



graphic: Peter Veres

## The Gruel of Law

The Rule of Law is usually favorably contrasted with the arbitrary Rule of Men. When men rule, their legal rulings can be inconsistent, and usually are unfair to their personal enemies. With the Rule of Law, there is a system to create a body of law. Judges are supposed to apply that law, and an appeals system is available to try to make sure the judges act impersonally. Of course, all human systems are prone to human error, but in general the Rule of Law has provided societies with benefits.

However, the rule of law is no guarantor of justice, or even true equality before the law. The laws themselves are made by people with personal agendas. Under the Constitution of the United States of America, federal laws are jointly written by the legislative branches of Congress, the House and the Senate. From the very first Congress, these legislative bodies have written laws that favored some citizens (or sometimes non-citizen human beings) over others. In a sense, the Rule of Law simply institutionalizes the arbitrary rule of men. It makes it predictable, but not necessarily just.

In theory, the richest Americans are under the same law as citizens in the middle class or lower class. In reality different sets of laws face the various economic classes. In the more stark terms of Dickens's 19th century England, the rich eat sumptuously of the law, the poor eat gruel, and the middle class mostly gets something in between and the courts verify the distinction. To keep our minds on reality instead of theory, I suggest we refer to our legal system as the Gruel of Law. That is what most Americans are served when they encounter the police, lawyers, and courts.

In the past the differentiation of law was sometimes shockingly clear. For instance, in Florida and other states of the Solid South before the reforms of the 1960's, the legal code often prescribed different punishments for the same crime, depending on the race of the people involved. In the case of rape, the most severe penalties went to black men raping white

women. White men raping white women received less severe penalties, and so forth until one reached the crime of white men raping black women, which was hardly more than a misdemeanor and almost never prosecuted.

Today, lawmakers craft their weapons of economic and social warfare more carefully. Most notably, people organized as corporations have an entirely different (and more favorable) set of laws applied to them than citizens as individuals do. If you take the view that for-profit corporations are gangs of investors, and that investors tend to be considerably richer than non-investors, you can see that the special privileges of corporations are the white meat of the law, if not its caviar.

For the poor, the law is not something written down, to be studied by lawyers so that it might be used to advantage. It is learned by word of mouth and from police officers. The food in prison may not be gruel anymore, and the courts might sometimes provide a public defender, but for those unable to hire a private attorney the law is worse than gruel: it is a vicious bully.

The law may apply to everyone, but money buys the services of lawyers. So our Gruel of Law amounts to all the justice your money can buy. Money also buys the services of lobbyists and even politicians and entire political parties. The very first Congress of the United States under the Constitution was dominated by men whose friends had bought up the Continental dollars issued by the Congresses of the Revolutionary War. They bought them from veterans and merchants for a few pennies on the dollar. Then they voted that the federal government would redeem them at full face value, using their new power to tax alcohol and imports to pay for this. The veterans and merchants complained, but it was too late. The Gruel of Law was off to a great start in these United States under a greatly enriched political class.

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