

## **MORALITY AND THE LAW: A CHOICE**

Today we are facing a battle over morality that was fought fifty years ago. Fifty years ago the Civil Rights Movement established a basis for morality in the law. It was a morality based on reason and fairness, tolerance and non-violence. It edged aside a more traditional morality founded in obedience, intolerance and violence. The intervening fifty years have seen a struggle between the two. Obedience as a form of morality is attempting a comeback.

While some see the 1950's and 1960's as a period of conflict and chaos, it was really the testing ground for the concept that adults must make their own moral decisions and not have the answers dictated to them. As children, we are taught rules that we must follow in order to be good children. As we approach adulthood, we learn that rules are principles to be applied in the context of life's experience. The coming of age for our collective morality as a nation occurred in the 1950's and 1960's. As a country, we questioned everything. Some answers were clear. Segregation, gender discrimination and the suppression of civil dissent, especially when there was an unjust war, were wrong. They were wrong even though they had been around for hundreds or thousands of years. We found, at least in these instances, that it was right to stand up and decide for ourselves what was right and wrong.

Other questions reminded us that not all of the old rules were wrong. Drug abuse and sexual promiscuity did have negative consequences. Although even those questions led to constructive results. It was helpful to view alcohol and tobacco as drugs. It was helpful to understand that sex, in and of itself, was not bad, but only irresponsible sex, that which led to unwanted children, spread disease or was abusive,.....

As an adolescent country we had come of age learning that to question everything was good and that not all of the old answers were useless.

Many of us, however, are not comfortable with making decisions. An ingrained sense of obedient morality leaves some uncertain and ill at ease. It is more "right" (read "comfortable") to follow. It would be "wrong" (read "uncomfortable") to disagree. Recently a friend of mine who avows good personal values felt compelled to say she didn't want to be constantly reminded of the horrible things our nation was doing and that she "wasn't like that" but yet she insisted that it was not inconsistent to support her president. A second friend being constantly reminded of the religious conflicts around the globe had a like outburst: "Don't make it sound like religion is the cause of those wars."

Each seemed puzzled or disconcerted, an inner conflict they couldn't put their finger on. There are just some times when human experience and judgment tell you that something is wrong and you should acknowledge it as wrong. From being told that it is not wrong, the child inside of us wants to obey. The adult knows it should step forward. Which will win is a matter of how we are taught, whether our opinions are solicited and whether they are respected.

It is easy to see the two models at work. In the model of obedience, dissent is immoral and unpatriotic. Those in charge must be respected because they are in charge and they, of course, would do nothing wrong. They must be more informed because that's their job. If we do not follow, it diminishes our strength. To allow everyone to express an opinion is to encourage chaos.

To blindly obey, on the other hand, is to fall into the trap of the dictator and

despot. Only by inviting debate can we examine all issues and reach the best answer. While we respect the need to give deference to those who have been chosen to lead, we have the right and the duty to stand up and be heard when we disagree. In fact, not to stand up when something wrong is happening is unpatriotic.

Few, if any, would defend the first model in theory. Most would support the right of reasonable dissent but at the same time defend their demand for obedience, citing the need for unity, resolve and moral fortitude. Dissent, however, just because it is so difficult to dissent, must be praised. The difficulty of dissent is seen in the recent reaction of Democrats to the President's proposal to go to war. We voted for the war, most will say, but we were misled. But it is easy now to dissent now when dissenting is more popular and the war is less so. How much more credible would their dissent have been had they from the very beginning said they were against pre-emptive war. We shall fight to repel attacks but never to strike first.

As children, we bond to form a sense of self and comfort with who we are and where we came from. We are reflections of our parents and how they have raised us. As adults, we venture out into the world and find differences. Some differences we accept whole-heartedly, new foods, new music, new people and their beliefs. While we may not accept all differences, we should expect to tolerate them unless they are harmful. Sometimes we begin on the wrong foot. This is especially true of beliefs. People who do not believe the same as we are heathens, pagans, infidels, sinners. The list is extensive and is meant to separate the faithful, the good, the holy, the chosen ones from all others. We are better. We are saved. If you are not like us, you will burn in hell. You will never see heaven. Tolerance is more often given lip service than put into practice as in I think it is good to be tolerant but I won't tolerate your disagreeing with my beliefs.

Violence is the key to morality. As children, we too often learn that disobedience is met by violence or threats of violence. When obedience and not reason is the final goal, it makes some sense that anyone, even lower animal forms, will obey if necessary to avoid pain. Few will subject themselves to pain merely for the pleasure of disagreeing.

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