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When the Laws Decay

A SURPRISING number of our people, otherwise of responsibility in the community, have drifted into the extraordinary notion that laws are made for those who choose to obey them."

Contrast these words of President Hoover with the following statement attributed to an ancient French lawyer:

"Let the law never be contradictory to custom; for if the custom is good, the law is worthless."

President Hoover, with admirable earnestness, in two speeches has called public attention to the breakdown of law and the rise of crime in this country. No problem presses harder for solution. The President is entitled to the support of all decent citizens in his crusade against crime.

It is necessary, however, to see a problem clearly before solution is possible and there is much confusion in Mr. Hoover's statement.

The notion that laws are made for those who choose to obey them is not, as the President suggested, extraordinary. On the contrary, it is fundamental. Laws have force because people do choose to obey them.

Laws are but the legal ratifications of customs. Their sanctity depends on the extent to which they reflect the popular will. Where there is no diversity of opinion the law is strong. Where there is diversity of opinion the law is weak. When a majority is against the law it has no force whatever.

AT ALL TIMES AND AMONG ALL PEOPLES LAWS HAVE BEEN OBEYED OR DISREGARDED ACCORDING AS THE PARTICULAR LAW REFLECTED THE RULING WISH OF THE PEOPLE.

Our separate life as a republic began because Americans did not choose to obey laws passed by the British Parliament. The United States exists because Americans of 1774 acted on the extraordinary notion that laws are made for those who choose to obey them.

The statute books of the states are heavy with laws which the American people do not choose to obey.

Laws regarding Sabbath observance are honored only where a dominant majority



chooses to obey them. Laws regulating motor traffic are obeyed only in so far as observance seems reasonable to traffic officers and to motorists.

On the other hand, universal public opinion condemns such acts as murder or robbery. When such crimes are committed only the weakness or the corruption of the government stands between the offender and punishment.

IT IS UNREASONABLE TO SAY THAT THOSE WHO VIOLATE ONE LAW WILL WITH EQUAL UNCONCERN COMMIT OTHER CRIMES. Sunday golf is not comparable to forgery. Driving a car beyond the statutory speed limit, a universal custom in most states, does not imply a disrespect for law. It merely advertises the impracticability of a particular traffic rule.

Yet it is true that in this country more than anywhere else in the highly civilized world we flout the laws we enact.

The reason is that we pass too many laws which do not express the matured will of the community or the nation.

A political group obtains a legislative majority and forthwith puts its policy upon the statute books. The resulting laws are enforced or disregarded according as public opinion sanctions them.

After the Civil War the radicals in control of the Washington administration compelled the amending of the constitution with the purpose of according full political equality to the liberated slaves.

Those amendments and the laws which followed did not express the sober opinion of a majority in the states affected. Con-

sequently the people chose not to obey them.

From the early nineteenth century onward groups opposed to organized business have passed law after law intended to forbid and to prevent the development of large corporations and trusts.

The Sherman Anti-Trust Law was typical of these attempts. Yet business has continued during a century and longer to seek larger and larger forms. ANTI-TRUST LAWS HAVE HAD NO MORE REAL EFFECT UPON THE SIZE OF BUSINESS THAN KING

CANUTE HAD UPON THE WAVES.

Human nature is stronger than any law which men write. In general men and women govern their conduct in accordance with the ideas and customs which their community approves.

If the law is wisely drawn to coincide with generally approved ideas and customs, the majority choose to obey it. Those opposed, if few enough, can be whipped into line, or sent to prison, or hung, or treated in any other fashion which public sentiment suggests. If the offense is appalling and the government is frail or dishonest, vigilance committees are formed and the people themselves give sanction to their ideas of right. But if the law isn't approved, it dies.

The trouble now is that we have too many laws which too many people don't choose to obey.

Maybe in a perfect world people would obey a law they despised until it was repealed. In our quite imperfect world it is the custom to take short cuts and by hook and crook to evade the laws not upheld by public opinion.

Laws are never respected merely because they are written in the statute books. Intelligent lawmakers and administrators, moreover, bestir themselves to repeal those statutes which experience shows decent people ignore.

For when large bodies of responsible people rebel against a particular law, HISTORY OFTEN CONCLUDES THAT THE LAW, AND NOT THE PEOPLE, WAS AT FAULT.



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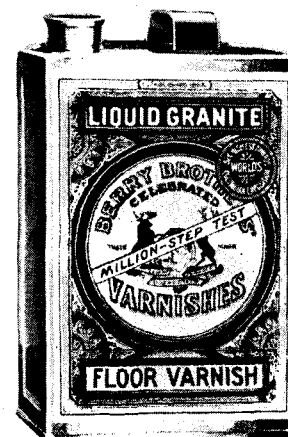
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