



# MURANG'A UNIVERSITY COLLEGE

(A CONSTITUENT COLLEGE OF JOMO KENYATTA UNIVERSITY OF AGRICULTURE AND TECHNOLOGY)

DEPARTMENT OF LIBERAL STUDIES

2015/2016 ACADEMIC YEAR:

END OF YEAR FOUR SEMESTER TWO EXAMINATIONS

UNIT CODE BLC 2502:

UNIT TITLE ETHICAL ISSUES IN CRIMINAL JUSTICE

CLASS: CRIMINOLOGY AND SECURITY STUDIES

MAIN EXAM

DATE: 19<sup>TH</sup> APRIL 2016

TIME: 2 HOURS

---

## INSTRUCTIONS

ANSWER QUESTION ONE AND ANY OTHER TWO

**QUESTION ONE (COMPULSORY)**

### QUESTION ONE

- a) Briefly define the term ethics (3mks)
- b) Why is ethics important (5marks)
- c) Differentiate the following terms : ( 9mks)
- i) values
  - ii) virtues
  - iii) benevolence
- d) describe the Conflicts that arise between ethics and the law (8 marks)
- e) Describe the golden rule in the application of ethics (5marks)

### QUESTION TWO

Discuss the advantages and disadvantages of work place romance (20 marks)

### QUESTION THREE

Write short notes to demonstrate your understanding of the following corporate social responsibility models:

- Noble cause corruption (6marks)
- Police discretion (4marks)
- Prosecutorial misconduct (10 marks)

### QUESTION FOUR

Compare and contrast Christian ethics and Islamic ethics (12 marks)

What is value based decision making (8marks)

### QUESTION FIVE

Describe the Foundations of Morality as proposed by Henry Hazlitt

20 mark

## BLC 2502: ETHICAL ISSUES IN CRIMINAL JUSTICE

### MARKING SCHEME

#### QUESTION ONE (COMPULSORY)

a) Ethics is the branch of study dealing with what is the proper course of action for man. It answers the question, "What do I do?" It is the study of right and wrong in human endeavors. At a more fundamental level, it is the method by which we categorize our values and pursue them. Do we pursue our own happiness, or do we sacrifice ourselves to a greater cause? Is that foundation of ethics based on the Bible, or on the very nature of man himself, or neither?

b) is a requirement for human life. It is our means of deciding a course of action. Without it, our actions would be random and aimless. There would be no way to work towards a goal because there would be no way to pick between a limitless number of goals. Even with an ethical standard, we may be unable to pursue our goals with the possibility of success. To the degree which a rational ethical standard is taken, we are able to correctly organize our goals and actions to accomplish our most important values. Any flaw in our ethics will reduce our ability to be successful in our endeavors.

c)i)Values are that which we seek to achieve or maintain according to our life as the standard of evaluation. Values are the motive power behind purposeful action. They are the ends to which we act. Without them, life would be impossible. Life requires self-generated action to sustain itself. Without values, one could not act, and death would follow.

ii)A virtue is a moral habit which generally results in the gaining or maintaining of your values. Your values are based on your moral standard which should be your own life. Virtues are pre-thought out methods for achieving your values. This means that with rational virtues, acting virtuous leads to a happy and successful life.

iii)*Benevolence* is an act of kindness or an inclination to be kind. It's the quality of someone who volunteers in a soup kitchen, tutors children for free, and helps old ladies cross the street.

Helping your grandmother with her groceries is an act of benevolence — as long as she doesn't pay you a dollar per bag. Letting your little sister have the last helping of ice cream shows benevolence. Benevolence is any kind act, but it can also describe the desire to do nice things. When you're feeling selfish, you probably won't show benevolence, but if benevolence comes through in spite of your crankiness, then you know you're really a good person.

#### **d) Conflicts Between Ethics and the Law**

Social workers generally agree that they should obey laws that clearly are essential for an orderly society. However, some practitioners argue that in some instances, blind obedience to the law can be shortsighted and harm clients, particularly when laws seem to be unjust.

Ethical decisions in social work that involve legal issues do not always involve ethical dilemmas, particularly situations where social workers' decisions are compatible with both legal and ethical standards. However, other situations produce difficult ethical dilemmas, particularly when social workers' decisions are compatible with legal standards but not consistent with prevailing ethical standards in social work, and practitioners' decisions are consistent with prevailing ethical

standards in social work but not with legal standards. In some instances, social workers believe that actions the law permits or requires would violate ethical standards in social work or actions that would violate the law are necessary to comply with ethical standards in the profession.

