

LAW AND MORALS

1. Definition of	
“Law”	“Morals”
The body of rules which are recognised as binding among the people of a community or state, so that they will be imposed upon and enforced among those persons by appropriate sanctions (adapted from LB Curzon, <i>Dictionary of Law</i>).	Morals are beliefs and values which are shared by a society, or a section of society; they tell those who share them what is right or wrong (Elliott & Quinn, <i>Law for AQA</i> , p640).

Complete the following table by listing differences between law and morals:

2. Comparison of	
Law	Morals

3. Problems in identifying the “moral values of society”	
Mary Warnock (academic)	Durkheim (French sociologist)
<p>Some people, at some time, may regard things as matters of moral right or wrong, which at another time or in another place are thought to be matters of taste, or indeed to be matters of no importance at all.</p> <p>Moral attitudes tend to change over time, eg cohabitation, homosexuality and women’s liberation.</p>	<p>In a modern, developed society it is difficult to pinpoint a set of moral values shared by all. Small tribal groups are likely to share a moral code, but a society such as our own, where individuals differ widely in social status, income, occupation, ethnic background and so on, its members are unlikely to share identical moral values, even if they largely agree on some basic points.</p>

4. Moral restrictions and legal rules (related to any area of law)
<p>Some areas of law have moral implications. For example:</p> <ul style="list-style-type: none">• Tort law, especially negligence, is built around the principle that those who harm others should compensate for the damage done; that as Lord Atkin noted in <i>Donoghue v Stevenson</i> (1932), the biblical principle of ‘love thy neighbour’ must include ‘do not harm your neighbour’.• Contract law, as Atiyah has pointed out, is based around the principle that promises should be kept. <p>Refer to the Hart–Devlin debate: should law reflect morality? Devlin believed, yes; Hart believed, No. Why?</p>

From the St. Brendan’s SFC notes, pp3-6 and 6-7, summarise the following points:

5. Examples of laws	
With moral content	Without moral content
<p>Murder –</p>	<p><i>Jones v Vernon Pools</i> (1938) –</p>

Theft –	<i>Buttle v Saunders</i> (1950) –
Punishment of Incest Act 1908 –	<i>Harries v Church Commissioners</i> (1992) –
Obscene Publications Act 1959 –	<i>R v Somerset CC ex parte Fewings</i> (1995) –
Race Relations Act 1966 –	<i>Nettleship v Weston</i> (1971) –
<i>Shaw v DPP</i> (1961) –	<i>R v Kingston</i> (1994) –
<i>R v R</i> (1991) –	
<i>R v Brown</i> (1994) –	

Summarise the following cases:

6. Examples of laws on debateable moral issues
<p><i>Gillick v West Norfolk Area Health Authority</i> (1986) –</p> <p><i>Airedale NHS Trust v Bland</i> (1993) –</p> <p><i>R v Human Fertilisation and Embryology Authority ex parte Blood</i> (1997) –</p> <p><i>R v Collins, ex parte S</i> (1998) –</p> <p><i>Re A (Conjoined Twins)</i> (2000) –</p> <p><i>Pretty v DPP</i> (2002) –</p>

7. Conclusion as to “how far” the law upholds moral values
<p>Your opinion:</p>