

## Footnote: Legal Infrastructure

*People can live peacefully in natural communities without a legal infrastructure. A formal legal infrastructure is needed only by those regimes which use law as the means to facilitate the containment and exploitation of those ruled by those who rule. [PDF]*

Everybody wants to live in peace and harmony with his neighbour. Strife dissipates effort that could otherwise be applied to acquiring the needs of life. Minimising strife therefore maximises the proportion of available effort that can be applied to economic production and constructive social interaction. Minimising strife therefore maximises quality of life.

Unfortunately, however, human nature is such that not everybody gets along with everybody else all of the time. One may be irritated by his neighbour's temperament or personality. Another may envy his neighbour's popularity, skill or luck. A third may resent a perceived injustice or unfairness in the way society or circumstance has apparently favoured his neighbour over him.

Children have not yet learned restraint. A child's irritation, envy or resentment frequently triggers an instant aggressive confrontation, which can rapidly escalate from verbal to physical. Unchecked, it can develop into an on-going campaign of terror. Reconciliation requires adult intervention. Verbal correction will usually suffice, but physical force will sometimes be necessary. In a natural society, unburdened by our insidious laws that purport to 'protect' children from appropriate adult correction, all differences would be quickly and properly resolved. And, unlike in our present society, children would grow up into considerate adults.

A mature adult in a healthy [anthropological community](#) has learned to control those emotions which would precipitate open conflict. He inwardly plays out the scenarios such a response could initiate. Through these he sees that, though his ego may be temporarily indulged, the effect is bound to yield no lasting benefit to either. On the other hand, it could result in either being injured or falsely defamed. It is always bound to waste the considerable time and effort of both.

He therefore talks it over with his adversary and they become reconciled by reason. At worst, both ask a third to arbitrate. They then accept the arbitrator's decision, relegating any perceived unfairness to the realm of acceptable human error. On the rare occasions it proves necessary, the arbitrator's decision is enforced passively by the social pressure of peer disapproval. Peace is restored. The relationship is enhanced.

The laws defining right from wrong, by which all human relationships should be governed, are indelibly etched into the mind of every individual. The protocol for human interaction is hard wired into the human conscience. Each knows what he *ought* to do in every situation, provided he takes the trouble to consider it and seeks the counsel of his peers when necessary.

Consequently, though occasional arbitration may be necessary, human society requires no universal infrastructure to regulate its basic human relationships. It has no need for a legislature, a judiciary or a police force. So why do almost all societies today have these?

The answer is: to maintain a regime which actively creates and sustains unfair inequality.

Fifty families live together in a community. Each has its own fair share of the land. Winter is approaching. Each has a sustainable plantation of trees growing on its own land. Each cuts an appropriate amount of wood for winter fuel. Each is warm that winter.

Fifty families live together on a noble estate. All the land belongs to the noble landlord. A forest is growing on the land. It produces enough wood increase each year to provide adequate fuel for all who live on the estate. The landlord employs some of the people living on his estate to cut his wood

for winter fuel. In return for their labour, the landlord allows them some of the wood for their winter fuel. The rest of his wood harvest he sells to his king for profit to build warships to subjugate foreign lands.

But the landlord only needs to employ those of working age from 10 of the 50 families. He does not require the labour of the others. None of the 50 families owns any land. The nobleman's predecessor confiscated it two generations ago under an 'Enclosures Act' enacted by a parliament comprising his elite peers. The 40 families therefore have no means of acquiring their winter fuel legally. They do not own the trees from which it may be cut. They are unable to earn money with which to buy it.

This is wrong. Conscience tells those of working age in the 40 unemployed families that they are obliged to provide warmth for themselves and their dependants that they may survive the winter. Conscience outweighs law. Therefore they will endeavour to 'steal' the wood from the landlord's forest. The landlord and his peers wish to protect their forests - and their profits. They therefore institute a legal infrastructure to enact, expedite and enforce laws against what they claim is 'stealing'.

The 40 unemployed families are left with a simple choice: they must either steal or freeze. Equally, they must either steal or starve. Conscience outweighs law, so they steal. They steal so they are punished. They live under oppression and in poverty. Or they die. Eventually, the landlord realises that if he does not provide for those he has economically excluded, sooner or later he will be facing the stark spectre of popular insurrection. He and his peers therefore institute alms - a miserly pittance to keep those without land or work just short of the threshold of insurrection.

Ultimately, the landlord becomes the State with its formal system of law and all-encompassing means of enforcement. But its purpose is still the same:

*To facilitate and enforce  
the ordered and peaceful  
containment and exploitation  
of the poor by the rich,  
the weak by the strong,  
the honest by the devious,  
the many by the few.*

That is what it is designed to do. That is what it is observed to do.

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