

Legislation as social intervention

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Abstract: The idea that legislation causes intervention is an issue that usually calls for an analysis of its economic impacts exclusively in the market system. This paper aims to determine whether legislation can be understood as intervention *per se* and, if so, to what extent intervention theories can be applied. Through exploratory methodology and literature review, it was possible to conclude that the intervention theory is perfectly applicable to legislation as a social intervention. Without these theories, it is impossible to understand the dimension of the social impact caused by legislation on society. In a civilization of private law, social relations unfold spontaneously and organically. In contrast, in societies of public law, human relations need to be artificially protected, and human action is primarily conducted by central planning bodies, as it happens in a planned economy. This scenario favors the creation of pressure groups in legislative houses, enforcing malinvestments as they represent distortions in social relations through coercion, just as intervention does in the economy. In the same way that economic intervention practically requires an indeterminate chain of other interventions planning the economy, legislative intervention calls for new legislation, degrading social life, corrupting the very idea of freedom and mutual cooperation.

Keywords: intervention, law, legislation, Austrian School of Economics, society.

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Legislación como intervención social

Resumen: La idea de que la legislación provoca intervención es un tema que suele requerir un análisis de sus impactos económicos exclusivamente en el sistema de mercado. Este trabajo tiene como objetivo determinar si la legislación puede entenderse como una intervención per se y, de ser así, en qué medida pueden aplicarse las teorías de la intervención. Mediante metodología exploratoria y revisión bibliográfica se pudo concluir que la teoría de la intervención es perfectamente aplicable a la legislación como intervención social, pero que sin el uso de estas teorías no es posible comprender la dimensión del impacto social que provoca la legislación sobre la sociedad. En una civilización de derecho privado, las relaciones sociales se desarrollan espontánea y orgánicamente. Por el contrario, en las sociedades de derecho público, las relaciones humanas deben ser protegidas artificialmente y la acción humana es dirigida principalmente por organismos de planificación central, como sucede en una economía planificada. Este escenario favorece la creación de grupos de presión en los cuerpos legislativos, haciendo cumplir las malas inversiones, ya que representan distorsiones en las relaciones sociales a través de la coerción, tal como lo hace la intervención en la economía. De la misma manera que la intervención económica requiere prácticamente una cadena indeterminada de otras intervenciones que planifican la economía, la intervención legislativa exige una nueva legislación, degradando la vida social, corrompiendo la idea misma de libertad y cooperación mutua.

Palabras clave: intervención, ley, legislación, Escuela Austriaca de Economía, sociedad.

Legislação como intervenção social

Resumo: A ideia de que legislação gera intervenção é uma questão que muitas vezes requer a análise de seus impactos econômicos exclusivamente sobre o sistema de mercado. Esse artigo busca determinar se a legislação pode ser entendida como intervenção per se e, caso sim, até que ponto as teorias de intervenção podem ser aplicadas. Através de pesquisa exploratória e revisão da literatura, concluímos que a teoria da intervenção é perfeitamente aplicável à legislação como intervenção social, mas que sem o uso dessas teorias é impossível compreender a dimensão do impacto social da legislação na sociedade. Em uma civilização de direito privado, as relações sociais se desenvolvem de forma espontânea e orgânica. Já em sociedades de direito público, as relações humanas são artificialmente protegidas e a ação humana é dirigida principalmente por órgãos centrais de planejamento, como em uma economia planejada. Esse cenário favorece a criação de grupos de pressão nos órgãos legislativos, impondo maus investimentos, pois eles representam distorções nas relações sociais através de coerção, tal qual a intervenção na economia. Assim como a intervenção econômica requer uma cadeia virtualmente indeterminada de outras intervenções que planificam a economia, também a intervenção legislativa requer nova legislação, degradando a vida social e corrompendo a própria ideia de liberdade e cooperação mútua.

Palavras-chave: intervenção; direito, legislação, Escola Austríaca de Economia, sociedade.

Introduction

When dealing with state intervention, we usually think of the regular intervention model, which takes place in the economy. Besides being more natural to be detected and understood, economic intervention is regularly studied in several schools of economics. Roughly speaking,

state intervention in the economy is understood as State's actions mandating or preventing certain behaviors from creating externalities (BOUDREAUX, 2019).

However, this concept does not need to be limited to Economics. Based on this, it would be natural for a researcher to question whether the same definition can be extended to the scope of the law. Gradually this notion begins to settle, through the study of Law and Economics, or reflections on intervention from the perspective of the Law (TUPIASSU, 2019).

