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The nature of law and its role in society: reflections on the basis of William Golding's novel 'Lord of the Flies'

Abstract

Literature provides a great deal of material for more general observations regarding the assessment of law and its role in public awareness. Literary works act as a mirror in which we can see the dangers of breaking the link between law and morality. An excellent example is William Golding's novel, 'Lord of the Flies'. His parabolic story about human nature provides a reflection on the role and nature of law in society. The task of defining the essence of law and its role in society has captured the minds of legal theorists, philosophers, and sociologists for centuries. This paper includes a brief analysis of two basic concepts of the nature of law, i.e. natural law and legal positivism. It is an attempt to show that theoretical beliefs about the essence of law have a direct impact on the practice of making and applying laws. The pluralism of values is used by various social groups or the ruling political elite to achieve their own goals. They value individual civil liberties, giving primacy to values that safeguard their interests. This often happens at the expense of other groups whose freedoms are being limited. Importantly, such mechanisms of assigning value are used in both undemocratic and democratic systems.

Keywords: literature, values, morality, natural law, legal positivism, mechanisms of power

Introduction

The main purpose of this paper is to draw attention to the value of literature for the study of the philosophy of law, by using the example of the novel ‘Lord of the Flies’ by William Golding to demonstrate that literature is a rich and complex source of knowledge about law. It opens the door to many interpretations and provokes contemplation. Unfortunately, it is rare to find references to literature in the papers of Polish jurists. The ‘Law and Literature’ movement is still treated as irrelevant and extraneous in Poland, while this movement has developed remarkably in other countries.

Literature vividly presents important problems for researchers of law. This literary imagery can be simplified to detect a parallel between the symbolic situations depicted in novels and in reality. Golding’s novel provides a reflection on the role and nature of law in society. In my work, I briefly describe two main concepts of law—natural law and legal positivism—also making my own assessment as to which of these concepts Golding refers to. Furthermore, using literature as inspiration I indicate the practical significance of the dispute about the nature of law and its connections with morality. In the context of the concept of the pluralism of values and moral relativism, referring to Golding’s novel, I present the valuation of rights as an important element of exercising power. In this respect, literary references help to understand what causes the submission of a given social group to the rules and regulations adopted by the authorities. I also use literature as a starting point to show that the valuing of civil liberties takes place in both democratic and undemocratic systems and leads to a limitation of the rights of individual groups, a feature which is common to both regimes. In this way, literature becomes a tool for learning about the mechanisms of power and patterns of social behaviour that affect legal arrangements.

Literature as a source of knowledge about the law

It is a truism to state that the law is culturally and socially conditioned. Based on this observation, the current research on the essence of the law includes an assessment of law as a cultural phenomenon, which implies an interdisciplinary approach to legal science.¹ For instance, in the early 1970s, the Law and Literature movement

¹ See Aleksandrowicz, M., et al., *Demokracja, teoria prawa, sądownictwo konstytucyjne. Księga jubileuszowa dedykowana profesorowi zw. nauk prawnych Adamowi Jamrozowi z okazji pięćdziesięciolecia pracy zawodowej*, Białystok 2018, pp. 55–56.

started and spread throughout the 1980s and 1990s.² It was a new course in the theory of law focusing on the connection between law and literature. However, it should be noted that the field of law and literature is not new, as in the nineteenth century English lawyers wrote about depictions of the legal system by Shakespeare, Dickens, and other famous writers.³ John H. Wigmore, who was an American lawyer and legal scholar, explained literature's practical value to lawyers, saying they should read the great writers to learn about human nature.⁴ Nevertheless, only since the publication of James Boyd White's 'The Legal Imagination: Studies in the Nature of Legal Thought and Expression' in 1973 has a distinct, self-aware field of law and literature emerged.⁵

The law and literature movement has grown in the USA since then, as reflected in new courses called 'Law and Literature' offered by law schools, in which students are asked to read literature in order to discover the legal principles embedded in the narratives.⁶ In Europe, the movement is promoted by the European Network for Law and Literature Scholarship. Founded by Jeanne Gaakeer, a judge and law professor working in the Netherlands, and Greta Olson, a literary scholar based in Germany, this network aims to increase communication between scholars working on related topics within Europe.⁷ Similar networks of Law and Literature scholars exist, for example, in Scandinavian countries⁸ and in Italy.⁹ In Poland, this new field of interdisciplinary studies is developing mainly at the University of Warsaw thanks to two academic scholars: Marek Wąsowicz and Jarosław Kuisz. Nonetheless, it has not yet gained much popularity in the Polish academic world. One should only trust that this will change, for, as the proponents of the law and literature theory rightly point out, literature offers numerous possibilities.

