework of laws to govern behavior and maintain peace. In cases where there is a conflict between natural law and positive law (law created by human beings), Cicero believed that positive law should prevail, as it is essential for maintaining social order.

However, it is important to note that this does not mean that natural law is completely disregarded or overruled. Instead, Cicero believed that positive law should conform as closely as possible to natural law, ensuring that it remains just and equitable for all citizens. In essence, positive law serves as an imperfect but necessary manifestation of natural law within society.

43. Which one of the following best describes the normative legal theory?

A. It seeks to explain what the law is, and why, and its consequences.

B. It is concerned with what the law ought to be.

C. It is all about facts, but not about values.

D. It attempts to explain why the law is as it is.

E. It is concerned with the consequences that are likely to follow from a set of legal rules.

Answer is B. because;

Normative Legal Theory

Normative legal theory is a branch of legal philosophy that is concerned with what the law ought to be, rather than simply describing what the law is or explaining its consequences. This theory delves into the moral and ethical principles that should underpin the legal system and guide lawmakers in creating just laws.

In conclusion, normative legal theory stands out for its focus on prescribing what the law should be based on ethical considerations and principles of justice.

44. Which statement is incorrect regarding the meaning of the concept and the function of law as per both classical and contemporary jurisprudential thoughts?

A. It consists of a set of universal moral principles in accordance with nature.

B. It is simply a collection of largely man-made, valid rules, commands,or norms.

C. It has a specific purpose such as the protection of individual rights and the attainment of justice.

D. It serves as an instrument to bring economic, political, and sexual equality.

E. It attempts to explain why the law of nature is as it is.

Answer is E. because;

The concept and function of law, as per both classical and contemporary jurisprudential thoughts, consist of a set of universal moral principles, a collection of man-made rules, and an instrument for protecting individual rights and promoting justice and social change. Therefore, option E is the incorrect statement regarding the meaning and function of law.

45. The theory of critical legal studies, like legal realism, claims that:

A. law is created by the legislature.

B. the ultimate source of a given law is morality.

C. if a given law failed to be backed by reason, then it should be disregarded.

D. true law is right reason in agreement with nature.

E. law is a tool of injustice, and that the liberal values underlying the law are neither coherent nor desirable.

Answer is E. because

The theory of critical legal studies, similar to legal realism, posits that law is not a neutral or objective set of rules but rather a tool used by those in power to maintain their dominance over society. Critical legal scholars argue that the law is shaped by social forces and serves to perpetuate existing power structures and inequalities. They believe that the liberal values often upheld by the legal system, such as equality and justice, are not consistently applied and can be used to justify oppressive practices.

Critical legal studies challenge traditional legal doctrines and question the legitimacy of legal institutions. They critique how the law can be manipulated to serve the interests of the elite while marginalizing disadvantaged groups. Critical legal scholars advocate for a more inclusive and equitable legal system that prioritizes social justice and challenges existing power dynamics.

In summary, critical legal studies assert that law is not inherently just or fair but rather a mechanism that can perpetuate injustice and inequality in society.

46. Which of the following schools of thought is associated with the 'separation thesis'?

A. Natural Law

B. Positive Law

C. Realism

D. Stoicism

E. Historical

Answer is B. because;

he school of thought associated with the ‘separation thesis’ is Positive Law.

Explanation:

Natural Law: Natural law is a theory that posits the existence of a higher, moral law that applies to all individuals and societies. It suggests that there are universal principles that

govern human behavior and can be discovered through reason and observation of the natural world. The separation thesis is not typically associated with natural law theories.

Positive Law: Positive law refers to laws that are created by human authority, such as legislation and legal systems established by governments. The separation thesis, in the context of positive law, argues for a clear distinction between what the law is and what it ought to be. This means that positive law should be understood independently of moral considerations or ethical judgments.

Realism: Legal realism is a school of thought within jurisprudence that emphasizes the practical effects of law rather than abstract theories or moral principles. While legal realism may touch upon issues related to the relationship between law and morality, it does not specifically focus on the separation thesis as associated with positive law.

Stoicism: Stoicism is a philosophical school of thought that originated in ancient Greece and Rome. It emphasizes personal ethics informed by logic and rationality, advocating for self-control, virtue, and resilience in the face of adversity. While Stoicism has influenced various aspects of ethics and legal philosophy, it is not directly linked to the separation thesis.

Historical: The historical school of jurisprudence focuses on understanding legal principles through historical context and evolution. It examines how laws have developed over time and how they reflect societal values and norms. The separation thesis is not commonly associated with the historical school of thought.

Therefore, among the options provided, the school of thought associated with the 'separation thesis' is Positive Law.

