

**IMPORTANT INFORMATION: READ NOW**

**CONTAINS ASSIGNMENTS**

**COLLEGE OF LAW**

**SCHOOL OF LAW**

**DEPARTMENT OF JURISPRUDENCE**

**LEGAL PHILOSOPHY**

**LJU406K**

**TUTORIAL LETTER 101/2010**

**SCHEME OF WORK, STUDY RESOURCES AND ASSIGNMENTS**

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## 1 A WORD OF WELCOME

We are pleased to welcome you to this module and hope that you will find it both interesting and rewarding. You will be well on your way to success if you start studying early in the semester. Take time to do the **two compulsory assignments** (which *must* be submitted) properly. It will be to your own advantage!

You will receive a number of tutorial letters during the year. A tutorial letter is our way of communicating with you about teaching, learning and assessment.

**IMPORTANT: This is Tutorial Letter 101 which you should have received upon registration. Please read this Tutorial Letter as soon as possible and before you start working on this module.**

**Tutorial Letter 101** contains important information about administrative arrangements as well as the compulsory assignments for this module. We urge you to read it carefully and to keep it at hand when you work through the study material, complete your assignments, prepare for the examination and address questions to your lecturers.

You should also have received **Tutorial Letter 301** upon registration. Please read Tutorial Letter 301 in combination with Tutorial Letter 101 as it provides you with important general information on studying at Unisa and, specifically, within the College of Law. It is particularly important to note the information on plagiarism and the referencing style of the College.

Additional tutorial letters that you may expect later in the semester will, for example, include feedback on the assignments. I would like to point out that **you must read all the tutorial letters** you receive during the semester **immediately and carefully**, as they always contain important and, sometimes, urgent information. Also take note that the tutorial letters form part of your study material and should be taken into account when you prepare for the examination.

We hope that you will enjoy this module and wish you all the best!

## 2 PURPOSE AND OUTCOMES OF THIS MODULE

All information on the purpose and outcomes of this module and how you should approach your studies is in your study guide. We urge you to read this carefully in order to familiarise yourself with what we expect from you. For this purpose, see pages viii-ix of your study guide.

## 3 COMMUNICATION WITH YOUR LECTURERS

All queries that are not of a purely administrative nature **but are about the content of this module** should be directed to us. Please have your study material as well as your student number with you when you contact us.

The lecturers responsible for this module are as follows:

Prof IJ Kroeze  
Cas van Vuuren building 4-82  
kroezij@unisa.ac.za  
012 429 8412  
Fax: 012 429 3442

Prof SH Bukurura  
Cas van Vuuren building 4-83  
bukursh@unisa.ac.za  
012 429 2236  
Fax: 012 429 3442

E-mail and telephone numbers are included above but you might also want to write to us. **Letters to lecturers may not be enclosed with or inserted into assignments.** Letters should be sent to:

Professor IJ Kroeze (LJU406K)/Prof SH Bukurura  
Department of Jurisprudence  
PO Box 392  
UNISA  
0003

**PLEASE NOTE:** Your lecturers cannot assist you with administrative matters, including registration matters, submission of assignments, assignment results, examination dates/venues and examination results. Such matters should be addressed to the relevant department. (See the block below.)

### Communication with the University

If you need to contact the University about matters not related to the **content** of this module, please consult the publication *Your Service Guide @ Unisa* that you received upon registration. This booklet contains information on how to contact the University (eg to whom you can write for different queries, important telephone and fax numbers, addresses and details of the times certain facilities are open).

Always have your student number at hand when you contact the University.

Please note that all administrative enquiries should be directed to the **Unisa Contact Centre**. Enquiries will then be channelled to the correct department. The details are as follows:

- |                              |  |
|------------------------------|--|
| • Calls (RSA only)           | 0861 670 411   |
| • International Calls        | +27 11 670 9000  |
| • Fax number (RSA)           | 012 429 4150   |
| • Fax number (international) | +27 12 429 4150  |
| • E-mail                     | <a href="mailto:study-info@unisa.ac.za">study-info@unisa.ac.za</a> |

## 4 STUDENT SUPPORT SYSTEM

For information on the various student support systems and services available at Unisa (e.g. student counselling, tutorial classes, language support), please consult the publication *Your Service Guide @ Unisa* that you received with your study material.

### 4.1 Contact with fellow students

#### 4.1.1 Study groups

It is advisable to have contact with fellow students. One way to do this is to form study groups. The addresses of students in your area may be obtained by contacting the Unisa Contact centre on 0861 670 411 or by writing to the following department:

Directorate: Student Administration and Registration  
PO Box 392  
UNISA  
0003

#### 4.1.2 myUnisa

If you have access to a computer that is linked to the internet, you can quickly access resources and information at the University. The *myUnisa* learning management system is Unisa's online campus that will help you to communicate with your lecturers, with other students and with the administrative departments of Unisa – all through the computer and the internet.