2 Hämäläinen, N., *Literature and moral theory*, 2015, p. 5.

3 Posner, R.A., *Law and literature: a relation reargued*, "Virginia Law Review" 1986, Vol. 72, p. 1352.

4 Wigmore, J.H., *Introduction*, in: Gest, J.M. (ed.), *The lawyer in literature*, London 1913, pp. IX–XII.

5 Posner, R.A., *op. cit.*, vol. 72, p. 1352.

6 See Tiefenbrun, S., *Decoding international law: semiotics and the humanities*, New York 2010, p. 137. For example, Law and Literature was introduced as part of interdisciplinary studies at Cardozo School of Law in New York, Yale University School of Law, and the University of Virginia School of Law.

7 The European Network for Law and Literature, <https://www.uni-giessen.de/faculties/f05/engl/lit/research/eurnll> (accessed 01.06.2020).

8 Nordic Network for Law and Literature, <https://researchportal.helsinki.fi/en/activities/nordic-network-for-law-and-literature-external-organisation> (accessed 01.06.2020). In 2009, the Nordic Network for Law and Literature ended the cooperation between scholars of law and literature in the Nordic countries.

9 AIDEL (Italian Association of Law and Literature), <https://aidel.it> (accessed 01.06.2020).

Literature can be a tool not only for interpreting legal norms for a better understanding of the essence of a specific legal dispute, but it can also be helpful when considering philosophical and ethical topics such as freedom and its limits, equality before the law, or the relationship between law and morality. Literature has significant potential in constructing wider cultural and social contexts, which can provide new insights into the assumptions of legal systems. Therefore, literature can play a special role as a source of knowledge about the law and as a record of the culture and legal awareness of society. A literary work can constitute an expression of views and ideas about the law that exists in a given society and in a specific period.¹⁰ This is what makes literature an attractive tool for a law researcher. Literature sheds light on legal loopholes, legal rhetoric, and moral attitudes expressed by the law.¹¹ Through the use of symbols, literary texts illustrate the problems associated with adopting a given concept of law. On the other hand, stories read from an early age shape our personality and value system, but they also affect how we perceive the law. They build our view of what the law is and what lawlessness is. Literature shows the complexity of human nature, which has an impact on the application of the law. There are many novels that show the mechanisms leading to savagery and crime. Well-known examples would be Fyodor Dostoevsky's novel 'Crime and Punishment' and Albert Camus's 'The Stranger'. However, this paper is based on references to another widely known novel, 'Lord of the Flies', by British author William Golding.

The story takes place in the midst of atomic warfare. After an aeroplane crash a group of schoolboys find themselves marooned on a deserted island. Within the first few days, the boys establish a rough and ready form of government and order. Their democratically elected leader, Ralph, urges the rest of the children to enjoy their freedom whilst respecting the agreed rules, as the only way to survive is to work together. Initially, with no adult supervision, their unrestricted freedom is a reason to celebrate. However, their unfettered fun leads to chaos, and when order collapses terror begins to reign. The beginning of oppression is associated with the fear of a beast that does not actually exist. The boys divide themselves into opposing groups. One faction, with Ralph and Piggy in charge, consists of boys who insist monsters do not exist and who are in favour of maintaining the rules and democratic order; the second group, led by Jack and Roger, consists of hunters who want to hunt wild pigs living on the island and claim they will find and kill the monster.

