Laws should be flexible enough to take account of various circumstances, times, and places.

Write a response in which you discuss the extent to which you agree or disagree with the statement and explain your reasoning for the position you take. In developing and supporting your position, you should consider ways in which the statement might or might not hold true and explain how these considerations shape your position.

Essay Response:

The scope and breath of laws is a common debate topic nowadays, with some arguing that laws should be more specific, while others aim for flexibility. The prompt claims that lawmakers should consider various circumstances, times, and places when drafting new laws, in an attempt to make them more flexible. In my opinion, I mostly agree with the statement provided. The legislative process is complicated, and the creation and enforcement of laws is commonplace in democracies around the world – making this issue ever-important. There are three main aspects of this issue that must be considered.

First, when laws are more rigid, they may lose sight of the side-effects associated with them; flexible laws are able to cover a wider range of possibilities. Consider China’s ‘one child policy’ that forced Chinese parents to only raise one child, with severe punishments to those who did not comply. The law was enforced in an absolute way, with no room for specific cases. Communities that had an already small population continued to shrink, considering the fact that an average birth rate of 2.1 children per mother is known to keep the population constant. There were no concessions for such groups of people, and the government failed to consider the way in which demographic shift was taking place. Had they enforced it more lightly with, perhaps, a campaign that simply informed people of the issues of a large population, the numbers would have stabilised. Hence, flexible laws may have lower precision, but would be more affected than ones with no considerations of different scenarios.

Second, when laws are overly specific in their premises, organizations and companies can take advantage of the loopholes for ethically questionable business decisions. Take, for example, electric cars manufactured by the multinational corporation Tesla: These cars require cobalt for some of their machinery, and the company sources it from African countries such as the Democratic Republic of Congo. While Tesla does not directly source the cobalt from Congolese mines, they collect such minerals from local distributors, who have been found to use child labour. United States law prohibits companies from exploiting children within the country, and from directly being involved with such activities in other countries. By opting to get these elements from a local distributor, Tesla effectively carries out a ‘proxy’ form of child labour, circumventing US laws. There have been multiple debates about how the existing laws could be modified to cover this issue and target Tesla for its production practices, though such a change may then form other loopholes. Hence, specificity in laws comes at the cost of easy loopholes being utilized by companies that have the resources to do so.

Finally, it is important to also consider why not all laws must be flexible. There are some cases where people take advantage of the ‘blur’ surrounding laws that are formed in a more general way, while other situations have led to people being falsely arrested for supposedly violating these very laws. Flexibility may even lead to confusing decisions for judges, due to the many different methods of interpretation. Consider the state of abortion in some US states: Some states have prevented carrying out abortion-related procedures, and politicians have threatened people with arrests if they go to a different state to have such a procure done. In some cases, residents have been directed to monitor the people in their area – if they seem like they were pregnant then aborted. The flexibility of US Federal law allows states to come up with laws like these that harm communities, with people supporting such measures acting as ‘watchdogs.’ Had such lawmaking been prevented with more specificity by the Federal government, such situations would not be prevalent.

In conclusion, in more situations than not, laws need to have some amount of flexibility that takes all factors into account. There are also instances that do demonstrate that such flexibility should not exist in every single law, and that legislators should take several things into account even when making more ‘exact’ laws.