

The ‘Rule of Reason’

By Daniel De Leon

A Paterson, N.J., lad not yet 20, Lester E. Snyder by name, who last May 7 went into the room where his mother and grandmother were sleeping, fired at them and killed his grandmother, and who, when arrested said with perfect self-possession that he committed the crime in order to get the inheritance that would come to him sooner or later, about \$30,000—that lad has been saved from the electric chair by the action of Judge William Hughes, who, of his own motion changed the charge from murder in the first degree to second-degree murder.

The judge’s act was eminently proper:

1. In the first place, the taking of human life is a crime. In a moment of anger a person might become irresponsible, and kill. Society takes cognizance of the fact. Hence capital punishment is expressly forbidden where the act was not premeditated. In view of the reasoning, it is contradictory for society to do the very act which it condemns as the height of crime—the deliberate taking of human life. The execution of a criminal is such a deliberate act. The judge did well in applying the rule, and thereby staying society’s hand from crime.

2. The judge’s reason for interfering in the lad’s behalf was that expert examination of the lad’s environments disclosed the fact that he was a member of a well-to-do family, and that “there is a natural, constitutional reason in the lad’s family history which might govern his thoughts, and his actions, rendering him subject to uncontrollable impulses” such as the one that brought him behind the bars. The reasoning is, again, correct. There are those who ever render a correct principle ridiculous by onesidedness. Such folks attribute everything to immediate environment, similarly to the parallel irrationality of others who attribute everything to heredity only. No amount of environment can un-coyote a coyote litter, and turn the same into bleating lambs. Nevertheless, environment can expunge the coyote in a child, and, in turn, can inject the coyote into him. Not the lad Snyder, but his environment, committed the deed of May 7, and is really responsible for it.

So far Judge William Hughes went none too far, and was absolutely sound. But why stop where he did? What about the surviving members of the lad’s closer family environment? What about the membership of the lad’s wider, yet equally effective, family, or class, environment? Is it not a feature of the classconscious, hence successful bourgeois that he breeds a natural and constitutionally uncontrollable impulse to “grab and keep”? Is it not a sign-manual of the bourgeois genius to take “short cuts across economic lots,” and seize *now* what “sooner or later” would come to him anyhow, and never mind the means, but keep an eye to the end?

About all this Judge Hughes says naught. Why? Can it be that William Hughes—the irreverent call him “Billy Hughes”—has, now that he is

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running for United States senator, started to attune himself to the “rule of reason”—a rule proclaimed by Edward Douglass White, the present chief justice of the United States—a rule the “reason” of which is to exempt the capitalist from the consequences of his criminality?

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