To access these functions go to the main Unisa website at <http://www.unisa.ac.za>, and then click on the “Login to *myUnisa*” link on the right-hand side of the screen. This should take you to the *myUnisa* website. You can also go there directly by typing in <http://my.unisa.ac.za>.

Please consult the publication *Your Service Guide @ Unisa* for more information on *myUnisa*.

It is a good idea to use the *myUnisa* website to contact your fellow students and even to form virtual study groups. You can use the Discussion Forum allocated to each module for this purpose. Also note that the *myUnisa* website for our module LJU406K gives you the opportunity to contact your lecturers directly. The Discussion Forum for this module contains a forum where you can ask your lecturers questions regarding the contents of this module. All such questions will be answered by your lecturers on a regular basis. Furthermore, all such questions and answers can be viewed by all the students registered for that semester. It is a good idea to check this forum regularly, as some frequently asked questions will be dealt with there.

#### 4.1.3 Tutorials

There are no tutorial classes for this module. However, satellite classes will be presented and you will be informed about the detail of these classes in Tutorial Letter 102.

## 5 STUDY MATERIAL

### 5.1 Inventory letter

At the time of registration, you should have received an inventory letter that tells you what you have received in your study package and also shows items that are still outstanding. Also see the booklet entitled *Your Service Guide @ Unisa*.

Check the study material that you have received against the inventory letter. You should have received all the items listed in the inventory, unless there is a statement like “out of stock” or “not available”. If any item is missing, follow the instructions on the back of the inventory letter without delay.

**PLEASE NOTE:** Your lecturers cannot help you with missing study material. Please contact the Unisa Contact Centre at 0861 670 411 (RSA only), or +27 11 670 9000 (international calls) (also see par 3 above).

### 5.2 Study material

The Department of Despatch should supply you with the following study material for this module:

- One study guide
- Tutorial Letters 101 and 301 at registration.

Apart from Tutorial Letters 101 and 301, you will also receive other tutorial letters during the semester. These tutorial letters will not necessarily be available at the time of registration. Tutorial letters will be despatched to you as soon as they are available or needed (for instance, for feedback on assignments).

If you have access to the Internet, you can view the study guide and tutorial letters for this module on the University's online campus, *myUnisa*, at <http://my.unisa.ac.za>

### 5.3 Prescribed textbook

There is **no prescribed textbook** for LJU406K. This means that you do not have to buy any additional books for LJU406K. **You need only study your study guide and the tutorial letters.**

### 5.4 Resources

#### 5.4.1 Recommended books

There are no recommended books for this module.

## 6 HOW THE ASSIGNMENT SYSTEM WORKS

### 6.1 Assignments and learning

Assignments are seen as part of the learning material for this module. Looking at the assessment criteria given for each assignment will help you to understand what is required of you more clearly. Please see paragraph 8 below in this regard.

### 6.2 General remarks

#### 6.2.1 Submission of assignments by ordinary mail

Assignments should be addressed to:

The Registrar  
PO Box 392  
UNISA  
0003

You may submit assignments done on mark-reading sheets either by post or electronically via *myUnisa*. Assignments may **not** be submitted by fax or e-mail. For detailed information and requirements as far as assignments are concerned, see the brochure *Your Service Guide @ Unisa*.

### 6.2.2 Submission of assignments electronically

To submit an assignment **via myUnisa**:

- Go to *myUnisa*.
- Log in with your student number and password.
- Select the module.
- Click on assignments in the left-hand menu.
- Click on the assignment number you want to submit.
- Follow the instructions on the screen.

**Very Important:**

**Enquiries about assignments (eg whether or not the University has received your assignment or the date on which an assignment was returned to you) must be addressed to the Unisa Contact Centre at 0861 670 411 (RSA only), or +27 11 670 9000 (international calls) (also see par 3 above). You can also use the *myUnisa*-website for this purpose.**

### 6.3 Commentaries and feedback on assignments

You will receive feedback on both assignments in a tutorial letter. Detailed comments on the assignments **will be sent to all students registered for this module** in a follow-up tutorial letter, and not only to those students who submitted the assignments. The tutorial letter number will be 201/2010, 202/2010, etc.

As soon as you have received the comments, please check your answers. The assignments and the commentaries on these assignments constitute an important part of your learning and should help you to be better prepared for the next assignment and the examination.

