

**Jurisprudence 2020
Special Examination
ARL0011/JUR4A01**



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| Assessor: | Dr Marius van Staden |
| Moderator: | Dr Allison Geduld (NWU) |
| Submission date: | 30 July 2020 |
| Examination time: | 08:00 to 11:00 |

The following instructions must be followed carefully:

1. Question 1 has to contain an introduction and a conclusion.
2. Students are only expected to use the textbook to answer these questions.
3. The four chapters used for this exam is available online on the Library website (see previous Announcements).
4. Do not add in any references (footnotes).
5. Although the question paper is a two-hour question paper, students will have 3 hours to complete the exam.
6. Exams must be submitted via e-mail to the lecturer (mvanstaden@uj.ac.za). You may also write out your answers, take pictures of it and e-mail it to the lecturer.
7. Your answers must be typed in Times New Roman, 12 point with 1.5 spacing. All margins must be set to 2.5 cm.
8. Justify your text. This means that text is aligned along the left margin, and letter- and word-spacing is adjusted so that the text falls flush with both margins, also known as fully justified or full justification.
9. Your answers may not exceed 6 typed pages.
10. No bibliography, table of content or cover page must be included.
11. Indicate your name and student number.
12. It is accepted that all students will be conversant with the plagiarism policy of the University of Johannesburg. Students who contravene this policy will receive 0% for the assignment and the matter will be referred to Judicial Affairs and Student Ethics. Do not add a plagiarism declaration. By submitting your assignment online you will be acknowledging that you are familiar with the UJ Plagiarism Policy.
13. Marks may be subtracted for failure to follow any instructions.

Question 1

The sudden and unprecedented worldwide spread of the coronavirus disease (COVID-19) has left economies and financial systems under severe strain. South Africa, like many other countries, instituted a national lockdown in March 2020 to combat the spread of the virus but, in doing so, the national lockdown has had a significant negative impact on the economy and particularly on the poor. Whilst Government has argued that these measures are necessary to prevent the loss of life, many persons have argued that these measures have forced them in to poverty and taken away their livelihoods. Hospitals in South Africa have also reported a sharp increase in cases of childhood malnutrition.

Write a case discussion in which you critically assess the jurisprudential validity of the lockdown regulations.

In your answer you have to consider the work of the following theorists (but you need not do so in order):

- John Mbiti;
- John Austin;
- Mogobe Ramose;
- Herbert Hart;
- Lon Fuller; and
- Ronald Dworkin.

(40)

Question 2

Write a critically considered opinion in which you consider how judges should interpret law in an Africa constitutional democracy. Refer to relevant theorists.

(20)

Total: 60