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The Tyranny of Law

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The healthy functioning of society depends on rules. People can't just do whatever they want; they have to respect certain constraints on their behavior for the good of everyone. We can't have people murdering or robbing each other, or our society would break down. Once you have the rules written down as "law", you can begin to build a stable civilization, because everyone knows what to expect.

When you accept the rule of law, however, you are also making a deal with the Devil. Law provides structure but robs you of freedom. Law alone never built anything. It doesn't create new resources, only feeds off existing ones. Law cannot really solve people's problems, only displace them. If rule of law is your highest governing principle, you live an impoverished life, maybe even an immoral one.

To a policeman, lawyer or judge, the law is the word of God. To them, a decision is right because "It's the law." They rarely think about where the law came from—which is a messy political process rife with ego, greed, dogmatism, sentimentality, patronage, quid pro quo and occasional corruption. Law is not a perfect product by any means.

Laws are invariably passed under time pressure, usually in response to the public hysteria of the moment: child molesters, school violence, depletion of the ozone layer, etc. New laws are intended to address the Big Problem currently on people's minds, but little attention is given to the new problems the law might create. By and large, the people who write the law are cut off from its effects. As long as the problem of the day has been visibly addressed, they go home satisfied.

But law lives on long after the lawmakers have left the scene, even after they have died. Once the words have been written down, they are essentially set in stone, and modifying them is a slow, ponderous process akin to evolution: Many generations must perish before we get it right.

While the lawmakers were concerned only with solving their one Big Problem, society is now burdened with the law's secondary effects—those things the lawmakers never thought of. *Every* law creates new conundrums of some kind, sometimes worse than the original one. Welfare programs may actually discourage people from getting jobs. Mandatory sentencing for violent crimes may lead to prison overcrowding and perhaps worse crime overall.

There is no "free" law. Every legislative action, no matter how noble sounding it may seem at the time, has its eventual costs. Every justice has to be paid for with some injustice. The success of a law really comes down to statistics: How many people are helped by it vs. how many people are hurt. If, at the end of the day, a law saves 20 people and kills only 10, it can probably be called a success.

The law is not a precision tool, like a surgeon's scalpel. It is more a blunt instrument, like a sledgehammer. If someone does something offensive, hit them with a sledgehammer. If there's a social problem in the community, hit it with a sledgehammer. If someone is treated unfairly, hit the other guy with a sledgehammer. Sledgehammers are undoubtedly useful for controlling the great mass of humanity, but they are not sensitive to the moment or to the special requirements of the situation.

How do you really solve problems? You do it through your own analysis and your own moral choice. When you have a decision to make, you have to look ahead and intelligently predict, based on all the options available, which one will lead to the best results over time.

The law is no defense for a bad decision, because the law is not morality. The law is only a pseudo-morality, a crude caricature of it. To say "It's the law," doesn't get you off the hook for anything. Some of the worst atrocities of history, like the Holocaust, were the result of people obeying the law. Words on paper cannot justify an immoral act.

There is really only one reason to obey the law: the risk of getting caught and any punishment that may result. I'm not saying you should go out and murder someone if you think you can get away with it. I'm saying your reason for not murdering them must come from within, from your own private moral analysis, not from anything the law books tell you.

Once you have made up your own mind about what is right, the law is merely a nuisance, something to be outwitted and outmaneuvered. It is usually best not to openly defy it, but it's okay to quietly evade it when a higher calling is served.

You can argue, "If everyone evaded the law, society would break down." Sure, but you're not everyone. There's a balancing act here between the use of the sledgehammer and the use of the scalpel. The law is good for some things, but for delicate work you have to set it aside and rely on your own nerves.

—G.C.

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