

# In Defense of “Natural Law” - Postliterate - Medium

By Postliterate

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Today many anarchists seem quite averse to the prospect of “natural law.” This may be largely because of the term’s heavy use by proprietarians (i.e. free-market capitalists). Proprietarians use the term often in order to justify their notions of private property — often the case as proprietarians are countered with the fact that private property cannot exist on a substantial scale without coercive means, and as such use “natural law” as a philosophical or otherwise historical cover for their notion of private property.

What, then, is natural law? Natural law is the hypothetical set of guidelines that a society comprised of complete free association and voluntary action (as best as that can be approximated) would follow — or rather, that each individual or group would follow. Natural law is the justification for anarchy as a system of order — as opposed to chaos — and the justification for the notion that all power is corrupt and illegitimate. Natural law is the cover for the common obloquy against anarchism; natural law states that a free society would find order, and thus implies an order that exists within free individuals and groups which anarchism germinates.

How is natural law not anarchistic? Many anarchists wrote of natural law eloquently; most crucially, in the very first work by the first man to ever call himself an anarchist, it is proclaimed:

“Just as the right of force and the right of artifice retreat before the steady advance of justice, and must finally be extinguished in equality, so the sovereignty of the will yields to the sovereignty of reason and

must at last be lost in scientific socialism.... As man seeks justice in equality, so society seeks order in anarchy. Anarchy — the absence of a master, of a sovereign — such is the form of government to which we are every day approximating.” [1]

George Woodcock, writing as commentary to this quote, then explicitly uses the term “natural law”:

“Proudhon, conceiving a natural law of balance operating within society, rejects authority as an enemy and not a friend of order...” [2]

Natural law as a concept does not at all seem difficult to grasp; within every large organization — particularly hierarchical ones — there seems to exist a disconnect between the written law and the implied law. That is, between that which is codified and that which is actually followed, respectively.

“Anyone who has worked in a formal organization — even a small one strictly governed by detailed rules — knows that handbooks and written guidelines fail utterly in explaining how the institution goes successfully about its work. Accounting for its smooth operation are nearly endless and shifting sets of implicit understandings, tacit coordinations, and practical mutualities that could never be successfully captured in a written code.” [3]

This “implied law” which everyone actually follows — how is it not natural law? It represents the genuine cooperation of individuals for a common goal as a direct antithesis to the artificial and stifling codified law written by hierarchies.

The confusion between anarchists and proprietarians, then, is not a confusion about the existence of a natural law, but of what that natural law is. Why, after all, do proprietarians assert that a free society would naturally see individuals seeing over private property and anarchists assert it would

naturally be abolished? One sect asserts that the other's understanding of natural law is warped, and therefore that their society could only exist through coercion.

Anarchism does contain natural law, because it must understand both the order contained in the free development of individuals and the free development of the rest of society. I see no use in discarding the concept altogether, but merely making it clear how anarchists conceptualize it in particular.

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[1] Pierre-Joseph Proudhon, *What is Property?*

[2] George Woodcock, *Anarchism: A History of Libertarian Ideas and Movements*, pg. 11

[3] James C. Scott, *Seeing Like a State*, pg. 255–56