

**You may answer these questions in English as well in Dutch**

Be concise. If the maximum number of words is exceeded, the answer will be read and assessed, but will result in a deduction of the total number of points of 20%.

**Knowledge questions (30 points in total)**

1.a) What does Rawls mean with the 'veil of ignorance'? Why does he need this concept in his theory? (5 points, max. 50 words)

Answer: Behind the "veil of ignorance" people are placed in the Original Position. In this imaginary situation people have no knowledge about the characteristics of their situation in real life. Due to that they are able to formulate the principles that make a society just.

1.b) Give the second formulation of Kant's Categorical Imperative. (5 points, max. 50 words)

Answer: Treat humanity not solely as a means but also as an end in itself.

1.c) Explain briefly the difference between the contract theory and the stakeholder theory. With what model is Freeman associated? (5 points, max. 50 words)

Answer: Both theories are about corporate responsibility. The stakeholder theory states that the corporation has a responsibility towards its stakeholders. The corporation is an entity that is different from the stakeholders. The (social) contract theory perceives the corporation as the result of a social contract. The corporation *is* the cooperation of the involved people. Responsibility means acting in line with the principles formulated in the social contract. Freeman developed the stakeholder theory.

1.d) What does the term telos mean? Explain this by referring to MacIntyre's conception of a practice. (5 pts, 50 words)

Answer: Telos means (internal, immanent or intrinsic) goal. MacIntyre uses the concept of practice to describe a coherent form of cooperation in society that is defined by an internal or intrinsic goal. For instance fair competition in sports. This intrinsic goal directs the actions of the individuals that participate in the practice.

1.f) Ethical theories are developed to assess individuals. Why is it acceptable to hold a corporation responsible for the unacceptable effects of its actions? (5 points, max. 50 words)

Answer: It is possible to hold a company morally responsible for the effects of its behavior because a company can act in a secondary sense (individual employees and managers perform the physical action -the primarily act- but the corporate act is the meaning of that action – act

in a secondary sense) and acts knowingly and willingly. This action is guided by a strategy or policy and by the culture of the company.

1. g) What six stages of moral development does Kohlberg recognizes? (5 points, max. 50 words)

- Pre-conventional
  - o Obedience and punishment
  - o Self interest
- Conventional
  - o Conformity to social norms
  - o Obey the laws/respect authority
- Post-conventional
  - o Social contract
  - o General welfare

### Application questions (30 points in total, max. 300 words in total)

#### 2. Question 2: The Antique Dealer case

During the second lecture we discussed the Antique Dealer-case. We used this case as an introduction to the fundamental ethical theories.

a. Reconstruct the Antique Dealer-case briefly (3 points)

Crucial elements in the structure of the case description are:

Farmer helps antique dealer with broken car. Is nice to him. For the antique dealer it is clear that the farmer doesn't recognize the value of the antique closet. He offers the farmer a fragment of its value. He suggest that he is doing something back and wants to help the farmer. The question is: Is this a clever business man or a crook.

b. How would you analyze the Antique Dealer-case based upon a utilitarian argumentation? Do you perceive this as a convincing argument? (6 points)

Utilitarianism states that you have to act in such a way that it leads to the greatest happiness for all the involved people. Here: the happiness of the antique dealer, the farmer and the customer. You might say: everybody is better off.

Assessment: Possible answers:

- This theory is fit for situations where you have to decide for a large number of people.

- The utilitarian argument could also lead to a critical position against the action of the antique dealer. What happens with the happiness of the farmer when he visits the shop of the antique dealer and sees the prize that the antique dealer is making for the cabinet.

- How to cope with rights and fairness arguments?

c. How would you analyze the Antique Dealer-case based upon the deontological perspective of Immanuel Kant? Do you perceive this as a convincing argument? (6

points)

According to deontology/Kant are the effects of an action irrelevant for the moral assessment of it. For Kant an action is right when it passes the test of the categorical imperative. Here the second formulation would be applicable: act in such a way that you never treat humanity in the person of another or yourself as solely an instrument. You need to treat a human being also as an end in itself. Here the antique dealer treats the farmer as an instrument solely for his own profit.

Is this convincing? An important issue is whether the farmer has the right on the information/knowledge that the antique dealer has? In professional situations you might ask from the antique dealer to advice to ask for a second opinion. In this way the transaction becomes a fair transaction.

- d. How would Albert Carr ("Is Bluffing Ethical?") understand the behavior of the antique dealer? (3 points)

He perceives it as part of a game. Business is a game. Here you should apply others norms.

- e. Is the argumentation of Carr convincing? Why? If not: How would you criticize the point of view of Carr? (6 points)

It is an attractive way of thinking. It helps you to understand the relevance of the business context. However, the consequence is that in business you need to apply different moral norms. You may at least expect that all the involved persons are aware that they are in a game and that they have knowledge about the rules of the game.

