



RIARA LAW SCHOOL

UNIVERSITY EXAMINATION FOR BACHELOR OF LAWS (LLB) DEGREE PROGRAM: AUGUST 2024

RLB 105: SOCIAL FOUNDATIONS OF LAW

INSTRUCTIONS

1. This is the final examination in Social Foundations of Law. You will earn 70% of your final grade from this final examination and 30% from Continuous Assessment Assignments.
2. This examination has **FOUR** questions. Answer **ALL THE FOUR QUESTIONS.**
3. The examination has 3 pages, including this one.
4. Time allocated for this examination is **TWO (2) HOURS.** You must stop writing when time is called.
5. Sign the roll sheet when you turn in your answer sheet. If you fail to sign the roll sheet, we shall have no way of establishing that you sat for this examination and your marks will not be reported.
6. This is a **CLOSED BOOK** examination. This means you are not permitted to bring any hard or soft materials to the examination room. You are also not allowed to access materials stored in computers, electronic gadgets or the internet. You should not bring to the examination room any of the following: cell phones, tablets, computers, statutes, notes, outlines, or books. Neither should you bring to the examination room books or materials unrelated to this course. If you need to have medicine or food items with you, please let the invigilator know before the examination begins.
7. This examination is governed by **Riara University Academic Honesty Regulations.** Students who violate those regulations will be penalized. Students have an obligation to report to the invigilator any incidences of academic dishonesty compromising the integrity of this examination.

Good Luck!

Question 1 (35 Marks)

The course on Social Foundations of Law exposed you to several foundational contexts and aspects of law, among them, philosophical, sociological, historical, cultural, international, *et cetera*. A fundamental tenet of the sociological perspective is that law can be a powerful tool for fashioning the kind of social change that expands rights, secures equality, and promotes social justice. On the other hand, critical perspectives typically argue that law is most often employed to maintain social inequalities and preserve or strengthen the power of elites.

- a) Explain and evaluate the concept of “social change.” (6 marks)
- b) Identify and critically analyze the advantages, disadvantages, and limits of law as an agent of social change. (9 marks)
- c) Critically analyze the evidence and interpretations which the following schools of legal thought have contributed to this debate, and how they have also complicated it:
 - i. Marxism (6 marks)
 - ii. Natural Law (6 marks)
- d) Where would the place of customary law prior to, during, and after the colonial era be located within this debate? (8 marks)

Question 2 (15 Marks)

Identify **any three (3) themes** discussed in this course and present your **personal reflections** (not memorized or regurgitated information) on how these themes have influenced and expanded your understanding of the relationship between law and society.

Question 3 (10 Marks)

- a) Identify and briefly explain the two main paradigms of society. (4 marks)
- b) How would you apply the two paradigms of society identified in (a) above to explain the relationship between law and society in the Kenyan context? (6 marks).

Question 4 **(10 Marks)**

Discuss and analyze the contribution, if any, which, in your view, the content covered in this course (Social Foundations of Law) will make to your career as a lawyer or an Advocate of the High Court of Kenya.

The End.