10 Kuisz, J. and Wąsowicz, M., (eds.), *Prawo i literatura. Antologia*, Warszawa 2019, pp. 10–14.

11 Baron, J.B., *Law, literature, and the problems of interdisciplinarity*, in: Kuisz, J. and Wąsowicz, J., (eds.), *Prawo i literatura. Antologia*, Warszawa 2019, p. 39.

They are not interested in adapting to the rules. Over time, the group of hunters inverts the process of hunting for the sake of survival to that of hunting to murder one of their own kind.¹² Joyful, innocent children turn into dangerous beasts, into murderers.

By placing children on a paradisiacal island, isolated from European civilization, the writer shows the mechanisms that govern people. As a moralist, the author examines the sources of evil in human beings. In an illustrative manner, he tries to present factors that drive people to commit crime and lead them to choose authoritarian leaders. Using symbols, Golding describes how people turn away from the rule of law and incline towards moral chaos. His parabolic story about human nature also provides a reflection on the nature and role of law in society. Golding perceives law as something undoubtedly good in itself. The law protects democracy and the values that seem to be objective, which corresponds to the concepts of natural law.

William Golding and the idea of law: two concepts of law

Specific yet universal, 'Lord of the Flies' by William Golding has become a classic listed on The Guardian's index of the 100 best novels written in English. The tale provides numerous interpretative possibilities and many themes, including ideas about the importance of law and its role in society. Golding uses the concept of law as the opposite of disorder. It determines the code of conduct and moral standards. The significance of law is illustrated by symbols, of which the conch shell is the main one. Found by Piggy, the shell becomes a symbol of parliamentary order, as only the one holding it during the boys' meetings had the right to speak. This rule shows that the conch stands for law and order, a key feature of a democracy.¹³ The symbolic end of democracy on the island comes with the destruction of the conch shell. The rules that protected the democratic system of government on the island and guaranteed the children's freedom from violence would cease to apply. The term 'rules' is used by Golding only in a positive sense. Breaking the rules opens the way to tyranny. Ralph realises that risk and his words bear witness to the fact: 'the rules are the only thing we've got!'¹⁴ He is trying to stop the schoolboys from

¹² Woodward, K., *The case for strict law and order*, in: Swisher, C. (ed.), *Readings on Lord of the Flies*, San Diego 1997, p. 91.

¹³ Bruns, B., *The symbolism of power in William Golding's Lord of the Flies*, Karlstad 2008, p. 1, <https://www.diva-portal.org/smash/get/diva2:132457/fulltext01> (accessed 05.06.2020).

¹⁴ Golding, W., *Lord of the Flies*, New York 1988, p. 92.

following their primal instincts, since that would mean losing their entire sense of humanity and morality. Therefore, Ralph is portrayed as a defender of principles and objective morals, while the actions of Jack's tribe are a denial of the law because they move away from the established rules and morality.

The idea of law presented by Golding is a part of the theories of natural law, which date back to antiquity and were further developed by mediaeval Christian scholarship. Proponents of natural law believe that the law is closely related to morality and that a norm 'cannot become legally valid unless it passes a certain threshold of morality'.¹⁵ The law must conform in its content to the universal morality in order to become binding law. That is to say, natural law advocates maintain that the moral content of norms forms part of the conditions of legal validity; therefore, an applicable law is, by necessity, morally good.¹⁶ Consequently, the law is implied to be objective and universal. According to proponents of natural law, the character of the law is expressed by the maxim originating with St Augustine and repeated by Thomas Aquinas: 'A law that is not just seems to be no law at all.'¹⁷ St Thomas perceived natural law as 'something appointed by reason'.¹⁸ He further explains that the first principle of practical reason is founded on the precept that 'good is to be done and pursued, and evil is to be avoided'.¹⁹ Accordingly, law is understood as an instrument of great good, but at the same time it could become an instrument of great evil. In such circumstances, it loses its meaning as a law, but it actually becomes a source of 'normative lawlessness'. Thus, law is used to cloak inherently lawless decisions.

