

The Uselessness of the Laws

Ricardo Mella

1910–1913

Whoever says law, says limitation; whoever says limitation, says lack of freedom. This is axiomatic.

Those who believe in the reform of the laws to improve life and who seek an increase of freedom by that means, lack logic or speak lies that they do not believe.

For a new law destroys another old law. It destroys old boundaries, but creates new boundaries. And so, laws are always a barrier to the free development of human activities, ideas and feelings.

It is, therefore, an error, widespread perhaps, but a mistake in the end, to believe that the law is the guarantee of freedom. No, it is and will always be its limitation, which is to say its negation.

“It may be,” we are told, “that the law cannot give authority to those who do not have any; it is also possible it will hinder rather than facilitate human relations; it will be, if you will, a limitation of individual and collective freedom; but it is undeniable that only by good laws can we prevent the wicked from offending and trampling on the good and the strong abusing the weak. Freedom, without laws regulating it, degenerates into debauchery. Law is the guarantee of freedom.”

This is the common reasoning with which respond all those who trust in the law as the solution of the problem of good and evil, without noticing that such a manner of thinking, instead of justifying the laws, on the contrary, give greater force to our anti-legalist opinions.

Is it possible for the weak to impose the law on the strong? And if it is not the weak, but the strong who are in a position to impose the law, is there then one more weapon for the strong against the weak? There is talk of the good and the bad, but, by chance, are there two species of men on earth? Is there anyone in the world who has never committed a bad deed or someone who has not done a good deed? Who will then be able to affirm: these are the good ones; those, the bad ones? Other men?

Who will guarantee the goodness of these men in such conditions?

Shall we give preference to the intelligent over the ignorant? Isn't evil usually in proportion to intelligence? And, thus, won't the intelligent ones abuse the ignorant? And if we grant the making of the laws to the ignorant, what manner of laws might come out of their hands? Entrust the making of the laws to the naive, and they will be mocked by the cunning; it establishes that

the cunning, and then they will be ill-intentioned and detrimental of the just. The problem is always the same. Are men bad? Yes? Then they cannot make the laws. Are they good? Then they have no need of them.

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