

***RELATIVELY SPEAKING****The Philosophy of Individualism***Number 7****Editor: Gordon F. Brown, PhD****December 1976****In this month's issue****THE ABSOLUTE-RELATIVE  
DISTINCTION APPLIED TO LAW**

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***ABSOLUTE-RELATIVE DISTINCTION  
APPLIED TO LAW******Jim Lunsford and Gordon Brown***

This article considers the application of the Absolute-Relative distinction as a tool to clarify issues in the area of law.

**ABSOLUTE VIEW**

Consistent with the absolute assumption of a knowable, external Reality, it follows that all people are subject to this knowable, external Reality; and the "ideal" state of affairs would exist if all persons acted consistent with this Reality—or the implied "laws of nature," so to speak. The laws of society can be seen as reflecting Reality or "Truth," and so people are seen as subservient to the "law"—in the same way as they are subservient to Truth or Reality. To wit: The inscription over the Los Angeles County Law Library, "Dedicated to a system of laws, not people," And again, the bumper sticker, "Love it or Leave it."

Following this line of reasoning, to disobey or break the law is "bad" or "evil." And so, law breakers may be sent to places such as the California Correctional Facility or the State Penitentiary, to be "corrected" or "punished." Like Truth, the law tends to be resistant to change. Appeal procedures are designed to establish what the law is in a strictly hierarchical system—higher courts dictating to the lower courts. The highest court, the US Supreme Court, establishes the "law of the land." To openly defy or undermine this system of law (or jurisprudence) may be interpreted as an act of "anarchy," or even approaching "treason" or "disloyalty."

***ABSOLUTE-RELATIVE DISTINCTION***  
***Applied to Law (Continued)***

Since the true interpretation of a given law is not self-evident, those who do interpret the law (judges) are assumed to be special people—people to whom the Truth has been revealed. It is therefore reasonable to depersonalize the Judge by calling him “The Court” or “Your Honor,” having him wear black robes similar to a priest, elevating his chair, etc. A judge may be reflecting the fullness of his role when he places himself “above the law,” and in the name of “compassion,” lets a convicted person “off the hook.”

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**RELATIVE VIEW**

Consistent with the relative position of an unknowable, external Reality, and that knowledge is always relative to the characteristics of the beholder; an “ideal” state of affairs would exist where the laws were designed to maximize freedom of individual expression. “Laws” are always subservient to the individuals within a society, and would reflect a condition maximizing every member’s individual freedom.

Following this line of reasoning, to disobey or to break the law is the breaking of a social contract. Since membership within a society assumes agreement to a social contract, the breaking of a law is an individual’s declaration of independent form the society—as a practical matter, the “break” may not be total. The breaking of a law creates an inconsistency. On the one hand, the social group claims sovereignty over an area, and its members agree to some social contract within the area; but to break the law (or social contract) is to claim individual sovereignty in the same area (geographically or behaviorally).

Alternatives to resolving the inconsistency may include: (a) The society gives up the claim of sovereignty in the area of dispute. For example, following the American Revolutionary War, England gave up its claim of sovereignty over the area which was to become the USA. (b) The individual leaves the area of dispute. For example, individuals were deported the period of Prohibition. And, (c) the individual retains membership in the society but is required to demonstrate his desire for continued membership by “paying for the damages” incurred by the unlawful act. “Payment” may be in “dollars or “time.” For example, our present criminal and civil judgements provide for individuals to pay in dollars and/or time to demonstrate to members of society that they want to retain membership.

***ABSOLUTE-RELATIVE DISTINCTION***  
***Applied to Law (Continued)***

Since the law attempts to maximize individual freedom for every individual; and since people and conditions are constantly changing; it follows that the society would develop methods of changing laws with relative ease and effectiveness—searching for the Golden Mean between stability and relevance. For example, present conditions require laws relating to the child-support liability of persons who have made donations to sperm banks.

Judges are not special people but are entrusted with a special service—the administration of a system of laws designed to maximize individual liberty.

An obvious problem is that the administrator forgets he is a servant and uses the power entrusted to him to protect individual liberties, to rule over people. For example, if you entrust power to the military to protect your individual freedoms, what keeps them from using it to rule over you? The concern seems age-old, attributed to Jesus (*Matthew 21:33*) is the parable about the vineyard which was entrusted to tenants only to have the tenants claim it as their own.

And so, judges, like the military, would be under constant scrutiny by the general public to insure that they serve, and not rule or attain personal power for themselves or special in-groups.

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***ABSOLUTE v RELATIVE LAW***

**REGARDING LAW AND THE INDIVIDUAL**

**ABSO:** The individual is subservient to the law; no man is above the law. Love it or leave it.

**REL:** Laws are subservient to the individual; it is the individual who chooses to obey the law; if the law does not seem to maximize every individual's freedom, then it is his duty to work towards changing the law. Love it or change it.

**REGARDING LAW AND VALUES**

**ABSO:** It is good to obey the law. The law attempts to reflect Truth and Goodness.

***ABSOLUTE v RELATIVE LAW (Continued)***

**REL:** To obey the law is not good or bad. Laws reflect the choices of the individual members of a society; to enshrine such choices with values of "goodness," is simple idolatry—you create the law, and then you worship it.

**REGARDING LAW AND CHANGE**

**ABSO:** Like Truth and Goodness, laws should rarely need to be changed unless you can show they are bad laws. To change a law means you made a mistake in the first place and so to change a law tends to challenge the whole concept of laws as the guides for good behavior.

**REL:** Relative ease in changing laws is desirable. Change would be tempered by the desire for every individual to be aware of, or to have easy access, to changes in the law.

**REGARDING JUDGES**

**ABSO:** Judges are the final authority on what the law is; as such, they are esteemed since they know how others should behave and who is good and who is evil.

**REL:** Judges are basically referees in disputes regarding social contracts. Judges are entrusted with power to insure that the disputes are resolved in a manner prescribed by the members of the society. Judges would be under constant public scrutiny to see that the power entrusted to the judges is used to maximize individual freedom as law prescribes, and not used to elevate the judges socially or legally over the individual members of the society.

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***ADMINISTRATIVE NOTES***

**MEETINGS**

The meetings at John Caldecott's home have begun. About 6 to 8 have indicated an interest, have met bi-weekly for the past 6 weeks and have decided to discuss the application of the Absolute-Relative Distinction to areas of theology. If one or two others are interested in these meetings (subject to topic change), you can give John or his wife, Peggy, a call.

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**JR. NEWSLETTER**

Another newsletter is on the drawing board, designed by and for interested high-school youth associated with SOC. If you have any topic areas that you would like to see covered from an Absolute-Relative point of view and/or you would like to submit an idea that would be considered from an Absolute-Relative point of view; and/or you would like to participate in the preparation of the newsletter, drop a note to our PO Box or call Paty Garcia.

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