47. The American conception of legal realism may not be represented by one of the following characteristics.

A. The conception of law as an end in itself.

B. The conception of law in flux, of moving law, and of judicial creation of law.

C. The conception of society in flux.

D. Distrust of traditional rules and concepts insofar as they purport to describe what either courts or people are actually doing.

E. An insistence on evaluation of any part of the law in terms of its effect.

Answer is A. because;

The American conception of legal realism may not be represented by the characteristic: A. The conception of law as an end in itself.

Legal realism is a jurisprudential theory that emerged in the early 20th century in the United States. It emphasizes that law is not just a set of abstract principles or rules but is shaped by social forces, judicial decisions, and practical considerations. Legal realists believe that judges play a significant role in shaping the law through their decisions and interpretations.

48. Which of the following is correct about Austin's conception of the law?

A. Law is defined as divine revelation.

B. Law is made by an authority to be imposed on the people for obedience.

C. Positive law is intermingled with positive morality.

D. Law is discoverable by cosmic reason.

E. Law is made through societal consensus for it to be binding.

Answer is B because;

John Austin, a prominent legal philosopher, is known for his analytical approach to law. According to Austin's conception of the law:

Law is made by an authority to be imposed on the people for obedience: Austin believed that laws are commands issued by a sovereign authority, which must be obeyed by the subjects. In his view, laws are rules set by a political superior (sovereign) and enforced through sanctions.

Positive law is not intermingled with positive morality: Austin distinguished between positive law (the actual laws in force in a society) and positive morality (moral principles or norms). He argued that the validity of a law does not depend on its moral content but on its source - the command of the sovereign.

Law is not defined as divine revelation: Unlike natural law theorists who believe that laws are derived from divine sources or inherent moral principles, Austin's theory focuses on the human-made aspect of law.

Law is not discoverable by cosmic reason: Austin rejected the idea that laws are based on cosmic reason or universal truths. Instead, he emphasized the importance of understanding laws as man-made rules created by political authorities.

Law is not necessarily made through societal consensus for it to be binding: While some legal systems may involve elements of societal consensus in lawmaking processes, Austin's theory highlights the role of a sovereign authority in creating and enforcing laws, regardless of popular opinion.

In summary, according to John Austin's conception of the law, option B is correct: Law is made by an authority to be imposed on the people for obedience.

49. According to Lon F.Fuller, the basic function of law is to

A. establish the minimal standard below which no one can depart form.

B. prescribes for people to reach the highest possible level of achievement in their engagement.

C. prescribe for people to become inherently benevolent.

D. provide the highest standard of conduct that anyone should meet.

E. establish standard rules that will govern the salvation of the people.

Answer: B because;

Lon L. Fuller, a prominent legal philosopher, believed that the basic function of law is to prescribe for people to reach the highest possible level of achievement in their engagements. According to Fuller, law should aim at achieving justice and morality within society by guiding individuals towards fulfilling their obligations and responsibilities in the most optimal manner.

Fuller argued that law serves a crucial role in promoting human flourishing and societal well-being by providing a framework within which individuals can pursue their goals and aspirations while respecting the rights and interests of others. He emphasized the importance of laws being clear, consistent, and fair to ensure that they effectively guide individuals towards ethical behavior and meaningful interactions with one another.

In essence, Fuller's perspective on the function of law aligns with the idea that legal systems should not only establish rules and regulations but also inspire individuals to strive for excellence in their actions and relationships with others.

50. Which of the following jurists is associated with the notion of law as enshrined in the spirit of the people?

A. Eugen Ehrlich

B. Henry Maine

C. Von Savigny

D. R E. H.L.A.Hart oscoe Pound

Answer is C. because

Von Savigny, a German jurist and legal historian, is most famously associated with the notion of law as enshrined in the spirit of the people, or "volkgeist" in German. This concept holds that law is not just a set of rules imposed from above by rulers or governments, but rather an organic development of customary practices and traditions within a particular community.

Savigny's ideas were influential in the 19th century, particularly in Germany and other European countries undergoing political and legal transformations. He argued that law should be based on the historical development of a nation's customs and institutions, rather than on abstract principles or external sources such as Roman law. This approach came to be known as "historicism" in legal theory.

Savigny's ideas have continued to influence legal thought and practice, particularly in areas such as constitutional law and comparative law. His emphasis on the importance of historical context and cultural traditions has helped to shape our understanding of law as a dynamic and evolving social institution.

