

EDITORIAL

DODD-BAILEY ON REFERENDUM.

By DANIEL DE LEON

THE now ex-Senator Joseph Weldon Bailey endorses Prof. Dodd's dictum of the futility of the referendum on the ground that the votes recorded on constitutional amendments in the various States since 1902 indicate popular indifference, less than 50 per cent. of the voters exercising their referendum rights.

Socialists know that there is no occult virtue in the referendum, any more than there is in the ballot itself. Socialists know that whatever power there is in the ballot depends wholly upon the man behind it. Socialists know that the ballot is like the alphabet—nonsense as well as sense can be “spelled” with the ballot as with the alphabet, according to the speller. Consequently, Socialists are not carried off their feet by the referendum. Nevertheless, the Socialist favors the referendum as an improved weapon to fight tyranny with, and as a means whereby to protect Freedom.

Prof. Dodd however, seconded by ex-Senator Bailey, frowns upon the referendum as “ineffective.” If these men were mediocre intellects their opinion could be passed by with a sneer. Being men of superior intellect their nonsense is instructive.

Hostility to the referendum on the part of Standard Oil is not due to the supposed inefficiency of the referendum. The referendum is to-day, to a very great extent inefficient. Why?

Capitalism is a social system that bristles with contradiction. The contradictions are the consequence of the conflict of interests upon which capitalist activity is grounded. A final consequence, in point of law, is that legislation, under capitalism, can not choose but present an inextricable tangle.

How inextricable the tangle is may be judged from the fact that, court decisions, made by men picked as “versed in the law,” are constantly being reversed by others equally “versed in the law,” and that with appalling frequency Judges on the same

bench find it impossible to agree, and “minority opinions” are rendered. How wrongful such an inextricable tangle is transpires from the to-day ridiculous “legal fiction” that every man is supposed to know the law.

Under a state of things in which legislation is a mystery, small wonder that large numbers do not consider themselves adepts, and keep their hands off. To vote, to-day, on constitutional amendments requires a training in law that even all the Judges obviously lack. It is to the credit of the majority that they care not to express themselves on what they do not understand.

In sight of such a state of things the mentally active portion of the community divides into two sets:—

One set, the militant Socialist, strives to overthrow a social system that renders impossible a popular grasp of the legislation that rules it. The contradictions of capitalist society once removed; interests once common, and no longer in one another’s hair; legislation becomes plain and simultaneously the leisure to understand it takes the place of the present grind which anti-socially raises the law to the category of a priesthood. This set turns to the referendum as an immediate weapon of offence, and possibly an eventual weapon of defence.

The other set, the set that profits by the present jungle condition of society, seeks to continue the evil and does so by pointing to the present inefficiency of the referendum; in other words, this set seeks to profit by its own wrongs.

This is the set whom Dodd-Bailey vocalize.

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Uploaded July 2014

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