

UNIVERSITY OF FORT HARE

ETHICS FOR LAW STUDENTS
FOUNDATION COURSE 2019
LEC122L

DEGREE EXAMINATIONS

NOVEMBER

YEAR: 2019

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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 R Oelofsen

Moderator:

Dr F Maj

INSTRUCTIONS

Answer all the questions in the answer book provided.

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LEC122L

University of Fort Hare

Lecturer: Dr Rianna Oelofsen

3 hour Exam

100 marks

Section A: Multiple choice questions (10 marks)

1. What are the disciplines of ethics:

- a) Meta-ethics. Normative ethics. Applied ethics.
- b) Sociology. psychology and law.
- c) Ethics of punishment. reconciliation and developments.
- d) Morality and immorality.

2. What does the Greek 'eudaimonia' mean?

- a) happiness. flourishing. well-being.
- b) bad spirits. devils. and satanic symbols.
- c) reason. emotions and desires.
- d) certitude. manliness and courage.

3. According to Kant:

- a) Consequences are more important than intentions.
- b) Justice can be superseded by friendship.
- c) Metaphysics and morality are connected in a fundamental way.
- d) There can only be morality in a world where there are rational agents.

4. The human good is according to Aristotle:

- a) the customs of the majority.
- b) the activity of man according to God's will.
- c) the activity of the soul in accordance with virtue.
- d) the activity of the body and soul.

5. 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.

6. According to Kant, humans have no direct duties towards animals:

- a) no.
- b) yes.
- c) most of the time.
- d) more often not.

7. A utilitarian would say:

- a) the end does justify the means.
- b) the end should never justify the means.
- c) morality is based on rationality.

d) there is no such thing as morality.

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

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

9. How did Mill modify Bentham's utilitarianism:

- a) Pleasure needs to be judged quantitatively, not qualitatively.
- b) Pleasure needs to be judged qualitatively, not quantitatively.
- c) Pleasure should give way to rules.
- d) Pleasure should give way to virtues

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

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

Section B: Introduction to Ethics [14 marks]

1. What is Axiology? Define Axiology and explain what it means in a couple of sentences. [2 marks]
2. What are the two subsections of Axiology? Explain what each means in one sentence. [4 marks]
3. What are the three disciplines of ethics? Explain what each entails. [6 marks]
4. What is the relationship between ethics and the law? [2 marks]

Section C: Utilitarianism [16 marks]

1. What is the principle of utility? [1 mark]
2. Give an outline of classical (act) utilitarianism in three steps [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 [15 marks]

1. Explain the difference between rule utilitarianism and deontology. [5 marks]
2. Give two formulations of Kant's categorical imperative. [2 marks]
3. What is the good will? [1 mark]
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 the ethical theory of deontology. Remember to include a formal argument in your answer. [5 Marks]

Section E: Virtue Ethics [20 marks]

1. What is the mean of moderation? [3 marks]
2. What are moral virtues according to Aristotle? [3 marks]
3. Explain what Aristotle means by 'happiness' (also known as 'flourishing' or 'eudaimonia') [4 marks]
4. Apply virtue ethics to the following case. Give your answer in the form of an argument.

Case: Rape court case

An attorney suspected Peter, John and Tom (his clients) to be guilty of raping Mary and Ann. He also knew that the recognition of voices could count as evidence. When the prosecutor failed to account to the recognition of voices as evidence, the attorney kept silent. He acted correctly according to the rule, not guilty until found guilty. However, is his silence morally right? What about a lawyer's obligation to her client? [10 marks]

Applied ethics [25 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. You are an eyewitness to a crime: A man has robbed a bank, but instead of keeping the money for himself, he donates it to a poor orphanage that can now afford to feed, clothe, and care for its children. You know who committed the crime. If you go to the authorities with the information, there's a good chance the money will be returned to the bank, leaving a lot of kids in need. What do you do? A. Turn the robber in to the authorities; right is right. B. Say nothing since the money went to what you deem a good cause.

Give an account of what a Kantian deontologist, a utilitarian and a communitarian would do and how would they justify their acts? 2) What would you do as an officer of the court (e.g. policeman or attorney) and why? [5 marks]

3. 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