

UNIVERSITY OF FORT HARE

ETHICS FOR LAW STUDENTS

FOUNDATION COURSE 2019

LEC122L

SUPPLEMENTARY EXAMINATIONS

JANUARY

YEAR: 2020

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Time: 3 hours

Subject: ETHICS FOR LAW STUDENTS FOUNDATION COURSE

Subject Code: LEC122L

Marks: 100

This paper consists of 6 pages including the cover page

Internal Examiners

Dr M Oelofsen

Moderator

Dr F Maj

INSTRUCTIONS

Answer all the questions in the answer book provided.

ETHICS FOR LAW STUDENTS FOUNDATION COURSE 2019

LEC122L

University of Fort Hare

Lecturer: Dr Rianna Oelofsen

3 hour Exam

100 marks

Section A: Multiple choice questions (10 marks)

1. Normative ethics

- a) is a systematic reflection on specific moral dilemmas.
- b) is a reflection on the nature of ethics as such. More particularly: an analysis of ethical questions, language and concepts.
- c) is a systematic reflection on specific moral dilemmas.
- d) is systematic reflection on moral theories concerning what people should believe to be right and wrong.

2. Moral virtues are

- a) desires of the willing soul.
- b) positive feelings or social sentiments.
- c) emotional thoughts or feelings.
- d) habits or attitudes or dispositions.

3. Kant limits the discussion of the moral character of actions to intentions and does not consider consequences crucial, because:

- a. The consequences are often out of our control and are valued differently by different people.
- b. Only those actions based on universalizable motives are moral actions.
- c. Moral decisions are conditioned by one's culture and by how one is raised.
- d. Every time someone acts, he or she has a motive: but there are not always consequences to acts.

4. What does the 'principle of utility' say:

- a) a minimum amount of pleasure for all.
- b) an equal amount of pleasure for all.
- c) the greatest pleasure for the best people.
- d) the greatest amount of happiness for greatest amount of people.

5. John Corvino argues against several ways in which people argue homosexuality is harmful. The following is NOT one he discusses in his article:

- a) depression
- b) Promiscuit
- c) harm to the church
- d) harm to children

6. Which of these is NOT a field of applied ethics?

- a) Legal ethics
- b) Aesthetics
- c) Bioethics
- d) Business ethics

7. What is the mean of moderation between greediness and wastefulness?

- a) generosity.
- b) friendliness.
- c) boastfulness.
- d) curiosity.

8. What is applied ethics?

- a) It is an analysis of ethical questions, language and concepts.
- b) It is a systematic reflection on moral theories concerning what people should believe to be right and wrong.
- c) It is not a reflection on moral theories, but a reflection on the nature of ethics as such.
- d) It is a branch of ethics which consists of the analysis of specific, controversial moral issues.

9. Bentham's utilitarianism is different from J. S. Mill's version by virtue of Mill's emphasis on:

- a) The happiness of all creatures affected by actions, versus the happiness experienced by humans.
- b) How actions done to achieve happiness are in fact desired as opposed to being desirable.
- c) The concern for the qualitative character of happiness versus simply the quantitative.
- d) The number of people affected versus the intensity of pleasure experienced by those affected.

10. According to Bentham what is important when thinking who can be happy is...

- a) Can they reason?
- b) Can they talk?
- c) Can they suffer?
- d) Can they act morally?

Section B: Introduction to ethics [12 marks]

1. Are the two subsections of Axiology? Explain what each means in one sentence. [2 marks]
2. What is the conclusion Barry Schwartz argues for in his article 'Stop the treadmill!?' What are his main reasons (i.e. his premises) for this conclusion? Do you agree with his conclusion? Give reasons for your answer. [4 marks]
3. What is the difference between a factual and a value judgment? Give an example of each type of judgment. [4 marks]
4. What is the relationship between ethics and the law? [2 marks]

Section C: Utilitarianism (18 marks)

1. What is Mill's objection to the quantitative measurement of pleasure by Bentham? What does he propose instead, and why? [3 marks]
2. Explain the difference between act (classical) and rule utilitarianism. [3 marks]
3. Why is Utilitarianism a revolutionary ethical system? [2 marks]
4. Apply Utilitarianism to the following case. Give your answer in the form of an argument.

Sam visits senile dying aunt in hospital, his only relative. Coincidentally, as he enters hospital, there are five cases of emergency – five important much loved people need organs – heart, kidneys, lung, liver. Doctors take Sam's organs, for nobody

will miss Sam, except his senile aunt. What would the utilitarian say? Do you agree with the utilitarian's conclusion? [10 marks]

Section D: Deontology [19 marks]

1. Explain the difference between rule utilitarianism and deontology. [3 marks]
2. Give a definition of Deontology [1 mark]
3. Compare and contrast Kant's first version of the categorical imperative "Act only according to that maxim by which you can at the same time will that it should become a universal law," and Jesus' Golden rule. "Do unto others as you would have them do unto you." [3 marks]
4. If you saw your neighbour's house was on fire, and you rushed over to help out of sympathy, what would Kant say about the moral worth of your act? [2 marks]
5. In *The Queen v. Dudley and Stephens* (1884) law case, four men stranded in a lifeboat without food or water. Three of the men had children, one was a boy of 17 without a family. In order to escape death from hunger, the three men killed the boy for the purpose of eating his flesh. They were found guilty of murder. Question: Was the verdict (that they are guilty of murder) morally right? Judge this case by applying deontology. Remember to include a formal argument in your answer. [10 marks]

Virtue Ethics (21 marks)

1. What are the three central concepts employed in virtue ethics? [3 marks]
2. What is practical rationality according to Aristotle? [3 marks]
3. Application of the model of virtue ethics: look at the following ethical dilemma, and explain how one would go about judging the different cases according to virtue ethics. Give your answer in the form of an argument. [15 marks – 5 marks for each case]

Case: Animal rights

Peter Singer argues for the extension of moral standing to some non-human beings because they are sentient beings. Consider examples:

• Example 1: Experimenting with animals.

- Example 2: Slaughtering animals
- Example 3: Using animals

Applied Ethics (20 marks)

1. There are many informal settlements around us even today, so many years after the end of Apartheid. Some of these informal settlements have been declared illegal by provincial governments, and have been marked for demolition. Is it morally right for the provincial government to evict people from informal settlements that have been declared illegal, without providing an alternative? This was the subject of a landmark case, *Government of the Republic of South Africa and Others Vs Grootboom and Others*, decided by the Constitutional Court in 2000.
As a lawyer arguing on either side of this case, how would you argue in favour of your client? Is it morally right for the government to evict people from informal settlements without providing alternatives? Use one, or a combination of more than one, of the ethical theories discussed in class (utilitarianism, deontology, African communitarianism and the relationality thesis) to argue your point. [10 marks]

2. Name five ways in which people might argue that homosexuality is wrong because it is 'unnatural'? Explain very briefly what is wrong with each argument according to John Corvino. [10 marks]

END