

“For man, when perfected, is the best of animals; but, when separated from law and justice, he is the worst of all.” –Aristotle, *Politics* I

No animal kills its own species like mankind. I would go as far as to say that the deliberate murders that happened inside all animal species amongst themselves for the past few thousand years would fall short of the casualties of World War II.

Yet, no animal has achieved what mankind has and this goes without saying. The fact that humans have achieved status that defies classification as an animal crystallizes mankind’s exclusivity. Indeed, as Aristotle said, we seem to adhere to the extremes.

Is it really law that makes this drastic difference? Aristotle claimed that law perfects mankind. I beg to disagree: law is what enables mankind to be the most ferocious of all beasts.

To examine Aristotle’s claim a number of contemplations have to be made. First of all, the nature of law should be fully analyzed. What is law? How does it function? Once the nature of law has been fully examined, the influence of law on mankind would be the logical step to follow in order to corroborate Aristotle’s claim. Does law indeed crown mankind with a halo? Or does the reality disprove Aristotle’s aphorism?

I. Fundamental Nature of Laws and Their Effects

Law under dictionary definition is a collection of rules that are formally recognized by governing state used to govern the people that constitute the state. The definition of what a law is is not really hard to find. What is more challenging, yet equally helpful in edifying the meaning of law is to identify the values that law stands on. Modern sociologists agree on three factors that constitute law. These three factors are legal stability, legal adequacy, and, last but not most definitely not least, justice.

Legal stability indicates how consistently the law applies to society. Strong proponents of legal stability argue that only when the law remains stable can the law claim any credibility or authority over the people. Changes to the law or differential treatment are seen as challenges against this value and thus are strongly discouraged by proponents of legal stability. One very well known advocate of legal stability is Socrates. When Socrates was charged with defiling the minds of the youth and impiety and sentenced to execution, he had the opportunity to evade the sentence. However, Socrates believed if he denied the authority of the law and evaded his sentence, it would greatly damage the stability of the law that governed Athens, and thus chose to uphold legal stability by remaining in Athens to be executed.

Legal adequacy (the terminology of this concept can differ among different nations and systems) describes the manner in which a law is designed to serve society’s purpose most effectively. For instance, in Qin China, the legalistic philosophy that was predominant molded laws that were extremely strict as to lend more authority to the throne and promote social obedience. Another example where legal adequacy is emphasized over the other two values of law would be martial law. Martial law compromises the civil liberties of the people in order to maximize efficiency in times of emergency. For instance, when a democratic country embarks on war, appellate courts may be forsaken in order to focus governmental resources and personnel where they are more needed, a curfew may be imposed to ensure the security of citizens in a time of crisis under martial law, and etcetera to promote legal adequacy: shaping law so that it prepares society to yield maximum efficiency to achieve its top priority.

Finally, if legal stability and legal adequacy are values that are needed to facilitate the practical implementation of law so that it achieves the best results in field, justice is the value that draws more on principle than on practical concerns. Justice is the ultimate value that all laws strive to achieve. Justice is based on the belief that people should be given what they deserve. Justice, therefore in essence is a very rational approach to settling conflicts.

II. Why Laws Came to Be

Thomas Hobbes argued that before laws, mankind was in a state of chaos. Hobbes believed that because all people have similar interests and resources are limited, when left alone, people will erupt into a conflict of all men against all men. He reasoned that it would be therefore most desirable to have a ruling figure, much like that of a monarch, that would curtail the individual liberties (to fight for what they want) of the people but ensure a larger net satisfaction. John Locke agreed with Hobbes that society, a group of people, would naturally give rise to conflicts. However, he disagreed with Hobbes on Hobbes' argument that a monarch would have the power to curtail liberties and prevent conflicts, thus making a better society. Locke argued that an arbitrator would solve the conflicts of society, and that this arbitrator would have power only if the people had trust in this arbitrator to make the right decisions. Thus, if the people decided that the arbitrator was making wrong decisions, and thus was unworthy of their trust, the people had the right to strip the arbitrator of his powers.

