

**Jurisprudence 2020  
Winter Examination  
ARL0011/JUR4A01**



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<b>Assessor:</b>	Dr Marius van Staden
<b>Moderator:</b>	Dr Allison Geduld (NWU)
<b>Submission date:</b>	18 June 2020
<b>Examination time:</b>	16:30 to 19:30
<b>Additional submission time:</b>	19:30 to 21:30

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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. However, Turnitin will remain open for an additional period of time for you to submit your exam.
6. Exams must be submitted on Turnitin and students must keep a Turnitin receipt. However, students who are unable to submit on Turnitin or who are not able to type out their assignments can email their work (or a picture of their work) to the lecturer (mvanstaden@uj.ac.za).
7. All students who miss the deadline for submission must apply to write the supplementary exam and strictly no late assignments will be accepted.
8. Remember, if you struggle to submit your essay you may email it to the lecturer.
9. Your answers must be typed in Times New Roman, 12 point with 1.5 spacing. All margins must be set to 2.5 cm.
10. Justify your text (including footnotes) (even though this is against TSAR-guidelines). 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.
11. Your answers may not exceed 6 typed pages.
12. No bibliography, table of content or cover page must be included.
13. Indicate your name and student number.
14. 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.
15. 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;
- William Idowu; and
- Ronald Dworkin.

**(40)**

### Question 2

The #blacklivesmatter campaign is an activist movement which began as a hashtag (#BlackLivesMatter) after George Zimmerman was acquitted in the shooting death of Trayvon Martin, an unarmed African-American teenager killed in Florida in July 2013. The movement became more widely known and popularized after two high-profile deaths in 2014 of unarmed African-American men (Eric Garner in Staten Island, NY and Michael Brown in Ferguson, MO). Neither of the police officers involved in their deaths were indicted (i.e., formally charged with a crime).

Some have also argued that the law is an instrument of violent oppression which is systemically geared against black persons. Critically discuss this statement with reference to the critical race theory of law.

**(20)**

**Total: 60**