CRIME

Cover illustration: *The Boys Prison at Tothill Fields, Westminster,*
from Richard Byrne Prisons & Punishment of London, Grafton 1992

Chris Platts

Introduction

It is probably fate that has meant this edition of *The Raven* has come out at a time when crime is on the public agenda, not that this subject disappears for long. However, it would seem appropriate that anarchists put forward their views relating to crime as well. This can be seen as a welcome breath of fresh air amongst the clamour for greater punitive measures to deal with offenders.

Crime is very much a problem of a power orientated society. The law is defined and laid down by those who are in control, basically as a way of maintaining their position and to protect themselves from those who are not in control. Also crime is a materialistic problem. We live in a materialistic society that endorses the sanctity of property and wealth. To have those equals freedom, if you don't you are not free. Thus those involved in offending are those with very little or nothing. This does not say all offenders are poor, many can be well off and involved in professional attempts to gain more wealth in less than legitimate ways. Not all crime is theft, some is of a violent nature and is a reflection of our society's readiness to resort to violence to solve problems. The recent state use of violence in the Gulf, Yugoslavia and other areas of the world is a reflection of this violence, which is transmuted to an individual level, but this is seen as criminal, whereas state violence is not although this is often far worse. This view is endorsed by Steve Cullen in his article 'Anarchy and the Mad Axe Man', in which he argues that our civic culture is one based on greed, competition and violence.

How far 'crime' will disappear in a future anarchist society is hard to say, but if one looks at the causes of crime in a capitalist society you can see how far such problems would disappear and fast. That is, there would be no poverty, unemployment and a need for power and domination over others. That is not to say there will not be

problems, especially with any opportunistic individual who wishes to free-ride on others. This problem is addressed by David Hartley in his article.

In some respects the burden of anti-welfare Tory government has added to the increase in crime, and John Pilgrim bemoans the destruction of this welfare state, albeit one with its own problems, but one that had assisted people who were suffering the effects of capitalism. The destruction of the welfare system is going to be difficult to restore and one that is going to be essential if we are to see a move to a more libertarian society.

Colin Ward addresses the problems of rehabilitation programmes in prison and their ineffectualness to deal with crime. Tony Gibson studies the meaning of delinquency and bases it on a previous article he wrote for *Anarchy*. Jeremy Cameron, a probation officer in North East London, bemoans the changing pattern of probation from a welfare, supportive policy to a strictly restrictive punishment sentence. This is something that has come about since the introduction of the Criminal Justice Act 1991. This has been the direction despite the reservations of many probation officers, including myself.

The last article comes from Holland and is about the life and philosophy of Clara Wichmann, a Dutch anarchist who lived at the turn of the century and made a study of law and crime. She came up with some interesting ideas. Unfortunately the article is difficult to follow due to the translation, and despite my changes to the piece it still reads awkwardly. Clara is unknown here, but was influential in Holland.

The one thing that all the articles have in common is the need to develop a society that is co-operative rather than competitive and follows the principles of mutual aid rather than individualism, with problems dealt with at the local rather than the central level. This is in essence an anarchist society.

How one achieves this is difficult to say but, as Steve Cullen says, socialisation is at the root of our problems and thus education and the opportunity to learn to live together is a method to put into practice those qualities of co-operation and mutual aid. We thus need an education system that does not push children into becoming robots capable of passing exams, but one that nurtures the creative, intellectual, physical and emotional qualities. In essence, a partnership is required between teacher and child, involving the children in decision-making about what they wish to learn and how

to run the school. A sort of opportunity for adults and children to share knowledge of how to live, work and play together rather than one-sided unbalanced imposition from adult to child which all too often degenerates into hatred and suspicion.

I am reminded of the comment on the front of A.S. Neill's book on Summerhill: "All crimes, all hatreds, all wars can be reduced to unhappiness. This book is an attempt to show how unhappiness arises, how it ruins human lives, and how children can be reared so that much of this unhappiness will never arise."

While we must be careful not to hold up one single individual as an ideological saviour, I think the above statement does make clear where the problems lie.

Finally, punitive measures do not work. All they do is increase the level of alienation felt by the victims of the punishment.

I would also like to thank all those who contributed to this edition of *The Raven* for their time and effort. My apologies to those who did not receive a personal acknowledgement, but please accept this as one.

Tony Gibson

Delinquency Then and Now

In 1963 I published an article on the subject of delinquency in the journal Anarchy,[1] *and I cannot do better than to reprint and comment on it here in order to discuss the changes that have taken place over the last thirty years. Such changes are an excellent demonstration of how crime rates are a barometer of the condition of the total society. I was then writing under the pen-name of 'Ian Stuart' and working as a research psychologist for the Institute of Criminology of Cambridge University. Below is a somewhat truncated reprint of my original article.*

Discussions of anarchist theory with those to whom it is new, and those who are irreconcilably hostile, always stir up the question of criminal behaviour. Thus Colin Ward's discussion of anarchism on the BBC[2] elicited from one of his interrogators the objection that a social condition of anarchism would be impossible because it would have no machinery for preventing robbery. This objection was met by the observation that in our present society the existing machinery does not *prevent* robbery, and that penal methods may sometimes increase the severity of crimes which are committed later. The various social philosophies which stand in opposition to anarchism are remarkably unenlightening on the question of crime. Most of them have to fall back on a secular version of original sin – that some men are criminals by nature, and that every social system must have an institution for their repression. Such a view is essentially religious, and accords ill with otherwise secular social philosophy. Marxism maintains that crime as we know it is a result of the tensions entailed in capitalist society. Unfortunately, the practical experiment along Marxist lines which has been conducted in Russia over the last forty years has shown that the age-old patterns of crime persist, and they are manifest quite as strongly in each new rising generation which has

had no experience of capitalist society. Communist apologists have been driven to take refuge to an increasing degree, with each new decade, in a sort of social Lamarkianism – that the criminality bred by centuries of pre-socialist society still impels Russians to criminal acts even when the present system produces no such tendencies. Purist Marxists will of course reject the claim that the Russian system is in any way a socialist one, and so they can retain their simple theoretical model of crime being an economic by-product of capitalism.

Anarchists will agree with Marxists in regarding crime as a result of the current social system, rather than attributing it to any personal and accidental quality of 'wickedness' with which some individuals are born. They do not, however, see the problem simply in terms of *economic* forces as the Marxists do.

Who are the delinquents?

If we ask someone to think of what the average housebreaker looks like, he will probably think of a man of sturdy physique and rough features, dressed in the clothes in which *Punch* and other comic papers depict him. The housebreaker is in fact a stock character in our national mythology, and has his origins largely in fiction. We all know what Bill Sykes looked like. No doubt a certain amount of robbery is carried out by professional thieves of this type, but this should not be allowed to obscure the fact that in present-day society *about half* of the total amount of housebreaking is carried out by boys who are still at school or have only just left it.

The table which follows (table 1) represents a breakdown of the figures by age for an urban district in Britain in a recent year.

Table 1: Arrests for three categories of offences, given as percentages in different age ranges.

Age range in years	8-13	14-16	17-20	21-30	31-40	41 & over
Housebreaking	21.3	27.5	21.1	22.0	5.9	2.2
Shop & warehousebreaking	23.1	22.8	21.6	23.5	6.6	2.4
Crimes of violence	3.0	8.2	19.8	39.1	16.9	13.0

A glance at the figures in table 1 may be misleading because the size of the age ranges is very different. Thus the 14-16 year range represents only three years, but the 21-30 year range represents ten

years. To get over this difficulty, a separate table has been calculated which shows the percentage *per year of age* (table 2). Here the youngest and the oldest range have been omitted because there is a sharp rise and fall in these ranges and the average would not be meaningful.