These two theories seem quite different, but they ultimately say the same thing. Hobbes' and Locke's theories are not mutually exclusive in a modern context. The monarch that Thomas Hobbes trusted to put down the *Leviathan* and the arbitrator that Locke postulated can be both translated into law. Law has the characteristics of both the monarch and the arbitrator. Law requires two factors to function: enforcement and legitimacy.

Socrates lectured that actions against morals do greater damage to the perpetrator than the victim. This belief tied into his line of argument that evil was committed out of ignorance and therefore, teaching one about what he does not know is saving him from evil. This theory worked very well in supporting Socrates' dialectic method of inquiry and teaching but the mere assurance that criminals do greater damage to themselves than to the victim does not prevent crime. That is why all laws have enforcement clauses that explicate the punishment that follows disobedience to the law. Enforcement of the law is a self-explanatory action because it is obvious that there will be no tangible incentive to abide by the law unless there is an adverse consequence to disobeying the law.

What may need a little more explanation, however, is why a law needs legitimacy to operate. To quote what has been said in the text above, 'Justice is based on the belief that people should be given what they deserve. Justice, therefore in essence is a very rational approach to settling conflicts.' But who determines what actions deserve what consequences? This question is the reason why so many different interpretations exist to explain the concept of justice. Does a rapist deserve to die or does a life sentence in prison suffice? As can be clearly seen it is not an easy job to determine where the line should be drawn. All societies have drawn these lines according to a similar process. First, in ancient societies, all or most authority was based on mystic powers that are not unlike those that shamans yielded in primitive civilizations. The rules were somewhat arbitrary and based on experiences that caught people in the post hoc fallacy. For instance, if sacrificing a young virgin was followed

by an abundant harvest the next season, the people of the society could be fooled into thinking that human sacrifice automatically leads to good harvests. These traditional practices must have been tested over generation after generation and formed a solid set of ideals that the society determines itself to uphold. These approximations (changes in laws that may have occurred over the ages: trial and error must have taught people that some laws work better than others and the concept of 'justice' may have adapted accordingly to serve the new laws) to reach the ideals result in cultures solidified by time tested traditions and taboos. Of course, as time passed these uncouth practices gave way to more modern, civilized practices, this change happening earlier in some cultures than others. However, even the sweeping revolution of democracy in modern centuries have failed to eradicate all societies of their distinctive cultures and hints of cultural 'justice' on modern laws still wield a considerable amount of power. For instance, in the U.S where many people gathered under the banner of liberal ideals, of revolutionary thoughts, the freedom of expression is appreciated much more than in Eastern cultures where deep rooted Confucian traditions shy away from granting too much freedom over what material, possibly obscene and vulgar, people choose to share. Justice in other words, is interpreted by the values of a society. The people need to believe in the values that a law upholds. It has already been established that laws are found on a common set of values the people of the society that upholds the law agree on. If people cease to believe in these values, the power of these values fade away, and the laws that are found on these values will lack in legitimacy. The law needs to represent the beliefs of a society for the society to be content with the laws and subsequently cooperate.

What has been said so far? Conclusively, the **law is a crystallized set of beliefs that facilitates the operation of society and when the people do not abide by this set of beliefs, punishment ensues** (the concept enforcement).

Revisiting the argument that Hobbes and Locke ultimately suggested the same thing, their ideas that conflict is unavoidable without law (respectively interpreted as the monarch and arbitrator) suggest that law is created out of necessity. This theory that laws are the result of the need of a society very well explains why so many different cultures have so many different laws. Inuits abandon their parents in the wild after their parents reach a certain age. Similar traditions can be found in Eastern cultures as well. To most of us, these practices seem very inhumane but this disgust arises out of the difference in the justices that modern people have and those of the ancient Inuits and Eastern cultures. If we, too, were forced to live in environments that had meager food sources and harsh climates we would have adhered to the justice that the Inuits found their laws on.

This clash of laws can be explained better according to the three fundamental values of law that have been previously explained. Reexamining the three values of law, one thing becomes very clear. Laws are not designed to promote understanding between societies that endorse different laws. Different societies have different interpretations of justice. These beliefs are solidified because legal adequacy makes sure that laws design society so that they can forward their agendas most effectively. Legal stability makes sure that these laws stay in place for a long time without change, rigidly pinning societies with different laws against each other.

