

The Hierarchy of Law



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Not only can law be defined in different ways, but the duty we feel to obey law varies with not only the kind of law we are considering, but also from person to person. Here are the types of law as I understand them, and the hierarchy at which the different types command our obedience, and why.

Self - the Highest Law

Our first duty is to ourselves, primarily our life, and as it follows, our liberty. If we value either, and we may not, then our duty to preserve our life and liberty supersedes the duty to obey *any other law*. If we value something higher than our lives, such as nonviolence at all costs (the way of pacifists), or our loved ones, than our duty to preserve that likewise supersedes the duty to obey any other law. In other words, the law we make for ourselves, that we will sustain our lives and uphold our values, is the highest law that we have any duty to obey. All other laws are necessarily beneath them as a matter of duty.

Conscience - Just below Self

I have a hard time believing that conscience ever moves anyone to violate the life or liberty of those who they would consider innocent of any crime. It almost seems that the nature of conscience is to remind us to “do no harm” against those who have done no harm to us. It follows, then, that conscience must be the second highest law that we have any duty to obey. To violate one’s conscience has a **destructive effect** toward the self, a consideration of great importance if we value our lives and liberty.

Custom - after Conscience

As we each obey the higher laws, self and conscience, while living and cooperating among others in society, what develops as a matter of custom, convention, norm, contract, *et cetera*, is a type of law that we each obey less as a matter of duty and more a matter of convenience. While there are customary laws that prohibit violating the life or liberty of

others, their observance usually coincides with our obedience to conscience, and where it doesn't, then to self, as their violation would prove dangerous toward our own life and liberty. Custom, then, is the next highest law that we have any duty to obey as a matter of convenience and security.

Fiat - Last, If at All

Laws, rules, decrees, and dictates as pronounced by others who have taken it upon themselves to make them have only the legitimacy that you believe they have. As I don't consider them to have any legitimacy at all, my duty to obey them is *nil*. However, completely disregarding them is likely to lead to loss of either life or liberty, and on those grounds alone they should be obeyed. As I've written previously, obedience to these kinds of laws are a matter of mitigating risk, not duty. They are the lowest types of law, if we can even call them that.

Final Thoughts

The hierarchy of law as a matter of duty is like an inverted pyramid. The highest section at the top, which commands the largest duty, is the law that we obey as a matter of protecting our lives and liberties. The next section down, commanding the next largest amount of duty is conscience, that part of our minds that urges us not to hurt others. Below that, and getting smaller in duty, is customary law that evolves as a matter of living in society. And finally, the lowest law and smallest obligation is that which is arbitrarily created by others. What is missing from this discussion, but what I place entirely around our inverted pyramid (with fingers reaching into the top section, the self) is Natural Law, that which is obeyed as a matter of physical existence, not duty. And finally, because our primary duty is to the law that protects our life and liberty, if obedience to this higher law is disobedience to a lower one, then so be it. That is as it should be if one values what is rightfully his to keep. And thus is the hierarchy of law.

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