Table 2: Data of table 1 shown as approximate average percentage figures per year of age in the separate age ranges.

Age range in years	14-16	17-20	21-30	31-40
Housebreaking	9.1	5.2	2.2	0.6
Shop & warehousebreaking	7.6	5.4	2.4	0.7
Crimes of violence	2.7	4.9	3.9	1.7

It may be seen in table 2 that the figures for housebreaking and shopbreaking are very similar. Arrest for breaking in and robbing premises is about four times more frequent among boys who are still at school, or recent leavers, than among men in their twenties, and after the age of thirty such activity seems to be rather uncommon. With the crimes of violence, however, the peak of the frequency is delayed until the age of seventeen and men in their twenties are more often arrested than the boys in their early teens. As this category includes rape, indecent assault and causing death by dangerous driving, it is natural than the older adolescents are most prone to such activity.

All these figures represent arrests, and say nothing of the amount of crime committed. The figures given in table 3, for the same area, clarify this relationship.

Table 3.

	Crimes	Arrests
Housebreaking	14,500	1,900
Shop & warehousebreaking	16,300	3,400
Crimes of violence	4,200	2,900

One boy may, of course, commit a number of jobs before he is arrested for his series of escapades, but the greater part of such crime is never detected. Can it be, one wonders, that the younger boys are more often arrested because they are more easily detected? Do they grow more wily with age?

With crimes of violence and position is different. Report and arrest is more immediate and it is more difficult to get away with it.

These statistics indicate why the authorities are worried about the phenomenon of 'juvenile delinquency'. But the popular conception of the juvenile delinquent is somewhat erroneous. He is generally portrayed as a hulking lad of about eighteen who wears a leather jacket, carries a bicycle chain, and delights to assault innocent passers-by on the pavement. This stereotype is largely nonsense. It has been plugged by the popular press, television, etc., so that many boys, insecure as to their identity and rôle in society, have bought themselves black leather jackets – to the huge profit and delight of the leather industry. ('These young mugs have money to spend, so let's get it off them!') The surest way of keeping the noses of teenagers to the grindstone of steady work is to enmesh them in debt (as is found in many primitive acquisitive societies), and if lads are compelled by their conformity to convention to pay weekly HP instalments on noisy, dangerous and uncomfortable motorcycles, they are going to be good, steady workers in factories, fields and workshops and give little real trouble to their masters. It is not so easy to depend on stealing for a regular income.

By and large, then, the stereotype of the juvenile delinquent is a synthetic myth which is sold to the teenagers and to the adult public, who have different reasons for accepting it. Even the executive officers of the law are more influenced by the myth than by the reality. Ask the average policeman to describe the typical juvenile delinquent to you and he will give you the stereotype that the telly gives him rather than what he actually comes into contact with in his job. Yet the police statistics are clear and unambiguous. Table 4 gives a breakdown of figures for juveniles arrested in a certain urban area over a period of some months, which gives a more detailed picture regarding age than was conveyed by the statistics given earlier.

Table 4: Age distribution of 1,484 juveniles arrested in an urban area.

Age in years	8	9	10	11	12	13	14	15	16
No. of arrests	8	43	72	140	146	240	350	257	218

Thus we see that the peak age is fourteen years, and that thereafter there is a steady decline. By the age of sixteen the figures are already lower than at the thirteen year old level. The vast bulk of this criminality is the theft of property, and it remains rather a mystery as to why there is a steady drop after the age of fourteen. One simple-minded explanation might be that when children leave school

then they can earn money instead of having to steal, but such an interpretation of the facts is rather inadequate. The spending of teenagers is rather in proportion to the lures which are set before them by society. The need for money and goods is very much greater as the boy grows older after leaving school – yet boys appear to get progressively honester. It was suggested above that part of the explanation might be in fact that the boys get more wily and difficult to detect as they get older. We simply do not know.

One of the strange facts about juvenile delinquency is that it is largely a male phenomenon. Much of what is called 'delinquency' among young girls is due simply to the fact that they like a sex life when they are ready for it, and this is considered wrong both by the law, the usual social agencies and often by their own parents. When parents are unable or unwilling to condone and shield their daughter's sex life, then she may possibly become the victim of predatory fornicators, pimps and 'moral welfare' agents. In general, however, girls are remarkably law-abiding. What we know of boys is that about 12% of them living in urban areas are actually convicted of criminal offences by the age of fourteen years. What we can deduce from this is that a large amount of criminality is commonplace, and that the police are active enough to ensure that a certain amount of it comes before the courts.

The reality of juvenile delinquency appears to be much as follows. Boys are born into a culture which treats them thus and thus, and makes certain demands upon them. The result of such an educational process is that by about the age of fourteen they do a considerable amount of stealing, wanton destruction and fighting. I say an *educational process* advisedly, for that is what it is. They have been *taught* to act in a way that similar young thieves and hooligans were acting when they were mere toddlers, and those who are toddlers now will soon be educated to act is precisely the same way a few years hence. And who *teaches* them to act in such an anti-social way? I suggest it is the whole caboodle, what we call our 'culture'. And here we play them a dirty trick, for we take these infants whom we prize so highly and pump them full of Welfare until they are four years old, and then in ten years or much less we have turned them into little Calibans. *We* – who are we? All who have to do directly with the children? Their parents, their school-teachers, their telly producers, the writers of their comics? Perhaps we are looking at the problem the wrong way round.

The cause of delinquency

To ask what is the *cause* of juvenile delinquency is to pose the wrong question. More realistically one might ask why such behaviour is refrained from so often by so many people.

A boy wanders through a department store and sees many objects which he covets and which he could steal without much chance of detection, yet he refrains. What is the cause of the inhibition of his action? One cause is certainly a realistic fear of detection, but this cautiousness alone does not fully account for the widespread practice of honesty. Everyone will agree that there is also an inhibiting factor, an internal restraint, which we call the conscience. Many boys will refrain from gratifying their cupidity even when they are absolutely sure that they would not get caught. But to label an inhibiting factor 'conscience' is not to explain it. Freud approached the phenomenon in terms of the 'super ego', but one does not have to assume all the complexities of his system to study the workings of this form of built-in restraint which governs so many of our actions, sometimes in an arbitrary and ludicrous fashion.

The mechanism by which people normally refrain from forbidden acts may be discussed, and it now remains to consider why this mechanism breaks down with a certain frequency, particularly in boys of about the age of fourteen. One reason is that the training they have received has not been very effective. Many working class parents allow a degree of latitude to their children which is very different from that allowed in middle class families. The boy will learn that he may get clouted if mum catches him filching money from her bag, but this is not the sort of treatment which builds up a conditioned anxiety attached to stealing. Most studies of methods of upbringing have indicated that what produces a 'strong moral sense' in children is training by the threat of 'withdrawal of love'. If the child grows up in a condition of affectionate emotional dependence on his parents, withdrawal of parental approval is a very strong sanction. The child who is merely clouted when he is naughty learns to avoid getting caught, or indeed to weigh up the pain of a thick ear against the unlawful pleasure. The child who is made to feel moral disapproval from adults who normally treat him tenderly is less able to shrug off the penalty for wrongdoing; in order to put himself back in a state of grace he has to strive actively to be a good boy, and hence to introject the moral standards of his parents.

