

GUEST OPINION

Just laws are indispensable to a civilized society

Law Day, a day set aside for us to reflect on law's role in society, is May 1. A realistic reflection requires us to recognize both its limits and its invaluable contribution to society.

It is true that law has its limits. It is shortsighted at best (and simply foolish at worst) to think that law is capable of righting every wrong.

Often, where civil law is concerned, mere money is but a poor substitute for compensating the loss of someone who has suffered a serious civil wrong. And the only thing the criminal law can do is punish someone after the fact.

The limits of both approaches are clear. Neither remedy discussed in the preceding paragraph puts the person harmed in the same position he would be in if the harm had not occurred in the first place. Law cannot undo the harm.

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harm, failing to compensate harms or punish the guilty would make society as a whole less civilized and just. That would be an even worse result.

Notwithstanding its limits, however, the law also serves important purposes. True, many believe (rightly, in my view) that government doesn't give us our freedoms because those freedoms are innate. Still, I also believe that Katharine Lee Bates was right when she wrote in her stirring anthem, "America, The Beautiful," that law "confirm[s] . . . liberty."

Another such purpose is rehabilitation. True, many would argue (persuasively so, in many cases) that our prisons have become mere breeding grounds

for further crime and disorder once offenders are released. Still, while genuine change behind bars is difficult, it is not impossible.

Another of law's purposes is that just laws also enable society to balance justice and mercy. Often, we speak of a guilty party having "paid his debt to society" after he has complied with the terms of his sentence. Once that happens along with sufficient contrition and change, he is considered rehabilitated.

But the law is more than a sword to punish the guilty (or the liable). It also protects the innocent and ensures that people have a voice in the public sphere and in the political process.

The Constitution's Fourth, Fifth, Sixth, and Eighth Amendments all protect the innocent. Respectively, they limit searches, protect the accused from having to incriminate himself, guarantee a jury

trial, and protect against unjust punishment.

The First Amendment protects the people's voice in the public sphere by guaranteeing freedom of speech, the right to assemble peacefully, to peaceably petition the government to repair wrongs, and so on. It also guarantees freedom of religion.

Examples of laws giving the whole people a voice in the political process are the Civil Rights Act of 1964 and the Voting Rights Act of 1965. Laws such as these have helped fulfill the full promise of what it means to be an American.

On Law Day and always, may we exercise the vigilance President Abraham Lincoln called for in the Gettysburg Address so that "government by the people, for the people, and of the people shall not perish from the earth."

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