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EDITORIAL

## “EQUALITY BEFORE THE LAW.”

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**W**E shall not raise the curtain over the spectacle presented by Harry K. Thaw before the verdict of “not guilty, on account of insanity” was rendered by the jury before whom he was tried for killing the architect White. That would make the story superfluously long. We shall draw the curtain down upon all that preceded the verdict, and raise it only upon the spectacle that assaults the eye since he ran away from Matteawan.

He lands in Coaticook, Canada, where immediately a battery of high-paid lawyers act like a wall around him, and keep the New York authorities from taking the homicidal maniac back to where he belongs. From the battery, writs, injunctions, and motions, to delay action are bombarded upon the Law. The battle shifts to Shelbrooke. More writs; more injunctions; more motions. The tussle lasts over three weeks, when it should have been ended in three hours. Finally, the acting-Secretary of State of Canada disgusted at seeing the “monkey” the Law was being made of in “His Majesty’s” Dominions, causes Thaw to be seized as an “undesirable immigrant,” and, instead of handing him over to the New York authorities, gives the lunatic millionaire a further chance, by dumping him into the State of New Hampshire.

The scene changes: the show is the same. A new batch of high-paid lawyers: a new battery with identical ammunition. Writs, motions, injunctions, hearings, from and before Federal Courts, State Courts, and the State Executive, fall and follow thick as hailstones and interminably on the already battered head of the “Law,” before whom, or which, there is supposed to be “equality.”

Of all theories none compares with the theory of “Equality before the Law.” It is a theory born at once of bourgeois prejudice and bourgeois visionariness.

When the bourgeois set up the theory, he, of course, ignored the existence of the proletariat; he contemplated the bourgeois only. To him the proletariat was either a thing that did not exist, or he looked upon the proletariat in the way the founders of this Republic looked at the Negro slave,—a mere chattel that “did not count.” That notion was the child of class prejudice.

Among the bourgeois—so did the bourgeois reason—there was “equality before the Law,” hence, they argued, “equality before the Law” would continue as a fundamental fact. The latter notion was born of bourgeois visionariness, a visionariness which, in turn, arose from bourgeois ignorance of economic laws. Economic equality is impossible even among the bourgeois: however equal they may start on the race, inequality speedily sets in. Some bourgeois, the majority, are distanced by a minority. The superior economic power of the minority is speedily manifested before the “Law,” and actual “inequality before the Law” becomes an ugly fact that no pundit can explain away, or smoothen over—as now exhibited in the instance of the millionaire insane criminal, who, were he a proletarian, would, in the first instance, have been executed; and who, were he a petty bourgeois, would have been bundled in short order back to Matteawan, none being found so poor as to do him the reverence of becoming his lawyer; but who, being a millionaire, can command lawyers by the bushel to stretch, cozen, and, who knows! even trick the law.

Economic inequality may be measured by the lengths of inequality before the Law.

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