What has been described above is of course the extremes of two

different types of child management. Generally the regime is mixed. If, however, the parental figures are unloving, indifferent or absent, they cannot train the child by 'withdrawal of love', and the child is liable to grow up with very little conscience. Again, if the parents are particularly inconsistent in their behaviour, sometimes blaming and punishing the child for wrongdoing and sometimes condoning such behaviour, the training process will not work, and the child will not develop any consistent moral standards.

Much of the above is open to misinterpretation by the careless reader. It may be assumed erroneously that the present writer is advancing a programme of strict moral training for the young by the effective sanction of 'withdrawal of love'. This has certainly *not* been advocated here. Again it might be assumed, equally erroneously, that the present writer argues that the only reason we refrain from robbery and violence is that we get a nasty kick from the rising tide of anxiety every time we contemplate such actions. Such a model is altogether too crude. What is really suggested here is that ordinary moral behaviour becomes completely habitual with most people.

In a society based upon mutual aid, there would be little problem of morality. But our society is one based upon aggressive competition and unfairness. The *status quo* is maintained by a combination of sheer intimidation and ludicrously cock-eyed moral training. One of the most sacred institutions in our society is property. If a boy were to steal my car, I would be annoyed and call upon the police to recover it for me. Yet I would feel no satisfaction if they caught him and put him in the lock-up. Nor do I believe that his act of theft is 'immoral'. As I drive through the wet, cold streets in my warm and comfortably empty car, and see the wretched mums of such boys queuing at bus stops, I might wonder if *my* position is not immoral – far more immoral than that of the underprivileged boys who occasionally steal a car. I am comparatively clever and have been well educated, therefore I am well paid for interesting and varied work, whereas they are comparatively stupid and have been appallingly mis-educated and so they are poorly paid for dull routine work. That is why I ride in the car while they queue in the wet. This is a social fact, and makes nonsense of the moralists' attempts to confuse crime with 'immorality'.

Society gets the delinquency rate is deserves, yet this simple fact is not recognised by many good people whose profession it is to study criminology. The do-gooders vaguely hope that they will somehow reduce the delinquency rate by preventive methods of a social nature,

or even by 'therapy' applied to those under lock and key – and all without altering the essential structure of our society. In 1962 the criminological division of the Council of Europe circulated countries asking them what programmes of crime prevention has been inaugurated in them. The resulting document reveals the utter poverty of imagination of the majority of those who have contributed to it. In general the response could be summed up in the honest reply 'nothing', but all too often a good deal of humbug is resorted to as a cover for the fact that no-one had any clear and practicable idea of how delinquency *could* be prevented.

Regarding 'therapy' applied to prisoners in order to reform their 'criminal tendencies', most of it is a bad joke which reveals the stupidity of the psychologists who confuse criminality with mental illness. Now although certain men land up in prison because of psychological disorders, e.g. the exposeur, the compulsive incendiary, and the child rapist, the great majority of prisoners are not 'sick' in any psychiatric sense. It is indeed a huge impertinence for any psychologist to think that he can give them 'therapy'. Against the do-gooders stand the hardened screws; the last thing they want to do is to do the prisoners *good* – they want to do them evil, to humiliate, crush and punish them. There is something terribly twisted in the character of any man who freely elects to spend his working life in prison when any other occupation, even the humblest, is open to him. Yet I have read of a self-publicist called Hauser who claims to be showing prison screws how to become 'therapists': I do not know if the Nazi movement produced any quacks who claimed to show SS men how to ameliorate the jewishness of Jews, rather than give them standard treatment.

And in the free society?

'What do you do in your free, anarchist society when villains rob you in the street?' The only answer to that one is to enquire of your interrogator what he does in his own happy family when his wife spits in his face by way of greeting, and his son kicks him in the groin when demanding pocket money. Such conduct would imply that the family was not a happy one, just as being robbed in the street by villains would demonstrate that no free society has been achieved. We aspire to a society where we can walk unmolested in the street not because villains are afraid to rob us on account of the penal law, but because no one wants to molest us.

Against this view of a possible free society, is that put forward by Durkheim.[3] In a muddled way this view is held by many supporters of the *status quo*, but no one has stated it so plausibly and clearly as Durkheim. He saw the 'criminals' as being of positive benefit to society. They were criminals because they broke the law and were detected; having been detected they were punished, and punished severely not out of any attempt to reform them (which was largely irrelevant) but out of society's need to define what was lawful and what was not, and to demonstrate its detestation of lawbreaking. Durkheim had no illusions about the responsibility of society for its criminals, he saw perfectly that they were the *inevitable* product of respectable society, but these criminals were destined to be victims, and only by a cruel martyrdom of them could society preserve its mores.

Such a viewpoint as this is logically superior to the religious one – that the criminal has free will and that it is his own *fault* that he is a criminal – but it implied a curious framework of values. Society with its laws and mores is assumed to be of pre-eminent value; individual men or classes of men are regarded as so much expendable fodder, to be warped by forces beyond their control and then to be publicly vilified and punished for being warped. In contrast we have the anarchist view that society is simply an abstraction; society has no value as such – the only values must relate to you and me and him and her. If there are criminals, in any sense of the word, we are all inadequate in our social relations and we had better do something about it.

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Re-reading my article thirty years later, I must point out that it was written at a time when various social factors were different from today. Then there was a relatively high rate of employment, especially for juveniles who were earning better wages than they ever had before. Britain was not such a multi-racial society, with all the attendant social tensions, as it is today, and there was very little problem of the use of drugs by young people. We now have a much more violent society with greater problems of unemployment, homelessness and public squalor. The research which I conducted for the Institute of Criminology was carried out in a very socially deprived area of London, and was intended to elucidate the main factors responsible

for the development of juvenile delinquency in schoolboys. It was funded by the Home Office, but the main finding of my eight years of work, together with that of my colleagues, was to 'discover' that a great cause of thieving is lack of money! However, much incidental material emerged from the study that was of interest, and taught me a great deal about the social realities of an underprivileged urban area at that time. The article re-printed above must therefore be read allowing for the fact that it was written in a rather different social climate, but now in 1993 I must emphasise that I think that such conclusions as I came to then are entirely valid today, and I have not changed my opinion about these matters one jot.

In the course of truncating the article to meet the demands of space for this issue of *The Raven*, I have omitted a quote from a talk that Alex Comfort had given to an Anarchist Summer School in 1951. This material was afterwards published both as a Freedom Press pamphlet and, in extended form, as a book. It is very much to the point to quote from the book here:

"Crime consists of the deliberate violation of a provision which the law upholds by the threat of punishment. Any act or omission which entails a liability to punishment is a crime ... The limitations and obligations of criminal psychology and psychiatry, as they are applied by administrative penologists, arise from this legal definition, since it prescribes their terms of reference, and casts the net from which their material must be drawn.

Delinquency, on the other hand, is not a conception which the law recognises. It is, in its present sense, a name given by psychopathologists to those forms of behaviour disorder which manifest themselves in injury to others, or to society."[4]

It is important to bear the above in mind. People are not arrested or put in prison because they have committed delinquent acts, but because their acts have been in transgression of the criminal law. Thus, at the time at which I wrote my original article quite a number of men were in prison because they had engaged in homosexual acts. Today such acts are not criminal, and hence the prison population is reduced by the absence of the sad contingent of homosexual men who had been so unfortunate as to have their private lives victimised by the criminal law. Table 5 gives the number of people in prison in four different countries at the dates shown. I reproduce it from a pamphlet published by the London Anarchist Group in 1965.[5]

Table 5: Number of people in prison per 100,000 of the population

United States	(1960)	200 in prison
Finland	(1960)	153 in prison
Norway	(1960)	44 in prison
England & Wales	(1920)	29 in prison
England & Wales	(1960)	59 in prison

If one were to conclude that being in prison is a measure of people's 'wickedness' then Americans would seem to be about five times as 'wicked' as Norwegians, and in England and Wales people would seem to be about twice as 'wicked' as they were forty years before!