But what is rarely pointed out is that legislation, as a rule imposed by the government on society, may also be widely understood as intervention. Moreover, while it often does not generate immediate economic consequences (externalities), it brings about countless mediate consequences (PINTO; AGATI, 2020) in the real world or in the legal universe of deontology.

Therefore, this article investigates whether legislation, as a legal standard, should be subject to the same intervention rules as designed by economists for the market analysis. We will use an exploratory methodology and bibliographic review to answer this research problem. However, our goal is only to solve the problem and not to exhaust the subject or even deepen its every possible consequence.

In the first part of the article, we will briefly address the Austrian theory of intervention, according to some of their most prominent authors and their theses. The Austrian School of Economics usually concerns itself with more than just market externalities and, therefore, it is ideal for this paper's approach. This first section aims to introduce this knowledge, which will be confronted with the research problem later.

According to the common law perspective, the second section will bring the essential distinction between law and legislation. This theoretical and conceptual framework is essential for the development of this paper and its conciseness, considering that different legal traditions can define both terms with different concepts. The common law system defines law and legislation more directly, making comprehending its impacts on society easier.

The third section will unite the previous sections, presenting a theory of legislative intervention. Here, we will finally analyze the applicability and the use of the theory of intervention before the legislative construction by the government.

Lastly, we will evaluate the consequences of legislation in society. If we follow this theory paradigms, it is possible to determine some of the more logical aspects of the legislative intervention in an interventionist society.

Intervention in the Austrian School of Economics

Based on the contributions of Ludwig von Mises, the first Austrian to systematically address the subject, it is possible to outline in general terms the teachings on the consequences of intervention in the economy according to his economic school. In his view, government intervention has a narrow definition. It only occurs when some governmental body imposes restrictive rules that compel entrepreneurs or owners of the means of production to employ them differently than they would if they were free to define their allocation. Another inter-

vention is government price controls (MISES, 2010, p. 21). We will deepen those groups of intervention later.

As Professor Barbieri (2018) highlights, Mises does not consider other types of intervention in his theory, such as “government actions aimed at preserving private property, the nationalization of some specific sector or firm, or government actions that affect the demand or supply of a good, such as subsidies.” For Mises, none of those actions should be considered interventions. Barbieri believes it is crucial to adopt a broader notion of intervention to cover other government actions that might influence the economy.

Murray Rothbard (2009, p. 877-878) is another Austrian economist who explores intervention. For him, unlike Mises, intervention is the substitution of voluntary actions through coercion, that is, intrusion into society through aggressive physical force. Rothbard identifies three comprehensive types of government intervention in the economy: i) autistic intervention (when the subject’s use of his property is restricted without involving any exchange with someone else), ii) binary intervention (when an obligation is imposed on the individual to perform something unilaterally in exchange for a good or service), and iii) triangular intervention (when a third party interferes in the exchange that other people want to do with each other).

A distinct, albeit complementary, model that we understand to be relevant to our research is developed by Robert Bradley Jr. (2003), which seeks to understand the intervention from a dynamic perspective. Under his proposition, interventions can be classified as dormant or causal from the possibility of affecting or not affecting the action of economic agents, leading to a later stage, where an intervention would demand or not new intervention (initiating or non-initiating). Lastly, the consequent intervention ignites a cumulative process of interventions that Bradley Jr. identified as possibly contractionary, expansionary, or neutral (both), each of them giving rise to a new set of cumulative intervention processes, and so forth.

This proposal can easily be concatenated with the notion of error, presented by Sanford Ikeda (1997). According to his proposal, there are two types of errors that can arise from an intervention: type one error, which would be unintentional externalities within the system in which the intervention was intended, and type two error, which arises outside the system originally conceived, refeeding the possibility of new interventions that aim to control in some way these new and unpredictable externalities.

Note that, returning to Bradley Jr.’s thesis, type one errors will arise due to the first intervention that can generate contraction of this first intervention, no sensitive impact, or even an expansion. For example, let us imagine an intervention that, for whatever reason, is noted as positive, generating a contraction in the intervention process. Note that even this hypothesis can generate a type two error that may require a new intervention, which can be an error of type one, for example, leading to an expansion intervention.

Legislation is not to be mixed with the real meaning of the law

Before facing this research hypothesis, it is necessary to start from a reference point that adequately conceptualizes law and legislation, only then analyzing its suitability to the

intervention rules. To this end, we will rely on the definitions presented by Friedrich Hayek, who dedicated part of his works to this study, following the common law tradition.