- f. How would you analyze the Antique-Dealer-case based upon a Virtue Ethical analysis. Do you perceive this as a convincing argument? (6 points)

Virtue ethics is assessing the character of the person and the character of the relationship into account. A crucial aspect in the antique dealer case is the role of trust. The farmer trust the antique dealer because he has helped him. Now the antique dealer suggest to do something back. The antique dealer is misusing the trust of the farmer. This says something about the relationship between the buyer and the seller. Virtue ethics also assesses the characteristics of the person involved. Is this the type of person that you would like to be? Is this type of person a model for the whole antique sector?

Own vision:

- Yes this is convincing because it makes clear that in business you also need to think about the consequences for the sector, the personality that you develop.

- No this is not convincing. Business is about transactions and not about relationships.

(30 points, max. 300 words)

### Insight questions (40 points in total, max 300 words in total)

3. Question 3:

According to this news item the UK considers a virus-tracing app to combat the Corona pandemic. The health experts show much interest. The UK has high standards of safety and does everything in its power to stop the pandemic. At the same time, there are all kinds of concerns. Including the issue of privacy. The government realizes that this involves at least one and even more moral dilemmas. The governmental health specialist consult you as ethics expert and ask you to write assess the introduction of this Corona-app from a moral perspective and to formulate an advice whether it is from a moral perspective advisable (or perhaps even a duty for the government) to introduce this app.

- a. They explicitly desire an argumentation based upon at least the four commonly accepted ethical theories. (20 points)
  - b. Your argumentation includes a balancing of the different ethical theories. (10 points)
  - c. Discuss also (neo)liberalism as a 'paradigm'. Show the strong as well as the weak sides of this paradigm. (10 points)
- (Max 400 words in total)

The Corona app is about the possible violation of the privacy of the user of the app. At the very least you should have a (somewhat) defined concept of privacy and thought about how the various theories understand this concept.

Privacy implies the right to respect for privacy. Others may not "enter" that sphere of life without the consent of the person concerned.

In the Netherlands, this right to privacy is defined in Article 10 of the Constitution: "Everyone has the right to respect his privacy, unless restrictions are imposed by the law." Other laws contain rules about what is and is not allowed in the context of privacy. The most important is the General Data Protection Regulation (GDPR in Dutch GVA). This law states, among other things, what your rights are with regard to your own personal data. For example, the right to see what information about you is available at different organizations.

Violation of this right to privacy includes posting photos on websites or in the newspaper without the consent of the data subject.

1. Possible answer: Utilitarianism focusses on the greatest happiness for the greatest number of people. With this app we can go more out and less people will get Corona, so utilitarianism would be in favour of the use of this app. A concept such as privacy has no value in utilitarianism. Utilitarianism cannot deal with concepts such as rights and justice. Rights are central to deontology. It is really a difficult dilemma for deontology: for a deontologist the issue around the use of the corona app concerns the right to protection of life (the right to health) and the right to privacy. In general, a deontological approach

will choose in favour of the right to privacy. On the other hand, there is also the duty of people who feel sick, to stay at home. In any case, the deontologist will opt for the voluntary use of the App.

Virtue ethics and communitarianism focus on the values that are held high in society. This approach is about the proper functioning (flourishing) of the community and the good life of people within that community. Privacy is primarily aimed at protecting the individual from the community. Individual values are therefore of paramount importance in this. Individual privacy is less important to the virtue ethics or communitarianism than the health of people and the flourishing of the community. Communitarianism would also recognize the insidious development towards a surveillance society and would criticize this.

2. Possible answer: If we balance all four theories, that is, if we want the least sick due to Corona, move freely around and have a healthy economy while preserving individual rights and protecting people's dignity and a community that flourishes where people enjoy the good life then it is morally wise to temporarily use this app. It is also important that the use of the App is voluntary and temporally. The violation of privacy rights is then an individual choice and is temporary and is offset by the protection of human life, the freedom to go where you want, economic development and a community that returns to normal as soon as possible. Your answer makes clear that you balance theories/arguments.
3. Possible answer: (Neo) liberalism stands for freedom for the individual. Neo-liberalism thinks that this can best be guaranteed on the market: market freedom. Neoliberals think in terms of negative freedom: others should not interfere with your sphere. This form of freedom has to do with property, freedom of expression and, for example, privacy. Neoliberals see it as the task of the government not to interfere in the private sphere (market, private life, etc.) and to prevent others from doing so (police, army). Liberals often use the concept of positive freedom. Inequality leads to a lack of freedom. The government has a duty to correct this. The distinction between liberalism and neo-liberalism has to do with the different meanings of the concept of freedom. Liberals accept a government that corrects the negative effects of the market.  
A strong aspect of liberalism and neoliberalism is the recognition of the privacy of individuals. This is the best guarantee against the creation of a surveillance society. A weak point is that the emphasis on individualism and an absolute recognition of the private sphere of the individual leads to inequality and the need for a strong government.