

08:30

12/6/2009

HALL 29

EXAMS OFFICE
USE ONLY

University of the Witwatersrand, Johannesburg

Course or topic No(s)

LAWS 1004

Course topic names(s)
Paper Number & title

FOUNDATIONS OF SOUTH
AFRICAN LAW

Examination / Test* to be
held during month(s) of (*delete
as applicable)

MAY / JUNE 2009

Year of study
(Art & Science leave blank)

FIRST

Degrees / Diplomas for which
this course is prescribed
(BSc (Eng) should indicate which branch)

LLB / BA (LAW) / BCOM (LAW)

Faculty/ies presenting candidates

COMMERCE, LAW AND
MANAGEMENT

Internal examiner(s)
and telephone extension
number(s)

| | |
|-------------------|---------|
| PROF A DOMANSKI | X 78424 |
| PROF G ABRAHAM | X 78459 |
| MR J-L SERFONTEIN | X 78464 |

External examiner(s)

PROF. H. VAN DEN BERGH
(UNISA)

Special materials required (graph/music/drawing
paper maps, diagrams, tables, computer cards,
etc)

NONE

Time allowance

Course no: LAWS 1004 Hours: 2

Instructions to candidates
Examiners may wish to use this space to indicate,
inter alia, the contribution made by this
examination or test towards the year mark, if
appropriate

- Write your lecturer's name on the front cover of every answer book that you hand in.
- This examination counts 40% of the year mark for the course.

Internal Examiners of Heads of
Departments are requested to sign
the declaration overleaf

ONE PAGE

**LAWS 1004: FOUNDATIONS OF SOUTH AFRICAN LAW
MAY/JUNE 2009 EXAMINATION**

ANSWER ANY THREE QUESTIONS

NO ANSWER MAY EXCEED THREE PAGES. ANY EXCESS WILL NOT BE MARKED

QUESTION 1

‘The intellectual rediscovery of Roman law was the immortal achievement of the twelfth century law school of Bologna’ (Hahlo & Kahn).

Discuss the leading figures, the working methods, the achievements and weaknesses of the school of the Glossators of Bologna.

[10 marks]

QUESTION 2

To what extent was Justinian successful in his codification of Roman law? Include in your answer an evaluation of the strengths and weaknesses of the *Corpus Iuris Civilis* (**DO NOT** describe the various stages of Justinian’s work of codification).

[10 marks]

QUESTION 3

To what extent can the Roman praetor be said to have been a legislator? Use concrete examples of the praetor’s work to illustrate your answer.

[10 marks]

QUESTION 4

‘The civil law rule was that a *filiusfamilias* could own nothing. Anything that he acquired belonged automatically to the *paterfamilias*. This rule was obviously inconvenient. . . .’ (Nicholas). Explain how Roman law dealt with this problem.

[10 marks]

QUESTION 5

Write an account of the flowering of the Roman-Dutch law in the Netherlands during the seventeenth century.

[10 marks]

[TOTAL MARKS = 30]