### 6.4 Submission dates

The closing dates for the submission of the compulsory assignments are:

- **First semester**
  - ▶ Assignment 01: 5 March 2010
  - ▶ Assignment 02: 1 April 2010
- **Second semester**
  - ▶ Assignment 01: 13 August 2010
  - ▶ Assignment 02: 23 September 2010

## 6.5 Assessment of assignments

**Please note:** Although students may work together when preparing assignments, each student must write and submit his or her own individual assignment. In other words, you must submit your own ideas in your own words, sometimes interspersing relevant short quotations that are properly referenced. It is unacceptable for students to submit identical assignments on the basis that they worked together. That is copying (a form of plagiarism) and none of these assignments will be marked. Furthermore, you may be penalised or subjected to disciplinary proceedings by the University.

For the assessment criteria in Legal Philosophy, please see the explanation on pages xii-xiv of the Study guide.

## 7 HOW THE EXAMINATION SYSTEM WORKS

### 7.1 Examination admission

Only students who submit the **first** compulsory assignment before or on the date of submission will be admitted to the examination, **regardless of the mark obtained for the assignment**. If you fail to submit your first assignment, you will not be permitted to sit for the examination.

**Both assignments will be taken into account for your year mark.** The year mark constitutes 20% of your final mark. You need to obtain **at least 40% in the examination** before your year mark will be taken into account.

### 7.2 How will this work in practice?

- Your **YEAR MARK** counts **20%** (first assignment 10% and second assignment 10%) of the final mark.
- Your **EXAMINATION MARK** counts **80%** of the final mark.
- Your **FINAL MARK** for the module will thus be calculated as follows: **20% (year mark) + 80% (examination mark) = 100% (final mark)**.

### 7.3 Examination period

This module is offered in a semester period of fifteen weeks. This means that if you are registered for the first semester, you will write the examination in May/June 2010 and the supplementary examination will be written in October/November 2010. If you are registered for the second semester you will write the examination in October/November 2010 and the supplementary examination will be written in May/June 2011.



After registration and before the examination, the Examination Section will provide you with information regarding the examination in general, including information on examination venues, examination dates and examination times. If you do not receive this information, please contact the Department of Examinations a few weeks before the examination commence. **Please note that your lecturer cannot assist you with this information.**

#### **7.4 The examination paper**

Information on the format of the examination will be sent to you in the last tutorial letter of this semester. The previous examination paper will then also be made available. The same assessment criteria that were applicable to assignments, will also be applicable to examinations.

We hope that you will enjoy this module and we wish you success with your studies.

Kind regards

**PROFESSOR IJ KROEZE**  
**PROFESSOR SH BUKURURA**

PRETORIA

## 8 ASSIGNMENTS AND ASSESSMENT CRITERIA

This tutorial letter contains the following assignments:

- Assignments 01 and 02 for first-semester students
- Assignments 01 and 02 for second-semester students

### STUDENTS REGISTERED FOR THE FIRST SEMESTER

- **Assignment 01** for **first-semester** students must be submitted before or on the date of submission (05 March 2010);
- **Assignment 02** for **first-semester** students which must be submitted before or on the date of submission (1 April 2010).

### STUDENTS REGISTERED FOR THE SECOND SEMESTER

- **Assignment 01** for **second-semester** students which must be submitted before or on the date of submission (13 August 2010);
- **Assignment 01** for **first-semester** students which must be submitted before or on the date of submission (23 September 2010).

## 8.1 Assignments for the FIRST SEMESTER ONLY

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**FIRST SEMESTER: ASSIGNMENT 01  
CLOSING DATE: 5 MARCH 2010**

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It is stated that natural law is a basic idea in pre-modern legal philosophy. However, this concept is not found explicitly in African legal philosophy. Write an essay in which you discuss whether *ubuntu* can be seen as the African equivalent of this idea. (10)

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**FIRST SEMESTER: ASSIGNMENT 02  
CLOSING DATE: 1 APRIL 2010**

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Write an essay in which you briefly explain what Dworkin means by "constructive interpretation" and give a concrete example of how this will work. (10)

**8.2 Assignments for the SECOND SEMESTER ONLY**

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**SECOND SEMESTER: ASSIGNMENT 01**  
**CLOSING DATE: 13 AUGUST 2010**

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Early modern thinking is characterised by Rationalism. Write an essay in which you explain what this means and the two ways in which Rationalism can be understood. Give an example of legal philosophies that fall into these two categories. (10)

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**SECOND SEMESTER: ASSIGNMENT 02**  
**CLOSING DATE: 23 SEPTEMBER 2010**

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Write an essay in which you briefly explain Rawls' idea of how the rational deliberation regarding values should take place. (10)