

LEGAL
THEORY/JURISPRUDENCE
FLASH CARDS



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Why use flash cards?

Flash cards are widely regarded as one of the most effective ways to study and retain information. This is because:

- Flash cards engage 'active recall' through repetition. Using flash cards promotes remembering a concept from scratch as opposed to trying to memorise a passage from a textbook.
- Flash cards provide immediate feedback and self-reflection. This will provide you with the ability to quickly check your answer with the correct answer to determine whether you were correct, or whether you need to spend more time understanding the subject matter.
- Flash cards provide for confidence-based study. As flash cards do not follow a strict order, you are free to mix them up and add your own notations. If you are very confident with certain areas, they can be separated to concentrate on areas or questions that may need further work.

Method

The following series of flash cards present 50 questions and answers in a table format, with five cards per page. The questions are provided in the left column with the corresponding answers in the right column. Print the document and then cut each card following the bold border. Once cut, each card should be folded vertically along the central dotted line and glued or taped to form a single double-sided flash card.



To order the complete version of the Lawskool Legal Theory/Jurisprudence Flash Cards please visit www.lawskool.com.au

Q1: Which one of the following is not a major tradition of legal thought or legal philosophy?

- A. Natural law theory
- B. Post-structural legal theory
- C. Oppositionist
- D. Positivism

Answer: C. Oppositionist.

A. Natural law theory, B. Post-structural legal theory and C. Positivism are all major traditions of legal thought or legal philosophy.

Q2: Briefly outline the two broad groups of 'legal theory' according to Roger Cotterrell.

Answer: Firstly, there is analytical or normative theory. This is based on the philosophical concepts. The aim is to explain the character of law solely in terms of the conceptual structure of legal doctrine, and the relationships between rules, principles, concepts and values within the doctrine.

Secondly, there is empirical legal theory. This is the theory that seeks to explain the character of law in terms of historical and social conditions. It treats the doctrinal and institutional characteristics of law emphasised in normative legal theory as explicable in terms of their social origins and effects.

Q3: Briefly outline the three main perspectives taken by positivists on what the law is and what constitutes a legal system.

- Answer:
1. A system of obligations for citizens and state;
 2. A system of rules that regulate citizen conduct;
 3. A system of obligations regulating morality.