



## A Nation of Laws

by Colin Read

I am sure everybody has a good story to tell about the failings of the legal system. And we perhaps have even more good lawyer jokes to tell. Lawyers themselves can tell the best lawyer jokes because they hear them constantly.

While it is a difficult job and it exposes legal professionals to some of the most intractable problems (and funniest jokes) society has to offer, imagine what it would be like without lawyers.

Our economic system has as its underpinning a strong rule of law. This is no accident. While the British have certainly

played an infamous role in the history of the North Country, they also gave us English Common Law. This system of principles created social harmony, assured even-handed adjudication of human conflicts, and promoted commerce.

The most significant principle protected by our legal system is that of property rights. These rights go well beyond laws against trespassing. They ensure that you have the right to enjoy what is yours, and you have the right to exclude others from taking what is yours. Even rights to your spoken or written word, and, certainly,

rights to the investment in your education are protected.

In fact, the Declaration of Independence, the U.S. Constitution, and its amendments are essentially legal documents protecting the things you own. This document, written in the height of tensions with the British, was perhaps a reaction to the overbearing infringements on American colonists by a power bent on using the colonies for his or her Majesty. In response, Thomas Jefferson modified some words coined by the English commentator John Locke, who said that "no one ought to harm another in his life, health, liberty, or possessions." Jefferson's version became the second sentence in the Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

These documents establishing the rule of law in the newly founded United States were the first of their kind in the world, and became the model of an entirely new approach to government. From then on, country after country has recognized the need to create a healthy environment for people to protect and profit from their own property and their own hard work.

Without the legal protection of property, there would be no investment in factories, land, roads, or government itself. And without legal protections, political instability and corruption abound. Without the right to pursue your own happiness, or to capitalize on your investment in your own human capital, there would be no incentive to pursue education. And without all these facets we have come to take for granted, we would not have been able to create the wealth that has made this country the model of commerce and education worldwide.

We should be grateful that our forefathers did not take these protections for granted. Perhaps we should even be grateful to the British who made us so painfully aware of the desperation that can arise when our livelihood and property are threatened.

That is not to say that the law should stand still. There is property now that simply could not have been contemplated 231 years ago.

For instance, we may not have needed to defend the rights to our own writings before the invention of mass communications. And protection of our privacy was a much different matter two centuries ago when there was probably little that was truly private, and little private information that could truly be exploited as it can today. Imagine trying to provide for your future by investing in your home, or in the stock market, if these property rights too were not protected.

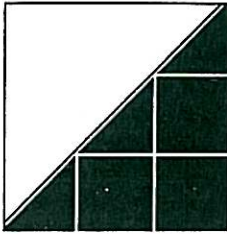
Of course, some of these are more fiercely protected than others. You are protected from violations of your body most fiercely through criminal sanctions, just as you are protected from theft of your belongings. In these cases, police and lawyers hired by the government will take on the responsibility of protecting your rights and setting an example of perpetrators so that we can deter others from doing likewise, or you from retaliating.

Other violations of your property may require you to hire your own lawyer. A dispute over whether somebody completed the job for which you handed over your hard earned money may require you to sue to get your property back or the job completed. Even in these cases, the government provides a venue and a judge, and the legal system provides a body of law to bring this conflict to a resolution.

So take a moment to ponder what your daily life would be like without the protection of the legal system. Let us appreciate the work of lawyers and the courts to enforce these rights on your behalf and deter those that might try to take these rights away from others. I think you will agree that the goals of a lawyer are noble, the job complex, and the conflicts reflective of every facet of humanity, for better or worse. And if you agree that the world is indeed a better place because of lawyers, take a lawyer to lunch. Just be sure they don't consider that a billable hour! ■



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