PLEASE NOTE: You must not open the exam papers until instructed to do so by the invigilators.

☐x Module examination

Exam details

Course (course number and group number/ teaching contents number, semester, designation): **MP "Legal and Political Philosophy" (6 ECTS) WS 2023**
Lecturer(s): Univ. Prof. Dr. Alexander Somek
Exam date (date, time): 25.01.2024, 17:00 - 18:30 Uhr
Exam duration (amount of time to work on the exam in minutes): 90
Venue of the exam: Juridicum, KG1, U13, Schottenbastei 10-16

Student details (to be completed by the student)

Student ID number:		
Degree programme code as it appears on the student record sheet:		
Degree programme as it appears on the student record sheet:		
Surname(s):		
First name(s):		
Is this your fourth attempt?	☐ YES	☐ NO
Please note: The fourth attempt must be before an examination committee.		

Study law-related information for students

Assessment is only permissible if:

☐ you are correctly registered for this exam,
☐ you meet the requirements for this exam,
☐ your identity can easily be verified (student ID card or any other official photo identification card),
☐ you do not use unauthorised aids (your lecturer informs you about the permitted materials before the beginning of the exam).

☐ ☐ If you discontinue your exam without good cause, you will fail the exam and receive the grade "insufficient".

Signature of the student

I confirm that I am duly registered, have taken note of the examination modalities and procedure and the study law information.

Date   Signature of the student

Special incidents during the exam
(to be completed by the lecturer or invigilator only)

Description of the incident (if there is not enough space, please use the reverse)

Date, time   Signature

1. How would you explain the difference between "legal positivism" and "natu-ral law theory"? (2P)

2. Why is legal validity, in the case of Austin, derivative of a maxim of rational (or prudent) conduct (even if Austin does not say or perceive that)? (2P)

3. The objectivity of values can be accounted for from an intersubjective and a strictly agent-neutral perspective. What accounts for the difference? (3P)

4. Why is in Hobbes's view all authority grounded in fear? (3P)

5. Why does the "polity", as a constitution, not live up to the high standard of an aristocracy? Why is it still a good constitution? (3P)

6. What are the two different perspectives on the "reasonableness" of disagreements? (2P)

7. According to Raz, dependence and pre-emption are two cornerstones of authority. Can they be easily reconciled? (3P)

8. A does not hire workers with a lower test score out of fear that they would perform less well than others. Under which condition would her conduct be a case of direct discrimination? What would make this into a case of indirect discrimination? (2P)

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9. What is the difference between the derivative and the non-derivative under-
   standing of equality? (2P)

10. How can we make sense of the idea that we are collectively self-determin-
    ing? (2P)

11. Why does constitutionalism 1.0 offer two plausible candidates for the posi-
    tion of the sentinel of constitutional law? (2P)

12.Why may it be better to create a federal rather than a "unitary" state? (2P)

13. What is Rawls' "intuitive argument" in favour of the difference principle? (3P)

14. "Civic" and "cultural" nationalism are always intertwined in practice, however, often one form predominates over the other. How can you tell which of the two is prevalent in a national culture? (3P)

15. It is a sound strategy to point out to populists that no sovereign people exists outside a constitutional context? (2P)