

Morality

LEGAL CONCEPTS

WHAT IS MORALITY?

- ✘ Morality refers to that which might render an action right or wrong: “goodness” “rightness”
- ✘ The standard of moral conduct is determined by religious, cultural, or other societal beliefs
- ✘ Ex: The Ten Commandments
- ✘ Our laws are reflective of the values of the community

POSITIVE LAW

- ✘ Human-made laws
- ✘ Positivists believe that the standard of morality is subjective
- ✘ Positivists argue that the connection between law and morality is arbitrary
- ✘ Criminal law is ineffective and expensive way to *impose* moral values

NATURAL LAW

- ✘ System of law that is determined by nature, and so is universal
- ✘ Argues that morality and the law are inextricably joined
- ✘ Naturalists believe that the law must be concerned about private matters as well as public

RANIA EL-ALLOUL

- ✘ Quebec Judge Eliana Marengo refused to hear the case of a Muslim woman because she was wearing a hijab
- ✘ Judge Marengo cited Article 13 of the Court of Quebec that the courtroom is a secular place
- ✘ “hats and sunglasses for example, are not allowed. And I don’t see why scarves on the head would be either...the same rules need to be applied to everyone”



MORALITY AND LAW

- ✘ Article 13 of the regulations of the Court of Quebec states: “Any person appearing before the court must be suitably dressed”
- ✘ Not only is morality subjective, but laws are also open to interpretation



NICCOLO MACHIAVELLI

- ✘ A philosopher who believed that virtue and morality are shaped by power.
- ✘ “The end justifies the means”
- ✘ “Politics have no relation to morals”
- ✘ “It is better to be feared than loved by the people”



VISUAL REPRESENTATION

- ✘ A near perfect Machiavellian: Frank Underwood
- ✘ <https://www.youtube.com/watch?v=9NaFt3XcbfW>



MACH-IV (TEST OF MACHIABELLIANISM)

- ✘ High Machs
- ✘ Low Machs
- ✘ Is it possible to use morality as our guide to create laws?
- ✘ <http://personality-testing.info/tests/MACH-IV.php>

SHOULD YOU KILL A FAT MAN

- ✘ <http://www.philosophyexperiments.com/fatman/>
- ✘ After taking the test, answer the following questions
- ✘ 1) How consistent was your morality and the actions you've taken?
- ✘ 2) In your opinion, did morality serve as a guide for your actions or was your morality compromised in making your decision to act?

CRIMINAL CODE

- ✘ Public morality
- ✘ How do we regulate acceptable behaviour?
- ✘ Part V Sexual Offences, Public Morals and Disorderly Conduct
- ✘ Section 150-162
- ✘ Sexual exploitation, incest, bestiality, sexual intercourse with the minors