I have been unable to get precisely the same statistics for more recent years, but the following table gives some very revealing figures for 1990.[6]

Table 6: Prison population at 1st September 1990

Country	Total prison population	Detention rate per 100,000 inhabitants
Austria	6,231	82.0
Belgium	6,525	66.1
Cyprus	218	38.0
Denmark	3,243	63.0
Finland	3,106	62.2
France	47,449	82.2
W. Germany	48,792	77.8
Hungary	11,497	110.0
Iceland	104	3.8
Italy	32,588	56.6
Luxemburg	352	94.0
Netherlands	6,662	44.4
Norway	2,260	56.5
Portugal	9,059	87.0
Spain	32,902	85.5
Sweden	4,895	58.0
Switzerland	5,074	76.9
Turkey	46,357	82.1
England & Wales	45,659	90.3

Scotland	4,777	94.8 (1st Feb 1990)
N. Ireland	1,733	109.5

Percentage of young prisoners at 1st September 1990

Country	Age	Proportion of all prisoners below this age
Austria	19	3.2
Cyprus	21	18.8
Finland	21	6.7
France	21	10.8
Iceland	21	4.8
Luxemburg	21	5.7
Netherlands	23	27.7
Norway	21	6.0
Portugal	21	7.8
Spain	21	5.6
Sweden	21	5.0
Switzerland	18	0.1
Turkey	18	2.8
England & Wales	21	20.7
Scotland	21	21.0 (1st Feb 1990)
N. Ireland	21	13.1

It may come as a surprise to some readers living in the UK to learn that they are living in a country which, according to one way of looking at things, is the most criminal in Western Europe. But a country being very 'criminal' does not mean that its inhabitants are, in general, any worse that the people living in neighbouring countries. We have seen above that it is a mistake to confuse 'crime' with 'delinquency', as Alex Comfort pointed out. In 1960 the imprisonment rate per 100,000 in England and Wales was 59, and by 1990 it had shot up to 90.3, and in Scotland and Northern Ireland it was even higher. What had happened during the intervening years was that society in Britain became more like that in the USA which is more capitalistic, more subject to inter-racial tensions, and more violent. Comparing the changes in Britain as compared with Norway, we see that in the latter country the rise in the imprisonment rate has been from 44 to only 48.4; this has been because Norwegian society has not changed so much over the years, and also that they have tried to implement a

penal policy that is far more enlightened than the British. Norway, although a capitalist country, does not aim to be 'a great power'. Remember the pride of Mrs Thatcher when she announced that she had "made Britain great again" by sending massive armed forces to shoot the hell out of the Argentinians when they tried to occupy the Falkland Islands? Remember how we were the chief backers of the American forces who rescued the oil-fields of Kuwait? If we are going to be a fierce little brother to the USA we must expect to have a social system not unlike theirs, and a rate of imprisonment (that sensitive barometer) that approaches theirs more nearly than any country in Western Europe.

One of the factors contributing to a large prison population relates to how we treat those who simply cannot cope with the pressures of a harsh, acquisitive society, and are generally termed the mentally ill. Some time ago it was decided as a matter of money-saving policy to discontinue looking after them in psychiatric hospitals but to discharge them into "the care of the community". This was a piece of arrant hypocrisy, as adequate provisions for looking after them 'outside' simply did not exist. They ended up living lives of shocking loneliness and destitution in bed-sitters, or sleeping rough on the pavements. A recent survey showed that 40% of the pavement-dwellers had been in long-stay psychiatric care. We are closing the hospitals and building more prisons, for a large proportion of the pathetically disturbed ex-patients are now banged up in prison.

As mentioned above, anarchists do not resort to a simple explanation of criminality being due to sheer economic forces. Obviously a high rate of unemployment is relevant to the amount of thieving that goes on, because if people can't get enough money to satisfy the pressures that modern society puts upon them, many of them are just going to pinch it. There was a high rate of unemployment in the 1930s, but much less thieving, because traditions of honesty and social cohesion were stronger then. Turning our attention from thieving to violence and vandalism, the economic explanation is less convincing, and compels us to admit that non-economic factors are more to be held responsible. In a society that gives little sense of belonging, little power to the individual over personal destiny, and little legitimate sources of excitement and achievement, people demand more than full bellies and break out in ways that are sometimes horribly anti-social. In all societies this is particularly true of young males. What do we do about it? Bang them up together with their delinquent mates – which has largely been the British policy – and they come out a lot worse.

So anarchists continue to 'demand the impossible'. But is it really 'impossible'? Dutch society, which is widely criticised for its permissiveness, has an imprisonment rate that is *half* ours. Is this not an indicator of the way we should aim to go? Anarchists do not pretend, like the Marxists do, to have all the answers; the Marxist-Leninist arrogance brought about seventy years of a gigantic social misery, maintained by lies and repression, and the populations of the ex-Communist countries are, not surprisingly, acting much like men newly released from long-term imprisonment. Here we are, living in the most criminal country of Western Europe, we the British who have traditionally prided ourselves on our freedom, our tolerance, our maintenance of civilised standards in an island off-shore from a squabbling Europe. And what are you going to do about it? Vote for a different political party next time – whoever happens to be in power? Alternatively, you might begin to take anarchism seriously?

Notes

1. Ian Stuart (Tony Gibson), 'Anarchism and Crime' in *Anarchy*, 1963, 3, 297-307.

2. See the report in *Freedom*, 12th May 1962.

3. Emile Durkheim, *The Rules of Sociological Method*, University of Chicago Press, 1938.

4. Alex Comfort, *Authority and Delinquency in the Modern State*, Routledge, 1950, page 3.

5.Tony Gibson, 'Anarchism and Crime' in *Anarchism: Six Essays by Members of the London Anarchist Group*, LAG, 1965.

6. Source: Council of Europe.

John Pilgrim

Crime, Delinquency and the State

In my youth the one-legged man with the decrepit bundle of newspapers and the fixed wheel bike was something of a fixture on the corner of historic Pearman Street, SE1. Just back from occupying bits of the then British Empire, I was an innocent soul and attempted to buy a paper, to be met with a torrent of abuse from him and much merriment from my neighbours. He was a bookies' runner whose job was to accept bets from the local residents. From time to time he would disappear for short terms of imprisonment, but usually he was a fixture. His activities were the result of extraordinary class based legislation that forbade off course betting. In the 1950s domestic phones were relatively rare and the net result was to criminalise the gambling of the poor while wealthier people could run accounts and place bets by telephone. It is difficult to think of a piece of legislation more likely to create lines of antagonism along status lines and eventually my one-legged cyclist was replaced by the betting shop, a health hazard to the lungs but no longer illegal.

