

Homosexuality: law and human values assignment

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Throughout history, the laws purpose is to provide safety and order in society. Trousseau's quote states that the state has no place in the bedrooms of the nation. This means that the events taking place in the bedrooms of people are not causing any harm to society and its people. Personal matters such as homosexuality, are not the reasons for disputes or disorder in a society. In addition, the ultimate purpose of law is to provide justice. Justice should maintain fairness and equity. Therefore homosexuals should be treated equally and fairly as heterosexuals.

It is known that a law could be unjust if it discriminates based on irrelevant characteristics. Hence, any law that treats homosexuals and heterosexuals differently should be considered an unjust law. The Canadian Law system should be able to administer safety, justice and order in society; however, treating homosexuals differently modifies the purpose of law, causing the law to be biased. Human values play a major role on the law. For this reason the laws must change to accommodate the values of people. Trousseau's second quote states that a just society must differentiate between the concept of sin and the concept of crime.

For example homosexuality is considered a sin but not a crime according to human values. Therefore the law should not interfere with what is considered a sin. Smoking, drunk driving, and disciplining a child are all considered human values, yet they do cause harm to society, making them all crimes against the law. According to the Wolfed Report's view of morality and the law as seen through the example of homosexuality, it is not the duty of the law to regulate morality. Decisions should be left to individual

conscience and the law should not intervene with what is sinful and what is not.

Professor Herbert Hart suggested that before the law regulates morality, there should be evidence that the sinful acts are negatively harming society. The System of Canadian Law should work towards changing because what is considered a sin to human values should not be the responsibility of the government to justify. In ancient times, religion influenced the laws passed by the governments. However, the Greeks believed that human law was separate from the law of God and accepted the idea that laws can be legal and immoral.

This idea altered the way people view the concept of law. Modern law should not be affected by morality or religion. Therefore the Canadian Law System should accept homosexuality, prostitution, etc. Nonetheless, laws being passed are against homosexuality and prostitution, making them unjust laws. Law can be defined as: “ the body of official rules and regulations, generally found in constitutions, legislation, judicial opinions, and the like, that is the control should not exceed private morality, in which the state has no business.

As stated in the Canadian Charter of Rights and Freedoms, each Canadian citizen has a freedom to equal rights, the right to life, liberty, and security of the person. Although religion is known as the foundation for our current legal system, the values in society are changing and this in turn influences a need for a change in the law. In conclusion, unbiased laws should not interfere with private morality as it has no business in the private lives of adults.

Human values have developed and changed ever time, therefore the laws must change to accommodate them.

Pierre Trousseau's belief to change the law is morally right because the main purpose of law is to provide safety and Justice, the law system should change according to human values and the law should not be influenced by religion. As previously stated, same-sex marriage poses no harm to society and marriage should not be regulated based on gender. Pierre Trudged declared: " the state has no business behind closed doors" and largely influenced the controversy regarding current unconstitutional laws.