

Morality and tradition in laws essay examples

[Law](#), [Criminal Justice](#)



When I think of laws the first describing word which comes to my mind is not “moral”, “ethical” or “traditional” but “objective”. I support a statement that law should be isolated from religious prescriptions and be as much as possible secluded from people’s traditions. The laws define how a society should live therefore they must give equal rights and be constructed in accordance with the majority of population. What is also important, the laws must be reviewed and updated on a periodic basis. But certainly, traditions and moral play a vital part in this process of law ratification. As a state with the majority of Christians, the United States keep many religious traditions and it is depicted in the laws of the country. In this essay I will discuss how laws concerning women and disabled children are contingent upon the traditional and conservative interpretation of life in America. In order to substantiate my position I will rely on Debra Rowland’s solid research and provide my opinion on it.

The book by Rowland gives a detailed survey of the history of women's rights and shows how the biology has controlled women’s legal situation in America. The author clearly states that for a prolonged time woman’s life was defined by biology and her reproduction system, which was interpreted as the top priority for female members of the society.

Rowland chronicles and traces many facts which prove the discrimination of women based on their sex. She brings up topics of the birth control issue and low paid jobs stating that the policies for the improvement and support of women’s life did not work. She strongly criticizes the statement brought by conservatives who claimed that in order to preserve an order in society “women should do what they are supposed to do”. The author brings many

examples proving that various statutes limiting working hours for women did not in fact change the situation. She finds fault with the protective legislation based on the idea of public health. I agree that the idea itself was discriminative as women were treated as a weaker sex which needed to be protected. The laws, in my opinion, should not be formulated in a way to protect, but to give rights and functions. Protective mechanisms can be used for those who are in need, the blind or deaf for example, but never to healthy members of the society.

Rowland argues against numerous courts' decisions and laws limiting woman's wellbeing for the sake of her "main goal in life", i. e. to get married and bear children. I agree with her argument that in the course of previous few centuries matrimony used to be rather a legalized way of prostitution and free exploitation than a social pact constituting equal rights for men and women.

But it is important to note that legal decisions made in 1960s and 1970 were a huge step towards the equal rights and status of women in a society.

Although more debates were about to come this process aimed to be continues and the battle - to be won. For example, the right to choose an abortion, which was given a big publicity in 1970s is presented in the third chapter of the book. Being forbidden it violated the basic rights of women to control their body and decide whether they want to keep a child or not. Of course, one may say that getting rid of a fetus is not moral, but an adult woman should be given a right to make her decisions. The notion of moral is quite personal therefore one should not judge others on the basis of one's views. As liberals never understand conservatives, supporters of pro-life

ideas and those who accept abortion never come to a compromise. Another question is the law priority. What is decided to be more vital - protecting the unborn or the life of a pregnant woman. For me it seems that a woman should be always a preference.

The abortionist movement became more powerful and the debate more often from 1990s when women started a fight for their rights. An interesting fact about abortions is a note from the book that in many Catholic hospitals this option is taken only in critical situation which often leads to lethal outcomes. Usually doctors convince their patients to give birth despite danger or unexpected complications. The absence of a proper education on the topic in schools and universities also results a low level of women's expertness in the topic.

What caught my attention is a fact of illegal abortion. The author states that there is a certain percentage of women who go on an illegal operation. For me it shows that women do not take the traditions seriously, do not follow them and do not respect religious guidance. It means that these traditions are not practiced anymore and should not be kept in the legal system.

The example of education for disabled children brought in Colker's text presents the position of a radical speaker against integration into normal schools. In my opinion the rehabilitation process can take place within inclusive education but it does not mean that it should always take place. From a moral point of view, everybody deserves to be included into normal system of education but if a child has special needs maybe he or she should be approached from an individual method of learning. Answering the question the author puts in a title I think that separate in unequal if it is not

adapted to a person's needs and is worse quality than people without disabilities have.