After the catastrophe of Nazism and the victory of communism in so many countries, the international community and legal scholars wondered about the importance of the rule of law when the law violates the fundamental freedoms of the individual. That is why the ideas that the legal validity of a norm is at least partly conditional on its moral content and that there is no strict separation of law from morality have been revived in post-war philosophy of law. Gustav Radbruch was one of legal theorists deeply affected by the evil done during the Second World War, often under the rubric of law.²⁰ He argued, as did medieval theologians, that

¹⁵ Marmor, A., *Law in the age of pluralism*, New York 2007, p. 37.

¹⁶ *Ibidem*.

¹⁷ Aquinas, T., *Summa Theologica*, translated by Fathers of the English Dominican Province, 1947, Parts I–II, q. 96, art. 4, <https://www.ccel.org/a/aquinas/summa/home.html> (accessed 06.06.2020).

¹⁸ *Ibidem*, Parts I–II, q. 94, art. 1.

¹⁹ *Ibidem*, Parts I–II, q. 94, art. 2.

²⁰ Bix, B.H., *Radbruch's formula and conceptual analysis*, "American Journal of Jurisprudence" 2011, Vol. 56, p. 45, <https://ssrn.com/abstract=2017942> (accessed 25.10.2020).

an unjust rule loses its status as a valid legal norm (the Radbruch Formula).²¹ The modern version of natural law theory has been also articulated, in different ways, by John Finnis,²² Jacques Maritain,²³ and Lon Fuller.²⁴ All of these scholars differ in their theoretical concepts, but they share the idea of a connection between the law and morality. They maintain that settling what the law is depends on moral reflections about what it ought to be, and that the justification of the modern rule of law requires recourse to the theory of human nature, moral goods, and values.²⁵

These natural law concepts were in line with the ideological atmosphere of the post-war period, noticeable in the literature of that period. Besides Golding, other twentieth-century novelists and poets also drew attention to the ethical component of the law, criticizing legal systems based on ethical nihilism.²⁶ By appealing to the imagination of the reader, the writers created catastrophic visions of the collapse of Western civilization by destroying freedom and trampling people's dignity in the name of a new order. The novelists show the enslavement of a man by ideologies which are trying to redefine the concept of morality. Setting aside objective morality and the negation of the existing values brought misfortune on literary characters and, by implication, to humanity. That way, literary fiction supported theories postulating the inseparability of law and morality, illustrating the negative consequences of breaking this relationship.

Such an approach was in opposition to legal positivism, which developed during the 18th and 19th centuries and dominated Western philosophy of law until the outbreak of World War II. Legal positivists claim that the conditions of legal validity cannot depend on the moral merits of the norms. They believe that the question of what the law is must be kept separate from the question of what the law ought to be.²⁷ World War II was a sort of litmus test for legal positivism. The Third Reich's institutions constituted law in accordance with the positivist criteria of legality, but in violation of fundamental ethical principles. Thus, after World War II, legal

21 Ibidem.

22 See Finnis, J., *Fundamentals of ethics*, Oxford 1983 and Finnis, J. et al., *Nuclear deterrence, morality, and realism*, Oxford 1987.

23 See Maritain, J., *The Rights of man and natural law*, translated by Anson, D.C., New York 1943.

24 See Fuller, L., *The morality of law: revised edition*, London 1969.

25 Cf. Covell, C., *The defence of natural law: a study of the ideas of law and justice in the writings of Lon L. Fuller, Michael Oakeshot, F.A. Hayek, Ronald Dworkin, and John Finnis*, London 1992.

26 See Koestler, A., *Darkness at noon*, New York 1941; Orwell, G., *Nineteen eighty-four*; translated by Mirkowicz, T., Kraków 2004; Jastrun, M., *Z pamiętnika byłego więźnia obozów koncentracyjnych*, in: Jastrun, M., *Wiersze zebrane*, Warszawa 1956, pp. 470-471; Miłosz, Cz., *Zniewolony umysł*, Kraków 2011; Wojnowicz, W., *Moskwa 2042*, translated by Broniatowska, H., Warszawa 1992.

