LJU4802
PROFESSIONAL ETHICS

Duration: 2 Hours

EXAMINERS
FIRST  MR FD MNYONGANI
SECOND MR J DE VILLIERS

Closed book examination

This examination question paper remains the property of the University of South Africa and may not be removed from the examination venue

This paper consists of 2 pages

1. ANSWER ALL THE QUESTIONS

2. READ THE QUESTIONS CAREFULLY BEFORE ANSWERING THEM

[TURN OVER]
QUESTION 1

Discuss Immanuel Kant’s understanding of the ethics of duty. Your discussion should first outline what the ethics of duty entails and then move on to discuss the distinction he makes between the hypothetical imperative and the categorical imperative. [15]

QUESTION 2

The importance of rules in ethics is not universally accepted. There are scholars who question whether the rule-based approach to legal ethics is ethically acceptable. (10)

2.1 Discuss the main arguments raised against a formalistic or positivistic conception of ethics. [10]

2.2 How does a formalistic or positivistic conception of ethics impact on the role differentiated behaviour? [20]

QUESTION 3

Discuss the postmodern theory of ethics. Your discussion should set out what the theory is about, its characteristics and its potential limitations. [15]

QUESTION 4

To remove a judge from office is a fairly complex process, as opposed to when a judge resigns. Discuss the circumstances under which a judge may be removed from office and the circumstances under which he or she may resign. [10]

QUESTION 5

Discuss utilitarianism as one of the philosophical approaches to legal ethics. Your discussion should also make mention of the criticisms made against this approach. [10]

QUESTION 6

"The court has an inherent common law power to regulate the legal profession and therefore remains the final arbiter of what is appropriate in this regard." Professional Ethics Study Guide (LJU413J) 5 Refer to case law in your discussion of this statement in as far as it relates to the power of the court to

6.1 Admit prospective legal practitioners into the profession, (10)
6.2 Strike errant legal practitioners off the roll, and (10)
6.3 Reinstate legal practitioners who want to rejoin the profession after having being struck off the roll (10)

TOTAL: [100]