51. Which of the following statements is correct about Hobbesian, and Loce State of Nature?

A. Both Locke and Hobbes envisaged the absence of government making the lives of human beings an absolute joy.

B. Both Hobbes and Locke believed in the inherent goodness of human beings.

C. Both Locke and Hobbes believed in the necessity of establishing government through coercive power.

D. Both Locke and Hobbes believed in the necessity of establishing government through social contract.

E. Both Hobbes and Locke developed their thesis after passing through same experiences.

Answer is C. because;

Thomas Hobbes and John Locke are two prominent philosophers known for their theories on the state of nature and the role of government. While there are similarities between their ideas, they hold distinct views on the nature of human beings and the necessity of government.

Hobbes, in his seminal work "Leviathan," envisioned a state of nature as a war of all against all, where life was "solitary, poor, nasty, brutish, and short." In this condition, humans have no inherent moral laws or social structures to govern their behavior. As a result, Hobbes argued that people would be driven by their self-interest and natural desires to seek power over others. To escape this chaotic state, Hobbes believed that individuals must surrender their rights to a sovereign power in exchange for protection from each other. This sovereign power could use coercive force to maintain order and ensure the safety and security of its citizens.

Locke, on the other hand, presented a more optimistic view of human nature in his "Second Treatise on Government." He believed that humans were naturally good and rational beings who possessed certain inherent rights such as life, liberty, and property. In the state of nature, Locke argued that individuals had the right to enforce these rights through reason and self-defense if necessary. However, he also acknowledged that disputes could arise over property rights or other issues. To resolve these conflicts peacefully and efficiently, Locke proposed that individuals enter into a social contract with one another to establish a government. This government would have limited powers derived from the consent of its people and would be responsible for protecting their natural rights through law enforcement.

Despite their differences in perspective on human nature, both Hobbes and Locke agreed that there was a need for some form of organized authority to govern human society effectively. However, they differed significantly in how they viewed this authority's origin: Hobbes advocated for an absolute sovereign with unlimited power granted through consent; while Locke championed a limited government based on consent derived from a social contract. Ultimately, both philosophers recognized that without some form of established authority or governmental structure in place, society would descend into chaos and disorder (Bobbio 1984).

52. Which of the following statement is false?

A. The adherent of natural law believes that the principles of natural law are higher than the law made by man.

B. Natural law maintains that as man is part of nature with natural ends, a law that runs counter to the natural ends of man is invalid.

C. Natural law holds that as peace assists the ends of human beings,human beings should strive to maintain peace.

D. The principles of natural law are constant since human beings' natural ends are the same for all humankind, and remain the same for all time.

E. Natural law holds that the principles of natural law exist only in enactments.

Answer is E. because;

This statement is false. Natural law theory posits that moral principles are inherent in nature itself, not merely products of human legislation or enactments.

53. One of the following is incorrect about the distinction between law and morality.

A Law is developed through non-deliberative action whereas morals develop through deliberative process.

B. Laws take the external acts of a person into consideration whereas morals look to factors like inner determination and direction of the will.

C. Law is enforced by way of external coercion whereas morals appeal to the free will of an individual.

D. Law is concerned with the individual liberty of a person whereas morality deals with the collective ideas of what is good and bad.

E. Law regulates the conduct of a person as long as one is a member of a specific community whereas morals guide the conduct of a person even when one is all alone.

Answer is D. because;

Law is concerned with the individual liberty of a person whereas morality deals with the collective ideas of what is good and bad. This statement is generally true as well. Laws often seek to balance individual liberties with the broader interests of society by setting boundaries on behavior to prevent harm or ensure order. Morality tends to focus more on shared values and principles that guide individuals in determining what is morally right or wrong within a community or culture.

54. One of the following assertions is incorrect.

A. Naturalists (followers of natural law school) blend law and morality.-

B. Legal realists give more emphasis to statutes than to the judge's beliefs.

C. Legal positivists put the sovereign at the center of the legal system.

D. Legal realists put the judge at the center of the legal system.Hirce

E. Sociologists are concerned with the nature and origin of law than with its actual functions and end results.

Answer is B. because;

Legal realists give more emphasis to statutes than to the judge's beliefs: This assertion is incorrect. Legal realists, unlike what is stated in option B, do not prioritize statutes over judges' beliefs. Legal realism emphasizes that judges play a significant role in shaping the law through their interpretations and decisions. Legal realists focus on how judges' personal beliefs, experiences, and social context influence their rulings, rather than solely relying on statutes.

In conclusion, option B is incorrect because legal realists do not prioritize statutes over judges' beliefs; instead, they emphasize the role of judges in shaping legal outcomes.

