

# Arbitrary Legality Makes Bad Laws

Recently, out of curiosity, I scanned the daily jail log for Curry County. I had never done so before and probably won't do it again. Afterward, I felt guilty and was ashamed of myself.

I learned something interesting, though. Half of the people — five out of 10 — booked into the jail that particular day weren't even accused of having done anything wrong; only things that have been arbitrarily declared illegal.

What's the difference?

An act that violates an individual's life, liberty, or property is wrong; a real crime, whether or not the law considers it a crime. These acts are wrong in and of themselves. The Latin term for this is "mala in se."

Those booked into the jail that day and accused of having actually harmed someone were claimed to have either harmed others physically or to have violated someone's property rights. Your main responsibility as a human is to respect the rights of others, so I have no sympathy for anyone who chooses to violate others.

This is assuming they actually did what they are accused of, which isn't necessarily a reasonable assumption to make these days.

The other half of those jailed weren't even suspected of harming anyone. The only justification for caging them was that they had offended the government in some way. Either they refused to identify themselves to a government employee, didn't have the required permission papers, had forbidden substances, or tried to avoid being apprehended and kidnapped by an armed government employee. This makes these inmates political prisoners, not criminals. Even if I believed in punishment and imprisonment instead of justice, I wouldn't believe these people deserved it. They are the real crime victims.

I understand why government would like for you and me to think of those things as crimes, but they aren't. They can't be. Instead, these acts are "crimes" only because someone wrote legislation designating them so — a made-up rule with no ethical foundation. "Crimes" only because government employees say so. The Latin term for these acts is "mala prohibita."

If you get aroused by punishing others, you probably don't care. "It's the LAW! It has to be obeyed," you might insist.

Still, if you want your laws to be respected, you'll first need to make them respectable. A good beginning is to get rid of all those laws based on nothing but the empty opinions of

politicians.

This would eliminate all of your counterfeit mala prohibita "laws."