



11-1-1930

# The Lawfulness of Law

G. K. Chesterton

Follow this and additional works at: <http://scholarship.law.nd.edu/ndlr>



Part of the [Law Commons](#)

## Recommended Citation

G. K. Chesterton, *The Lawfulness of Law*, 6 Notre Dame L. Rev. 31 (1930).

Available at: <http://scholarship.law.nd.edu/ndlr/vol6/iss1/4>

This Article is brought to you for free and open access by the Notre Dame Law Review at NDLScholarship. It has been accepted for inclusion in Notre Dame Law Review by an authorized administrator of NDLScholarship. For more information, please contact [lawdr@nd.edu](mailto:lawdr@nd.edu).

## THE LAWFULNESS OF LAW

---

THE humorists of Notre Dame University, who are many and malicious, have entered into a conspiracy whereby I may be lured into the ludicrous public posture of writing in a law journal on the subject of law; it being supposed that I shall be so puffed up with legitimate pride at receiving an honorary degree in Laws as to perform so preposterous an antic for the amusement of the academic assembly. I am indeed more proud of being given a Doctorate in this particular academy than of most other things that have happened to me in my life; but I am not intoxicated to the point of supposing that the legal degree has turned me into a legal character. I grieve to say that my only knowledge of American law comes from the description of social circles that are not even of a law-abiding character. The only detailed or technical information, whether reliable or otherwise, with which my private researches have enriched me comes entirely from the reading of American murder stories. I do not know whether an examination in Thieves' Slang forms part of the curriculum of the young lawyers of Notre Dame; but I could enter for that examination a little more hopefully than for any of the higher branches of the science. I do not know if it is possible to obtain the honorary degree of Doctor of Crime, with a crimson robe and a symbolical black cap; but I should feel it far less incongruous to myself than the costume of a professor of law and order. To imagine myself in the position of the Lone Hand Crook is the work of a moment. It would come natural to appear in the character of Slim Jim; so far as the adjective is used in an intellectual and symbolic sense. I know all about how criminals behave; at least how they behave in American detective stories. But my impression of how lawyers behave is a little vaguer; because in these remarkable romances (my only authoritative text-book) the lawyers seem to pass their lives in just missing a



GILBERT KEITH CHESTERTON

miscarriage of justice. I have read a great deal about the police 'framing' people and 'railroading' people; but I can hardly hope that these are the legal arts actually taught by the legal faculty in Notre Dame. It were as vain for me to hope to obtain credits by such talents as I may possess for taking people for a ride, or putting them on the spot.

The only thing I can say, against the natural derision that will be directed against my appearance on so entirely lawful an occasion is that (in spite of my abstract love of murder as a matter of art for art's sake) I really do believe in law. And that is nowadays a paradox; perhaps the only paradox I have ever uttered. In the muddled modern world, as a matter of fact, very few people do believe in law. I believe in law because it is the only possible way of ensuring liberty; but then they do not believe in liberty. On the contrary, they believe in psychology. They believe in what they call science; in what they call efficiency; in what they call prevention and protection and saving people from themselves. In other words, they want to treat the free-born citizen with the permanent opportunism of an experimental doctor in control of a certified lunatic. The doctor can act as a pure opportunist towards the lunatic. In fact, the doctor can act as a lunatic towards the lunatic. If he chooses to say it is a new experimental method, he can paint the lunatic green all over, or make him stand on his head on the roof, or shout the word "Bobblehopkins" a hundred and thirteen times, or (when science has advanced a little further) jump into a bonfire or sit down, completely hypnotized, in the electric chair. There is nothing to prove that any or all of these experiments may not be experiments throwing some light on the new science of psychology. For the new science of psychology is so extremely new that it does not exist as yet.

Now everywhere, in America and in England, we find all these new fads and fantasies encroaching on the ancient and honourable conception of law. The conception of law, as understood by our civilization since its organization by Rome, has always been that a man must be convicted of a definite crime, in violation of a definite law: and that law, as St.

Thomas Aquinas said, promulgated by adequate authority for the common good. A free man is he who knows under what law he lives, and is allowed to appeal to it, to prove that he has not violated it, or to elect to violate it and suffer. The moment we admit even a hint of this supposed psychological judgment on the man as a whole; on the man as distinct from the act—he ceases finally to be a free man at all. He is henceforth exactly in the position of any rabbit a man of science may dissect, or vivisect; or any insect he may pin to a cork in a collection. The whole conception of civic liberty, as men have understood it and fought for it for hundreds of years, was that he could not be challenged by secular authority, unless that authority could name the crime and prove the case. If we let go of that principle, every kind of liberty is lost; and in many parts of the modern world men have entirely let go of it.

For that reason, if for no other, I am glad that men are still being trained in the true study of law; especially in a Catholic University. For the time may yet come when those centres of the ancient culture which already are almost unique in understanding the case for humility or for chastity, will be found alone among men gone mad upon quackery and sham criminology, upholding the nature and even the very name of justice.

*G. K. Chesterton.*

LONDON.