



MAASAI MARA UNIVERSITY

REGULAR UNIVERSITY EXAMINATIONS

2023/2024 ACADEMIC YEAR

SECOND YEAR SECOND SEMESTER

**SCHOOL OF ARTS, HUMANITIES, SOCIAL
SCIENCES AND CREATIVE INDUSTRIES
DIPLOMA IN CRIMINOLOGY**

COURSE CODE: DCR 213

COURSE TITLE: LAW AND SOCIETY II

DATE: 25/4/2024

TIME: 1430- 1630 HRS

INSTRUCTIONS TO CANDIDATES

- Answer Question 1 and any other Two Questions.
- Marks will be awarded for clearly provided answers backed with authorities.

SECTION A - 30 MARKS (COMPULSORY)

QUESTION ONE

- A. Define the term law while mentioning FOUR functions of the law. (5 marks)
- B. Briefly describe the relationship between law and society? (5 marks)
- C. What are the different attributes of the law. (5 marks)
- D. Differentiate between norms, values, and beliefs in a societal context. (5 marks)
- E. List and briefly explain the five different classifications of law. (5 marks)
- F. What are the different sources of law in Kenya? (5 marks)

SECTION B - 40 MARKS

QUESTION TWO

- A. Discuss the role of social control within a culture and society. (10 marks)
- B. There are various approaches to defining law. Briefly describe the following approaches to defining the law and what they entail. (10 marks)
- Law and custom
 - Law and official authority
 - Law and physical force
 - Law, coercion, and specialization
 - Law and justice

QUESTION THREE

- A. While providing examples, briefly describe the interrelation between social change and the law. (10 marks)
- B. Define what is a constitution and provide FIVE functions of a constitution. (10 marks)

QUESTION FOUR

A. Discuss the concept of cultural universalism as it relates to society. (10 marks)

B. Elaborate further on the following terms and/or concepts: (10 marks)

- Human rights
- Civil disobedience
- Conflict management
- Post-modernism
- Social control

QUESTION FIVE

A. Law is a means of social engineering. Elaborate further on this term while distinctly identifying how law harmonizes the different conflicting interests in society namely: individual interests, social interests and public interests. (10 marks)

B. Describe the term post-modernism and provide the various elements of post-modernism. (10 marks)

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LAW AND SOCIETY II

DCR 213

Course description

The aim of this course is to increase your awareness and ability to think soundly and critically about the concepts, principles, theoretical frameworks and practical considerations that prove useful in understanding how society shapes the law and how law shapes society. We will address such issues as the role of law in society, whose interests the law serves, the law's role in societal transformation and the role that law plays in determining how we think about issues and the role that society's culture plays in defining law, its key concepts and principles. Accordingly, we will emphasize the social, political, cultural and epistemological aspects of the law, rather than legal doctrines, statutes or judicial opinions (though at times these aspects of the law will be raised). This enables us to understand how the law influences and is influenced by social change, social reproduction and inequality (including race, class, gender, and sexuality). We will also analyze the role of law in contemporary legal issues related to these topics in order to understand and evaluate how the law seeks to achieve certain objectives such as compliance, deterrence and social control.

Objectives / Outcomes

As a result of taking this course, students will be able to do the following:

- Evaluate how and why different individuals and groups view the law in certain ways and how the law impacts individuals' lives differentially;
- Explain the relationship between the law and morality in connection with society;
- Demonstrate the skills necessary to discuss critically and analyze soundly the circumstances under which and the role that law is capable of playing in, social change and reproduction, social control, compliance and deterrence, and equality or inequality; and
- Critically discuss and analyze the law's relationship to categories of identity such as race, gender, class.

COURSE OUTLINE

1.1 Relationship Between Law and Society

- What is law?
- What is society?
- Relationship between law and society.

1.2 Law as a means of social engineering

- How does the law help in harmonizing conflicting interests?
 - Individual interests
 - Public interest
 - Social interest

1.3 Approaches to Defining Law

- Law and Official Authority
- Law in Action
- Law and Physical Force
- Law, Coercion, and Specialization
- Law and Justice
- Law and Social Integration
- Law and Custom

1.4 Social Justice, Culture and Law

- Introduction
- Law and Custom
- Social reproduction
- Social change and the law
- Changing cultures: Limitations of Law Alone

1.4 Society and the Constitution

- What is a constitution
- The functions of a constitution
- The Constitution at the Intersection of Legal, Social and Political Life
- Types of Constitutions

1.5 Culture and Society

- Differentiate between culture and society
- Explain material versus nonmaterial culture
- Discuss the concept of cultural universalism as it relates to society

- Compare and contrast ethnocentrism and xenocentrism

1.6 Culture and Society II

- Understand how values and beliefs differ from norms
- Explain the significance of symbols and language to a culture
- Explain the Sapir-Whorf hypothesis
- Discuss the role of social control within culture

1.7 Why Should We Obey The Law

- What is Political Obligation?
- The argument from fair play
- Against political obligation?
- Civil Disobedience

1.8 Society and Conflict Management

- Introduction
- The importance of conflict management
- Society's role in preventing conflicts
- Society's role in resolving conflicts
- Challenges in Society's Role in Conflict Management

1.9 Human Rights

- Defining human rights
- Core human rights treaties and their implementation in Kenya
- The Bill of Rights under the Constitution of Kenya
- Safeguarding of human rights in Kenya

1.10 Postmodernism

- What is post-modernism

- Elements of post-modernism
- Potential Problems with post-modernism

Reading List

W.J. Brennan, Jr., On Constitutional Interpretation (1985)