

FINAL EXAMINATION, Fall 2015
CULTURE, ETHICS, AND ADMINISTRATIVE RESPONSIBILITY
Murray J Leaf UTD

It should be possible to answer these in about two hours of writing, with 6 to 8 pages (less than one page for most questions). Be sure to read over what you say and edit it.

Number your answers and follow the order of the questions.

The exams are due in my office by December 11, 7 pm. Also, send me a digital copy by email or provide one on disk. If you only send me the digital copy, tell me so in the email and I will print it out. As with the midterm, you should not be able to answer any question by simply quoting something from the readings or your notes (or the internet). The questions ask you to digest the material and then provide your own analysis in your own words. Total points are 100.

1. Identify three different rights advocated in the Universal Declaration of Human Rights, each of which supports or embodies a different principle in Kant's argument in the Groundwork. Briefly explain the connection in each case. (20 points)

2. Holmes says that we should never confuse law and morals, even though the law draws much of its language from morals. He also says that the law represents "the moral development of the race." Pound, in "Law and Morals," says in the concluding paragraph that "Legal precepts sometimes are and perhaps sometimes must be at variance with the requirements of morals. Yet such a condition not something of which the jurist is to be proud. It is not a virtue in the law to have it so. Nor are such conditions required, in a certain number, in order to demonstrate that law is one thing and morals another." Do Holmes and Pound actually disagree on the relationship between law and morals? Why or why not? (20 points)

3. In his Letter from Birmingham Jail, Martin Luther King gives a long list of behaviors required by laws then in force that were morally unacceptable. One of these was making a man have to tell his "six-year-old daughter why she cannot go to the public amusement park that has just been advertised on television."
 - a. Why is this immoral in terms of Kant's analysis. (10 points)
 - b. He also mentions Aquinas. Would Aquinas agree with the reasoning of your answer to sub-question a? Why or why not? (10. points)

4. Grotius considers "stratagems" and considers some lawful and some not lawful. Which are not lawful and why? Although Kant wrote 200 years after Grotius, they are in the same legal tradition. How can you relate Grotius idea of what is lawful to Kant's idea of what is moral? (20 points)

5. Two parts. The Congress established the national Labor Relations act by invoking its powers under the commerce clause.
 - a. Opponents of the National Labor Relations Act argued that it interferes with the right of contract. What is the response in the law to this criticism? (10 points)
 - b. The Congress established the National Labor Relations Board to enforce the act as administrative law. Why did it not leave adjudication to the regular courts? (10 points)