

ATP 105 VIRTUAL CLASS TOPIC 2: ABOUT THE ATP 105 COURSE

KSL ATP 105 2015 VIRTUAL CLASS PROFESSIONAL ETHICS AND RESPONSIBILITY

LECTURER

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LEARNING RESOURCES

Reading

1. Philosophy from Wikipedia
2. Dr Tom Namwamba : Ethics a philosophical inquiry
3. Murray, Patrick Eoghan. "Constitutional Challenges to Gender-Restrictive School Dress Codes in the Ninth Circuit." *The Modern American* 8, no. 1 (2013): 18-28.
4. Andrew Barney Khakula v Law Society Of Kenya & Another[2013]eKLR
5. LSK dress code 2013
6. KSL dress code 2014

Self-Assessment

Attempt the sample exam question on dress codes. This is an excerpt from the July 2015 bar examination. Go beyond the scope of the answer and use philosophical arguments to justify the positions you take.

Topic 2 Introduction to philosophy

Topic description

In this topic, we introduce the subject of philosophy. We distinguish between philosophy and other forms of inquiry. Philosophy can be unapologetically abstract and theoretical and so as we seek to explain the relevance of the study of philosophy in the study of professional ethics. Because it is not

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practicable, and indeed unwise, to delve into the topic of philosophy with detail, a few of the basic terms and concepts in philosophy are discussed in just enough detail to enable you use them in a discussion on professional ethics .

Topic objectives

By the end of this topic, you should be able to

1. Define the term 'philosophy'
2. Distinguish between philosophy and other forms of inquiry
3. Discuss various concepts of philosophy
4. Distinguish between different philosophical traditions
5. Use certain terms and concepts in philosophy to discuss issues in professional ethics
6. Demonstrate the practical utility of studying philosophy by discussing the LSK dress code using the theories, concepts and methodology of philosophy

Philosophy defined

The word "philosophy" comes from the Ancient Greek φιλοσοφία (philosophia), which literally means "love of wisdom". The introduction of the terms "philosopher" and "philosophy" has been ascribed to the Greek thinker Pythagoras. Philosophy is the study of general and fundamental problems, such as those connected with reality, existence, knowledge, values, reason, mind, and language. In more casual speech, by extension, "philosophy" can refer to "the most basic beliefs, concepts, and attitudes of an individual or group."¹

A philosophy is therefore a comprehensive system of ideas about human nature and the nature of the reality we live in. From the foregoing we can see philosophy either as;

- a) An academic discipline
- b) A set of views

When considered as an academic discipline, 'philosophy' is the study of the fundamental nature of knowledge, reality, and existence. But it can also be seen as a set of views and theories of a particular philosopher concerning such study or an aspect of it. In this respect philosophy can refer to "the most

¹ <http://en.wikipedia.org/wiki/Philosophy> Extracted 11th February 2014

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basic beliefs, concepts, and attitudes of an individual or group". In this course the term philosophy will be used in either or both respects depending on the context.

Philosophy distinguished from other forms of inquiry

The two major forms of inquiry are-

- a) Science;
- b) Philosophy; and
- c) Religion.

The distinction is a methodological one. Philosophy, as has been explained, can also be seen as a method of inquiry. Philosophy is distinguished from other ways of addressing problems by its critical, generally systematic approach and its reliance on rational argument. Philosophy is distinguished from other ways of addressing the problems it seeks to address by:-

- a) Its critical, generally systematic approach and;
- b) Its reliance on rational argument
- c) Its rejection of dogma

Philosophy distinguished from science

The history of the modern sciences begins with philosophical inquiries, and the scientific method of experimentation and proof remains an instance of the general approach that a philosopher tries to bring to a question: one that is logical and rigorous.

However, while today the sciences focus on specialized inquiries in restricted domains, the questions addressed by philosophy remain the most general and most basic, the issues that underlie the sciences and stand at the base of a worldview

Philosophy distinguished from religion

Religions differ from philosophies not in the subjects they address, but in the method they use to address them. Religions have their basis in mythic stories that pre-date the discovery of explicitly rational methods of inquiry. Many religions nowadays appeal to mystical faith and revelation—modes of belief that claim validity independent of logic and the scientific method, at least for the biggest questions. But most religions are in their origins pre-rational rather than anti-rational

Fields of Philosophical inquiry

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Those who study philosophy are perpetually engaged in asking, answering, and arguing for their answers to life's most basic questions. To make such a pursuit more systematic academic philosophy is traditionally divided into major areas of study.

- a) Metaphysics (the theory of reality).
- b) Epistemology (the theory of knowledge)
- c) Ethics (the theory of moral values)
- d) Politics (the theory of legal rights and government)
- e) Aesthetics (the theory of the nature of art)

Metaphysics

At its core the study of metaphysics is the study of the nature of reality, of what exists in the world, what it is like, and how it is ordered. In metaphysics philosophers wrestle with such questions as:

- a) Is there a God?
- b) What is truth?
- c) What is a person?
- d) Is the world strictly composed of matter?
- e) Do people have minds? If so, how is the mind related to the body?
- f) Do people have free wills?
- g) What is it for one event to cause another?

Idealism and realism

Idealism is the belief that reality is mentally constructed or otherwise immaterial. Realism holds that reality, or at least some part of it, exists independently of the mind

Epistemology

Epistemology is the study of knowledge. It is primarily concerned with what we can know about the world and how we can know it.

Typical questions of concern in epistemology are:

- a) What is knowledge?
- b) Do we know anything at all?
- c) How do we know what we know?

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d) Can we be justified in claiming to know certain things?

