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"Moral Relativism"

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order for there to be state action, so long as the state was involved in enforcing private discrimination in a significant way. If the lodge had been a tenant in a state-owned building and had opened its facilities to all members of the public except African Americans, the state would have been engaged in a joint venture with the club, and the club's discrimination would have been state action. Here, however, the building was privately owned, it rested on privately owned land, and its facilities were open not to the public in general, but to members only. The Court observed that the state provided many services, among them water, electricity, licensing, and police and fire protection. The mere provision of such services was not enough to convert every action of the beneficiary into state action.

The dissenters argued that there was state action, since the liquor regulatory scheme was pervasive, regulating "virtually every detail of the operation of the licensee's business." They also observed that since the quota for liquor licenses had been exceeded in Harrisburg, the state's renewal of the Moose Lodge's license prevented a different facility with nondiscriminatory policies from opening.

This important case limited the reach of the Fourteenth Amendment by defining state action narrowly. It remains possible for victims of discrimination to find recourse in federal and state antidiscrimination statutes. Leroy Irvis was able to do just that when he brought suit against Moose Lodge No. 107 under Pennsylvania's public accommodations law. He eventually gained admission to the club's facilities and was later elected speaker of the Pennsylvania House of Representatives.

See also Equal protection of the law; *Jones v. Alfred H. Mayer Co.*; Racial and ethnic discrimination; Restrictive covenant; Segregation, *de facto* and *de jure*; *Shelley v. Kraemer*.

Moral relativism

DEFINITION: The ethical belief that what is morally right depends on one's culture or varies from person to person

SIGNIFICANCE: The belief is commonly held to be conducive to tolerance and to show the wrongness of laws that seek to prohibit "immoral" behavior that does not directly harm others. A wide variety of moral codes exists among different cultures, and this fact suggests that ethical universalism—the belief that there are moral norms valid for all human beings—is false. Instead, it seems that what is right or wrong is relative to one's culture. This type of ethical relativism is known as cultural or social relativism. Cultural relativists commonly hold that if in a particular society bribery, for example, is a widely accepted business practice, then bribery is right in this society. Conversely, if in a different society bribery is generally morally condemned, then it would be wrong to bribe in this society.

The most extreme form of ethical relativism is individual relativism, defined as the belief that what is right or wrong is relative to each individual. The individual relativist maintains that suicide, for example, may be right for one person, while it may be wrong for someone else in a similar situation. The individual relativist typically views moral judgments as subjective and similar to judgments of taste. Just as people like

different foods, so they have different moral values, and, just as it is wrong to criticize people for their culinary preferences, so it is wrong to criticize their values.

The law has traditionally prohibited many forms of conduct that do not lead to direct harm to others but are considered to be immoral, such as sodomy, suicide, gambling, and prostitution. The claim that such victimless immoral practices should be legally prohibited is sometimes met by the relativist's response, "Who is to judge?" The point of this individual relativist response is that, since what is right is relative to each individual, it would be wrong for the law to impose one particular moral viewpoint on the citizens. To most people, this response is inadequate. Citizens should be free to make their own moral choices in some areas, but the relativist's view implies that all legal prohibitions are ultimately arbitrary because all morality is relative. It is true that by emphasizing the idea that different moral codes of different cultures have equal validity, the cultural relativist may increase open-mindedness concerning moral practices opposed to one's own. Yet the relativist is also committed to the view that one should be intolerant if one lives in a society in which intolerance is the dominant norm. Only the ethical universalist can consistently claim that everyone should be tolerant.

Western moral philosophy has been predominantly universalist, and this is reflected in the American legal and political tradition. The Declaration of Independence and the Bill of Rights assume that all human beings have certain moral or natural rights. An appeal to universal moral principles is also not uncommon in judicial decision making. A rejection of ethical relativism is also embedded in U.S. foreign policy insofar as it aims to promote human rights.

See also Jurisprudence; Justice; Morality and foreign policy; Natural law and natural rights; Positive law.

Moral turpitude

DEFINITION: Term describing an act or behavior, whether illegal or not, that violates the accepted moral standards of a community

SIGNIFICANCE: Like disorderly conduct, vagrancy, loitering, trespassing, and contributing to the delinquency of a minor, moral turpitude has been used by the police as a vague charge against individuals who cannot be accused of more tangible offenses

Moral turpitude is most generally applied to several of the so-called victimless crimes, most often involving sexual conduct or substance use. Developments such as sexual liberation movements of various kinds have tended to change public opinion about certain forms of behavior often classified as moral turpitude.

There have been concomitant changes in public policy. Some states have overturned their antisodomy laws in court decisions or by statute. The U.S. Supreme Court's ruling in *Bowers v. Hardwick* (1986), however, upheld Georgia's challenged antisodomy laws as constitutional even when the act is consensual. U.S. immigration laws continue to bar an alien from citizenship