This paper consists of 3 pages.

INSTRUCTIONS

Read the questions CAREFULLY before answering them.

SECTION A: SHORT QUESTIONS

Answer ALL the questions in this section.

QUESTION 1

Give brief definitions of the following terms or concepts:

1.1 Natural law according to Thomas Aquinas
1.2 Plato's idealism
1.3 Authoritarianism
1.4 Nihilism

QUESTION 2

African legal philosophy is based on the idea that there is a uniquely African approach to law and legal conflicts. Name five characteristics of this approach to illustrate how it is different from Western ideas.
QUESTION 3

Briefly explain the differences between the following:

2.1 Radical realism and progressive realism
2.2 Law and morality, according to Hart
2.3 Liberalism and communitarianism

[12]

QUESTION 4

Briefly explain what is meant by deconstruction in postmodern legal thinking.

[4]

QUESTION 5

5.1 List and briefly explain the three ways in which, according to Mary Joe Frug, the law encodes the female body with meaning.

5.2 According to Hart, law is a system of rules. List and briefly explain what these rules are.

[11]

SUBTOTAL: [40]

SECTION B: LONGER QUESTIONS

You must answer all the questions in this section.

QUESTION 1

Compare the views of Hobbes and Locke regarding the following:

1.1 The state of nature and the social contract
1.2 The idea of natural rights

[15]

QUESTION 2

Discuss the decision of the South African Constitutional Court in President of the Republic of South Africa v Hugo 1997 4 SA 1 (CC) against the background of the various kinds of feminist jurisprudence. In particular, indicate which approach the majority and minority decisions followed.

[15]

SUBTOTAL: [30]
SECTION C

You must answer **one question** in this section.

**QUESTION 1**

Dworkin criticises traditional approaches to legal interpretation and proposes a different approach. Write an essay in which you explain his approach and its relevance to South Africa. In your answer you must refer to the following aspects:

1.1 Dworkin’s criticism of conventionalism and pragmatism. (10)
1.2 Dworkin’s alternative. (10)
1.3 Whether Dworkin’s approach is suitable or desirable in the South African constitutional context. (10)

**OR**

**QUESTION 2**

John Rawls attempted to provide a rational foundation for shared values in a community or society. Write an essay in which you critically discuss this philosophy, with reference to the following:

1.1 Rawls’s justification for the rationality of these shared values (the maximin strategy). (10)
1.2 The content of the values referred to. (10)
1.3 Do you think that this philosophy can be applied in the South African constitutional context? (10)

**SUBTOTAL:** [30]

**TOTAL:** [100]