The point of this story is to emphasise that crime is an offence against the state and may not be anti-social at all. It may or may not result in injury to others but in essence it is a *legal* concept. Ultimately it is a catch-all set of categories ranging from real delinquency, through offences against property, to actions whose significance lies in administrative convenience or moral preference, like the activities of my corner bookies' runner. Delinquency on the other hand, as Alex Comfort said in a book far too little read today, is a *psychiatric* entity denoting anti-social behaviour, actions and attitudes that manifest themselves in injury to others and which may or may not be criminal. Indeed Comfort continued:

"Under modern conditions it is quite possible for the criminal psychiatrist to

be confronted with the task of reforming an individual whose conflict with society arises from a high rather than a low development of sociality. Refusal to participate in the persecution of a racial minority, or in the military destruction of civilian populations, have recently figured as crimes in civilised Western societies."[1]

This distinction remains important. Crime is a state defined legal concept that can embrace both social and anti-social behaviour. Delinquency is a psychiatric concept that may not involve defined crime and may even be rewarded in our society. Its main characteristic is an assertion of the actor to behave without regard to the welfare of others. Victims of burglaries and muggings in run-down urban areas may become impatient with this sort of distinction – just as the poor pay more for life's essentials so they tend to suffer more from delinquent acts – but it remains important. The criminal who really harms others is a private enterprise delinquent who has lacked the opportunity to practise the same sort of behaviour within an approved structure of power.

This quite venerable idea has been given new relevance by the assault on the poor conducted by a series of Conservative governments since 1979. The claim that 'all governments are the same' is true. It is also tendentious – it obscures very real differences, particularly for the victims. The experience of being poor and destitute in Gaitskell's Britain, or even in Heath's, is very different from the experience of being poor today with its accompaniment of starvation, homelessness, increasingly brutal but legal bailiffs, the re-emergence of tuberculosis, and the accelerating destruction of the health services. It is indeed difficult to understand how sane people, however insulated from the realities of life by power and ideological armour, could initiate or carry out such policies. It is even more difficult to understand the self-satisfied glee with which Basildon Man and Woman support them. Which makes the complaints about growing violence in our society particularly piquant. "That policy is violent", wrote David Hume, "which aggrandises the public by the poverty of individuals". Ian Gilmour, former Tory cabinet minister, added to that quote "*Still worse is one which aggrandises the rich by the poverty of the poor. Whether or not Thatcherite social policy added to national violence by provoking riots and increasing crime it was, in the sense used by Hume, undoubtedly 'violent'.*"[2]

Raven readers, along with anyone with memories of a bailiff action, the sinking of the Belgrano, the miners' strike, Wapping, or the support for Pol Pot, will not need the lesson that Ian Gilmour

adumbrates. Nevertheless his book is important as a sustained attack on the social irresponsibility of Conservative administrations since 1979. It is a book which underlines Alex Comfort's point that our society does not punish delinquent acts *per se* but selects those forms which it will punish and those which it will ignore or reward. And these rewarded opportunities for delinquency lie almost entirely within power structures of one kind or another.

On an individual level we can point to the police and prison scandals of the last few years, or look back at the now celebrated case of cartoonist Donald Rooum and Detective Sergeant Challenor (still an alarming story in spite of the more horrific fit-ups since).[3] On a macro level we have seen what David Lee has called the most blatant piece of social engineering in post-war history. It is, he says, "an engineered privatisation of the common wealth [that] has unleashed such forces of deprivation and materialism, competitiveness and egoism, that I fear chaps in Basildon pubs will soon begin to bellow for more authoritarian solutions to the problems this experiment in 'freedom' has created".[4] By any definition we are faced here with a series of delinquent acts by government. Massive homelessness and unemployment with its side effects of TB and malnutrition have been created as conscious acts of government policy, while at the same time a calculated attempt to marginalise concern has been made by blaming the victims and invoking market forces with the same 'nothing we can do' shrug with which the medieval priest must have blamed famine on the will of God. These are delinquent, but not, by definition, criminal acts. The victims of these acts do tend to become criminal though. For a short while I was one.

In 1984 I found myself destitute in a Northern industrial town, my immediate family recently and unpleasantly deceased, my house repossessed, my only assets an obsolete degree and a cockney accent, neither being highly regarded in that rather tribal part of Yorkshire. "Over age, over educated, and a bloody Londoner" was one phrase used not very far behind my back at the time. No dole was available and my only income was a disability pension. The courts, after giving me a six month prison sentence, suspended (we don't imprison people for debt, we imprison them for disobeying a court order to pay), had ordered a section of my pension to be used to pay off the rate arrears on my former house, while the DSS said I had the pension and couldn't have anything else. There was a classic interview in which some 23 year old squirt told me that if I used my pension to pay debts instead of buying food it wasn't their problem. So to stay alive I stole

from supermarkets. Not a course of behaviour to which my timid middle-aged soul was easily inclined and it wasn't to last for very long, but it did happen. In the old Victorian sense I was, however briefly, forced into crime through simple hunger. And I was a highly educated person who knew how to operate the system. It is not difficult to envisage the progression for less articulate people.

This must partly account for the rise in crime figures, that (as David Lee predicted) now has the man in the pub, so beloved of Norman Tebbitt, calling for ever more authoritarian solutions. The stripping away of welfare benefits leaving people with no other means of staying alive or keeping warm will inevitably be one factor in the rise of so-called petty crime. If you add to that a social order which teaches that the individual and his immediate family are all that matters, that prizes competition above all other virtues, and that removes all hope of improvement, or even work from a large section of the population, then the combination of hopelessness and peer group pressure is likely to, in fact, produce the sort of results we can see in any large American city and increasingly in our own. With gun battles in the streets of South London running at about six a month the last set of figures I saw, with even the law 'n' order crowd talking in terms of acceptable levels of violence, we are all going to suffer but the poor are going to suffer most of all. There was a paragraph from a study by New Zealand sociologist Greg Newbold, quoted recently in one of Colin Ward's *New Statesman* pieces:

"A system which rewards the winners but ignores the plight of the losers produces massive amounts of crime. The losers fight one another in their homes, and in the streets, and they try to eke out a living by burglary, robbery, extortion, and selling illegal drugs."

This could equally be areas of Britain. And of course there are additional problems of the ever-widening circles of police corruption that those at the bottom have always known about but which are now becoming everyday knowledge for all. "You could", one solicitor noted recently, "pack the top brass with *Guardian* readers and this would make sod all difference to what happens when two PCs in a squad car see a black youth driving a BMW".[5]

At this level the distinction I started with begins to break down. Delinquent policies by government lead inexorably to a situation where those at the bottom of the scale are victims or perpetrators of acts that are both delinquent and criminal. Unless you have been there it is difficult to appreciate just how incomprehensible and alien our

society has become for those at the bottom. Just as with vandalism, the deprived person in a society where possessive individualism has become the dominant ideology finds his only source of prestige in his immediate peer group, the only behavioural guide in the activities of friends who will be unemployed teenagers like his or her self. Much criminal, or delinquent activity tends to be learned in just the same way as law abiding or socially responsible behaviour. If you promote a social ethic which emphasises material success and getting ahead and then effectively deny any real opportunities to a large section of the community, you don't need to be a sociologist to predict the result. To quote Ian Gilmour again, "*those who are excluded from the benefits of society cannot be expected to remain passive indefinitely*".[6] Indeed the evidence from our cities is they are not. They have taken on board the Thatcherite ethic and are simply applying it locally. The victims again are the poor, the weak, the elderly.

The economic policies of the Thatcher years have created a reserve army of nineteenth century proportions while deregulation has given the green light for delinquent acts by employers, so deaths from accidents at work far outnumber murders. Anthony Giddens, for example, notes that in the USA 40% of job injuries are the direct result of illegal working conditions, while another 24% derive from legal but unsafe conditions.[7] These do not attract the same degree of attention, unless they result in a train crash of course. So we punish some delinquent acts and turn a blind eye to others. We emphasise competitive self-interest, trumpet that only individuals and their families really exist and then act surprised when the crime rate becomes exponential.

