

# Morality and law

Law



We begin this essay with a word about freedom- it is cherished by those who possess it and yearned for by those who have yet to experience it. Nonetheless, freedom carries with it a high level of responsibility- perhaps not only to follow the letter of the law, but also to pursue one's freedom with some level of civility or morality. Therein lies the paradox- where should the line, if any, be drawn between morality and law. In this essay, several controversial topics which toe the line between legality and morality will be presented and discussed in the hopes of drawing some valid conclusions about this issue.

## Drugs

If it is safe to say that legally prescribed and utilized drugs are accepted by all but the most staunch of religious zealots, it is also safe to say that illegally prescribed drugs, street drugs and the abuse of any drug is considered immoral, but not by all. In some parts of the world, certain drugs that would land someone in jail in other nations are legally and socially accepted. This fact in itself brings to light an interesting perspective on the issue of morality and law- how closely related is law and morality?

In the case of drugs, the relationship seems to be somewhat disjointed in some instances, because illegal drugs are quite literally one of the largest industries in the "civilized world". This can be interpreted as proof that everything that is illegal is not necessarily viewed as immoral as well as a clear example of the dynamic between the expression of freedom and the violation of the rights of others, for any freedom, if it harms innocent people through its exercise, needs to be reevaluated for the common good (Peach, 2002).

## Alcohol

When speaking of alcohol, the very topic is in itself enigmatic; for all intents and purposes, alcohol can be classified as a drug because of its ability to alter the senses, distort perceptions, and attract the abuser into a spiral of addiction. However, it is considered by the vast majority of the world to be a legal drug, which is to say that it is legal for those of established age to buy, sell, and use alcohol.

When left to one's own devices, the use, purchase or sale of alcohol can be illegal; for example, the operation of motor vehicles while under the influence of alcohol is illegal, as is the sale/purchase of it to/by underage or visibly impaired individuals. Additionally, any use of alcohol is considered morally wrong by many religious/ethical groups. Therefore, in alcohol, we see the embodiment of the morality/legality argument- some things are legal in some cases, illegal in others, but also reviled in many circles in any circumstance (Peach, 2002).

## Prostitution

Regarded as the world's oldest profession, prostitution in one form or another has existed since there has been something of value for which one human being could offer sexual favors to another. In the 21st century, we see a world where prostitution is legal in some nations/parts of nations, and illegal in others. In the nations where it is legal, it would be assumed that this is so due to the moral tolerance of the masses to allow such a practice. In a nation like the United States, where very few states allow prostitution, a moral divide exists between advocates and opponents. Therefore, an

interesting point emerges- the possibility that in many cases, societal norms dictate the letter of the law. When the majority opposes or supports something, or takes no action either way, laws, it can be said, reflect the will of the majority itself (Peach, 2002).

### Pornography

Pornography is yet another illustration of the will of the people to dictate the law, but with a twist- very few people publicly support pornography as something which is good for the general society, yet it is allowed to exist as something legal in many jurisdictions as long as certain universal rules are not violated, such as the use of children in pornography, abuse of innocent victims, etc.

In this instance, it is likely that the tolerance of pornography as something legal, yet immoral has as much to do with the pursuit of money on the part of those who benefit financially from pornography as it does with the prurient interests of the public at large. People who wish to have something immoral because they like it are often times more prone to ignore the bigger picture of the detriment to society that something like pornography represents.

### Domestic Violence

Violence against one's own family members is illegal/immoral in some societies, and not in others- why is this so? The main reason is associated with religious beliefs. In theocratic nations, where religious leaders dictate policy and law, there are those cases where the abuse of a wife by a husband, for example, is tolerated if the husband feels it necessary, whereas the abuse of children is almost universally reviled (Peach, 2002). An

interesting point emerges in this situation- the power of morality in some cases to shape the word of law.

### Conclusion

In this essay, we have seen that morality and law are in some cases exclusive of each other, related in others. Still further, each of these in some situations can overpower the other due to societal norms, religion, etc. Whatever the case, in conclusion, one point has become abundantly clear based upon this research- morality cannot always be legislated, nor will morality always make the best laws. Perhaps the issue of freedom, which began the essay, is a fitting final word- without freedom, the human race suffers, but with it, suffering can also become rampant. It is the responsibility of the people of the world to exercise freedom-with restraint.

### References

Peach, L. (2002). *Legislating Morality: Pluralism and Religious Identity in Lawmaking*. New York: Oxford University Press.