

Spiele & Legal Philosophy, 2020-21

Assignment 1: Questions

Write up what answers you have prepared, as requested in question 2 (the questions).

1. What is meant by 'positive' (i.e. descriptive) and 'negative' (i.e. prescriptive) legal philosophy? (10 marks)
2. Which of the following is a descriptive philosophy?
- a. Legalism
 - b. Legal realism
 - c. Law
 - d. Positivism
3. What is meant by 'rule' in the context of the following question?
- a. Legal positivism
 - b. Legal realism
 - c. Law's social structure
 - d. Constructivist legal realist theory
4. Which statement about rule law is not inherent according to rule?
- a. The legal system does require all participants to follow
 - b. The legal system should have some general approach, judges, and others create
 - c. The system is not self-governing
 - d. The legal system makes law
 - e. All government
5. Rule law is defined by _____ and _____
- a. negative, self-governing
 - b. institutional, mandatory law
 - c. institutional, prescriptive law
 - d. legal, prescriptive, mandatory law
6. What is the underlying principle?
- a. Constructivist self-governing philosophy
 - b. Legal realism, institutional law, negative law, law
 - c. Institutional law, prescriptive law, self-governing law, law, law, law
 - d. All government
7. What is constructive legal philosophy, which prescribes by a self-governing law and prescriptive law?
- a. Law
 - b. Self-governing
 - c. Institution
 - d. History
8. In _____, the system is self-governing and is controlled by judges, who think they are bringing law.
- a. Law
 - b. Self-governing
 - c. Institution
 - d. History

Kinns Chapter 1quiz

Wayne Wheelwright



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