

Cultural competency essay sample

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The Bills of Rights is the first ten amendments of the Constitution. The Constitution was created for the fundamental rights and privileges of the people of the United States. Statues are the like the commandments proclaiming the law or rule documented. Precedents are decisions that made that can be used for later cases. Precedent, according to Dictionary. com is an “ authoritative example”, (2014). Precedent is a system of laws. Society need laws so that no harm comes from another. They should also discourage people from violating such as; abusing, invalidating, or undermining others. Another reason society has laws is to advocate morality and were grounded mostly by religion beliefs. The purpose of this paper is to give both sides of the argument against the case of Christian Legal Society (CLS) versus Martinez. The Supreme Court ruled for University of California Hastings College of the Law and that they did not have to fund CLS’s campus group.

What Actually Happened

The reason the court was involved was because the CLS chapter in Hasting College excluded student members who was not celibate towards members of the same sex or non-Christian to get into officer’s positions or even to vote. To regress, CLS is a non-denominational Christian organization that has memberships from all professionals in law as well as law students and all others believers that accept and agree in writing to their Statement of Faith. In CLS’s bylaws it clearly states the purpose of this organization is exclusively religious.

CLS wanted to become an official student group at Hastings College and was denied. CLS took litigation against Hastings College first in two lower courts and then went all the way to the Supreme Court because it violated the First

Amendment. The first parts of the First Amendment are to assure that Congress cannot allow: 1) Make no laws favoring towards the beliefs (religion) of one organization over another. 2) To obstruct the free exercise of religion

3) To restrict freedom of speech to its citizens or the press. The reason Hastings College refused CLS was because of their group policy. The Policy of Nondiscrimination and CLS's Claim

Accordingly, Hastings College group rights is subject to the policy of nondiscrimination which states that it will not discriminate against anyone period. In their excerpts, this policy covers any Hastings' sponsored programs, (561 U. S., 2010). Hastings rejected CLS's application because CLS did not comply with their nondiscrimination policy by basing student membership exclusion on religion and sexual orientation. So Hastings College would not give any of their funds to CLS. The Supreme Court also rejected CLS's claim which stated Hastings was obstructing their free exercise of religion. The Court asserted that their Nondiscrimination Policy was neutral about religion in general. What the Court recognized was that Hastings College is state run and therefore can enforce restrictions on speech within reason for the purposes of that neutral forum.

In reverse of the expressive-associating rights, the Court portrayed the circumstances as an infringement and proposed that antidiscrimination laws are compulsory government involvements justifiable to override these rights. The Court's forced inclusion made all groups to include unwanted members no matter what. Expressive-association, such as in the case of Boy Scouts of

America (BSA) v. Dale, where the Supreme Court had decided for BSA's expressive association right to prohibit BS leaders from being gay. In that case, the Court found that homosexual conduct was morally wrong and it could send a wrong message to the BSA members. The Argument for Hasting and the Court's decision

Is it legal for the college to limit public funds and benefits to only those student groups that agree to abide by Hasting's neutral, non-discrimination policy to provide all students equal admittance? Hasting College's policy is very specific in being nondiscriminatory. Their policy unifies individuals from all backgrounds and beliefs. The school's policy encourages tolerance, and cooperation among faculties, organizations and students. The Supreme Court beliefs were the same in that they (the legislation) felt that it was their duty to enforce any organization against any prejudicial requirements.

The Court's concern also went towards the school in that it determined the college to be a governmental. Hastings allowed group organizations to have their own policy but not if involved the opposing their policy. The Court had also rejected CLS's dissociation between the sexual orientation's conduct (being wrong) and not the person's sexual orientation. According to Justice Ginsburg, " Our decisions have declined to distinguish between status and conduct in this context", (Mauro, 2010). The court dismissed the distinction between the person's position and conduct.

The Argument for Christian Legal Society

Did Hastings school's policy violate Christian Legal Society student group's rights to the First Amendment? Their argument against Hastings College was

that the school could not impede the group's rights to freedom of speech and religion. CLS requirement specifically state that if you want to be one of their members you must agree and adhere to their " Statement of Beliefs". CLS's argument was based on that they would not reject members because of their sexual orientation but because of sexual orientation's behavior.

Just as in the case of Boy Scouts, the courts should agree that homosexuality is a form of behavior and that behavior goes against their Christian Organizations' beliefs. Chief Justice Rehnquist neither approved nor disapproved the Boys Scouts' perspective on homosexuality. But what Rehnquist did state was " the First Amendment's protection for freedom of association meant that the state could not compel the 6. 2-million member organization to accept members where such acceptance would derogate from the organization's expressive message", (Greenhouse, 2000, np). He believes that one cannot oppose the First Amendment's purpose of protecting the standard for BSA's membership, (Greenhouse, 2000). Who is Right? The Paper's Opinion

The issue is how others view sexual orientation and religious people as defining distinctive psychological characteristics. As social constructs, are there objectives bases on classifying these groups? Gender differences are psychological cultural differences that should not be recognized as different as all others. Since our culture views sexual orientation as an identifiable class and not behavioral, religious people need to be open to accepting them. Religious, in this case, Christian culture puts the importance of what God says before all other belief systems. Their guiding principles is in the Bible. They are to love all but to not accept behavior God calls sin. Although <https://assignbuster.com/cultural-competency-essay-sample/>

their belief is all have sinned; just in belief that Jesus and repentance from sin is what makes them redeemed.

They need to be accepted for who they are as well. Religion is often confused due to the concepts which engage in methodologically disciplines, (Bratosin, 2014). CLS is an organization that is predominantly based on theological explicit attitudes. Their fundamental attribution error was the context that because their beliefs are different they were judged wrong. Social axioms cultural variables such as Hastings College and CLS general beliefs are divided. On the schools side their cultural beliefs is for human rights as compared to CLS organizational cultural belief is for their religious right. Since social axioms exists both explicitly and implicitly in cultural beliefs to guide behavior, in this situation the cultural beliefs of our society causes the dominance of why the courts chose to favor Hastings College. The explicit belief was every human should have equal rights but that law of the state precedes individual or group laws and the implicit belief was no attributions of behavior shall be made of the sexual orientation. Summary and Conclusion

Laws are implicit, explicit and/or collectively conceded, negotiated and imposed by our courts, therefore we must abide by them, (Bratosin, 2014). The case between Christian Legal Society (CLS) versus Martinez showed that two different cultures with two different attitudes needed the Supreme Court (our government) to make the final decision. Was it right for CLS to ban those who did not agree with their policies or was Hastings College right in not funding or giving benefits to CLS? Each interpretation of their rights and their social axioms caused the conflict that went favorably for one over the <https://assignbuster.com/cultural-competency-essay-sample/>

other. The Supreme Court ruled in favor of Hastings based on their policy of groups on being nondiscriminatory. The pride of the American culture is diversity as well as pluralism.

The problem is how could law work for all? What makes us Americans is we are culturally diverse yet unified. America's fundamental precepts are for the individualism freedoms equally and democratically; the issue of individualism with public collective self. Our Constitution was based on those rights. Our law and we Americans need to respect differences rather than attempting to change them. The solution to this problem is difficult. This paper believes that to understand one another better, more studies need to discover what causes the differences in behaviors, psychological constructs and stereotyping sexual orientation and their inter-relationship so as to make all aware. Acknowledgment is the beginning of a healthy relationship.

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