The Role of Moral Realism in the U.S. Legal System: A Work in Progress

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Abstract

In my project I will evaluate the moral groundings of the U.S. legal system and explore the ethical theories supporting its validity by refuting the commonly recurring arguments for ethical relativism and by investigating moral actions of the U.S. civil rights movement. My thesis will be a meta-analysis of the ethical theory from literature such as Beyond Subjective Morality by James S. Fishkin, Philosophy of Law by Martin Phillip Golding, and A Case for Legal Ethics by Vincent Luizzi. I will first explore the issues of ethical relativism on a broad, conceptual basis, move on to the ethical basis for law in our society, and end with a case by case analysis of the legal system in the United States of America, dealing with instances of environmental racism.

Reference List


Definition of Environmental Justice

"Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies. Fair treatment means that no group of people, including a racial, ethnic, or a socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal or commercial operations or the execution of federal, state, local and tribal programs and policies. Meaningful involvement means that: (1) potentially affected community residents have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; (2) the public's contribution can influence the regulatory agency's decision; (3) the concerns of all participants will be considered in the decision making process; and (4) the decision makers seek out and facilitate the involvement of those potentially affected." -- Environmental Protection Agency

Questions raised in the debate:

- Is there a universal notion of right and wrong in ethics, or are there only viewpoints, tastes, and preferences?
- What is morality? Is it a universal phenomenon?
- What does a universal notion of the good imply? What does it not imply?
- What is the nature of the relativist's argument?
- How does our notion of right and wrong translate into the laws that govern our society?
- Can justice be attained through our legal system? Is it being attained?

"Laws are only observed with the consent of the individuals concerned and a moral change still depends on the individual and not on the passage of any law." -- Eleanor Roosevelt

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