None of this will cut much ice with my friend G in Battersea who just before Christmas found the door of her council flat kicked in and her bits and pieces, acquired over a lifetime, stolen or despoiled. Nor will it help victims of a particularly horrifying series of murders and muggings that are coming over the radio as I write. The trouble is that there is no short term solution. Short termism has been part of the problem. It is the short term book-keeping that makes education and social security cuts but which ultimately costs us all more in terms of money, injury and personal loss. It is the idea of the quick punitive fix that is refloating the idea of borstals, despite the reports showing that graduates of such institutions are 50% more likely to offend. As Roger Graef pointed out recently, if the NHS failed us as badly as crime control does we'd all be dead.

John Major, in his Carlton Club speech recently was waxing

nostalgic about the law abiding '50s (not what the papers at the time said) but he was talking of a society which with all its shortcomings was pledged to full employment and non-means tested benefits, where there was hope and opportunity, where the idea of community co-operation had not been totally destroyed by competitive individualism, where the government's attitude to its own laws had not so overtly become a matter of what it can get away with. See for example Twyford Down, the pit closures, BCCI and various City scandals. So the first part of any remedy has to be saner economic and welfare policies and a recognition that capitalist markets need regulating. It won't stop crime, and it won't stop delinquent behaviour, but it will start to reverse the process whereby we are creating a permanent hopeless underclass where crime is the natural way to live. The 'Clockwork Orange' society as Ian Gilmour called it. It will end some of the spontaneous crime, and some of the forced crime that is the result of the last fifteen years of welfare attrition. The next is to look closely at the distinction between crime and delinquency and concentrate our resources on the latter. With luck we might stop socialising the young into patterns of petty crime and delinquency, but to be really effective white collar crime and corporate delinquency would need to be a serious part of the programme. The judgement of an act must not depend on the status of a person committing it. This leads to the necessity of curbing the abuse of power by government or by government agents. Until that is done we cannot blame those at the bottom of the heap for making their own rules for the only world they are realistically going to inhabit. (Even the most ill-informed must snicker at the Victor of Orgreave saying she wouldn't tolerate men of violence.)

It will probably take a hundred years to undo the harm that the last twenty have done in terms of social disintegration. If we can get the process started though, if we can move toward the sort of moral economy that informed the eighteenth century food riots, then some progress in combating delinquency becomes a possibility. Once that process is under way we can begin to think about things like decentralisation and the wearing away of the criminal law by attrition that Stan Cohen suggests.[8] Then we would, perhaps, be on the road to anarchism. The alternative is Hobbes's war of each against all and that prospect has advanced perceptibly in the last few years. Hobbes's *Leviathan* far from providing security is now actively engaged in promoting the very *anomie* that he expected it to prevent. As for the psychopathic delinquent there will never be a full answer. But, as Alex

Comfort percipiently pointed out 43 years ago, if any society finds itself manufacturing them in unusually large numbers then it needs to look to its pattern of community life. So we need to work on a new theoretical agenda at the same time as taking practical steps to undo appalling coarsening of social life, the frightening growth of *anomie*, that is the legacy of the Thatcher years. In Stan Cohen's lucid words:

"In the last instance it is the nature of the state which shapes the nature of crime control. A quite different theoretical agenda could also be constructed which does not give the state such a privileged position, that sees the real forces of social control lying right outside the formal punitive system ... in consumer culture, welfarism, family, education and civic law ..."[9]

This means constant wearying argument. It means switching off the television. It means long hours with no hope of success or sign of progress. It means study and intellectual honesty. The alternative though is Hobbes' anomic society, the war of each against all. Even within the anarchist movement there are signs of Thatcherism, of self regarding individualism replacing the ideals of mutual aid and free co-operation that is the real core of the anarchist idea. This may be nostalgia for a non-existent golden age, but it could also be a vision of utopia. These are times when a sense of utopia is most needed. Because no roads lead there doesn't mean we shouldn't head in that direction.

Notes

1. A. Comfort, *Authority and Delinquency in the Modern State*, RKP, 1950.

2. I. Gilmour, *Dancing with Dogma*, Simon & Schuster, 1992.

3. D. Rooum, 'I've dislodged a bit of brick!' in *Anarchy 36*, 1964; Mary Grigg, *The Challenor Case*, Penguin, 1965.

4. David Lee, 'Unreason and Uncertainty' in *The Raven 19*, 1993.

5. Brian Raymond, 'Liberals Rule OK?' in *The New Statesman*, 8th January 1993.

6. I. Gilmour, op cit.

7. Anthony Giddens, *Sociology*, Polity Press, 1989.

8. Stan Cohen, *Visions of Social Control*, Polity Press, 1989.

9. Ibid.

Colin Ward

Penal Reform: the Great British Failure*

There are some people whose presence in ordinary society arouses such anxiety or hostility or fear, or for whose welfare it is so unwilling to assume responsibility in its normal primary groups like the family, that special institutions were established to contain them: asylums for the insane, orphanages for homeless children, the workhouse for the poor and aged, barracks for the defenders of the state, prisons and reformatories for those who break the rules and get caught.

Discipline, routine, obedience and submission were the characteristics sought in the well-regulated institution, best enforced in an enclosed environment away from the distractions, comforts, seductions and dangerous liberties of ordinary society. The nineteenth century was the great institution-building age – indeed, the same characteristics were sought in the ordinary 'open' institutions of outside society, the factory, the school, the Post Office, the railways and the developing lower ranks of the Civil Service, as well as the patriarchal family.

If for the 'progressives' of the early nineteenth century the aim was to tidy up society and get its unfortunate or aberrant members into institutions, the progressive task of our own day is to get them out again. In the 1940s and '50s a literature grew up which both reflects and nourishes a new theory of institutions: that they are no good. A new theory? Not really. It is the old folk-wisdom of articulate inmates and of a few perceptive outsiders, widened and deepened by sociological and psychological enquiry, which has sought to ascertain the common characteristics of institutions and to discover what they do to the people in them.

* A lecture given to the Prison Project at Plymouth Polytechnic.

Every social organisation (or school, factory or office) of any size has both a formal and an informal structure of social relationships. The more self-contained and authoritarian an institution is, the more distinct are the two structures. In terms of Kurt Lewin's topological psychology, a prison can be defined as a polar type of authoritarian system governed by a bureaucratic hierarchy, and entrusted with power over the total life space of the individuals under its jurisdiction. Since it is an extreme type we may also expect to see in it the most extreme differentiation between the formal and informal structures.

The formal structure of the prison consists of a system of social organisation maintained exclusively by the custodians and whose primary objective is the control, discipline, punishment and sometimes treatment, of the inmates. My concern is with the situation of the inmate, and with the formal structure only in so far as it affects the functioning of the informal system of inmate relations which exists in opposition to it. There are really only two types of inmate who fit in the formal structure. The first is the 'redband' or 'trusty' or leader who is, so to speak, an "acting unpaid lance-corporal" of the formal system; and the second is the fully institutionalised 'model prisoner' who is completely adapted to the regime and withdrawn from social contact with his fellows.

The informal structure is an extreme form of the type of informal social organisation which you can find in schools or factories. "Whenever men are held captive," wrote D.L. Howard in *The English Prisons*, "a strong social network with distinct lines of dominance and subordination, its own code of behaviour and its own ties of loyalty, grows up among them, quite distinct and apart from any organisational structure which prison authorities may attempt to impose from above. The true life of a prison ... exists almost independently of official rules and decisions; all but the vaguest indications of its character are hidden from the governor and his staff. Even the most skilful and sympathetic of prison officials is far out on the edge of this society and unable to make any permanent impact upon it."

