

Class Character of Bourgeois Justice

By Nicholas I. Hourwich

THE peculiar antics of modern legal justice, its circus leaps and stunts, cannot but appear "strange and dark and inexplicable" to the average, naive citizen who, in a spirit of religious fervor, believes in the existence of an "equal and absolute justice" in this most democratic of worlds.

But any person who approaches the workings of capitalist justice by means of the materialistic conception of history, who recognizes the contradiction of class interests, will easily pierce through the veil of impartiality covering the eyes of the goddess of Justice and discern in the passions that rage in them the spirit of class-capitalist justice.

The other day—and it is important to re-consider these events—an occasion was provided to draw a parallel between two sentences meted out by this class justice of Capitalism: the acquittal of the patriot, Villain, the assassin of the French Socialist Jaures; and the death sentence imposed on the Anarchist, Cottin who shot and wounded Premier Clemenceau, the most reactionary representative of modern capitalist reaction and Imperialism. This was, clearly, impartiality!

A few days later two more acts of justice were perpetrated; and, as previously, the two verdicts, although apparently contradicting each other, again reveal the class character of bourgeois justice, the inner motives and the social forces which direct the course of this justice. I refer to the "benevolent" commutation of Cottin's sentence of death to ten years imprisonment; and the refusal of United States Attorney General Palmer to recommend to President Wilson "clemency" for Eugene Debs (who is now serving ten years in prison.)

It is characteristic that "clemency" for Cottin (which he didn't ask) should be interpreted as "Clemenceau saves life of his assailant." And with a glow of righteous pride, it is emphasized that "Cottin's commutation of sentence was on the recommendation of M. Clemenceau himself."

Concerning his refusal to recommend "clemency" for comrade Debs, Attorney General Palmer in an official statement said in justification of the refusal: "Eugene V. Debs has filed no petition with either the President or the Attorney General asking for the exercise of executive clemency. The facts in his case are such that, until such petition be made by him, I

should not feel called upon to consider making any recommendations in his case."

Let us analyze these two "impartial" decisions.

Their apparent contradiction, from the point of view of bourgeois justice, is obvious at first glance: an Anarchist, for attempted "murder," gets a commutation of his previous death sentence to ten years imprisonment; while a Socialist who had delivered a "seditious" speech secures no "clemency" and also gets ten years imprisonment!

Why this apparent contradiction? What is the explanation of this seeming benevolence of the French Government? Surely, no one will suspect the French Government of humanitarian sentiments or of a tendency toward the "meek and kind" virtues of Christianity!

We shall easily find the explanation of this apparent contradiction. This "benevolence" of the French Government is equally expressive of the class character of bourgeois justice, of the social forces that determine its decisions. All that is necessary is that we should transfer our attention from the gilded court palaces in which sits enthroned the French goddess of Justice, to the streets of Paris where the workers are creating and administering real justice. In the streets, and not in the palaces of the bourgeoisie, shall we discover the moving force of things.

There, in the streets of Paris, there occurred the other day a demonstration of the conscious workers, a living proof that the long and much-abused patience of the French workers is rapidly coming to an end. As a protest against the acquittal of Jaures' murderer, and as the threat of something more dangerous, tens of thousands of workers, in solid formation, conscious and implacable, under red and black banners, marched during the whole day through the streets of Paris. They did more than march. They did more than protest against the acquittal of Jaures' assassin. Through the music of the "Internationale" and the cries of protest against the infamy of capitalist justice that hounded in the air, there came, with ominous sound, the cry: "Down with the Peace Conference! Long Live the Soviets!" And the cry, "Long Live the Soviets!" was the expression of the ripening of revolutionary determination in these proletarian

hearts. It was more than a demonstration. It was a revolutionary threat, instinct with the determination to make the threat real, and end class justice and all the other evils of Capitalism. . . . This proletarian demonstration, these proletarian cries, were too serious and too threatening for the bourgeoisie to ignore them. A "concession" was necessary. A death sentence for Cottin simultaneously with acquittal for Villain (what an unpleasant and fatal coincidence for the bourgeoisie!) would remain for a long time a vivid and eloquent expression of the character of bourgeois justice. And the bourgeoisie, sick at heart and apprehensive, beat a retreat, and made the "concession" to the working class implied in the commutation of Cottin's sentence. Angry at being forced to make this "concession," the bourgeoisie camouflaged its grimace of rage with a false smile of Christian "mercy."

But no conscious worker will believe that the French "Tiger" has suddenly awakened to humane and Christian feelings. No! It was the demonstration and the threat of the workers in the streets—symbol of the French proletariat and the oncoming proletarian revolution—that snatched Cottin away from the hangman's noose which the French bourgeoisie would all too eagerly have tightened until his body grew rigid in death. . . .

And in this, equally, lies the explanation of the ruthless policy of the American bourgeoisie, which refuses to "pardon" the veteran of the American Socialist-labor movement, Eugene Debs. "Unless there is thunder, the peasant will not cross himself" . . . and until there comes the thunder of our own proletarian action, the American bourgeoisie will indulge itself in the luxury of "severity;" it will, with the light-headed frivolity of the man who reckes not of tomorrow, throw our revolutionary fighters into prison.

Debs did not ask for clemency! No—he will never ask for clemency, and ask no one to do it for him. Of that there is no doubt. And there is equally no doubt that the day is coming when the American workers, following the example of their European comrades, will take "justice" into their own hands. That day will be the day of freedom for Debs and the other revolutionary fighters.

Capitalist justice is living its last days. The day of proletarian justice is coming!