

Natural law versus utilitarian law

Law



Abortion and Homosexuality, for many years, still remain one of the most crucial social and ethical issues of modern times. It has divided societies. Advocates and opponents continue to collide over debates, rallies, and violent confrontations trying to exert their rights to these practices. Both sides have valid arguments that led to legal battles and state legislation.

Abortion is legal in 54 countries while it is illegal in 97 countries. Approximately 46 million abortions are performed worldwide every year, averaging 126,000 a day. In the United States, 1,370,000 occur annually. Since its legalization in 1973, there are more than 40 million cases reported. Many women use abortion as birth control while others because of rape or incest. Women decide to abort in order to postpone childbearing, cannot afford a baby, too young, will disrupt education or career, risk to fetal health, and risk to maternal health.

Each year almost 26 million women obtain legal abortions while 20 million others obtain it illegally in countries that prohibit the practice. Moral considerations in abortion include: Is the fetus a person? What stage of development does it become human? Does the pregnant woman have the right to decide whether she wants the baby or not? Not allowing a woman to end her unwanted pregnancy violates her human rights? Are laws controlling abortion violates privacy? Would abortion be allowed to women who are victims of rape or incest?

On the other hand, homosexuals are well-known throughout history and now becoming a phenomenon these days. Their fashionable lifestyle is now acceptable. Recent studies show that the prevalence of homosexuality in adult males of Western societies ranges from 2% to 8%, indicating that a

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significant number of the population have homosexual tendencies. Homosexuals are now found in all walks of life, in all kinds of families, in many religions and races. Homosexuality is illegal in 80 countries, 42 of these outlaw male-to-male sex.

The legal status of homosexuals varies. In some countries, homosexual acts are prosecuted under morality law or public indecency and even put to death. In 2001, Netherlands became the first country to legalize same-sex marriages followed by Belgium in 2003, Spain and Canada in 2005, and the US State of Massachusetts in 2004. Among the strongest issue against homosexuals is that they are obsessed with sex, having little self-control or morality.

Their promiscuous living enables them to have multiple partners as many as 100, making them vulnerable to and carriers of sexually transmitted diseases. Homosexuals continue their struggle for recognition. They fight for equal rights to employment opportunity, better access to health and insurance, freedom to marry, legislation for child custody, and the repealing of laws that ban transvestitism and cross-dressing among others.

Considering these scenarios, different views and laws come into play, for or against: The Natural Law versus the Utilitarian Law. Both sides are trying to justify the actions. Natural law uses the principle of Double Effect wherein a person may lawfully perform an action from which two effects will follow, one bad, the other good. This principle states that evil must never be willed or voluntary or used as an end or means to an end.

To determine whether the action is right the act itself must be morally good or neutral, the motivation may not positively intend the bad effect but may permit it only to attain the good effect, the good effect must be desired to compensate for allowing the bad effect, and there must be serious reason to allow the evil effect. The Utilitarian, in contrast, uses the principle of Utility that such action is right or moral when it promotes happiness or pleasure, and decreased the unhappiness or pain of individuals affected by the action. This principle is commonly known as achieving the greatest good for the greatest number. The law believes that all individuals are equal when determining the consequences of any given action and decides which action to take, of all the possible actions, to do the right thing.

Abortion and the Utilitarian Law. The central arguments of this law in favor of abortion is that the woman has the right to control her own body, that abortion is a just exercise of this right, and that the law should recognize the right of choice. Denial of this right encourages illegal abortion and causes psychological anguish for women, especially those who are victims of rape or incest. The fetus, according to this theory, only becomes a person when it is viable in 23 weeks.

At this time, the fetus has no legal rights. The rights only belong to the woman who can decide if she wants the baby or not. Reproductive freedom is a basic right. Abortion is justified if done within the period when the fetus is not fully developed. In this case, abortion is only terminating the pregnancy, not killing a child. Under its guiding principle of maximizing total happiness, denying a woman to end her unwanted pregnancy will cause her

unhappiness and increase her pain. In addition, the baby will inflict physical and psychological harm as well as affect the woman's mental health.