55. Which one of the following modern law or legal theory was not derived mainly from Stoic philosophy?

A. The conception of a universal law for all mankind under which all men are equal.

B. The idea of a method of deriving universal principles of law from the observation of the laws of different people.

C. Principle of Private Law.

D. The conception of a law binding upon all states.

E. Principle of International law.

Answer is C. because;

Stoicism, an ancient Greek philosophy founded by Zeno of Citium in the 3rd century BC, has had a significant influence on modern law and legal theory. Several key concepts in modern law have been derived from Stoic philosophy, such as the idea of a universal law for all mankind under which all individuals are considered equal. The Stoics believed in natural law, which they saw as a rational principle that governs the universe and applies equally to all human beings.

The conception of a universal law for all mankind under which all men are equal is a fundamental principle that can be traced back to Stoic philosophy. This concept forms the basis of many legal systems that emphasize equality before the law and the protection of individual rights.

Similarly, the idea of deriving universal principles of law from the observation of the laws of different people can also be linked to Stoic philosophy. The Stoics believed in using reason and observation to understand natural laws that govern human behavior and society.

The conception of a law binding upon all states and the principle of International law can also be connected to Stoic philosophy, as Stoics advocated for cosmopolitanism - the idea that all human beings belong to a single community based on shared reason. This concept laid the groundwork for modern international law, which seeks to regulate relations between states based on common principles and norms.

However, the Principle of Private Law is not directly derived from Stoic philosophy. Private law deals with relationships between individuals or organizations, such as contracts, property rights, and torts. While some aspects of private law may align with Stoic principles, its development and application are more rooted in Roman legal traditions and later legal developments.

In conclusion, while many modern legal concepts have been influenced by Stoic philosophy, the Principle of Private Law stands out as not being primarily derived from Stoicism.

56. Which one of the following is not the feature of sociological school of jurisprudence?

A. Concerned less with the nature and origin of law.

B. Seeks to view law within a broad social context_

C. Concerned with the actual effects of the law upon the attitudes of a particular society.

D. Concerned with actual enactment of legislation by the authority.

Answer is D. because;

The sociological school of jurisprudence is a legal theory that focuses on the relationship between law and society. It seeks to understand how laws are influenced by social factors and how they, in turn, impact society. Let's break down each option to identify which one does not align with the features of the sociological school of jurisprudence:

D. Concerned with actual enactment of legislation by the authority: This statement does not align with the typical focus of the sociological school of jurisprudence. While this aspect may be considered in passing, it is not a central tenet of this legal theory, which primarily concentrates on understanding law in its social context rather than solely on legislative processes.

Therefore, option D - Concerned with actual enactment of legislation by the authority - is not a feature typically associated with the sociological school of jurisprudence.

57. Article 40 (3) of FDRE Constitution forbids the sale of land stating that "...Land is a common property of nations, nationalities and peoples of Ethiopia and shall not be subject to sale or other means of exchange. "Nevertheless, Mr. A has observed that people in Ethiopia are indeed selling land. Based on this observation, he has concluded that informal land tenure rules are more forceful than that part of the FDRE Constitution which outlaws land sale. Under which school of jurisprudence might Mr.A's conclusion fall?

A. Sociologist

B. Positivist

C. Naturalist

D. Realist

E. Historical

Answer is D. because;

The conclusion drawn by Mr. A, that informal land tenure rules are more forceful than the constitutional prohibition on land sales in Ethiopia, aligns with the Realist school of jurisprudence.

Realism in legal theory emphasizes that law is not just a set of rules or principles but is also influenced by social and political factors. Realists argue that the actual practice of law, as observed in society, may deviate from what is written in statutes or constitutions. In this case, Mr. A's observation of land sales occurring despite the constitutional ban suggests that informal practices and societal norms hold more sway over land transactions than the formal legal provisions.

The FDRE Constitution, specifically Article 40 (3), clearly prohibits the sale of land in Ethiopia, declaring it as common property that cannot be exchanged. However, the reality on the ground, as noted by Mr. A, indicates that people are engaging in land sales contrary to this constitutional provision.

In contrast to legal positivism, which emphasizes strict adherence to written laws and rules, Legal Realism acknowledges that legal outcomes can be influenced by various non-legal factors such as social norms, economic conditions, and power dynamics. Therefore, Mr. A's conclusion reflects a realist perspective by recognizing the dominance of informal land tenure practices over the formal constitutional prohibition on land sales.

While sociologists might study these informal practices and their impact on society, it is the realist approach that directly addresses how legal rules operate in practice and interact with societal realities.

Therefore, Mr. A's conclusion aligns with the Realist school of jurisprudence due to his recognition of the discrepancy between formal legal provisions and actual practices regarding land sales in Ethiopia.

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