

The Peril of Disobedience

by ALEXANDER M. GOLDFINGER

TO ALLOW man to co-exist with his fellow man in peace, rules of conduct are necessary, and order is essential. There must be a criterion by which to judge how far one may go in safety. Anthropologists have found that in different cultures such rules vary widely. They have a common goal—to encourage men to live and let live.

In my younger days I was fascinated with the study of man from primitive beginnings to our own age. I soon discovered that in practically every culture man realized that his was not the supreme power to assure his life and well-being. As a reader of history inevitably I was drawn to the inception and development of religions, extant and extinct, and I was struck not with the differences but with the similarities in basic conception.

The Ten Commandments were principally to restrain men from harming their fellow men, the perspective being that all men are similarly endowed by a power vastly superior to human power and thus human conduct should merit approbation and not opprobrium.

There is order in the universe, but what we term natural laws are not in reality laws. Humans have observed that invariably and without exception sequentially certain happenings occurred following certain other happenings, and that the sequence or consequence of a given cause in turn frequently became the happening or cause of another consequence. Only in our lifetime did man discover what has existed in nature over millennia: the energy released in the splitting of an atom or the fusion of a molecule.

But man did discover and accept that this causal relationship in nature makes this an ordered universe, and if happenings or causes can be isolated or controlled the consequence can often

This is abstracted from a longer address at the HGS annual conference under the title, "The Development of Natural Law." Mr. Goldfinger is a lawyer with offices in Newark, and dean of the New Jersey Henry George School.

be predicted. Thus the fission of the atom and its release of energy was predicted before man succeeded in releasing atomic energy. These causal relationships, when they are discovered and accepted, we therefore refer to as natural laws.

It has been said that it is better to obey a bad man-made law and try to change it than to disobey the law, thus causing disharmony and chaos. Frequently laws conceived in benevolence and motivated by a desire to benefit mankind have opposite results, since some factors not known or considered in law-making are present. Such a law is the desire of legislatures to make certain that everyone receives a wage enabling him to live with a certain standard of comfort, and so it enacts minimum wage laws. The end result sometimes is that unemployment increases since no employer will willingly employ a worker who does not produce or earn the higher minimum wage established by law.

The conception of government-made laws which permeated the Anglo Saxon culture was directed toward making certain that lives and property should be made secure, to prevent fraud and pestilence. Otherwise government was to refrain from interference with the lives and decisions of its people, thus insuring the greatest degree of liberty. It was limited by checks and balances to prevent encroachment upon the liberties of individuals, and under such limited government the British Commonwealth and the United States became the foremost peoples of the earth

in productivity and high standards of living.

My professional studies were in the field of law, the history of law, the ethics of law and the need for and the application of law. The history of law discloses man's search for ways to resolve conflicts. Men inevitably come into controversies with others, or with their rulers or with the state. In more primitive days these controversies were resolved by force of arms, but in the course of time order succeeded chaos by the evolution of laws which determined their rights and obligations.

The lawyer had confidence that when confronted by a client's problem, if he did not know the precise answer, he knew his law books, could look up a line of similar cases and know how the law regarded one or another course of conduct, and thus he was truly a counsellor of men.

Particularly in the realm of relations between the individual and government, the lawyers trained in the Anglo Saxon culture were on firm ground. In England and Canada the common law or compilation of the body of law; and in the United States the federal and state constitutions; permit lawyers to advise thus far you may go, but to go further is contrary to the law. Today, I regret to say, lawyers in the United States no longer can tell their clients with assurance how far the law will go in protecting them.

The Constitution of the United States which limited and set forth specific powers to be exercised by the federal government, has been made so elastic under the so-called General Welfare clause of wide renown, that until a matter reaches the highest court no lawyer and no client knows what ultimately may emerge as law. No matter how wisely they have been conceived, laws have not accomplished their goal of encouraging men to live and let live.

We then realize that regardless of

the necessity for guideposts of conduct among men there are "natural laws" by which men must abide or ill consequences will encompass them.

As Henry George so wisely observed, "before men can live wisely and well, they first must live." That brings us into the field of economics, the satisfaction of human needs and desires from the scarcity of the environment. And it is in this field of economics that the need to comply with natural laws becomes so evident. Violence and wars will not cease until men realize that they cannot repeal or amend natural laws and cannot with compunction violate them.

We agree with Henry George that man seeks to gratify his desires with the least exertion. The least exertion may seem to be accomplished by stealing from another that which his labor has produced, and we may trace most of the violence in the world to this aim. But while theft appears to accomplish the satisfaction of desires with the least exertion, its result is the expenditure of much more exertion and treasure to prevent aggression and violence.

We then may accept the truth that men can increase the satisfaction of their desires by equality of opportunity, by division of labor, cooperation and free exchange of goods and services. But this realization will come only if we recognize that when natural laws are violated we are in dangerous territory.

Henry George recognized the necessity of compliance with natural laws particularly in the production and distribution of goods and services, and we who follow him must keep the torch burning as a beacon for advancing civilization. As our influence becomes more evident we should take heart and newly resolve that what we labored for and sought shall not diminish but ultimately must motivate men and nations for their own good.