There are three theories of epistemology

- a) Skepticism
- b) Rationalism
- c) Empiricism

Skepticism

Regress argument

Münchhausen Trilemma

Infinitism

Foundationalism

Coherentism

Rationalism

Rationalism is the emphasis on reasoning as a source of knowledge. Rationalism claims that every possible object of knowledge can be deduced from coherent premises without observation. Knowledge is acquired *apriori*

Empiricism

Empiricism is the emphasis on observational evidence via sensory experience over other evidence as the source of knowledge. Empiricism claims that at least some knowledge is only a matter of observation. For this, Empiricism often cites the concept of *tabula rasa*, where individuals are not born with mental content and that knowledge builds from experience or perception. Knowledge is acquired *aposteriori*

Epistemological solipsism

Epistemological solipsism is the idea that the existence of the world outside the mind is an unresolvable question.

Idealism

Idealism is the belief that reality is mentally constructed or otherwise immaterial. Idealism, for example, is the belief that reality is mentally constructed or otherwise immaterial. 'Subjective idealism' describes objects as no more than collections or "bundles" of sense data in the 'perceive'. "To be is to be perceived or to perceive". Idealists tend to be rationalists and believe that knowledge can be acquired *apriori* as a product of mental processes.

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Realism is the philosophical position that reality exists independent of our perceptions. Realism holds that reality, or at least some part of it, exists independently of the mind. Realists tend to be empiricists and believe knowledge is acquired a posteriori, as a product of our sensory experiences.

Evidentialism and reliabilism

According to 'evidentialism', what makes a belief justified in this sense is the possession of evidence. The basic idea is that a belief is justified to the degree it fits the available evidence. According to 'reliabilism' what makes a proposition justified is a high objective probability of truth. This is accomplished if, and only if, a belief originates in reliable cognitive processes or faculties.

Theism and Atheism

The battle for the ultimate wisdom depicts a dichotomy between-

- a) Those who believe in God as the ultimate source of knowledge (theists);
- b) And those who believe only in the material world. (Atheists).

Theism is the belief in the existence of a supernatural being such as God who is the explanation for all phenomena which is both material and immaterial. Atheism denies the existence of a supernatural being and takes the position that all phenomena is material and can be explained empirically. Theists tend to be idealists and rationalists. Atheists tend to be empiricists and realists.

Although their reasons for believing or not believing vary, it's common for atheists and theists to also differ in what they consider to be appropriate criteria for truth and, therefore, the proper criteria for a reasonable belief. Theists tend to be much more willing to accept rationalism, believing that "truth" can be attained through revelations, mysticism, faith, etc. Theists tend to place primacy on the existence of mind (specifically: the mind of God) and argue that existence is more basically spiritual and supernatural in nature.

Theists commonly rely upon criteria like tradition, custom, revelation, faith, and intuition. Atheists, on the other hand, commonly reject these criteria in favor of correspondence, coherence, and consistency. Atheists tend to place primacy on the existence of matter and argue that the universe is material in nature.

Epistemology and the concept of 'Justified True Belief' (JTB)

As the study of justified belief, epistemology aims to answer questions such as-

- a) How we are to understand the concept of justification?
- b) What makes justified beliefs justified?
- c) Is justification internal or external to one's own mind?

As the study of knowledge, epistemology is concerned with the following questions:

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- a) What are the necessary and sufficient conditions of knowledge?
- b) What are its sources?
- c) What is its structure, and what are its limits?

There are three conditions that must be satisfied before we can say X knows that Y

- a) Knowledge requires Truth.
- b) Knowledge requires Belief.
- c) Knowledge Justification.

Logic

Another important aspect of the study of philosophy is the arguments or reasons given for people's answers to these questions. To this end philosophers employ logic to study the nature and structure of arguments. Logicians ask such questions as:

- a) What constitutes "good" or "bad" reasoning?
- b) How do we determine whether a given piece of reasoning is good or bad?

Logic is the study of the principles of correct reasoning. Fields in logic include mathematical logic (formal symbolic logic) and philosophical logic. Arguments use either deductive reasoning or inductive reasoning

Deductive and inductive reasoning

Deductive reasoning is when, given certain statements (called premises), other statements (called conclusions) are unavoidably implied

Inductive reasoning makes conclusions or generalizations based on probabilistic reasoning. For example, if "90% of humans are right-handed" and "Joe is human" then "Joe is probably right-handed". Fields in logic include mathematical logic (formal symbolic logic) and philosophical logic

Syllogism

A common convention for a deductive argument is the syllogism. An argument is termed valid if its conclusion does indeed follow from its premises, whether the premises are true or not, while an argument is sound if its conclusion follows from premises that are true

Politics

Political philosophers

- a) Plato

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- b) Aristotle
- c) Niccolò Machiavelli
- d) Thomas Hobbes
- e) Jean-Jacques Rousseau
- f) John Locke
- g) Adam Smith
- h) David Hume
- i) Keynes
- j) Karl Marx and Friedrich Engels

Aesthetics

Aesthetics deals with beauty, art, enjoyment, sensory-emotional values, perception, and matters of taste and sentiment

Discipline specific philosophy

Philosophical questions arise in almost every discipline. This is why philosophy also encompasses such areas as

- a) Philosophy of Law
- b) Philosophy of Feminism
- c) Philosophy of Religion
- d) Philosophy of Science
- e) Philosophy of Mind
- f) Philosophy of Literature
- g) Political Philosophy
- h) Philosophy of the Arts
- i) Philosophy of History
- j) Philosophy of Language
- k) Philosophy of education

Philosophical traditions

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- a) Pragmatism
- b) Phenomenology
- c) Existentialism
- d) Structuralism and post-structuralism
- e) The analytic tradition
- f) Applied philosophy