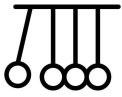


Does law dictate what is ethically right or wrong?

LAW

MERVE BEREN SÖĞÜTLÜGİL



Introduction

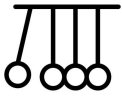
The intertwined relationship between law and ethics has led to ongoing discussions throughout history. While ethical principles are generally incorporated in legal regulations, law does not necessarily dictate what is ethically right or wrong. Although law and ethics are related, Adolf Hitler's Nuremberg Laws and Iranian hijab laws serve as powerful examples of how legal frameworks can diverge significantly from ethical principles.

Firstly, there is a drastic difference between legal and ethical standards in judging the rectitude or the wrongness of the behaviour. While law has certain boundaries, ethical frameworks can vary from person to person. For instance, Kant's theory of deontology claims that specific behaviours are always right or wrong irrespective of the consequences.¹ In contrast, utilitarianism regards actions as right or wrong by considering the happiness they provide overall². However, according to the Black's Law Dictionary, law is "a body of rules of action or conduct prescribed by controlling authority and having binding legal force. That which must be obeyed and followed by citizens subject to sanctions or legal consequence is a law."³ This emphasizes how authorities create legal frameworks that require compliance under penalty of law. Thus, the governing body is crucial in forming the laws that regulate society. However, this definition presents an ethical problem: legislation created under the regulation of a corrupt government may lead to tyranny, discrimination, and unethical behaviors. Secondly, several enforcements of unethical laws can be seen throughout history, including Nazi Germany's "Nuremberg Laws." The Nuremberg Laws serve as an example of the legal structure that permitted brutality and racism. These laws created classifications for segregation, deprived Jews of German

¹ "Deontological ethics." *Britannica School*, Encyclopædia Britannica, 8 Jun. 2023. [offcampus.koc.k12.tr:2093/levels/high/article/deontological-ethics/29972/ last accessed 4 January 2024]

² "Utilitarianism." *Britannica School*, Encyclopædia Britannica, 8 Jun. 2023. [offcampus.koc.k12.tr:2093/levels/high/article/utilitarianism/108685/ last accessed: 4 January 2024]

³ *LibGuIDES: GBS205 - Legal, Ethical, and Regulatory Issues in Business: 1. Introduction to Law*. (n.d.). [https://paradisevalley.libguides.com/c.php?g=569090&p=3920978/ last accessed: 4th January 2024]



citizenship, and prohibited them from marrying non-Jews.⁴ Nazi Germany's legal framework prepared the groundwork for the subsequent horrors, especially the Holocaust, which justified acts that are today ethically reprehensible. The corrupt authorities and legal proceedings made it possible for Jews to be targeted, dehumanized, and discriminated against. This horror is a stark example of how laws can drastically deviate from ethical principles.

Thirdly, one of the current instances simultaneously includes the hijab law in Iran. Since 1979, the Islamic Revolution, the Iranian government has enforced legislation concerning women's clothing, specifically the use of hijabs. These laws dictate women's requirements for covering their hair in public, as can be seen in Book 5, Chapter 2, Article 638: "Women who appear in public without a proper hijab should be imprisoned from ten days to two months or pay a fine of 50,000 to 500,000 Ryal."⁵ Due to the laws being vaguely defined, the punishments may include penalties, imprisonment, or flogging if not complied with. Experts from the United Nations expressed their concerns by stating these laws as "gender apartheid," with "the intention of suppressing women and girls into total submission."⁶ Implementing such regulations raises ethical concerns regarding gender equality, human rights, freedom of speech, and religion.

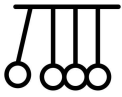
Conclusion

In conclusion, even though ethics and law overlap, legal systems can differ significantly from ethical precepts. The instances in Adolf Hitler's Nuremberg Laws, which support the brutality and dehumanization of Jews in Nazi Germany, and Iranian laws regarding women's obligation to wear hijabs both demonstrate unethical applications in legislation.

⁴ "Nürnberg Laws." *Britannica School*, Encyclopædia Britannica, 13 May. 2020. [offcampus.koc.k12.tr:2093/levels/high/article/N%C3%BCrnb%20erg-Laws/56530/ last accessed: 4 Jan. 2024].

⁵ Ihrdc (2013) *Islamic penal code of the Islamic Republic of Iran – book five, Iran Human Rights Documentation Center*. [https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/ last accessed: 04 January 2024].

⁶ "Iran: Draft Hijab Law Tantamount to 'Gender Apartheid' Say Rights Experts | UN News." *United Nations*, United Nations, 1 Apr. 2023. [news.un.org/en/story/2023/09/1140307/ last accessed: 4th January 2024]



Bibliography

"Ethics." *Britannica School*, Encyclopædia Britannica, 8 Jun. 2023.

[offcampus.koc.k12.tr:2093/levels/high/article/ethics/106054/ last accessed: 4 January 2024]

"Deontological ethics." *Britannica School*, Encyclopædia Britannica, 8 Jun. 2023.

[offcampus.koc.k12.tr:2093/levels/high/article/deontological-ethics/29972/ last accessed 4 January 2024]

"Iran." *Britannica School*, Encyclopædia Britannica, 19 Oct. 2023.

[offcampus.koc.k12.tr:2093/levels/high/article/Iran/106324/ last accessed: 4 January 2024]

"Law." *Britannica School*, Encyclopædia Britannica, 27 Aug. 2019.

[offcampus.koc.k12.tr:2093/levels/high/article/law/47398/ last accessed: 4 January 2024]

"Nürnberg Laws." *Britannica School*, Encyclopædia Britannica, 13 May. 2020.

[offcampus.koc.k12.tr:2093/levels/high/article/N%C3%BCrnberg-Laws/56530/ last accessed: 4 January 2024]

"Utilitarianism." *Britannica School*, Encyclopædia Britannica, 8 Jun. 2023.

[offcampus.koc.k12.tr:2093/levels/high/article/utilitarianism/108685/ last accessed: 4 January 2024]

Ihrdc (2013) *Islamic penal code of the Islamic Republic of Iran – book five, Iran Human Rights Documentation Center*.

[<https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/> last accessed: 04 January 2024].

"Iran: Draft Hijab Law Tantamount to 'Gender Apartheid' Say Rights Experts | UN News." *United Nations*, United Nations, 1 Apr. 2023.

[news.un.org/en/story/2023/09/1140307/ last accessed: 4th January 2024]

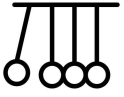
"The Nuremberg Race Laws." *United States Holocaust Memorial Museum*, United States Holocaust Memorial Museum, 2 July 2021,

[encyclopedia.ushmm.org/content/en/article/the-nuremberg-race-laws/ last accessed: 4th January 2024]

Tyson, John M. (2019) "Morals, Ethics, and Laws: What Commonalities Remain?," *Liberty University Law Review*: Vol. 14: Iss. 1, Article 4.

LibGuIDES: GBS205 - Legal, Ethical, and Regulatory Issues in Business: 1. Introduction to Law. (n.d.).

[<https://paradisevalley.libguides.com/c.php?g=569090&p=3920978/> last accessed: 4th January 2024]



TURKEY'S UNHEARD VOICES