



**NAMIBIA UNIVERSITY  
OF SCIENCE AND TECHNOLOGY**

**FACULTY OF COMMERCE, HUMAN SCIENCE AND EDUCATION**

**DEPARTMENT OF COMMUNICATION AND LANGUAGES**

<b>QUALIFICATION: BACHELOR OF COMMUNICATION</b>	
<b>QUALIFICATION CODE: 07BCMM</b>	<b>LEVEL: 7</b>
<b>COURSE CODE: LEC721S</b>	<b>COURSE: LEGAL AND ETHICAL ISSUES IN COMMUNICATION</b>
<b>SESSION: NOVEMBER, 2023</b>	<b>PAPER: (PAPER 1)</b>
<b>DURATION: THREE HOURS</b>	<b>MARKS: 100</b>

<b>FIRST OPPORTUNITY EXAMINATION QUESTION PAPER</b>	
<b>EXAMINER</b>	<b>DR C PEEL</b>
<b>MODERATOR</b>	<b>Ms EMILY M. BROWN</b>

<b>INSTRUCTIONS</b>
1. Answer ONE question from <i>Section A</i> , and TWO QUESTIONS from <i>Section B</i> . 2. Read all the questions carefully before answering them. 3. Indicate whether you are a FT, PT, or DE student.

**THIS EXAMINATION QUESTION PAPER CONSISTS OF 4 PAGES (Including this front page)**

**SECTION A:**

**Section A consists of one compulsory question. ALL CANDIDATES MUST ATTEMPT THIS QUESTION. You may NOT substitute this question with a question of your choice.**

**Question 1**

**50 marks**

Sigmund Freud wrote in his published 1930 work, *Civilisation and its Discontents*, that

Men are not gentle creatures...they are, on the contrary, creatures among whose instinctual endowments is to be reckoned a powerful share of aggressiveness. As a result, their neighbour is for them not only a potential helper or sexual object, but also someone who tempts them to satisfy their aggressiveness on him...*Homo homini lupus*.

- (a) What significance does Freud's statement hold in arguing for the necessity of legal and ethical codes in modern societies?.....8 marks
- (b) Describe two examples, preferably published and verified, of cases or persons that demonstrate Freud's statement to be true in respect of a human's wickedness toward fellow-humans.....6 marks
- (c) Define Ethics and, with the use of relevant examples, apply your definition to (i) group standards; and (ii) individual norms.....6 marks
- (d) In your own words, explain the difference between Ethics and Law. Marks for sub-question (d) will be awarded as follow:
  - 1. Explanation of statutory law.....5 marks
  - 2. Explanation of common law/case law.....5 marks
  - 3. Explanation of customary law.....5 marks
  - 4. Explanation of how Ethics differs from each of the categories of law.....15 marks

**SECTION B.....Please Turn Over**

**SECTION B: ANSWER TWO QUESTIONS ONLY**

**Question 2**

**25 marks**

Determine the circumstances under which a judge or presiding officer may make the following orders in court or other judicial proceedings, and explain how each order might affect public commentary and media coverage of the proceedings:

- (a) A directive to conduct the proceedings, in whole or in part, *in camera*. (5 marks)
- (b) A directive to protect the identity of one or more of the witnesses  
from media-exposure (5 marks)
- (c) A ruling that holds a journalist in contempt of court. (5 marks)
- (d) An order to deny permission to film court proceedings. (5 marks)

**Question 3**

**25 marks**

With reference to relevant examples, distinguish between *law* and *public policy*. On what moral basis are the governed expected to adhere to both law and public policy? Marks will be apportioned as follows:

- 1) Definition of law, with one example.....5 marks
- 2) Definition of public policy, with one example..... 5 marks
- 3) Distinction between law and public policy..... 5 marks
- 4) Demonstration of the benefits of the “moral right to govern” and the responsibilities of citizens.....10 marks

**Question 4**

**25 marks**

In order to illustrate which privacy rights should be statutorily protected, list six categories of public disclosure of private and embarrassing facts which can be pursued by a civil lawsuit or a public prosecution in court. Give one example for each category. Marks will be apportioned as follows:

(a) Six categories of public disclosure of private and embarrassing facts.....12.5 mks

(b) One example for each category.....12.5 mks

**Question 5**

**25 marks**

For a claim of defamation to succeed, which six factors need to be proved by the plaintiff? (12 marks). Justify, with one example for each factor, the importance of each factor in establishing the injury to the plaintiff. (13 marks)

**End of Examination Question Paper**

**Total: 100 marks**