

# Instruments of Repression. Nation of Laws, The Immorality of Today's Government

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*"... laws were most numerous when the commonwealth was most corrupt." Tacitus*

For a society to be well governed, its laws must be just and moral. The Ancients knew that "Those who are rightly governed . . . do not fill their porticoes with written statutes but only cherish justice in their souls; for it is not by legislation, but by morals that states are well directed." Nations that use repressive laws to exact conformity do so because they have no interest in perfecting society. Without an interest in perfecting society, morality has no content and nations disintegrate. What the world needs are fewer laws and more morals.

While reading a piece about Libya a few days ago, I found that Abdul Jalil has said that the new Libya would be a nation of laws. I immediately said to myself, "Oh dear, pity the poor Libyans. Ours is a nation of laws and look at the mess we're in."

I'm always amazed at how much more was known by our forefathers than seems to be known today. Read the federalist and anti-federalist papers and learn how much the founders of this nation knew about the democracies that had existed prior to 1775. These people not only knew what nations had tried democracy but why their democracies had failed. The hope was that Americans would avoid the things that had destroyed those democracies. But look at America's political establishment today and compare what you see to what the founders said. You will notice that all the things we were told to avoid have been adopted instead. Instead of learning from the past, we have reproduced it.

I am also always amazed at how much progress mankind has made in knowledge and how little progress it has made in social cohesion. In terms of societies, the world today is little different from what it was when the Greeks and Persians were hell bent on slaughtering each other 2,500 years ago. Today we have midget Alexanders attempting to conquer The Near East and Southern Asia just as Alexander attempted to. Alexander was far more successful than we. When he died, his generals divided his conquests into their personal realms but failed to make them into Greek colonies. Instead, the conquerors were quickly assimilated by the conquered. Instead of Palestinians and Egyptians becoming Greeks, the Greek conquerors became Palestinians and Egyptians. Today, in its attempt to export Western democracy, nothing has been accomplished except the installation of governments in Baghdad and Kabul that are as corrupt as those in London and Washington. The British put a corrupt government in India, and the Indian people are still paying the price. So how do these governments control their peoples. Well, they become nations of laws. Yet the language of law that passes for conventional wisdom is mostly meaningless. Nation of laws indeed!

Sometimes this expression is written as a nation of laws, rather than men, but the addition is hardly helpful. Aren't laws promulgated by men? The meaning of the phrase is at best obscure.

When an expression doesn't display its meaning on its face, it can mean whatever anyone wants it to. So ask yourself, what this expression's contrary is. Is it a nation without laws? Perhaps, but somehow that sounds wrong. Has any nation anywhere been without laws? Furthermore, can anyone point to a nation of laws that is better governed than some other kind of nation? Are westerners better governed than Saudis or Mongolians or Tibetans? How would anyone collect evidence to answer the question?

The notion of law itself is not univocally clear. When anyone tries to think clearly about it, it becomes evident that even why it exists is enigmatic. Why do nations promulgate laws? To regulate behavior? No, laws don't do that; if they did, we would have no prisons. To distinguish between right and wrong? No, laws don't do that either; if they did the phrase "bad law" would be meaningless. People don't obey laws because they are promulgated. Laws are obeyed by people because they have no reason not to. When a law is violated and the violator is caught, the police always seek a motive, a reason? People are not inclined to do what they're told merely because they're told to. All that laws do is indicate how the establishment wants people to behave. What happens when people don't want to behave that way? Well, a lot of laws are broken.

And what about law enforcement? What do police do when they engage in law enforcement? They certainly don't compel obedience. They're not even involved until a law has been violated.

Since neither the promulgation of law nor its enforcement compels behavior of any kind, why do we have laws? Because they provide justifications for punishing nonconformity, meting out retribution to those who refuse to conform. Law is just a way of telling people how those in control of a society want the society's members to behave and of justifying penalties as a means of trying to compel compliance. Law is mostly just an instrument of repression. The more laws promulgated, the more repressive the state, and when the police "enforce" laws, only the establishment's position is being protected. Just look at what the police protect when dealing with the Occupy movement. Certainly not the demonstrators. They are confronted by police clad in more armor and holding more powerful weapons than the American infantryman possessed when he landed on Omaha beach. If laws are instruments of repression, those who enforce them also are instruments of repression. Your neighborhood policeman is not there to protect you, he's there to get you to conform to the establishment's wishes and protect the establishment's values. The same is true of armies. Ask yourself why so many nations that have no belligerent neighbors have armies and how many have used their armies to suppress popular dissent.

