

ETHICS AND LAW

The nature of ethics comes from serious consideration and rational justification of moral decision making. Moral decision making are derived from moral ideas which come from family, society, education and human nature (Mann, Head p. 138) which is taken and considered critically to conclude certain ethics which is ultimately how laws are made however legal principles are not necessarily ethical principles (p. 143). There are three divisions in ethics which are metaethics, normative ethics and applied ethics.

Metaethics is the study of finding rules and values through moral beliefs, judgements and actions. It is a classification in western values that determines the origin or cause of right and wrong. Metaphysics or ontology enquires into fundamental nature of Things, Moral beliefs, Judgements, actions and appropriate means into discovering the truth of moral ideas, values, and rules. (p.142) Moral judgements are known apart from Obligation (what we should do), Value (what is good or valuable) or Virtue (the type of person we should be). A feature of moral judgements is universalisability which basically refers back to the golden rule, "treat others how you wish to be treated" (p.143-144) Deontological theorists' dispute that some actions are intrinsically right or good and that there are duties to respect the rights and autonomy of others as the intentions behind actions are equally important. (p. 143) If there are moral truths, an account of what makes moral truths true can be given in terms of a theory of value. Another way to put the fundamental meta-ethical issue is asking if there is value to be discovered. The ancient Greek philosophers Plato and Aristotle would say yes. While these ancients differ in their positive views about the good, they would all agree that goodness exists and is independent of the command of men or gods.

Normative ethics are the Fundamental rules, principles and values underlying and justifying moral judgements. They don't speak to specific actions, but do try to develop a working framework by which actions can be deemed ethical or unethical. Normative ethics is interested in determining the content of our moral behavior. Normative ethical theories seek to provide action-guides; procedures for answering the Practical Question ("What ought I to do?"). The moral theories of Kant is an example of normative theories that seek to provide guidelines for determining a specific course of moral action. Deontological normative ethical theories place the locus of right and wrong in autonomous adherence to moral laws or duties. Kant's theory is an example of a **deontological or duty-based** ethics (An action is moral when it is done out of duty, rather than consequences)- it judges morality by examining the nature of actions and the will of agents rather than goals achieved. People are praised or blamed for actions within their control, and that includes their willing, not their achieving. This is not to say that Kant did not care about the outcomes of their actions, Rather Kant insisted that as far as the moral evaluation of our actions was concerned, consequences did not matter. (p.159-161)

Applied ethics is the most practical as it is "about finding ways to apply general principles and ideas of ethical decision making" (p.165) - it identifies wrong and right actions in various fields of human interest. *Applied Ethics* attempts to deal with specific realms of human action and to craft criteria for discussing issues that might arise within those realms. The contemporary field of Applied Ethics (professional ethics) is not specifically what ethics are but somewhat regarded as "legally permissible behaviour" (p.165) Normative ethics studies what features make an action right or wrong. Applied ethics attempts to figure out, in actual cases, whether or not certain acts have those features. If we

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