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EDITORIAL

BERGER'S MISS NO. 16.

By DANIEL DE LEON

REPRESENTATIVE Julius Kahn from California takes rank in Congress among the most redoubtable champions of “stable government,” of “American institutions,” and of “true democracy.” As such, the “radical” and “anarchistic” proposed constitution of Nevada gave the gentleman an opportunity that it was not in him to let slip—the opportunity to inveigh against “dangerous and doubtful experiments.” And he did so, on May 18, in style and manner of shallow inveighers generally—with the bombastic phrases of a Bombastus Furiosus.

One of the phrases that Mr. Kahn used was: “Too much law will lead eventually to contempt for all law.” Mr. Kahn liked this phrase so well that he inserted it at the head of his speech. Indeed, the gentleman chose well. None of the phrases which he used typified his speech so well as—“too much law will lead eventually to contempt for all law.”

“Too much law” under capitalism?

“Laws,” as the term is understood in class-rule, especially in capitalist society, are generally provisions for the protection of one interest against another. Capitalism, being a system of strife, is, by the very principle of its own existence, a sort of umpire at a boxing match. It must regulate the manner of the strife: specify admissible blows and “fouls:” decree the conditions for the former, and the conditions that determine the latter. A glance at books of law under capitalism brings conviction upon the strife nature of capitalist society. Laws are enacted, not only on matters that affect “business.” The Law enters into the privacy of the family and illumines the strife that capitalism raises there—laws on “husband and wife,” on “parent and child,” on “guardian and ward,” etc., etc., as well as laws on “corporations,” on “banking,” on “contracts.”

Besides being a system of strife; therefore, a system that demands Laws; capi-

talism is a system of continuous differentiation. The Spencerian description of the march of evolution from the homogeneous to the heterogeneous is a definition that fits capitalist society. The infinite differentiations, or developments from homogeneous interests to heterogeneous, works an added call upon capitalist society, for more, and more, and still more laws.

Laws, ever more laws, and still more laws” is a “law” of capitalist existence.

Accordingly, to talk of “too much law,” as the rambunctious pillar of capitalist society, Representative Julius Kahn, of California, does, is downright treason to his own “flag.” The capitalist building can not have too many props. Its interests are too many and too antagonistic, and they are too increasingly numerous and increasingly antagonistic to miss a single law, and not to need an ever larger number of ’em.

Nevertheless, Mr. Kahn’s motto to the effect that “too much law will lead eventually to contempt of all law” is a truth—a truth, however, of the sort that danger often wrings from instinct.

It is not alone in the matter of raising the proletariat that capitalism raises its own future conquerors; it is not alone in the matter of organizing production integrally that capitalism abolishes itself. In short, it is not in such matters only that capitalism digs its own grave. Capitalism provides for its own annihilation by bringing contempt upon its own political State. And that it achieves thanks to that law of its existence, a law which it fain would escape, but a law which, joined to others, decrees its doom—the law that compels it to whelm itself with Laws and thereby fat-edly turns these, its props, to contempt.

In the instance of Mr. Kahn, Mr. Victor L. Berger must not be blamed for not having requested “the gentleman from California” to yield, and, with a concise, terse observation, ripped up in the course of the Californian’s speech, the false sociology that the country was being treated to. No, Mr. Berger must not be blamed for not having done so then and there. Mr. Kahn seems to have committed his speech to memory, and he prudently twice declined to yield to others in the course of the delivery. Interruption in such cases often plays bad tricks upon memory. Mr. Kahn announced, however, his readiness to “answer all questions when I have concluded my speech.” This was an express invitation. Nor was the invitation left unaccepted.

Four Representatives fell in at the end, and Mr. Kahn yielded courteously to each in succession. The “first Socialist in Congress” was, however, not among the four, as it was his duty to have been.

Transcribed and edited by Robert Bills for the official website of the Socialist Labor Party of America.
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slpns@slp.org