According to Hayek (2003, p. 72-73), law comes before legislation and, consequently, to the government itself, arising within the human society and representing our needs to relate with each other. Even before developing language, one could only be accepted as a member of a group if one expressly accepted the rules of that group. Such rules existed long before human beings believed that they could create laws beyond those spontaneously arising from the interaction between individuals.

Therefore, legislation refers to the idea that it is possible to create artificial laws other than those that arise naturally. To be clear, natural law is the notion that a legal tradition emerges as something above human convention. Depending on the author's thoughts, it may have different definitions (VASCONCELOS; MENESES; CAÚLA, 2018), but all variations share the common principle that there are laws independent of human design or will. The idea that man can create laws² appears as a possibility in ancient Greece, but disappears soon after, reappearing only in the Middle Ages.

We conclude that natural law refers to what is considered ethically just under the so-called spontaneous order. In turn, spontaneous order results from every non-intentional interaction in human relations, uncoordinated but necessarily ordered on an incomprehensible or inconceivable level for any human brain (HAYEK, 1948, p. 7). A question that could easily emerge is: "being something uncoordinated, how to call it order?". This question is fundamental to the Hayekian spontaneous order. Unlike a hierarchical organization in which a purpose guides the action of individuals linked to it, a free society does not have a purpose, but an order that acts in its own preservation or restoration. This is only possible due to the need to accommodate all individual wills and various interests expressed simultaneously.

So, through the spontaneous order, a way to judge the action of each individual with other members of society has emerged. In the words of Hayek (2003, p. 95-96):

Groups held together by common rules, but without a deliberately created organization for the enforcement of these rules, have certainly often existed. Such a state of affairs may never have prevailed in what we would recognize as a territorial state, but it undoubtedly often existed among such groups as merchants or persons connected by the rules of chivalry or hospitality.

Hence, a type of value judgment regarding the action of a member of a given community is called "standard of just conduct." This means that the person's actions are judged by the members of his community as fair or unfair – therefore, legal or illegal – according to that local law. Moreover, the judgment behind this evaluation is negative, that is, a prohibition of unjust conduct rather than a prescription of how one should behave.

² It is important to distinguish the idea of creating "laws" (therefore, legislation), from the act of posit a law, which is the action of writing it, passing it to textual format. The idea that it is possible to create laws resurges as the premise of Juspositivism (FRIEDE, 2017), which Hayek heavily criticizes.

Initially, laws were transmitted by oral tradition, but it was not uncommon to find them systematized in written form. In this context, the written law seeks to *positivize the custom*, aiming to reduce the demand for dispute resolution by external agents (such as the Judiciary), given the legal certainty of having social customs clearly described. For example, in the common law, juries are not constituted to discover facts, but rather have the mission of saying how the custom of a given society (law) should be applied to a specific case. Thus, when talking about the law (KERN, 1939, p. 149-151), it would be a paradox to speak of “new law”, because to be understood as such, it needs to be settled in the community. To be law, necessarily, it must be old.

However, it is essential to explain that, even though law should not be confused with legislation, it does not mean that there is no utility or merit in legislation as an artificially-created standard in society. It might create specific rules of conduct that facilitate interpersonal relationships, but also try to influence the adequacy of a law that, for whatever reason, would prove to be necessary.

Legislation is also deeply important in the organization of the government and the delimitation of its area of activity and form of execution. These norms have a totally different character from the laws that emerge from the spontaneous order, precisely because they have determined or directed goals to achieve specific purposes. In terms, legislation should generally be used not to order society, but to limit the government. Hayek (2003, p. 126) also recalls that, in the past, a special authorization was required whenever the government intended to intervene in society through its legislation. The people granted this authorization through private councils that later became the legislative houses. Over time, the Legislative became a branch of the State, imposing legislation on individuals, the opposite of its original purpose.

The biggest problem facing legislation is that much time is spent debating who has the power to legislate, rather than worrying about what really impacts society: the subject of legislative deliberation. Although the idea that it is possible to create legislation without ballast with reality, or with the tradition of a community, is not as old as the law, it is not something new either. This possibility began to gain strength in the Middle Ages, supported by political philosophers who based their view essentially on the social contract theory, among them Rousseau (1996, p. 45-48) and Hobbes (1651, p. 162-163). For these thinkers, laws and rights do not emanate from some natural order, but from the State itself. Hence, it was a short step until the law bowed to Positivism, empowering the State with the means to legislate (create “laws”) on almost any content.

