

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 reckons 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!

Program of the Spartacans in Germany

I.

IMMEDIATE measures and steps to guarantee the safety of the revolution:

1. The disarming of all policemen and officers, as well as of all soldiers, who do not belong to the proletariat
2. The confiscation of all supplies of arms and munitions and all munition works by the workmen's and soldier's councils.
3. The arming of the whole male population of the proletariat to form a workmen's militia. The organization of a red guard within this militia as its active body, for the protection of the revolution against all counter-revolutionary plots and conspiracies.
4. The abolition of all power of command hitherto vested in officers and non-commissioned officers, military authority to be supplanted by the voluntary discipline of the soldiers. The election of officers by the men with the right of recall. The repeal of military law.
5. The expulsion of officers and all untrustworthy persons from the soldiers' council.
6. The replacing of all political agents and Government officials by representatives from the workmen's and soldiers' councils.
7. The establishment of a revolutionary tribunal before which those chiefly responsible for the war shall be tried: the Hohenzollerns, Ludendorff, Hindenburg, von Tirpitz, and their fellow-criminals, as well as all the conspirators of the counter-revolution.
8. Immediate confiscation of all food, so as to guarantee the necessities of life to the people.

II.

Political and social measures:

1. The abolition of all separate states, and the formation of a single united Socialist republic.
2. The abolition of all Parliaments and all communal bodies and the taking over of their functions by workmen's and soldiers' councils and by their agents and committees.
3. The election of workmen's councils throughout Germany by all adult persons, men and women, in the laboring class of the cities and the country, within the separate trades; also the election of soldiers' councils by the men, exclusive of officers and untrustworthy persons. The right of workmen and soldiers to recall their representatives at any time.
4. The election of delegates from the workmen's and soldiers' councils throughout the country to form a central council, which shall choose an executive council invested with all authority, both legislative and administrative. The central council is to meet, for the present, every three months, subject to new elections of delegates for each session. It shall exercise permanent control over the activity of the executive council and shall keep the various workmen's and soldiers' councils constantly in touch with their highest Government organ. The local councils shall have the right to recall their delegates to the central council at any time when they do not carry out the will of their electors, and to fill their places with others.

5. The right of appointing and deposing all Government officials to be vested in the executive council.

6. The abolition of all class distinctions, orders, and titles.
7. Far-reaching social legislation. The shortening of the working day to six hours at the most, in order to decrease unemployment, and in consideration of the physical degeneration which the laboring classes have suffered through the world war.
8. A speedy and thorough reorganization of the departments of rationing, housing sanitation, and education in the spirit of the proletarian revolution.

III.

The following administrative measures:

1. The confiscation of all dynastic property and income and the handing of it over to the community.
2. The repudiation of all public debts and war loans, with the exception of subscriptions up to a certain amount, this amount to be fixed by the central council.
3. The expropriation of large and medium sized estates and the establishment of Socialist agricultural societies under a unified control for the whole country. Smaller agricultural holdings to remain in the hands of the present owners until such time as they shall voluntarily come into the Socialist community.
4. The liquidation of all banks, mines, factories, and large business concerns by the republic.
5. The confiscation of all property beyond a certain maximum, which shall be fixed by the central council.
6. The organization of councils in each industry, which shall cooperate with the workmen's councils and manage all internal affairs of their respective trades, including labor conditions and regulation of production, and shall finally take over the practical conduct of the business.
8. The appointment of a strike committee which is to cooperate with the trade councils in guiding the strike movement throughout the country in a Socialist direction, and, through the political power of the workmen's and soldiers' councils, assure it of success.

IV.

International tasks:

As soon as possible, connections shall be made with our

MASS MEETING

for release of political prisoners GRAND OPERA HOUSE, Washington, near Dover Sts, Boston

SUNDAY, APRIL 27, 2 P. M.

Speakers: Elizabeth Curley Flynn, of New York; Arturo Giovannini, of New York; A. Faggi, Louis C. Fraina, Frank Mack, Chairman. Admission Free. Auspices: Workers' Propaganda League.

brother-parties in foreign countries, so that the Socialist revolution may be put on an international basis, and through international fraternization and the uprising of the proletariat peace may be established and assured.

This is what the Spartacus Group wants. And because we want it, because we are the Socialist conscience of the revolution, therefore we are hated and persecuted and maligned by all open and secret enemies of the revolution and the proletariat.

Crucify them! cry the capitalists who tremble for their money-chests.

Crucify them! cry the middle-class citizens, the officers, the anti-Semites, and the press lackeys of the bourgeois press, who tremble around the flesh-pots of the bourgeois class power.

Crucify them! cry the Scheidemanns who, like Judas Iscariot, have sold the workmen to the bourgeoisie in order to keep their political power.

Crucify them! comes the echo from those deceived and befuddled workmen who do not know that they are fighting their own flesh and blood when they rage against the Spartacus Group.

In hating and maligning the Spartacus Group they can all unite—counter-revolutionists, enemies of the people, anti-Socialists, liars, and those who fear the light. But this only shows that the future belongs to those in whose breast the revolution still lives.

The Spartacus Group does not want to attain power over or through the masses of the working people. The Spartacus Group is only that part of proletariat which is conscious of its goal and attempts to wake up the broad masses to a realization of their historic task, which at every stage of the revolution represents the ultimate aim of the Socialists and the solution of national problems in the interests of the proletarian world revolution.

The Spartacus Group refuses to share power with the servants of the bourgeoisie, Ebert and Scheidemann, because it sees in such cooperation nothing but treachery to the essential principles of Socialism, strengthening of the counter-revolution, and paralyzing of the revolution.

The Spartacus Group will never take over the power of government except at the behest of the great mass of the proletariat, nor unless the masses clearly express their allegiance to its goal and methods.

The proletarian revolution can only progress step by step on its Golgotha path, and can only win full clearness and maturity through many defeats and victories.

The triumph of the Spartacus Group belongs, not to the beginning, but to the end of the revolution. It is identical with the triumph of the millions of the proletarian mass.

Up, proletarians! Arise to battle! You are about to conquer a world and to fight against a world. In this last great class war for the highest goal of humanity, our motto must be: thumb in eye and knee on breast!