Letter from the Editor (Vices and Virtue)

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Virtuous laws are just and beneficial for the community as a whole. Supposedly, virtue guides citizens in seeking good and opposing evil for their community. A virtuous citizenry will promote such virtuous laws. However, recent legislation permitting certain vices leaves us to ponder whether all virtuous laws are, in fact, best for the community or whether permitting certain vices can be beneficial as well.

The theme of this issue of JURIS grew organically around the seven deadly sins — lust, gluttony, greed, sloth, wrath, envy, and pride — and whether changes in the law in the areas of alcohol sales, smoking, food and gambling will be beneficial to our community either as virtuous laws or permissible vice laws. We’ll let you, the reader, decide.

A recent dispute involving alcohol sales in supermarkets leaves two distinct camps arguing the issue; on one side are the supermarket-restaurants who argue that, as they satisfy the requirements of a restaurant, they should be permitted to sell alcohol in their place of business, and they would see great economic benefit for being permitted to do so. Opponents of the sale of alcohol in supermarket-restaurants argue that the sale of alcohol and groceries are two distinct markets and should not be pooled. They argue that the sale of alcohol in supermarket-restaurants represents an impermissible commingling of markets.

Naturally, following a discussion on alcohol sales, recent changes in smoking laws piqued our interest — namely, the conflict of laws surrounding marijuana and the recent change in prohibitions in outdoor smoking. The conflict of laws arises when state and federal laws are in direct conflict, as certain state law permits marijuana usage that federal law prohibits, leaving those who rely on marijuana for medical treatment in limbo. More broadly, however, new smoking laws are being enacted prohibiting smoking outdoors; most significantly, New York City has prohibited smoking in any of the city’s 1,700 parks and other highly populated open spaces. As a result of this supposedly virtuous law, a natural outcry of opposition to this new law erupted among defenders of personal privacy.

The line has become blurred between good and bad food choices; therefore, there must be checks and balances on modern food law. This argument stems from whether food laws lead us down a virtuous path or whether this path will lead us not to eat anything at all. On one side of this debate are the so-called “veggie libel laws,” or the ignorance-is-bliss side (if you will), which attempt to stop defamatory statements that could harm industrial food producers. On the other side of this debate are organizations seeking to criticize and regulate the food industry, no matter the result, to promote healthy eating. Where do you fall on the need for modern food law regulation?

Finally and perhaps most expectedly, within the discussion of vice and virtue is an examination of gambling laws. Casinos and slot machines were legalized in Pennsylvania in 2004, and since then, there has been uproar on whether the legalization of this vice has caused more harm than good. Opponents of the new law argue that permitting gambling has opened the floodgates to inadvertently harming the well-being of our citizenry through the inevitable participation in other vices. However, despite the fact that proponents of the new law concede that there is harm to citizenry anecdotally, the benefit far outweighs the harm.

Stemming from the vice and virtue theme, we sought to join the international discussion of the recently signed National Defense Authorization Act and determine whether its enactment, namely the provision that expressly authorizes the indefinite military detention of Americans without charges (or trial), is a virtuous law. Its signing was justified by the argument that it vehemently supports the American citizenry and that the provision in question will be interpreted to best protect the American people. However, whether this law is a vice or virtuous law remains to be determined.

Historically, laws that enforce virtuous behavior and prohibit vices have made for a healthy, orderly and vigorous citizenry. However, a shift in this general principle has our citizens questioning whether all virtuous laws are, in fact, beneficial. From time to time, laws must be tested to determine whether they have withstood the test of time or whether a shift in the law is warranted.

Kiran K. Patel is the Editor-in-Chief of JURIS. He is a third-year law student at Duquesne University School of Law. He is also the Executive Research Editor of the Duquesne Business Law Journal and a member of the American Bar Association, American Intellectual Property Law Association, Pennsylvania Bar Association, Allegheny County Bar Association and the Bucks County Bar Association. His academic concentration is in international intellectual property law. He works as a Certified Legal Intern at the Civil and Family Justice Law Clinic in the Family Division of the Allegheny County Court of Common Pleas Pro Se Motions Program. In the fall of 2012, he will be attending Benjamin N. Cardozo School of Law in New York, New York for his Masters of Law (LL.M.) in Intellectual Property. Kiran received his Bachelor of Science degree with honors from Drexel University in Philadelphia, Pennsylvania, in May 2008, majoring in biology and minoring in sociology. He can be reached at kiran.kanti.patel@gmail.com.