27 Bix, B., *Jurisprudence: theory and concept*, London 1999, p. 31.

scholarship and commentary shifted from unpopular positivist theories of law to natural law concepts.²⁸ The crisis of legal positivism has led to a profound transformation. One of the most important creators of contemporary legal positivism is Hans Kelsen. The idea that a legal order is a compound of norms and the strict separation of law and morals were the essence of his presentation of the 'Pure Theory of Law'. Kelsen indicated that his theory is an attempt 'to answer the question of what and how the law is, not how it ought to be.'²⁹ According to Kelsen, the latter is no longer the subject of jurisprudence, but of legal politics. Next, he explains why it is called a 'pure' theory of law, declaring that it only describes the law and attempts to eliminate from the science of law everything that is not strictly law (alien elements). Under the Kelsen's theory, the law should exclude all non-legal elements such as psychology, ethics, the social aspects, and so on. The pure theory of law leaves as the subject matter of legal science only positive law, excluding all external factors.³⁰ Kelsen also rejects the theory 'that a coercive order, to be regarded as law, must fulfil a minimum moral postulate', emphasizing the relativity of moral values.³¹ The validity of legal norms does not depend on whether they comply with moral norms or not.³² He argued in favour of the relativistic theory of values and postulated that the law should not be analysed in terms of morality.

The problem of the relationship between law and morality is not only a problem that remains in the realm of philosophy and the theory of law, but it has a direct impact on the practice of creating, interpreting, and applying the law. The dispute between legal positivists and natural law theorists is very current. The opponents of combining law and morality see a threat in natural law concepts, being afraid that in reference to morality various social groups will be deprived of their important freedoms, such as the right to euthanasia, the right of sexual minorities to marry and adopt children, or the right of women to contraception and abortion. They try to show that these freedoms also express values, denying the objectivity of values and referring—like Kelsen—to the pluralism of values, which is in fact moral relativism. This is reflected in contemporary literature dealing with the problem

28 Potrzebacz, J., *Pozytywistyczna a niepozytywistyczna koncepcja prawa*, "Roczniki Nauk Prawnych" 2005, Vol. XV, No. 2, p. 15, <http://czasopisma.tnkul.pl/index.php/rnp/article/viewFile/2153/2261> (accessed 11.02.2020).

29 Kelsen, H., *Pure theory of law*, translated by Knight, M., Berkeley-Los Angeles 1967, p. 1.

30 Ibidem.

31 Ibidem, pp. 63–65.

32 Ibidem, p. 66.

of minority rights or access to abortion and euthanasia.³³ Contemporary values are being re-evaluated as a response to the suppression of the rights and needs of minorities. The novels of this movement take place in democratic societies. What they reveal is that the cultural and legal norms of these societies need to be changed.

Advocates of such controversial subjects argue that we live in a multicultural and pluralistic society with a wide spectrum of opinions regarding what is moral. This situation requires tolerance of different opinions and attitudes, denying the validity of absolute truths and unchanging moral norms.³⁴ Such a point of view was also shared by the Supreme Court of the United States, which in 1973 legalised abortion in the USA, justifying its position with the 'right to privacy' that protects a pregnant woman's right to choose whether or not to have an abortion.³⁵ In this way, by relativizing basic concepts, e.g. the concept of a person, various social groups have an effect on legal regulations and the application of the law. Consequently, the mechanism of devaluing fundamental ideas is not only characteristic of authoritarian and totalitarian systems, but is also used in democratic systems. In the next section of the paper, I discuss some other mechanisms of power and influence on laws, referring to the legal order of both democratic and undemocratic countries.

'Lord of the Flies' as an allegory of society: valuation of liberties and mechanisms of power in democratic and undemocratic countries

The community created by Golding's characters can be seen as an allegory of society. When the boys arrive on the island, they immediately elect a leader to restrain the chaos. They believe that the only way to remain civilised is to create a specific structure that all the children must follow. However, at the same time, rivalry ensues when the boys set about electing a leader. Jack, who loses the democratic vote for leader, initiates the terror on the island. After losing a democratic vote, he is no longer interested in democracy. He chooses to follow another path to gain power,

³³ See Atwood, M., *The handmaid's tale*, New York 2006; Zumas, L., *Red clocks*, New York 2018; Vidal, G., *The city and the pillar*; London 1997; Genet, J., *Our Lady of the Flowers*, London 2019; Genet, J., *The thief's journal*, New York 2018; Baldwin, J., *Another country*, London 2001; Isherwood, Ch., *A single man*, New York 2013; Picoult, J., *Mercy*, London 2013; McDaniel, L., *Breathless*, New York 2009; Amsterdam, S., *The easy way out*, Hachette 2016.