Only societies in which social order is lacking require numerous laws. If order exists in a society, law is unnecessary, and if law is necessary, order is absent. Law and order are incompatible concepts. Societies with huge amounts of law are comprised of a lot of people who are unwilling to voluntarily comply with the ruling class' wishes, so the governments of such societies attempt to compel conformity by enacting laws that micromanage behavior and become more and more repressive. Ultimately such societies collapse.

Non-conformity in the United States is astronomical: Richard Posner in the November 17

issue of the *New Republic* writes, “the percentage of our [U.S.] population that is incarcerated is the highest of any country in the world; . . . it exceeds by factors of 4 to 7 the percentage incarcerated in any of our peer countries.” In fact, crime in America has reached a level of absurdity. Americans are reaching the point of having to release a previously incarcerated person to make room for a newly convicted one (see California). If things continue as they have, the threat of incarceration will be completely empty and sentences become absurd. So compelling conformity to society’s wishes can not be and has never been effective. (Compare the Stalinist Gulag.)

As a society, the United States is in disarray. Its foreign policies have made it necessary to protect Americans from foreign “terrorists” while our domestic policies have made it necessary to protect Americans from other Americans. But no society that must protect itself from everyone can possibly be said to be well governed. There are many ways to show that the United States is a failed state. It’s use of laws is one of them.

For a society to be well governed, its laws must be ones its people want to obey. Only one kind of such law exists—reasonable, just and moral law. The Ancients knew this too: Isocrates in his speech entitled *Areopagiticus* said, “Those who are rightly governed . . . do not fill their porticoes with written statutes but only cherish justice in their souls; for it is not by legislation, but by morals that states are well directed.” No nation full of filled prisons can even pretend to be well directed. Yet many do.

Nations that use repression to exact conformity do so because they have no interest in perfecting society, and that is their greatest fault. Their leaders prefer societies as they are, full of violence, injustice, unfairness, poverty, helplessness, and hopelessness. The people in such societies are easily herded into disparate groups. The cohesion a society requires is shattered. The state becomes not merely ill-governed but ungovernable. Many now claim that America has reached that stage. Without an interest in perfecting society, morality too is a meaningless concept.

The immorality of today’s governments of laws world-wide makes it impossible for the world’s peoples to live together peacefully, and consequently, generation after generation of human beings are regularly sacrificed to protect ruling classes and fulfill their wishes. Things won’t change until governments function for the benefit of people everywhere, not organizations, institutions, or practices.

Throughout the world, governments are doing the opposite. People are being sacrificed for the benefit of a financial system that is bereft of even a tincture of morals. The peoples of entire nations are being asked by their elected “representatives” to sacrifice so that investors who elected no one and who wagered their money and lost can be repaid. The world is standing on its head, a world that cares not a wit for the welfare of people, a world that seeks to preserve a decadent, criminal financial system that benefits the establishment. Even some economists are beginning to see the light: Mark Thoma has recently [written](#), “the point is that we need to focus policy on people, not banks.” Ancient Greek and Roman philosophers said it millennia ago. What the world needs are fewer laws and more morals. People have to be taught the wisdom and advantages of doing good instead of exploiting others; yet the ruling classes have no incentive or inclination to do that.

Eighty-nine percent of Americans say they don’t trust government to do the right thing. What percentage of Afghans do you believe trust their government to do the right thing? Or Brits or French or Russians or Chinese or Italians or Canadians or or or or and or? Nations

that don't do the right thing do what's wrong. That's what the world's nations are doing. The Arab Spring must become a world-wide freezing Winter. Although many sing paeans to it and others pray for it, only when hell freezes over will "peace on earth; goodwill to men" become a reality.

My thanks to Barry S M Condell for reminding me of Isocrates.

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