For this reason the most revealing accounts of the informal structure of prisons are those by ex-prisoners, and until sociologists turned their attention to the social structure of the prison there had been few attempts by people independent of both captors and captives to describe it. Gresham Sykes made a close study of the interactions of custodians and inmates at Trenton maximum security prison in New Jersey. In discussing the responses of the prisoners to the regime to

which they were submitted, he found (in his 1958 book *The Society of Captives*) one which he called 'cohesive' and another which he called 'alienative'. The first is action of a collectivist nature, in the interests of the whole inmate community, and the second is individualistic action in the interests of a single prisoner or a small group.

Terence and Pauline Morris, in an article 'It's the Prisoners who run this Prison' (*Prison Service Journal*, January 1961), make the same distinction between the cohesive and alienative responses to imprisonment, and distinguish two 'ideal types' of leader corresponding to them, the 'Robin Hood' and the 'Robber Baron'. Both are 'troublemakers' to the prison authorities, but the trouble they make varies considerably. The Robin Hood:

"is considered by the mass of the prison population to be a major asset in the task of minimising the pains of imprisonment. This leader is a strong-willed man, wise in prison ways, committed to the inmate code of minimal co-operation with the staff but careful never to provoke or bring down trouble upon himself or his associates. He is benevolent, sympathetic, and has many of the marks of a genuine altruist ... Superiority of brain, and the ability to call upon brawn when necessary, gave Smith an unusual amount of power. It was based, however, upon loyalty rather than fear, his good and generous deeds making many men his permanent moral debtors."

The Robber Baron, on the other hand:

"is a very different sort of man, recognised by prisoners as an exploiter, a man whom they would rather do without. In many cases he is actually a tobacco baron or bookmaker, but no less frequently he is no more than an extortionate bully who demands protection or feudal services from those inmates unfortunate enough to come under his influence ... The Robber Baron then is not a leader who can make moral claims upon his followers, but relies upon coercion and fear."

In the captive society, these authors observed, social control is usually maintained by external constraint rather than by internal consensus, but, as in most human communities, the ultimate equilibrium of the system will depend upon a balance of the forces contending for power; and power, in inmate society, is based sometimes upon consensus, sometimes upon constraint, and frequently upon a combination of the two. The physical, social and psychological deprivations of imprisonment undoubtedly stimulate among most prisoners behaviour which is designed to minimise them. At the same time the prison contains men with strong drives towards controlling other men

and in doing so satisfying many of their inner psychological needs. The authors note that it is a simple truth that in the face of *complete* and *massive* refusal to comply with his orders the prison official is temporarily powerless. The reason why large-scale rebellion seldom occurs inside even repressive prisons is partly that inmate society is too heterogeneous to be capable of such unified action, but more importantly because numerous inmates have a conscious investment in tranquillity. Those who have not, the real contenders for power in the prison, play roles which:

"are essentially alienative in that their behaviour is ego-centric and inconsistent. Sooner or later their demands are resisted by others of their own kind and conflict ensues. It is perhaps because they are so often seekers after power for its own sake that they constitute such a danger in the prison community."

Here the formal structure asserts itself in a tightening up of the prison's coercive power, but the effect of this is like that of a selective pest-killer, in that it eliminates not only the pest but also those forces which would themselves restrain it. The prison authorities could segregate alienative leaders and could choose to buttress the cohesive elements in the prison, but this has implications for both the inmate social system and the formal structure of authority. For those authors have already noted the equivocal nature of 'legitimated' inmate leadership at the point where the formal and informal social structures meet:

"In most prisons throughout the world, the authoritarian character of the prison regime is diluted by the delegation of some staff functions to inmates. It is not strictly speaking a delegation of formal authority, for whatever task such an inmate performs and whatever privileges are attached to the job, his status remains that of a captive. For the prison official the 'leader' or 'redband' is a valued asset. He is assigned to a position of trust and responsibility in the task of running the prison. In the eyes of his fellow prisoners, however, he is often a 'grass' or a 'screw's man' and the subject of diffuse sanctions of disapproval."

For even though he may use his relative freedom to lessen the deprivations of others as well as his own, he is suspect because he has violated one of the ideal premises of the prisoners' code; namely that no self-respecting 'con' should do the work of a 'screw'. He tends to identify with authority and this alienates him from the bulk of inmate society. The redband's solution to this problem is frequently to act a double life, to leak information to the staff but at the same time to

leak information in the reverse direction.

Most prisoners have to steer a course between the prison rules and the prisoners' rules. The prisoners' code is the more binding, and from the point of view of both the individual and the group, the most necessary. The code, which is the same code that operates among the children in a school or the workers in a factory, is essentially the means of defence of those who have no power against those who possess it. Violators of the code – the sneak in school, the boss's man in the factory, the 'grass' in prison – are regarded as contemptible, and it is difficult to conceive of any moral code in which they would not be. When a 'school council' or a 'works council' are introduced from above they become, in the absence of any genuine devolution of power, simply a means of harmlessly airing marginal grievances: complaints about the canteen crockery or the shortage of toilet paper. As Terence and Pauline Morris say:

"The leaders' meeting, as observed in Maidstone, was essentially a 'grumbling session' and although this may have had some merit as a safety valve, there was little evidence to suggest that these were necessarily even the grumbles of the non-leaders. In fact, there were unmistakable signs that the group constituted a socially isolated elite of the prison, remote from the real foci of power in the inmate social system."

The would-be penal reformer is in fact faced by a whole series of dilemmas. First, the fact remains that prisons *are* schools of crime, an observation that has been made many times in the past two centuries and is as true today as it ever was. Howard Jones noted in his *Crime and the Penal System* that "a formidable criminal record is the passport to respect. Crime and its techniques are the main topics of conversation. Criminal contacts are made in the highly specialised group which the beginner in crime could never have found for himself. The young prisoner with no confirmed criminal tendencies will be isolated with these corrupting influences throughout his sentence, and will be fortunate to remain unscathed". Secondly, efforts to avoid this kind of contamination, by improved methods of classification and segregation, simply avoid the issue because, as Hugh Klare pointed out in his *Anatomy of Prison*, "by putting the best personalities amongst prisoners into special institutions, we may be winning victories which are too easy while leaving ourselves with an almost impossible task with the rest". Thirdly, because the prison situation is a *conflict situation* and opposition to the custodians is a psychological necessity for the prisoner unless he is to become either a completely

institutionalised vegetable or a lick-spittle of authority. The staff, as Howard Jones put it, "reserve their favours for the prisoner who causes least trouble, even though he is apt usually to be either a confirmed old lag who knows the ropes or just a hypocrite".

Finally, the conflicting roles which the prison system is called upon to perform – retribution, restitution, protection of society, deterrence and rehabilitation – cannot possibly be reconciled. The contradictions are structurally implicit in the social organisation of the institution. They can only be resolved and the prison transformed into something of genuine therapeutic and educational value in so far as it is possible to conceive of the institution in quite different terms, one which reconciles the conflicting formal and informal structures by liberating both from their authoritarian context. But in prison *all* are imprisoned: staff as well as inmates.

Bernard Shaw pointed to the difficulty early in the twentieth century when he wrote:

"The main difficulty in applying this concept of individual freedom to the criminal arises from the fact that the concept itself is as yet unformed. We do not apply it to children, at home or at school, nor to employees, nor to persons of any class or age who are in the power of other persons. Like Queen Victoria, we conceive Man as being either in authority or subject to authority, each person doing only what he is expressly permitted to do, or what example of the rest of his class encourages him to consider as tacitly permitted."