If she is forced to care for the child, it will be a burden because she is not ready for the responsibility. She will be distressful in the future. Along the process, the child may suffer. Unhappiness will rule the lives of both mother and child, and the people around them. This law also compares abortion to self-defense. That if the baby poses a threat to the life or health of the woman, abortion will be the best possible action to take out the threat.

Abortion and the Natural Law. The central arguments of this law against abortion is the notion that human life begins at conception, that abortion is a deliberate act of killing the life in progress, and that the law must prohibit unjust violations of the right to live. Nature has provided women wombs to create life, eliminating life would be unnatural. The act of abortion is evil because its motivation is willful and pre-meditated in terminating an innocent being.

Under this theory, undergoing an abortion procedure is not allowed. However, other medical procedures could be morally good if only to save the life of a mother even if it resulted in the unintended death of the unborn child. The death of the child is not intentional but allowed to happen as a by-product of the action. Good acts must not be accomplished by evil deeds nor evil must not become an element in achieving the good. Abortion should not be used for family planning or prevent birth defects. If during treatment of a deadly disease such as cancer, through chemotherapy or hysterectomy, the unborn child dies.

The death of the child is not a mean to cure the illness. If there is a choice in getting the good effect without the bad effect, then this must be taken. If the action will result in lesser good and greater evil, the evil will be considered accidental or incidental. If a woman aborts her child to avoid embarrassment or maintain a shapely figure, this is not a reason of unintentional death but a planned one. All possible acts must be pursued to preserve life, but during the course of action one life is lost, the act is permissible and acceptable.

Homosexuality and the Utilitarian Law. Referring to its principle that such action is morally right if it produces the greatest happiness for the greatest number of people, then homosexuality would be acceptable because homosexuals generate a lot of pleasure to a lot of people. As stated earlier, their practices allow them to experience various relationships with different partners.

To this extent, homosexuality should be acceptable. This theory has three features on the issue: consequence, welfare, and sum-ranking. The act is moral if its consequences contribute to the happiness (welfare) of many people (sum-ranking). On this account there is no action that is neither right nor wrong. Homosexual acts are moral as long as they maximize happiness. All that matter is that their actions are right if it pleases everyone. The law also believes that homosexuality is a normal human condition not only brought about biologically or the environment but can affect early childhood. It covers every culture and age.

Homosexuality and the Natural Law. In this theory, homosexuality is not acceptable because it simply does not conform in accordance with nature. A man and a woman are designed to complement each other in sex and
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marriage, to produce offspring and raise a family. Their bodies are intended for that purpose. Homosexuality defeats that purpose but only abuses the human body. Two men or two women cannot reproduce. Thus, it is considered unnatural and immoral because it destroys the essence of family life.

Through adoption, gay couples may have the possibility to raise their own families. However, as a consequence, the children will grow up in an inappropriate living condition, bombarded by intrigues and unusual behavior of their so cold parents. Definitely, their way of thinking and behavior will likewise be influenced. In this set up, the act imposes bad effects for the children. Conflicts may arise soon when the children reached the age of reason that perhaps will give way for separation and unhappiness.

Legalizing homosexuality will affect the conduct and judgment of children as well as spread immorality. Its acts contradict all conditions of the double effect principle. There is no good effect, only evil effect. Homosexual act by itself is not good and its motivation is for self satisfaction not for the benefit of others. The gay ideology only reduces the human dignity.

Their promiscuous acts not only create scandals that shook institutions like the church or government but give rise to a number of diseases that plague many nations. The practice of homosexuality presents lethal consequences to other people. As a result, the act results in a number of sexually transmitted diseases. The Center for Disease Control cited that homosexuals make up 80% of all AIDS cases in America. People with same sex attraction are said to have personality problems and deserve to be treated.

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