These conflicts are among the most daunting circumstances social workers face. Compliance with legal expectations and requirements may conflict with social workers' understanding of ethical standards in social work, and compliance with ethical standards may lead to violation of the law.

There are no simple solutions to these ethical dilemmas. Thoughtful, principled, and reasonable social workers may disagree in these situations. Some social workers embrace the view that all laws should be obeyed, regardless of a social worker's personal opinion about their reasonableness. From this perspective, an orderly society requires strict obedience to laws; otherwise, we risk social chaos. Social workers have a right to seek changes in the law, but they do not have a right to violate the law. In contrast, other social workers resist blind obedience to the law because of their belief that some laws are unjust and harmful. These social workers argue that professionals must use their professional judgment and, if necessary, engage in civil disobedience.

## **e) The Golden Rule**

Do unto others what you would have them do unto you-is commonly perceived as one of Jesus' greatest moral teachings. It's over-rated.

<sup>12</sup>So whatever you wish that men would do to you, do so to them; for this is the law and the prophets. (Matt. 7:12)

<sup>31</sup>And as you wish that men would do to you, do so to them. (Luke 6:31)

The Golden Rule is a primitive guideline to moral behavior. It tells us to measure our actions by our personal values, which saves the trouble of considering the values of others. So when a person wishes others to be more to his liking, it's easy to rationalize aggressive action as being for his own good.

Some examples: "Homosexuality is immoral and needs to be abolished." Or: "A moral society needs more religion; therefore, we must do more to get public schools to teach the word of God." The Golden Rule has even been used to justify the invasion of Iraq, on the grounds that a westernized style democracy would be good for them.

Secondly, the Golden Rule stresses benevolence or the lack of it. A person accustomed to refusing help during times of hardship could use the Golden Rule to refuse to help others experiencing hardship. On the receiving side, there is practically no limit to the benefits most of us would be willing to accept from others, at whatever cost to them.

## **QUESTION TWO**

### **WORKPLACE ROMANCE**

## **Advantages**

Romantic relationships in the workplace can have several benefits to those involved as well as to the work environment. Some examples include the following:

### **1. Energize workplace morale**

There is something about watching people fall in love that makes others feel positive as well. The attitudes of the two people involved in the romantic relationship are often uplifting, and they become happier individuals, which reflects back on their attitudes toward their work and their coworkers. The other employees that see this relationship unfold often feel uplifted as well especially if they were able to play a part in the development of the budding relationship.

## **2. Motivate employees**

Because workplace romances are often viewed in a negative light, the individuals involved are often motivated to do their job better and more efficiently in order to disprove the negativity associated with their relationship with a coworker. Those involved do not want to be thought of as distracted or unproductive due to their relationship status, so they may put in extra time and effort to demonstrate the positive aspects of their romance. Also, being in love leads to positive attitudes, which in turn motivates people to do well in other aspects of their lives.

## **3. Encourage creativity and innovation**

Creativity and innovation are other aspects associated with positive attitudes. Coworkers in a relationship spend a lot of time together both in and out of the workplace, so there is more opportunity to discuss new approaches and techniques to completing projects together. The individuals in the relationship may brainstorm ways to get their work done faster and more efficiently, so they may spend more time together outside of the workplace.

## **4. Soften work-related personality conflicts**

Romantic relationships in the workplace allow the individuals involved to become more open and willing to cooperate with each other. In conjunction with having more positive attitudes toward their work, individuals are often easier to work with because they feel more comfortable expressing their ideas and criticisms with their significant other. This behavioral change can lead to more effective work groups, and in the end, a more productive atmosphere in which open communication is a key aspect.

## **5. Improve teamwork, communication, and cooperation**

A couple's relationship can provide further communication channels within the workplace especially if the individuals are members of different departments. The personal connection the two individuals have with each other can allow the members of their respective departments to feel more comfortable communicating back and forth as well. Because the channels of communication become more open and accessible, conflicts between departments are also reduced allowing the company to work more effectively as a whole.

## **Disadvantages**

In addition to the benefits of romantic relationships in the workplace, there are several negative aspects that the romance may cause to the couple as well as to the company as a whole.<sup>[2]</sup>

### **1. Threaten career advancements**

A fear that many employees have when thinking about getting involved in a romantic relationship with a coworker is eliminating any potential they may have for upward mobility in the company. For instance, some managers may see the development of a workplace romance as unprofessional and a possible lack of judgement that may discourage them from offering the employees involved any further advancements within the company. Many employees view a

romantic relationship in the workplace as a risk that is not worth taking because it may jeopardize their career.

