Influence of Religion and Morality

Religion
-Law, morality and religion have historically been interrelated.
-the source and authority from which human laws derive their legitimacy was believed to be Divine Will

eg. Pharaohs worshipped as the incarnation of God on earth
-Ancient kings were thought to be given the right to rule by God
-Hebrew prophets were regarded as human channels through which God's commandments were made known to humans

Our laws reflect our Judeo-Christian religious heritage
- primary source of this is the Bible – both old (ie Torah - 10 Commandments) and new (Jesus’ teachings) testaments
- 16th and 17th century Christian missionaries and colonist brought their religion with them to Canada
- had a profound impact on the development of Canadian law
e.g. Canadian Charter of Rights and Freedoms wording reflects a belief system that assumes the existence of God and as an original source of law

- several countries around the world have their legal system based on the Qur’an, or influenced by Hinduism or Buddhism
- even though there has been an increasing secularization of law, religion and law still co-exist. Many of our modern day laws are based on religious values because they are often so universal and beneficial to the well-being of all members of a modern society.

Morality
- Canada laws also reflect the influence of moral philosophy or ethics. Morality, the difference between right and wrong, is often religious based but doesn’t have to be. (eg. atheists can have a strong moral sense)
- as Canada’s moral values change so do its laws
  e.g. public nudity
  e.g. Lord’s Day Act

Morality may be defined as a set of personal ideals and attitudes that direct each person’s conduct

Therefore morality is an issue of private judgment - individually we interpret what is right or wrong, moral or immoral.
- may often lead to conflict with others who have different sense of right and wrong. Thus to keep order we need some guiding principles concerning what types of social behaviours are considered morally permissible or reprehensible

Morality in law from a utilitarian perspective serves a useful purpose in preserving social order and protecting individuals who are incapable of protecting themselves.

A society must express, through its laws, its sense of intolerance and disgust for certain forms of conduct (i.e. polygamy, incest). Thus the law does serve to protect certain traditional values.

*But how far should the law go in setting the limits of moral conduct?