³⁴ Kalpakgian, M., *The Right to life and the natural law*, in: Koterski, J.W. (ed.), *Life and learning IX: Proceedings of the ninth University Faculty for Life Conference*, June 1999, at Trinity International University, Deerfield, III, Washington 2000, p. 1.

³⁵ See Judgement of the Supreme Court, *Jane Roe et al. v. Henry Wade, District Attorney of Dallas County*, 410 U.S. 113 (1973), <https://cdn.loc.gov/service/ll/usrep/usrep410/usrep410113/usrep410113.pdf> (accessed 09.06.2020).

i.e. violence. This resembles situations known from history, when frustration with democracy led to a coup and the introduction of an authoritarian political system. In Western legal orders, with a theoretically stable democracy, anger at democratic political elites and economic dissatisfaction are fuel for political parties that express extreme views.

'Lord of the Flies' provokes discussion and critical thought about the mechanisms of gaining power and control over the others. It is noteworthy that what leads to the erosion of those initial attempts to assert law and order on the island is fear of an imaginary monster. The position of Ralph and Piggy, the boys who support democratic principles, is eroded as fear of the beast quickly grows. Jack's opposition wins popularity among the boys, who see Jack as a defender against the threat of the mysterious beast. Some boys join Jack's tribe to find safety, which he promises: 'If there's a beast, we'll hunt it down!'.³⁶ Therefore, Jack uses this fear to gain power and then to strengthen his dictatorship. Fear is the source of totalitarian power. Because of their fear, people give up their rights and freedoms. It was also the reason why the characters of Golding's story gave up their liberty and equality. They chose safety over freedom and friendship, considering them less important. Significantly, Jack and Roger—who are supposed to guarantee safety—are more of a threat to the boys than the beast, which did not even exist.

It is not difficult to see an analogy to history. In dictatorial regimes, many people have supported non-democratic regimes or joined the ruling party to gain security. In the late 1970s, the authoritarian ruling party, the Polish United Workers' Party, reached its peak at over 3 million members, i.e. around 15 per cent of the adult inhabitants of Poland. The communist authorities aroused fear, which kept the majority of the public from actively resisting or criticising, and forced them to obey the guidelines and decisions issued by the party leaders.³⁷ The role of the Polish United Workers' Party was explicitly defined in the Constitution of the Polish People's Republic, amended in 1976, by inserting a clause on the leading role of the Polish United Workers' Party in the task of building socialism, which was the political system of Poland at the time.³⁸ The Constitution sanctioned the monopoly of power of a particular social group, i.e. members of the Polish United Workers' Party. It might be surprising, but even in contemporary Poland, security seems to be a priority, rather than democracy. Such conclusions are derived by Polish politi-

³⁶ Golding, W., op. cit., p. 92.

³⁷ Wrona, J., *Rola PZPR w państwie i społeczeństwie polskim*, "Pamięć i Sprawiedliwość" 2018, No. 2(32), pp. 61–64.

³⁸ Art. 3(1) of the Constitution of the Polish People's Republic of 22 July 1952, Dz.U. (Journal of Laws) 1976.7.36, consolidated text 1976.02.21.

cal scientist and sociologist Radosław Marzęcki, from a study he conducted among students from Poland and Ukraine. He asked them which value is the most important to them: security, prosperity, or democracy. The last one received the fewest votes.³⁹ This is the cause for the expansion of control and supervision systems in modern democracies, in which the rights to privacy and freedom of movement are shrinking.