## **2. Complicate work relationships**

When office relationships end in a breakup, it can not only ruin the relationship between the two co-workers involved, but it can also eliminate any personal connections that the employees had with their previous partner's department. Because the two employees will continue to see each other on a daily basis, the breakup can cause negative feelings toward the other individual as well as a reminder of one's failure.<sup>[3]</sup>

## **3. Co-worker confusion**

Romantic relationships in the workplace are often known and easily detected by the couple's fellow co-workers. Once it is made known that the two individuals are in a relationship, it is often difficult for their co-workers to know whether to view them as individuals or as a team. Co-workers are often confused about how to react to the news of the relationship or the breakup, which can lead to awkward interactions in the workplace as well as avoided conversation. In addition, co-workers may often use the couple's relationship to change the opinions of one of the individuals instead of approaching the person directly. Also, the individuals in the relationship can often be misjudged because of the person they are in a relationship with. For example, a manager may pass up an employee for a promotion because he/she is in a relationship with an individual who does not exemplify the needed characteristics, and it is assumed that the couple is alike in that regard.

## **4. Work performance decline**

The involvement of two employees in a romantic relationship can negatively affect their work performance due to distractions in the workplace. Fellow employees are likely to notice any decline in an individual's work because their workload is often determined by their co-workers. Concentration levels may decrease depending on the stage in the relationship.

## **5. Conflict of interest**

Conflicts of interest often arise in workplace relationships especially when the couple works in different departments. Their opinions may differ, and they may disclose private information to each other that may hurt either side when making important company decisions. Many companies have policies that do not allow married couples to work together to avoid conflicts of interest in hopes of maintaining the integrity of the company as well as protecting the couple's relationship. However, some companies do allow married couples to work together but may provide guidelines on what is ethical and what is not. While working together at the same level may be acceptable, when the couple works in hierarchical roles, the standards may change.<sup>[4]</sup> Another type of relationship that may cause a conflict of interest is when an employee is involved with a manager or an individual in a higher position. Coworkers may feel as if the employee in the relationship is receiving special treatment, and this in turn can affect the way employees trust the management of the company.

## **QUESTIONTHREE**

### **Noble Cause Corruption,**

Noble cause corruption in policing occurs when good officers substitute in their personal values for the values of the profession and the law. It is an ends-justifies-the-means rationalization associated with public service wherein officers break the law to enforce the law. It is unconstitutional policing; an illegal use of authority and power, but not for personal gain. Rather,

the objective is to rid society of its predators, no matter what the means, as an ultimate goal.<sup>11</sup> This is when officers cut corners to circumvent the constitutional guidelines promulgated for them in their profession and rationalize such illegality as a means to an ordered end. Granted, the end is a noble cause (cleaning up the streets they police), but the means used is the less-discussed side of noble cause corruption.

### **Police discretion**

Police discretion involves legal, educated decision-making processes. Whether to enforce the full letter of the law, to simply advise a citizen, or to choose a middle ground, street-level officers must incorporate all of the tools of their trade and select the plan of action most appropriate or reasonable on a case-by-case evaluation. Though there are many factors to consider regarding officer discretion, personal biases, prejudices, and values are not to be employed in this decision-making process. Nor can police rationalizations be used to breach the constitutional line regarding citizen privacy expectations. Cutting corners regarding policy and procedure implementation has proven to be costly. Ethics training must incorporate the critical importance of comporting to the specific dictates of the legal process, the philosophy of the profession, the ethical expectations of the organization, and the need to keep personal values in check while wearing the badge.

### **Prosecutorial misconduct**

Prosecutorial misconduct is conduct which violates court rules or ethical standards of law practice. Examples, among others, may include:

- Courtroom misconduct (making improper remarks or improperly introducing evidence designed to prejudice the jury: violating rules regarding selection of the jury; or making improper closing arguments);
- Hiding, destroying or tampering with evidence, case files or court records;
- Failing to disclose evidence that might tend to exonerate the defendant
- Threatening, badgering or tampering with witnesses;
- Presenting false or misleading evidence;
- Selective or vindictive prosecution
- Denial of a speedy trial rights
- Use of unreliable and untruthful witnesses and snitches

## **QUESTION FOUR**

### CHRISTIAN ETHICS

Christian ethics in general has tended to stress the need for love, grace, mercy, and forgiveness because of sin. With divine assistance, the Christian is called to become increasingly virtuous in both thought and deed, see also the Evangelical counsels. Conversely, the Christian is also called to abstain from vice.

