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VIGILANTE LAW

JAMAKE HIGHWATER*

The people of a small Kansas town refuse to obey the green and red lights of their traffic signals when it is disclosed in the press that traffic laws are not the literal word of God.

On Sunday, the local pontiff proclaims in his sermon: "There is absolutely no reason to obey any laws that are not God-given."

Within six weeks four thousand and seventeen of the four thousand and twenty people of the town have been killed in traffic accidents. An American fundamentalist organization announces that the deaths were clearly the will of God. The three survivors become Born Again Christians, praising God for the miracle of their survival.

Meanwhile back in the real world, we are fortunate that people like Karl Johnson and Ann Scales are trying to discover a reasonable method for teaching a concept of law based upon human needs rather than the word of God. Their work makes it clear that the future has to wait for the death of the past. But the past is an engrained part of us, and it dies very slowly and unwillingly. The social and moral values which many of us wrongly imagined to be engraved in stone have turned out to be nothing more or less than some of our best and worst cultural biases masquerading as "laws of nature." The domino effect of this discovery is appalling. For instance, justice turns out to be a little man behind a curtain, working the levers that produce fearsome fire and smoke. How disappointing for Dorothy! Her world over the rainbow turns out to be nothing but Kansas in technicolor.

Illusions die as slowly as the past. So the traffic lights in Kansas keep flashing their reasonable and utilitarian commands as if they were the will of God. But don't blame the traffic lights; they are merely doing what they were programmed by us to do. If they seem to be more than what they really are, it's because we have such unreasonable expectations of reality.

The civilization in which we thought we lived turns out to be an illusion built upon "universal laws" that were not universal. Reality turns out to have more in common with poetry than prose, with artists than legislators.

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Imagination is not only more dependable than reason, but it also outlives it.

Nothing has changed more often and utterly than the things we call facts. There is hardly an element of science from the time of Dante that has not been totally revised or abandoned; while *The Divine Comedy* has grown in its impact and artistic validity. For those who live in the imagination, the cosmos continues on its mysteriously violent rounds. Everyone else has succumbed to barbarism. How did William Gaddis describe them? "Stupidity's the deliberate cultivation of ignorance," he wrote in *Carpenter's Gothic*. "Stupidity like that, you put a hammer in its hand and everything looks like a nail."

Barbarians are exceptionally self-righteous, because stupidity is always self-assured. How else could people insist upon the right to life of unborn children at the same time that they advocate capital punishment?

Religious and moral fundamentalists are like Hitler in the bunker—insisting upon bringing down all of us because he knows his mad world is finished. Moral indignation is just that kind of scorch-the-earth mentality. Many people seem to feel the urgent need to help their apparently impotent God shower his horrific wrath upon those of us who run red lights. If God can't punish us, they will!

A whole industry has grown out of the self-righteousness of people who are moralistically indignant. George F. Will has written brilliantly about this "indignation industry." It is a mechanism of the media invented for the gratification of a large population that luxuriates in feeling outraged. These are people for whom everything looks like a nail simply because they have a hammer in their hands. They are people who will gladly tell us what they think despite the fact that they have never given much thought to anything. They are people whose moral judgments are based upon an obsolete religiosity in which they fervently believe despite the fact that they have never explored it, emotionally or intellectually.

These moral vigilantes are making public life exceptionally uncomfortable for anybody but those who share their narrow view of reality. George F. Will notes that people who are remarkably gifted may soon withdraw from public life or practice extreme self-censorship "lest any thought give some hair-trigger group a pretext for the fun of waxing outraged."

The fiercest weapon of vigilantes is gossip.

Woody Allen says that "gossip is the new pornography." Gossip is the basis of vigilante law, with all of its characteristic self-righteousness and bias, its kangaroo courts, and public lynchings.

In his "*Deutsch-judischer Parnass*" Moritz Goldstein said: "We can easily reduce our detractors to absurdity and show them their hostility is groundless. But what does this prove? Only that their hatred is *real*. When

every slander has been rebutted, every misconception cleared up, every false opinion about us overcome, intolerance itself will remain finally irrefutable."

Law must not be built upon fear and hatred, intolerance and slander. Law, like art, should be the result of our most creative efforts. Fragile, personal, impermanent, and humane. After all, the only reason we remember the bigotry of Salieri is because of the tragic plight of an embattled composer named Mozart.

Take heart, Johnson and Scales, the song outlasts the singer. Mozart's music plays on!