This remark is particularly relevant nowadays, when the world is struggling with a coronavirus epidemic. The COVID-19 crisis is already dictating a compromise between the need to protect public health and the limitation of privacy and other civil liberties. Democratically elected governments are introducing solutions to enable surveillance. One example is Art. 73(13) of the Polish Act of 16 April 2020 on special instruments of support in relation to the spread of the SARS-CoV-2 virus, under which—during an epidemic threat—telecommunications operators are required to provide the Minister of Digital Affairs with the location data of the mobile phones of individuals infected with the coronavirus or under quarantine on order of the Minister and in a manner determined by the Minister.⁴⁰ This provision did not meet social resistance, which shows that the fear of an invisible beast—the virus—is stronger than the need to protect privacy.

In Golding's tale, not only is the beast a threat, but Jack also perceives the boys from Ralph's group as a threat. The way he gets rid of his opponents is quite instructive. When he realises that one of the boys cannot be convinced to join his tribe under any circumstance whatsoever, he decides to use torture or murder against his rival. This reflects Golding's own 'experience of the war, ... the use of the atomic bombs on Japan, ... the Holocaust, and the horrors of Stalinist Russia'.⁴¹ The writer described the methods used in totalitarian systems for fighting political opponents. It should be also noted that the book was published in the 1950s, as the Cold War was intensifying. The Western democratic world was treated as an enemy of the totalitarian systems of communist countries. Fearful of the influx of Western, imperialist ideology the communist states closed their borders. Traveling to Western countries was extremely difficult. During the communist period in Poland, passports were subject to strict regulations and were granted depending on the

³⁹ Marzęcki, R., *Młodzi Polacy myślą przede wszystkim o swoim bezpieczeństwie*, 7.02.2018, Wszystko co najważniejsze, <https://wszystkoconajwazniejsze.pl/radoslaw-marzecki-mlodzi-polacy-mysla-przede-wszystkim-o-swoim-bezpieczenstwie> (accessed 09.06.2020).

⁴⁰ Art. 73(13) of the Act of 16 April 2020 on special instruments of support in relation to the spread of the SARS-CoV-2 virus, Dz.U. (Journal of Laws) of 2020 item 695.

⁴¹ Baker, J.R., *Golding and Huxley: the fables of demonic possession*, "Twentieth Century Literature" 2000, Vol. 46(3), p. 315.

will of officers of the territorial units of the Ministry of the Interior. Although the Passport Act of 1959 granted every citizen the right to a passport, the ‘relevant authority’ could derogate from this principle and refuse to issue the document in several cases that were described in general terms which conferred discretionary powers on officers in interpreting the legal provisions. In addition, the refusal to issue a passport did not have to be justified.⁴² Today’s freedom of movement is an important good. It should be mentioned, however, that in democratic systems there are also limitations of fundamental freedoms justified by the fight against hostile forces. One example is the restrictions introduced in the USA, which were justified by the war against terror. The Patriot Act, signed on 26 October 2001 by President George Bush, allowed, for example, indefinite detention of immigrants suspected of terrorism, searches of electronic devices and business records without a court order, and the use of greater surveillance in the prevention of crime.⁴³ Therefore, the Patriot Act codified the violation of a number of civil liberties. However, the atmosphere of the threat of terrorism and the widely expressed will to fight Islamic terrorists led to the swift adoption of the controversial act.

Food and other vital resources are often associated with power. Access to food is the central point of many countries’ policies. Authoritarian governments use the threat of hunger to maintain power. Food was also a reason why more and more of the boys joined Jack’s tribe. Since the boys were bored with eating crabs and fruit, they wanted to get some pork. This decreased Ralph’s authority and contributed to the downfall of democracy.⁴⁴ Satisfying basic needs was more important than protecting basic freedoms. The rationing of goods used in the Polish People’s Republic comes immediately to mind. Basic necessities were strictly rationed for over twenty years of the existence of the People’s Republic. Importantly, the rationing had a legal basis, as it was introduced by the resolutions of the Council of Ministers.⁴⁵ At the same time, membership in the ruling party came with privileges.⁴⁶ This was perfectly illustrated by Stanisław Bareja’s films, portraying the disproportions between

⁴² Passport Act of 17 June 1959, Arts. 4(1), (2), (4a) – consolidated text: Dz.U. (Journal of Laws), of 1967, No. 17 item 81, as amended.

