



**PAMIBIA 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: 07BACO</b>	<b>LEVEL: 7</b>
<b>COURSE CODE: LEC 721S</b>	<b>COURSE NAME: LEGAL AND ETHICAL ISSUES IN COMMUNICATION</b>
<b>SESSION: NOVEMBER 2022</b>	<b>PAPER: (PAPER 1)</b>
<b>DURATION: TWO HOURS</b>	<b>MARKS: 50</b>

<b>FIRST OPPORTUNITY EXAMINATION QUESTION PAPER</b>	
<b>EXAMINER(S)</b>	Dr C PEEL, MR T ASINO
<b>MODERATOR:</b>	Dr. M NASSOR

<b>INSTRUCTIONS</b>	
<ol style="list-style-type: none"><li>1. Answer TWO questions only.</li><li>2. Read all the questions carefully before answering them.</li><li>3. Indicate whether you are a FT, PT, or DE student.</li></ol>	

**THIS QUESTION PAPER CONSISTS OF \_5\_ PAGES (Including this front page)**

**QUESTION 1**

LEC

**25 MARKS**

With the aid of well-explained, relevant examples, define and distinguish between folkways, taboos, and laws.

**QUESTION 2****25 MARKS**

- (a) Explain and justify the necessity of civil discourse in any society, using at least one example (12.5 marks)
- (b) Outline the 11 contrasting features of civil and uncivil discourse. Critique each contrast, and provide examples in each case. (12.5 marks)

**QUESTION 3****25 MARKS**

- (a) Explain, according to your understanding of how Ethics is defined, whether or not it provides a different standard of restricting human behaviour than statutory law. 5 marks
- (b) Apply appropriate ethical standards **and** legal statutes (one each) to correct wrongful practice in each of the following examples:
  - i. A message posted on a WhatsApp group alleging that a member of that group has defrauded a public company 10 marks
  - ii. A video posted online which shows recognizable members of a university sports team changing and showering in the changing rooms of a sports ground. 10 marks

**QUESTION 4****25 MARKS**

With the use of appropriate industry examples, distinguish between a code of conduct and a code of ethics. Which would you prefer to implement, and why?

Your answer should include:

- (a) Definition of the two codes, and how to distinguish one from another (2x2=4).
- (b) Which of the two codes would you prefer for your business or your own practice? Justify your preference by articulating the strength of your choice in comparison with the type of code you would not prefer. (4.5+4.5 = 9)
- (c) Draft a media/communication industry code of conduct and a code of ethics – one each, with a minimum of five guidelines apiece. (2x6=12).

In his determination of a lawsuit brought by the First Lady of Namibia against an opposition politician (*Geingos v Hishoono*), a Windhoek High Court judge, Justice Sibeya, observed, in part, that:

- “The right for human dignity is entrenched in our Constitution which provides that:

‘Article 8 Respect for Human Dignity  
The dignity of all persons shall be inviolable...’  
(cited in sub-section 38, *Geingos vs Hishoono*);

- “The constitution is the law which all other laws, common law and statutory laws, must conform to. The constitution is therefore the point of departure in a quest to protect the fundamental rights and freedoms (sub-section 44, *Geingos v Hishoono*).
- “It follows from the above Constitutional provisions and interpretation that where one’s dignity is violated through defamatory statements, the protection provided for in the Constitution cannot be sidestepped. The Constitution, in my view, is the starting point to enforce the guarantee provided for therein, including the guarantee that human dignity shall be inviolable. Damages sustained as a result of the violation of human dignity, including damages arising from defamation, may be awarded to the injured party (sub-section 45, *Geingos v Hishoono*).
- “Reputation and dignity are two distinct concepts. Reputation, as stated before, constitutes the perception and good name of a person in the eyes of the community. Dignity which is inviolable, as per the Constitution, is a given. Everyone has it for inherently being human and cannot be taken away. The right to life, would mean less, without respect for human dignity. That is the magnitude of dignity. Respect for reputation and dignity of others is a requirement of law with consequences for defaulters (sub-section 47, *Geingos v Hishoono*).
- “The training, work experience and accolades of the plaintiff set out herein above are not in dispute and are adorable by any standard. They are accolades which deserve to be celebrated. People must be encouraged to take pride and celebrate in the successes of fellow citizens and any attempts to tarnish the image of such persons must be rebuked in the strongest words” (sub-section 48, *Geingos v Hishoono*).

## Conclusion

- The video recording which was politically motivated, is, in the premises, defamatory and injured the plaintiff in her good reputation, violated her dignity together with that of her family, including the children. I find that the plaintiff proved that she sustained damages arising from the aggravated defamation caused to her good reputation and dignity should therefore be entitled to an increased award (sub-section 65, *Geingos v Hishoono*).
- The plaintiff, the First Lady, is a public figure who has accomplished successes in the business field. She is a woman of independent thinking who led several companies and institutions. She has been engaged in projects aimed at poverty alleviation in Namibia. Her efforts have not gone unnoticed domestically in Namibia and internationally. Her good reputation deserves protection from being trampled on. Her dignity and that of her family is inviolable (sub-section 72, *Geingos v Hishoono*).

## The nature of the words used

- The defamatory statements made by the defendant were barbaric to say the least. The defendant attempted to justify his defamatory statements during pleadings which demonstrated further defamation with a conscious, clear as day, that the defamatory statements made, were politically motivated. His motive was therefore to score cheap political points at the detriment of the plaintiff and her family (sub-section 73, *Geingos v Hishoono*).

### **ASSIGNED QUESTION AND SUB-QUESTIONS:**

Critically respond to the sub-questions below, relating your answers to the statements quoted above from Justice Sibeya's judgement, particularly those that you consider to address the sub-questions (***N.B.: The candidate is required to quote from, and cite, the relevant statements***). Arrange your answers in the order of the sub-questions below.

- (a) Explain how the court found Hishoono's content and actions to have injured

the First Lady's dignity.

[5 marks]

- (b) The Constitution is a country's supreme law. Explain in your own words how Justice Sibeya's judgement underlines this fact. Explain also how you understand the supreme law to relate to other categories of law in the land. Name and describe those categories. [6 marks]
- (c) Analyse in your own words the judge's distinction between "reputation" and "dignity". Why would you agree with that distinction? [2 marks]
- (d) The judge's comments placed significant weight on the achievements and status of the plaintiff, not only as the country's First Lady, but as an entrepreneur and philanthropist in her own right. Discuss the "good name and reputation" as an aggravating factor of reputation damage in cases where the injury was undeserved. [5 marks]
- (e) Identify five elements of defamation which would lead to a lawsuit's success, and explain how these elements relate to the findings of the court in the *Geingos v Hishoono* case. [7 marks]

**End of Examination Question Paper**

**Total: 50 marks**



NAMIBIA  
UNIVERSITY  
OF SCIENCE AND  
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P/Bag 13388  
Windhoek  
NAMIBIA

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DEPT: TECHNICAL AND VOCATIONAL  
EDUCATION AND TRAINING