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MORALLY CONTROVERSIAL LEGAL REGULATIONS

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Abstract
The subject of my paper is some reflections about morally and socially controversial cases such as abortion, euthanasia, porno|graphy, prostitution, homosexual couples, cloning, human fertilization, some aspects of borderlines of law and medicine, bioethics, professional ethics, some institutions of family law (polygamy, bigamy, duties during and after marriage), etc., and, of course, legal regulations concerning them. Prima facie, laws concerning morally and socially controversial phenomena are "morally controversial legal regulations". Obviously, we have some exceptions – there may be morally and socially controversial situations (e.g. abortion on demand or in a danger of mother's life) in which legal regulation is required and is not controversial in chosen in one country (secularized and so called 'full of hedonism' the West). Law evaluated in the ground of different ethical systems and moralities in completely different ways is "morally controversial legal regulations", in general. Law and public opinion are still changing in the field of law and morality and enforcement of morality by the law (vide: history of law). But some legal regulations like prostitution are always something controversial (from centuries) and it may be a fact that in such cases there are no "morally good" legal regulations and good legal solution. My considerations relate to four points: 1) relations between law and morality, 2) freedom as a value in context of enforcement of morality by the law (also some distinctions about theory of cognition, philosophi|cal and religious ideas of freedom and interference of the state, the "crash of values", the conflict of interests and rights), 3) morally, legally and socially controversial phenomena (it is a very wide concept and includes many moral phenomena) and morally controversial legal regulations in concrete states (USA, the West of Europe, Central-Eastern Europe and even Asia or Africa). It is an analysis of laws concerning abortion, euthanasia, artificial fertilization, cloning, suicide, institutionalization of homosexual couples, prostitution, pornography, borders of law, morality and medicine, duties in family law, medical ethics, legal ethics, "lie", wrongful life, wrongful birth, legal and moral status of animals, polygamy, 4) complex social policy and limitation/solution of source of morally controversial phenomena such as abortion. My point of view is that I must have been considered both arguments pro and contra legalization of concrete moral evil (e.g. abortion, cloning). My research in every point seems to be interdisciplinary: there are moral, theological, philosophical, sociological, and legal aspects. First of all, contemporary legal regulations are analyzed. But legal regulations - in my opinion - always have their foundations, essence and directives in some philosophical and ideological conceptions of the world, society, family and person. So it is

a reason of such the wide and interdisciplinary research in my reflections. It is obvious that liberalization of the law in socially and morally controversial cases such as abortion, euthanasia etc. is going "well" in eyes of liberals and the left. I was seeking ethical or philosophical source of legal regulations, arguments pro and contra liberalization of the law in moral cases, consequences of the law, public opinion and its changes under the law enforced. The conclusion is that we live in the moment of history in which the liberalization of law in socially and morally cases is still spreading but it deems to be rather restrained and middle-of-the-road process. Law relates to many factors such as culture, religion, morality, economy, even climate, geo|graphy, politics etc. In my opinion every country must follow its own way in the field of enforcement of morality by the law. The states may have completely different legal regulations (and they have the right to that!) concerning socially and morally controversial phenomena, and according to me, it is absolutely normal and better situation than absolute legal unification and a lack of legal diversity. Of course, the border of legal regulation is the harm principle, universal values and universal human rights.

Key words
Law; Morality; Controversies.

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