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EDITORIAL

## “REFLECTIONS OF A LAWYER.”

By DANIEL DE LEON

**M**ORRIS SALEM, ESQR.’S little book *Reflections of a Lawyer* belongs to a species of literature that is cropping up very plentifully, and that the conditions of our times will cause to crop up with increasing plentifulness. It is the species of “denunciatory literature,” the denunciators being, not militants in the revolutionary camp, but bricks, and joists, and pillars in the very structure, at other bricks, and joists, and pillars of which they hurl their denunciations. The literature in question is typical of revolutionary times, but differs from the corresponding revolutionary literature in that, whereas the authors of the revolutionary literature are clear upon the necessity for radical measures, the authors of the “denunciatory literature” lack the clearness of the revolutionists’ sight, and apply themselves to the tinkering of reform.

Morris Salem’s little book illustrates the point better than many a kindred reformatory production.

The book is severe, by no means too severe, upon the Holies of Holies in the Tabernacle of the Law, yet the severity leads nowhere, being purely critical, it is not constructive. It is even worse. It is misleading in its practical effect. For instance:

A chapter is devoted to “A remedy for the uncertainty of the law”—no doubt a serious malady. Yet the diagnosis of the malady is laughably inapplicable. The author attributes the uncertainty of the law to the fact that no court of justice has a right to pass upon any legal question unless it is actually in dispute and comes before the court in the regular course of litigation. If, indeed, that were the cause of a law’s uncertainty, then the uncertainty would end soon as the legal question involved did come up for decision and was passed upon. Fact is the uncertainty of the law does not end with a court’s decision. Not infrequently the uncertainty continues even after decision by the highest tribunal, and the decision is fought out there all

over again, and, mayhap, overthrown right there, to be further wrangled over.

The Law is uncertain. It can be no otherwise than uncertain. Uncertainty is inherent in Law. Law is a putty-face, the features of which bear, and needs must bear, the impress of the latest fist that punched them. And obvious is the reason:

Law, that is, the thing known as Law in capitalist society, is the net result of Conflicting Interests, whom to "keep quiet" the Law is framed, but which Conflicting Interests, becoming ever more conflicting, even to the point of waxing impossible, pull the would-be peace-maker Law hither and thither; out of shape; beyond recognition; thence, render it more and more "uncertain," according as each Interest happened to prevail for a moment in their tug-of-war, and "amended" it by additional legislation or some court decision.

Well did the German seer sum up "laws" and "rights" as a never-ending disease that is handed down from generation to generation; and justified was that seer's sorrow for the grandchildren inheritors of the cumulative ill.

The lawyer, who, in our generation reflects to a purpose, will trouble his head little about finding remedies for the Law's uncertainty. He will rather seek to end the disease of Law. In other words, he will quit reforming and turn revolutionist.

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