The U.S. Constitution was created, at first, precisely to limit the size of the government and its powers, and that should be the great goal of any constitution. When producing their legislation, congressmen should be bound by the general principles provided for in the constitution to avoid the law creation process resulting in legitimizing power by power. However, not even the U.S. Constitution could curb the legislative appetite that has taken over

most contemporary democratic nations. The legislation started to have its basis merely in the opinion and will of legislators, so there are no fundamental limitations to their interests.³

Legislation as intervention

After apprehending both concepts of legislation and intervention, we can observe their correlation and create a line of reasoning to amalgam them into a cohesive theoretical perspective, enabling the impacts of legislation on society to be deduced from the Austrian theory of interventionism. The ideal place to unite both concepts was presented by two emblematic passages, one in Hayek's work and the other in Leoni Bruno's.

In defining the different forms of social and normative organization, Hayek contrasts the definitions of Kosmos and Nomos to those of Taxis and Thesis. In the social order called Kosmos, a society of free men is spontaneously organized according to the Nomos – general norms of just conduct (the true law for Hayek), following the tradition of that society. On the other hand, Taxis is a society organized by rules of conduct determined by authorities through legislation that defines goals and purposes for human action, the so-called Thesis (NOGUEIRA, 2014).

Hayek explains that in a spontaneously ordered society (Nomos), the law works similarly to the “invisible hand of the market” (HAYEK, 2003, p. 114), presented by Adam Smith (1996, p. 438). For Smith, keeping the economy free of government intervention creates a space for self-regulation, in which the prices of products would be dictated by the market, without the need for coordination or government intervention.

Similarly, Hayek understands that in an artificially-ordered society (Kosmos), people tend to act orderly, since it is their natural environment. However, when legislation seeks to intervene in interpersonal relationships (Thesis) and guide the action in a manner unrelated to the norms of just conduct, society becomes uncoordinated and conflicted, requiring constant interventions to achieve balance, even in the simplest issues. If one knows not how to behave, someone must tell him.

At this point of the Thesis, the theory of Austrian intervention fits. The spectrum of Mises analysis is quite restricted, focused exclusively on the possibility of government standards affecting the business decision on the use of their means of production or prices. By expanding his definition of intervention – Rothbard's three types of intervention – we noticed what would be, by concept, different types of legislation.

Therefore, legislation can be autistic, binary, or triangular. Autistic legislation is when the intervener holds the power to compel individuals to do or prevent them from doing something that involves their property directly, in cases that do not involve exchanges. An example of this type of legislation would be when the government creates an obligation to use neutral pronouns or prohibits the profession of a particular religion. In binary interven-

³ For more details on the advancement of State power over the individual in modern forms of government, especially democracy, we refer to the work of Hans-Herman Hoppe, especially the book “Democracy, the God who failed”.

tion, legislation unilaterally imposes an obligation on an individual in exchange for a good or service. For example, we need to issue permits to operate establishments and get civil and real estate records. Finally, in triangular legislation, the State intervenes in private relations between individuals, creating obligations not contracted or intended by them at first. Examples of such legislation are all labor and contractual laws that impose some insurance protection.

After being created, the legislation falls into Bradley Jr.'s dynamic scheme, where other interventions (in this case, other legislation) are required so that the original ones can be complied with following the government's will. Given the example presented above, an autistic legislation that requires neutral pronouns would need legislation to punish those who do not comply with it. This new legislation could demand other legislation, change the original or dispense with new expansionist, contractionary or neutral interventions. For example, the legislation would first punish those who do not use the neutral pronoun with a fine. However, if the offender starts to attack another voluntarily, new legislation could be created to punish him with imprisonment. Being the victim from some specific group, such as Indians or blacks, could imply the aggravation of the sentence, and so on.

At this point, Ikeda's idea of error comes to this scenario of legislating, where errors of type one or two create an almost unstoppable chain of interventions and legislation. It is like opening a Pandora's box to each legislature, especially considering that the legislation created does not have any normative logic or legislative, technical coherence. This is aggravated by the criticism already addressed regarding the scope of legislation in contemporary democracies: there are no material limits to legislative deliberation, only formal limits. This means that, although there are procedure barriers to creating laws, their substantive deliberation is unlimited.

