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EDITORIAL

A LESSON ON LAW TO GOV. BALDWIN.

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SIMEON E. BALDWIN, the now Governor of the State of Connecticut, said to the State Business Men's Association whom he addressed at Bridgeport on October 19:

“A statute ought to be so plain that a lawyer at least can tell what it means. The Sherman act is not of that kind. I presume it has already cost over \$2,000,000 to find out from the courts just what it forbids.”

If the Governor were merely a governor, that is, a politician, such a statement should not seem strange. Being, however, a learned man, learned in the law, an ex-Judge of wide experience, a standard writer on law, and, until his election, the leading professor of jurisprudence at Yale, the statement is sad to behold.

There never was a time when the law was plain, that is, when lawyers could not and did not take opposite views thereon. What there has been is the time when comparatively small sums of money did battle on either side, in other words, when comparatively small sums of money were involved.

Gov. Baldwin's opinion is utterly un-scientific. It proceeds from the theory that statutes are bold enunciations of truths. Fact is, they are whispered compromises between conflicting interests. What that means every jurist surely knows. A compromise means just that which the interpreter thereof declares. As interpreters change, so do interpretations.

Modern society is called a “commonweal.” The name is inapplicable. Modern society is a kink of warring Interests. As stated in the Socialist Labor Party's pamphlet *The Burning Question of Trades Unionism*—“Open any law book, whatever the subject—contract; real estate; aye, even marital relations, husband and wife, father and son, guardian and ward—you will find that the picture they throw upon

the mind's canvas is that of everyone's hands at everyone's throat. Capitalist law reflects the material substructure of capitalism. The theory of that substructure is war, conflict, struggle. It can be no otherwise. Given the private ownership of natural and social opportunities, society is turned into a jungle of wild beasts, in which the 'fittest' wild beast terrorizes the less 'fit,' and these, in turn, imitate among themselves the 'fit' qualities of the biggest brute. No nuptial veils of lace or silk can conceal this state of things on the matrimonial field; no rhetoric can hide it on any other field. The raw-boned struggle is there. It is inevitable. It is a shadow cast by the angles of fact of the capitalist system."

The over \$2,000,000, which, according to Gov. Baldwin, it has so far cost "to find out from the courts just what it [the Sherman law] forbids," and yet leave the mystery unravelled, is but one of the tell-tale shadows cast by the angles of fact of the capitalist system, against which angles the Governor's intellect is bumping itself.

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