

# UNIVERSITY OF EDINBURGH.

## EXAMINATION FOR DEGREES IN LAW AND ARTS.

### JURISPRUDENCE I.

WEDNESDAY, 25th June 1952.—9 to 11 A.M.

(Answer any FOUR questions.)

Candidates for Ordinary M.A. of the third and later years are required to write '(3)' after their names on the Examination Books.

1. 'A definition of law should clearly distinguish it from rules of ethics, or such social rules as those of positive morality or of etiquette.'—(PATON.) Is such a definition possible?

2. What attitude does the law of the State assume towards the rules of such groups as the family, churches, clubs and associations?

X 3. Why do we obey law?

indulgence  
deference  
sympathy  
fear  
reason  
crim  
civil  
custom  
advantage

# 4. How does Austin define a command? If X, pointing a pistol at Y, says 'Give me your money or I shoot,' is there a command:—

- (a) if X does not really mean to shoot,
- (b) if X means to shoot but Y does not believe him,
- (c) if X means to shoot and Y believes him, but the pistol is in fact not loaded?

X 5. What was the nature and what is the importance for legal history of the following compilations:—(a) the XII Tables, (b) the Breviary of Alaric, (c) the Rhodian Sea Law?

X 6. Explain, with illustrations, the use of legal fictions to develop rules of law.

7. What do you know of the doctrine of the 'natural rights of man'? Has it any importance to-day?

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8. What do you know of American 'realist' theories of jurisprudence?

9. 'Law must be certain.' 'Law must be flexible.'  
 X Compare the respective merits of statute-law and case-law in the light of these requirements.

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ORAL EXAMINATION: *Candidates for examination on the LAW STANDARD are requested to attend for ORAL EXAMINATION at the PUBLIC LAW CLASS ROOM, on TUESDAY, 1ST JULY, at the following hours:—*

<i>Names beginning</i>	<b>A and B</b>	.	<b>9.15 A.M.</b>
"	"	<b>C to F</b>	<b>10 A.M.</b>
"	"	<b>G to L</b>	<b>11 A.M.</b>
"	"	<b>Mac</b>	<b>12 NOON.</b>
"	"	<b>M to P</b>	<b>2 P.M.</b>
"	"	<b>R and S</b>	<b>3 P.M.</b>
"	"	<b>T to Z</b>	<b>4 P.M.</b>