Bruno Leoni (2010, p. 32) correctly identified this environment as a society of social relations planned by legislation. To the same extent that socialism intends to plan the economy, with the known catastrophic results denounced by Mises⁴ and confirmed by history, rampant legislation affects social coexistence, undermines mutual trust, and subordinates an entire population to the government yoke. It results in the Taxis, a society of men without freedom of action, lacking self-coordination and based on centralized authorities.

In the same way that economic intervention demands further interventions that make the central planner believe he/she can control the economy, legislative intervention demands a cumulative process of legislation to concretize the wishes of legislators or rulers, making them believe they can artificially control and organize society. It is like they believe that society is a creature with its own will, not the result of countless individuals with particular and unique interests. Hence the bureaucracy, administrative rules, decrees, ordinances, normative instructions, and all sorts of government norms aiming to *organize* a society that would need infinitely less than that to organize itself spontaneously and efficiently.

Paz (2020) highlights the importance Hayek attributes to the notion of the rule of law, which is the State limited by law, and not the source and end of the law. This currently wi-

⁴ As can be demonstrated in his paper called "Economic Calculation in the Socialist Commonwealth" (1920).

despread idea that the State is the pinnacle of society arises from a proposal of public law guiding human and social action, a true administrative government, which determines, through its bureaucracy, how individuals can act. We no longer talk about being legitimate that which is not forbidden, but that what is not allowed by law is forbidden.

The Austrian analysis of the market intervention resonates so well with the legislation setting proposed by Hayek in his spontaneous order theory that countless (if not all) other theories developed in the economic sphere may be helpful for further observation of the society under *Taxis* or *Nomos*. The truth is that those two dimensions of the human sciences, law, and economics, are so entrenched that one may only work freely if the other is in the same conditions (HAYEK, 1978, p. 229).

Effects of legislative intervention

While Rothbard's thesis presents types of intervention, the narrower thesis of Mises could be understood as the nature of the intervention. For Mises, there are two possible groups of intervention, one that prevents or reduces economic production, while the other seeks to fix market prices. It is interesting to note that the views of Mises and Rothbard are not incompatible. By defining intervention as a substitution of the voluntary will by the imposition of third parties, usually the government, Rothbard's theory does not deny Mises's intervention categories in prices or economic production. Mises's views are perfectly applicable to each of his types of intervention. Binary intervention can be an intervention in prices or economic production, as could the autistic or triangular interventions.

What Rothbard does in his thesis is not to refute Mises' proposal, but to expand it to a broader concept of intervention. The same reasoning applies to analyzing the legislative intervention we propose in this article. Understanding this in the context of intervention is intuitive when we comprehend that legislation has the power to directly affect the way individuals behave in society. By applying these ideas into the field of legislation as intervention, it is simple to imagine that the group that affects economic production refers to the use of the means of production. However, it is not with the same ease that we trace parallel for the price intervention group. Mises (1998, p. 324) defines price as:

The multiplication of the acts of exchange and the increase in the number of people offering or asking for the same commodities narrow the margins between the valuations of the parties. Indirect exchange and its perfection through the use of money divides the transactions into two different parts: sale and purchase. What in the eyes of one party is a sale, is for the other party is a purchase. The divisibility of money, unlimited for all practical purposes, makes it possible to determine the exchange ratios with nicety. The exchange ratios are now as a rule money prices.

Therefore, price is the cost of money according to the exchange ratios, and we know that price control is a type of intervention. In this scenario, the laws (*Nomos*) are the relations that involve individuals in constant exchanges in society, as if it were a *catallaxy*. Therefore, if price control is the nature of a specific intervention group, directly affecting the parties involved in the transaction, we are talking about the price at its source, where legislation

is formed. In this sense, buyer and seller are the citizen and the legislator or the legislative house (Congress).

For all intents and purposes, legislation should be seen as national money in the legislative process: divisible, unlimited, and of practical use. Buyer and seller alternate according to their perspective; the same occurs in the legislative process, but in the long run. The congressman is a buyer when he receives the voter's vote, and a seller when he creates legislation wanted by that voter. Legislation then becomes the factor that now artificially prices the law. Therefore, Congress is the counterpart of a Central Bank.

Following this path, we then have a theoretical trajectory for legislative intervention: when created, legislation can fall into two groups: a direct intervention in the usage of economic production, that is, in human action, or in price, an intervention in the local natural law. From there, it will affect social relations in an autistic, binary, or triangular way, developing from a dynamic perspective and subject to errors that potentially deepen interventions.

