

# Using Mob Rule to Bypass Due Process

“Due process” can mean many separate yet similarly-connected concepts. The requirement that governments “must respect all legal rights that are owed to a person” is *due process*. Limitations on “laws and legal proceedings so that judges... may define and guarantee fundamental fairness, justice, and liberty” is *due process*. That “government must not be unfair to the people or abuse them physically” is *due process*. Evolving from the *Magna Carta*, “No man shall be arrested or imprisoned... except by the lawful judgment of his peers or by the law of the land” is *due process*.

Here is what *due process* means to me: nobody may rightfully hurt me or take my stuff without first demonstrating beyond a reasonable doubt using facts and evidence that I have hurt them or taken their stuff (or another’s).

Is there anything in my formulation of due process that is controversial as it regards our basic understanding of fairness, justice, and liberty? Hardly. I think most people would agree with it. It makes sense. And, I dare say, it is the foundation of civil and peaceful society.

If you value civility and peace, and desire to avoid costly and violent conflict with other people, you would do well to respect and apply due process in situations that require it. Since I value and desire these things, I am committed to respecting due process in every way that I can. Unfortunately though, not many else are.

There’s nothing wrong with forming groups and creating rules and procedures for how the group will operate and handle disputes. But I do take issue with forming groups and creating rules and procedures for how *other people* will operate and handle disputes. The latter is called “government.”

We know that this is how government operates because when legislators, law enforcement officers, prosecutors, and bureaucrats are challenged to provide facts and evidence to support their jurisdictional claims, they can’t. All they can provide are their opinions and willingness to use violence to hurt us and take our stuff in accordance with their rules and procedures.

And herein lies the dilemma for the supporter of due process. Because people who call themselves “government” have no basis in factual reality for their claims of jurisdiction, when they do use violence to hurt us or take our stuff, they do it in total violation of due process.

Further, when some people ask “government” to hurt other people or take their stuff, they likewise do so in total violation of due process.

For example, asking “government” to raise taxes on the wealthy. Did the wealthy hurt others or take their stuff without just cause? If so, then how simple would it be to apply due process: to demonstrate with facts and evidence, beyond a reasonable doubt, and then seek restitution?

It may not be simple at all, because it may not have happened, but if it did, then our commitment to respecting due process should prevent us from using mob rule to bypass the burden of bringing other people to justice for the crimes that they commit.

This is but one example in thousands of the way that people demand “government” to hurt other people and take their stuff. Taken as a whole, it’s difficult to say that any society today cares one whit about due process. That’s unfortunate, because without it, nobody or their property are safe.