

# DAILY PEOPLE

VOL. 7, NO. 341.

NEW YORK, THURSDAY, JUNE 6, 1907.

ONE CENT.

EDITORIAL

## “LAW” AND LAW.

By DANIEL DE LEON

**S**AYS the New York *Evening Post*:—“Every law presupposes a certain amount of resistance to, and difficulty in its application; if its provisions met with voluntary, joyous acceptance by the entire community it would never have had to be enacted.” It is not to be expected that the organ of a class, whose laws depend upon physical force for their enforcement upon the masses, can have any concept of “law” other than that which is common with usurpers. The *Post’s* language is the language of the Czar, it is the language of all class rulers. A time comes when, through the long practice of oppression, they look upon law as inseparable from the oppressive feature that class rule imparts to it. It so was with the Chinese, the story goes, in the matter of roast pork. The first time a Chinaman made acquaintance with roast pork was after a barn burned down with a pig in it; subsequently, to obtain roast pork, a barn had each time to be burned down. Roast pork without a conflagration was inconceivable to the Chinese mind. Likewise law, voluntarily joyously accepted by the entire community is inconceivable to the capitalist mind. The Social Revolution will have to cleanse the concept Law also from the smut that class-rule has attached to, and capitalism has heavily piled upon it.

Look at a railroad time-table. That is “law”; it has all the essentials of law, none of its unessentials. If everybody could get a train to convey him to his destination at the hour and minute he wanted, no one could travel. The voluntary, joyous acceptance by the entire community of a time-table, and their anxiety, often runningly expressed to live up to that “law,” illustrates the essence of Law and the falsity of the *Evening Post’s* two theorems—first, that “Law” can be joyously accepted; secondly, that its enactment is necessary: the joyousness of its acceptance is no reason to conclude that “it would never have had to be enacted.”

Class-rule implies conflicting interests. The conflict of interests does not manifest itself only between the rulers and the ruled. The groundwork of class-rule ramifies itself throughout in a conflict of interests of all the social members—conflict of interests between husband and wife; guardian and ward; parent and child; brother and sister. A cursory glance over the pages of any treatise on general law will prove this fact. A law that will “meet with voluntary, joyous acceptance by the entire community” is, accordingly, inconceivable in a social system like that of capitalism.

Among the things that the class, for which the *Evening Post* speaks, cannot learn is that it does not follow, because a pigsty is dirty, therefore squalor is inseparable from a drawing-room. The “Evening Posters” cannot conceive of “Law” without a club to break it into some one’s head; or a bayonet to prick it into some one’s abdomen; or a bullet to shoot it through some one’s breast;—or, as it would seem from the news from Boise, poison to diet the law’s recipient into acceptance.

Fortunately, Progress has never halted because the Usurping Class could not see further than its nose. The Socialist Republic, which destroys the groundwork of class-rule, comes crowned with a code of Law joyously and voluntarily acceptable by the entire community—a code of Law so clear and easy that it is automatically enforceable. He who can and won’t work shall himself punish himself with a suicide’s death by starvation, the same as he who would refuse to be on time to catch a train is left behind.

Transcribed and edited by Robert Bills for the official Web site of the Socialist Labor Party of America.

Uploaded October 2009

[slpns@slp.org](mailto:slpns@slp.org)