Its results are the same as Mises predicted in his criticism of interventionism: while an intervention group can reduce or prevent free relations in one society (production), the other sets norms (prices) different from those freely defined by the market process within society (Nomos). To illustrate, we will work with a hypothetical scenario of triangular intervention of the two groups.

Let us imagine a triangular intervention in an employment contract scenario. Individual X would like to be hired without risking being fired according to the unimpeded will of his employer. X is aware that in the society he lives in the entrepreneur is free to hire or fire as he sees fit and knows that this poses a risk to his financial stability, not having expectations of signing a contract different from those usually performed in his community. Thus, X knows that it would be necessary to limit the business liberalities: the only way to accomplish this is through new legislation that creates criteria that prevent the company administrator from performing his will in an unimpeded way.

Thus, X meets candidate Z, promising to ensure some employment stability. Just as Z meets X's interest, he also manages to create demand for his proposal among other voters convinced of the importance of limiting entrepreneurs' layoffs powers. Z is elected and begins working on legislation that will affect local law that gives the entrepreneur freedom to allocate his human resources as he prefers. After years of deliberation, the bill is approved, handing X what he desired. The entrepreneur then begins to seek candidates for Congress who defend their interests, reducing their demand for the services of Congressman Z, while increasing the demand for new candidates that align with his demands. At this point, the intervention performed is parallel to the price intervention, where the regular law got affected by the legislation, making contracts more expensive, as would money in a scenario of price control. Next, we will investigate the intervention in production using the same scenario.

The change in the freedom of allocation of scarce resources profoundly impacts the costs and the relationship that the entrepreneur needs to have with his employees. He will have more costs and the need for more complex administrative dynamics than was necessary before the new bill got approved. This also affects vendors and customers at some point, so

the necessary adjustments can make certain services unviable or scarce. So, a whole new set of decisions must be made to attend to the needs of the new legislation. This is possible because there are no legislation impediments to determining how private parties should behave and/or use their resources. These legislative interventions in the law generate distortions in social relations, such as economic interventions do in malinvestments, creating what Mises calls pressure groups (MISES, 1998, p. 269).

The symptoms of economic interventions can range from product scarcity to deep economic recessions. So, it is possible to detect that something economically does not go well and propose solutions. According to Ikeda's model, type one and two errors can worsen the situation. Similarly, it happens in society from legislative intervention, with the difference that its symptoms are quieter. Some of these symptoms are increased crime, reduced confidence, and noise in cooperation between individuals (embodied in distrust and bad faith). It is even possible to perceive the problem as normative, but usually, the result is a claim for more legislation - i.e., more intervention. As happens with the economic intervention, few authors understand that the solution is less intervention, not more.

Conclusion

As stated in the introduction to this article, it is curious to imagine that, although it is common in the study of economics to understand legislation as governmental intervention, it is uncommon to see the application of intervention theory systematically to the social structure. We conclude that it is perfectly possible to subsume the Austrian theory of intervention to the impact of legislation on society, and not only to analyze the social-economic cost of a specific intervention standard, but how it affects the social interaction between individuals, and their relationship with the government.

We consider it is impossible to fully understand the social implications in the social organization of Kosmos or Taxis presented by Hayek without applying the theory of intervention. The parallels drawn by Leoni and Hayek complement each other in an exceptional way, paving the way for a whole economic-legal approach to the impact of legislative intervention on the community and how it contributes to the degradation of Nomos and a potential social organization of Taxis.

As we reach the objective of ascertaining the feasibility of this alignment of two apparently disconnected theoretical perspectives, we began to analyze the consequences and effects of legislation in society based on the Austrian theory of intervention. The result was a scenario that molds itself to the verifiable, observable reality and demonstrates how the planning of society in the form of public laws (legislation) establishes a society of servitude before the Thesis. This destiny is as inevitable as that of an economy of intervention that gradually erodes the social fabric of trust and freedom. With ease, a society organized in Kosmos and founded in Nomos, replaced by Thesis, will collapse on its own weight, metamorphosing itself invariably into a social organization of Taxis.

It seems that the only way to prevent such a bad omen destination is through solid tools able to curb state progress on laws, following the rules that bequeathed to us the civilization

we know. Simple tenets that preserved whole complex civilizations must not be forgotten so easily, such as: not everything can be legislated, and the just is a communitarian form of conduct accepted as correct. To this end, the law is full and spontaneous, and the legislation serves it, never the other way around.

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