⁴³ The Uniting and Strengthening America by Providing Appropriate Tools to Restrict, Intercept, and Obstruct Terrorism Act of 2001, Sections 215, 216, 412, 505, 115 STAT. 272, PUBLIC LAW 107–56, 26 October 2001.

⁴⁴ Bruns, B., op. cit., p. 5.

⁴⁵ See for example, Resolution No. 183 of the Council of Ministers of 27 December 1983 regarding the regulated sale of goods, Monitor Polski (Polish Monitor) 1983.43.250.

⁴⁶ See Leszczyński, A., *Przywileje partyjnej elity PRL: mieszkania, jachty, wczasy*, 23.02.2015, Gazeta Wyborcza, https://wyborcza.pl/alehistoria/1,121681,17462415,Przywileje_partyjnej_elity_PRL___mieszkania___jachty_.html (accessed 09.06.2020).

the standard of living of party dignitaries and that of ordinary citizens struggling with a shortage of goods. Therefore, the rationing of goods can be perceived as a method for managing the society. Access to basic goods is not a problem in modern, Western, capitalist economies. This does not mean that democratic societies do not experience a conflict of values. Against the background of the current anti-crisis solutions being implemented by countries to limit the consequences of the pandemic, there is a conflict between two values: economic stability and workers' rights. One example is the regulation of another anti-crisis law, the Polish Act of 2 March 2020 on specific solutions related to the prevention, counteraction, and eradication of COVID-19, other infectious diseases, and crisis situations caused by them. Under the provisions of this bill, employers were given the opportunity to limit employees' rights, such as the right to take leave, as well as to reduce employees' remuneration.⁴⁷ Consequently, business stability has been recognised as a value that should be protected more than employees' rights.

Conclusions

William Golding's iconic novel, 'Lord of the Flies', provides a rich source of reflection on human nature, society, and the role of law. In this moral parable, the author presents the mechanisms of influencing, subordinating, and taking control over people that are used by humans to achieve their own goals. These mechanisms, described in my work, show that the valuation of civil liberties takes place in both undemocratic and democratic systems. In undemocratic systems, the limitation or even violation of some freedoms is excused by the need to protect another value (usually security) which is presented as being more important. Consequently, the relativization of values is part of a policy that is intended to reinforce the power of the ruling political elite. The law is a tool which confirms this power. An example given in this paper is a provision in the Constitution of the Polish People's Republic on the leading role of one party. In turn, in democratic systems, referring to the pluralism of values, various social groups and their political leaders assert their own interests, often at the expense of another social group, such as Polish regulations on counteracting the effects of a pandemic, which supports the interests of employers at the expense of employees' rights. Legal provisions are only a tangible result of the preceding valuation process, which is part of the legislative process.

⁴⁷ Act of 2 March 2020 on specific solutions related to the prevention, counteraction, and eradication of COVID-19, other infectious diseases, and crisis situations caused by them, Arts. 15zzzzzzr, 15zzzzzzu – consolidated text of 16 October 2020, Dz.U. (Journal of Laws) of 2020 item 1842.

Importantly, Golding does not use the notion of law to define the principles and commands given by Jack. The hunters' behaviour is a negation of the law and of civilisation. Only the democratic and peaceful rules introduced by Ralph are the law, as they fulfil the moral requirements. The mechanisms used by Jack are not moral, although he promises his followers security and provides entertainment and food. The adoption of relativistic theories in modern science of law and the rejection of the idea of a relationship between law and morality means that the law ceases to be a barrier against human nature, which is capable of evil, and becomes its tool. While moral chaos is measurable in undemocratic systems, the rules in democratic systems may overshadow this moral incoherence of the adopted legal solutions. Therefore, particular vigilance should be exercised. Limitation of the rights to freedom, privacy, free movement, rest, and adequate wages turns democracy into a façade. Consequently, literature acts as a mirror in which such façade becomes visible.

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