III. Refutations

Not many people can easily concur to the idea that law and mankind are inseparable. What about the criminals and social vices that occur because people are

separated from the law. The response to this accusation is that there is a difference between saying that ‘*mankind* is inseparable from law’ and ‘*all men* are inseparable’ from law. Crime often happens because laws are not enough, perhaps the enforcement was not strong enough to stem the urge to commit a crime, the criminal did not know of the punishment, or the criminal did not agree with the value the law supported, but this does not go to disprove that law is what naturally arises from human needs.

Also, not many would be convinced that law is what characterizes mankind as beasts rather than a civilized species. They point to the fact that laws prevent many vices. Laws are what prevent crimes and make sure that crimes are judged in trial. People would say that ultimately laws do more good than harm and thus Aristotle was right in saying that laws perfect mankind to distinguish it over all species.

First of all, on a very literal level, I would like to point to the fact that codes that prevent damage within a species is not unique to mankind. In fact, most species do not commit murder within themselves even without the sophisticated legal codes that mankind established in hopes of preventing such violence.

Secondly, it is true that the law prevents certain crimes, but it is also true that laws set a frame of beliefs that give people the idea that it is okay to behave within the boundaries of their laws even if it means harming people that are bound by other laws. The violence that mankind should be most ashamed of is not the petty crimes of burglars but the genocides of the wars that are proudly waged under different flags that hold different laws.

V. Influences of Law on Mankind

The reason that law can be described as the catalyst of the most vicious violence mankind commits is because of the legitimacy laws lend to violence. No other species has a codified series of beliefs that are widely acknowledged as dictums of justice. The effect of having a *law* versus having generic beliefs is immensely different. Simple deductive logic shows that the reason for this difference stems from the symbolic meaning that laws possess.

Premise I. Laws stand for justice.

Premise II. Justice stands for the ultimate good.

Conclusion. Abiding by the law, is acting in accordance to the ultimate good.

Laws make sure that people following it feel a sense of security and never the least of guilt as long as they are following the law even if they commit acts that they intuitively recognize as immoral. Numerous philosophers embarked on journeys to identify the ultimate good. Plato suggested that there was an ultimate ‘Form of the Good’. Ironically, cultures heavily influenced by his legacy would embark on journeys to colonize other states with different beliefs and slaughter them. Thomas Aquinas added great faith to the Church with his new explanations that sought to prove the existence of God and his Scholastic approaches. Ironically, the Catholic Church reassured by its canons went on Crusades to slaughter ‘Moors’ who were equally zealous in protecting their law, the Sharia. Fascist governments aided by their laws that were morphed, influenced by the concept of legal adequacy, reaffirmed their belief that some races were born inherently inferior and went off to ethnically ‘cleanse’ their domains. The reason the law should be feared is because it lets mankind indulge in violence, in purges of blood, but still give them the security that they are doing nothing wrong.

Conclusion

Aristotle lived in the times that immediately succeeded the era of the ‘Thirty Tyrants’. He knew what violence could do when men were not restricted by law and warred amongst themselves. It is only natural that he said that “For man, when perfected, is the best of animals; but, when separated from law and justice, he is the worst of all.” But Aristotle did not live to see cultures meeting each other with respective laws that they would kill to protect.

I do not totally disagree with Aristotle. Laws are needed and without them, no one knows where mankind would be. However, law does not perfect mankind, because the laws that we have are not perfect. They still leave room for violence and this gap is understandably a natural consequence of the development of different laws in different cultures with different concepts of justice.

Fortunately, this does mean that laws have room for improvement, and can be modified to fill that room. Understanding that laws do not always mean the same kind of justice that Plato’s ‘Form of the Good’, and that justice is a fluid term is the first step. The second step, perhaps, would be to discover means to fill the gaps that time has forged and liberate ourselves from the hide of the ferocious beast our laws sometimes encourage us to be.