Christian ethical principles are based on the teachings within the Bible. They begin with the notion of inherent sinfulness, which requires essential atonement. Sin is estrangement from God which is the result of not doing God's will. God's will can be summed up by the precept: "Love God with all your heart, soul, mind, and strength, and your neighbor as yourself", commonly called the Great Commandment. Christian ethics are founded upon the concept of grace which transforms a person's life and enable's one to choose and act righteously. As sin is both

individual and social, so is grace applied to both the individual and society. Christian ethics has a teleological aspect—all ethical behavior is oriented towards a vision of the Kingdom of God—a righteous society where all live in peace and harmony with God and nature, as envisioned in the Book of Isaiah. Specific ethical behaviors originate in the Old Testament's Ten Commandments, and are enriched by teachings in the Psalms and morals contained in historical accounts, see also Biblical law in Christianity.

Christian ethics is not substantially different from Jewish ethics, except in the exhortation to love one's enemy. Perhaps the greatest contribution of Christian ethics is this command to love one's enemies. It has been argued (see Chet Meyer's Binding the Strong Man, and John Yoder's The Politics of Jesus) that Jesus was waging a non-violent campaign against the Roman oppressors and many of his sayings relate to this campaign--turn the other cheek, go the second mile, etc. Understanding these commands as part of a larger campaign makes it impossible to interpret Christian ethics as an individual ethic. It is both an individual and a social ethic concerned with life here on earth.

Other tenets include maintaining personal integrity and the absence of hypocrisy, as well as honesty and loyalty, mercy and forgiveness, rejection of materialism and the desire for wealth and power, and teaching others in your life through personal joy, happiness and Godly devotion.

There are several different schema of vice and virtue. Aquinas adopted the four cardinal virtues of Aristotle (justice, courage, temperance and prudence), and added to them the Christian virtues of faith, hope and charity (from St.Paul, 1 Corinthians 13). Other schema include the Seven Deadly Sins and the Seven virtues. For more see Christian philosophy and Biblical law in Christianity.

## ISLAMIC ETHICS

The foundational source in the gradual codification of Islamic ethics was the Muslim understanding and interpretations of the mankind has been granted the faculty to discern God's will and to abide by it. This faculty most crucially involves reflecting over the meaning of existence, which, as John Kelsay in the *Encyclopedia of Ethics* phrases, "ultimately points to the reality of God." Therefore, regardless of their environment, humans are believed to have a moral responsibility to submit to God's will and to follow Islam (as demonstrated in the Qur'an and the Sunnah, or the sayings of Muhammad)

This natural inclination is, according to the Qur'an, subverted by mankind's focus on material success: such focus first presents itself as a need for basic survival or security, but then tends to manifest into a desire to become distinguished among one's peers. Ultimately, the focus on materialism, according to the Islamic texts, hampers with the innate reflection as described above, resulting in a state of jahiliyya or "ignorance."<sup>[35]</sup>

Muslims believe that Muhammad, like other prophets in Islam, was sent by God to remind human beings of their moral responsibility, and challenge those ideas in society which opposed submission to God. According to Kelsay, this challenge was directed against five main characteristics of pre-Islamic Arabia:<sup>[35]</sup>

1. The division of Arabs into varying tribes (based upon blood and kinship). This categorization was confronted by the ideal of a unified community based upon Islamic piety, an "ummah;"
2. The acceptance of the worship of a multitude of deities besides Allah - a view challenged by strict Islamic monotheism, which dictates that Allah has no partner in worship nor any equal;
3. The trait of muruwwa (manliness), which Islam discouraged, instead emphasizing on the traits of humility and piety;

4. The focus on achieving fame or establishing a legacy, which was replaced by the concept that mankind would be called to account before God on the day of resurrection;
5. The reverence of and compliance with ancestral traditions, a practice challenged by Islam — which instead assigned primacy to submitting to God and following revelation.

Muslims must be in control of their passions and desires.

Muhammad summarized the conduct of a Muslim when he said:

“My Sustainer has given me nine commands: to remain conscious of God, whether in private or in public; to speak justly, whether angry or pleased; to show moderation both when poor and when rich, to reunite friendship with those who have broken off with me; to give to him who refuses me; that my silence should be occupied with thought; that my looking should be an admonition; and that I should command what is right.”

