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SECOND EDITORIAL

“EQUALITY BEFORE THE LAW.”

By DANIEL DE LEON

HE who stands with his face to the East in the morning will have the sun before him; if he does not change his posture, the earth having in the mean time changed its, he will have the sun, no longer before him, but behind. This fact, the fact that the material relation of things is altered by the changes that take place around us, is understood by all hands. And yet that the same is true in sociology the ignorant apostle of capitalism denies.

“Equality before the law,” shouts the imbecile brood of capitalist professors, “that is all that is needed for freedom.” Let us take a page from the modern history of labor, by the light it sheds look at this much vaunted “equity before the law” dogma.

From the *Report of the Chicago Strikes of July, 1894*, we quote the following passage in the examination of Mr. Thomas H. Wickes, the second vice-president of the Pullman Company, page 621:

“Question.—You think that it would be fair to your men for each one of them to come before you and take up the question of his grievances, and attempt to maintain his end of the discussion, do you?”

“Answer.—I think so, yes; if he is not able to do that, that is his misfortune.

“Q.—Don’t you think that the fact that you represent a vast concentration of capital entitles him, if he pleases, to unite with all the men of his craft and select the ablest one they have got to represent their cause?”

“A.—As a union?”

“Q.—As a union.

“A.—They have the right, yes, sir; we have the right to say whether we will receive them or not.”

Here we have the purse-full capitalists and the fleeced workers face to face. “Before the law” we shall, for the sake of argument, admit they are equal. Mr. Wickes does not deny them the “right” to combine and organize to their hearts’ content; he expressly grants they have the right to do so, and he claims the same right for his class, the capitalists. Each, exercising his “rights” as guaranteed by their “equality before the law,” does combine and organize. But combination and organization are not gone into for the fun of the thing. Their object is to accomplish results that single-handed—i.e., uncombined and unorganized—cannot be reached. In other words, combination and organization are resorted to for the purpose of adding force to the efforts of the individual. The purpose, accordingly, of capitalist combination and organization is, among other things, to be able to present a stronger front against the employees; and, inversely, the purpose of the combination and organization among wage slaves is to give them stronger powers to resist the encroachment of the boss. Each side exercises its “equal rights” to strengthen its forces for the struggle that exists between them. So far all is pie.

But now comes the second act in the Capital-Labor melodrama. The two forces come into collision. A capitalist browbeats a workman. The workman’s organization comes into play—and forthwith the melodrama turns into light comedy or even a farce.

Says the capitalist: “I refuse to deal with your organization; you and I are equal before the law; you can do the same thing and ignore my combination; good-bye.”

And forthwith all “equality before the law” vanishes into thin air.

Intrenched, as they now are, behind the possession of all the things that are needed for production, and their larder being full with the wealth they have fleeced the workers of, the combination of capitalists gives them a power that that of the wretched, fleeced and exploited workers is wholly deprived of. The organization and combination of the latter go for naught, and the capitalist rides the wave triumphant.

There is no “equality before the law” possible but between men economically free. Men are to-day economically the subject of the capitalist. “Equality before the law” is under such circumstances a hollow mockery.

Transcribed and edited by Robert Bills for the official Web site of the Socialist Labor Party of America.
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