## QUESTION FIVE

# The Foundations of Morality

In The Foundations of Morality, Henry Hazlitt argues that the foundation of morality is social cooperation. I highly recommend this book for the way it discusses various ethical issues. I give credit to greater minds that have preceded me. Some excerpts follow.

### Introduction

Ethics is not a science in which that word is applied to the physical sciences—to the determination of matters of objective fact, or to the establishment of scientific laws which enable us to make exact predictions. But ethics is entitled to be called a science if we mean by this a systematic inquiry conducted by rational rules. It is not mere chaos. It is not just a matter of opinion, in which one person's opinion is as good as another's, or which one statement is true or as false or as "meaningless" or as unverifiable as another. If by science, in short, we mean simply rational inquiry aiming to arrive at a unified and systematized body of deduction and conclusions, then ethics is a science.

### The Moral Criterion

For ethics is a "normative" science. It is not a science of *description*, but of *prescription*. It is not a science of what is or was, but of what *ought* to be.

All our desires may be generalized as desires to substitute a more satisfactory state of affairs for a less satisfactory state.

For men find that they best promote their own interests in the long run not merely by refraining from injuring their fellows, but by cooperating with them. Social cooperation is the foremost means by which the majority of us attain most of our ends.

### Social Cooperation

The aim of each of us is to maximize his own satisfaction; and each of us recognizes that his satisfaction can best be maximized by cooperating with others and others cooperate with him.

The great means of social cooperation is the division of labor. The division of labor enormously increases the productivity of each of us and therefore the production of all of us.

## **The voluptuary's fallacy**

There is no irreconcilable conflict between the interests of the individual and those of society. If there were, society could not exist. Society is the great means through which individuals pursue and fulfill their ends. For society is but another name for the combination of individuals for cooperation. It is the means through which each of us furthers the purposes of others as an indirect means of furthering his own. And this cooperation is voluntary. It is only collectivists who assume that the interests of the individual and of society (or the State) are fundamentally opposed, and that the individual can only be led to cooperate in society by Draconian compulsions.

## **The ascetic's fallacy**

But ascetics, by a confused association, conclude that the restraint, deprivation, sacrifice, or pain that must sometimes be undergone in the present for the sake of the future, is something virtuous and praiseworthy for its own sake.

## **The need for general rules**

It is the results of previous human experience that have framed our traditional moral rules. When the individual is asked merely to follow some accepted rule, the moral burdens put upon him are not impossible. The pangs of conscience that may come to him if his action does not turn out to have the most beneficent consequences are not unbearable. For not the least of the advantages of our all acting according to commonly accepted moral rules is that our actions are *predictable* by others and the actions of others are predictable by us, with the result that we are all better able to cooperate with each other in helping each other to pursue our individual ends.

## **Ethics and law**

The essential requirements of law have seldom been better described than by F. A. Hayek in *The Constitution of Liberty*. It must be free from arbitrariness, privilege, or discrimination. It must apply to all, and not merely to particular persons or groups. It must be certain. It must consist in the enforcement of known rules. These rules must be general and abstract rather than specific and concrete. They must be so clear that court decisions are predictable. In brief, the law must be certain, general, and equal. "The true contrast to a reign of status is the reign of general and equal laws, of the rules which are the same for all."

As John Locke put it: "The end of the law is, not to abolish or restrain, but to preserve and enlarge freedom.... For liberty is to be free from restraint and violence from others, which cannot be where there is no law."

## **Traffic rules and moral rules**

One of the purposes of traffic rules, like one of the purposes of all law and all morals, is to learn how to *keep out of each other's way*.

"The problem of the law is to keep conscious free-willing beings from interference with each other. It is so to order them that each shall exercise his freedom in a way consistent with the freedoms of all others, since all others are to be regarded equally as ends in themselves.

## **Egoism, altruism, mutualism**

What we condemn, in brief, is not the pursuit of self-interest, but only the pursuit of self-interest at the *expense* of the interests of others.

A society in which each worked for *exclusively* for the good of others would be an absurdity. The most successful society would seem to be one in which each worked *primarily* for his own good while always *considering* the good of others whenever he suspected any incompatibility between the two.

It is a confusion of thoughts to think that ethics consists of the rules that "society" imposes on the "individual." Ethics consists of the rules that we all try to impose *on each other*.

If we are to frame a workable and acceptable moral rules, we must imaginatively look at each hypothetical or real situation from all three standpoints-that of the Agent, that of the Patient, and that of the Impartial Observer.