For the social structure of the prison, whether we consider its formal or its informal system, is primarily a reflection of the social structure of 'normal' society. We cannot change the criminal until we change ourselves; we cannot change the institutions until we change the society they reflect.

This bleak conclusion is the inescapable background for whatever concern we may feel about penal questions. We may, as humane people, be appalled at the degradations of prison life and seek to alleviate them. We may be concerned out of mere prudence – who knows when it may be our turn? But we ought to remain aware of the limitations of our efforts. Mervyn Turner remarked in 1960: "It is almost twenty years since I first saw Pentonville from the inside. I have seen it regularly since then. There have been changes and improvements, but fundamentally, Pentonville stays the same ... an embarrassment to those who support the system it personifies, and a source of despair to those who would change it." His dilemma was pertinently posed by the anarchist Peter Kropotkin in a lecture given

in 1877 on *Prisons and their moral influence on prisoners*:

"I might propose that a Pestalozzi be placed at the head of each prison ... I might also propose that in place of the present guards, ex-soldiers and ex-policemen, sixty Pestalozzis be substituted. But, you will ask, where are we to find them? A pertinent question. The great Swiss teacher would certainly refuse to be a prison guard for, basically, the principle of all prisons is wrong because it deprives men of liberty. So long as you deprive a man of his liberty, you will not make him better. You will cultivate habitual criminals."

So can *anything* be accomplished within the penal setting? The odds as we have seen are against it. In other forms of nineteenth century institutional legacies, for the mentally sick or subnormal, the trend has been either to get people out of the institution altogether, or to break down the institution into small units and family-size groups; to change from dependency to self-regulation and to change the custodial hierarchy to a supportive team. The qualities which the pioneers of this kind of approach have sought to foster are self-reliance, autonomy, self-respect, and as a *consequence* of these, social responsibility, mutual respect and mutual aid.

But by far the most impressive applications of this approach have taken place *outside* the penal setting, in supportive, transitional or therapeutic communities, These experiments do not aim so much at 'curing' people but at giving them enough support and acceptance and genuine relationship with others to keep them out of trouble. To sum up, the weight of evidence seems to suggest that the experience of imprisonment is unresolvably negative. The real reforms will happen outside the prison and consist in keeping people out of such institutions.

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Now the profoundly depressing thing about everything I have said, summarising what I as an ordinary lay observer have learned from the literature of the sociology of locking people up, is that I said it all thirty years ago. In the thirty years since then we have had a mountain of sociological, criminological and penalogical research, and what change has it made to the penal system and our habit of relying on it to get dangerous or inadequate or anti-social people out of our lives? The answer is given in a distinguished, if equally depressing book

from our foremost thinker in the sociology of deviance, Stanley Cohen. In his book *Visions of Social Control* (1985) he surveys nineteenth and twentieth century theories of social control from institutionalisation to deinstitutionalisation and the post 1960s 'back to justice' trend. For at the beginning of the 1960s, the period of the account I gave then, we really thought we were witnessing what Professor Cohen calls "a profound destructuring impulse" not only from irresponsible ideologists like me, outside the system, but from the inside too. As David Dale puts it, "disillusionment with the old segregationist policies of imprisonment and hospitalisation gave way to 'progressive' notions of control and prevention based on the community. Decarceration, demedicalisation, decriminalisation and deinstitutionalisation became the voguish, if conceptually vague, orthodoxies directing social policy."

But what became of it all? Cohen, who is all too aware of the pitfalls of the official criminal statistics, made a crude summary of the trend in the period from the late 1960s to the mid-1980s, studying Britain, the United States and Canada. The trend has been the same in each country and his conclusion about Britain is:

"For adults, with the exception of a slight decline in 1974, there has been a steady upward spiral in the number and rates of imprisonment. In 1982 the average daily prison population was 43,700; 11,000 of these were crowded into two per cell and 3,600 into three per cell. This was the ninth successive year in which more adults were received under sentence of immediate imprisonment. Average sentence length has increased. An estimated £80 million was spent that year in a prison building programme, not enough to accommodate the estimated number of 49,000 prisoners expected by 1991. The prison population nearly doubled over the 'decarceration' period and, by 1982, according to the Home Office Minister of State, the country was 'in the middle of the biggest prison building programme for a century'. For juveniles, where the anti-institution and pro-community rhetoric was stronger, the increased use of custody during this period has been even larger and more dramatic than for adults. This included even the hardest and most traditional forms of custody – young adults in prisons (under-21s constituted 30% of the custodial population in 1982), borstal (up by 136% between 1969 and 1977) and detention centres (up by 158% during this period) – as well as the softer, more welfare-oriented institutions. Overall, a massive increase in custodial sentences to juveniles throughout this period."

This finding will hardly surprise anyone, for every week brings new horror stories about the penal system. In terms of the lack of impact of theory in practice. For example, *The Observer* remarked on 21st

July 1985, that:

"The findings of the inquiry into Holloway prison are a damning testimony to the log-jam of conflicting pressures and policies which now beset the prison service. The inquiry was set up last December after chilling outbreaks of self-mutilation and attempted suicide among women on the prison's psychiatric wing ... The inquiry concludes that this wing is 'totally unsuitable for its task' and so, in a classic civil service response, there is to be a feasibility study to assess whether a new unit should be built within the prison. The regime on the wing will be altered – but at an unspecified time with funds which have not yet been allocated. In a wretched footnote to the affair, the Prison Department said last week that there had been twenty incidents of self-mutilation and three attempted suicides on the wing in the past four weeks alone."

In the same week as that report the Prime Minister, Margaret Thatcher, said that she would try again to give the prosecution the right to demand a review of what it regarded as 'over-lenient' sentences, a proposal which had been removed from the Prosecution of Offenders Bill by the House of Lords that spring. *The Guardian* reported on 17th July that year that Mrs Thatcher told the convention of the American Bar Association that there was public anxiety about lenient sentences, and it commented that her speech coincided with the publication of a Home Office study which showed that the vast majority of people, including the victims of crime, do not want higher sentences.

Stanley Cohen looks back critically on the propaganda we all made all those years ago about finding alternatives to prison, and he comments that: "Instead of any destructuring, the original structures have become stronger; far from any decrease, the reach and intensity of state control have been increased; centralisation and bureaucracy remain; professions and experts are proliferating dramatically and society is more dependent on them; informalisation has not made the legal system less formal or more just."

But conscious of all the ambiguities and contradictions that experience brings, he cautiously reaffirms his faith that, among other things, "it still makes sense to look for more humane, just and effective alternatives to such exclusionary institutions as prisons" and that "mutual aid, fraternity and good neighbourliness still sound better than dependence on bureaucracies and professions".

This is not quite a way from the confident anarchist rhetoric of the past. We are not going to see in the immediate future any storming of the bastilles of the British penal system. Too many of us depend

on it to keep plenty of difficult and dangerous characters out of our way for a while. And chipping away at the foundations of the system calls for immense changes in our own attitudes. This was graphically expressed in a forgotten novel of the 1960s, Peter Brown's *Smallcreep's Day*. In the course of it, its author remarked that:

"In a free society you would have to come to terms with yourself and with others like yourself, with the man who backs his car into yours, with the man next door who has to feed three times as many mouths as you do, with the drunks who get into your garden. You would have to sort things out with them yourself, instead of having social workers or political parties or policemen or shop stewards to do the job for you, and in the process you would be forced to face up to what sort of person you yourself really were."

This is the sobering truth about our society's acceptance of the prison system and everything it involves.

Jeremy Cameron

Crime and Punishment – Conservative Style

Back in the nineteenth century, someone with a sense of humour invented the concept of the deserving and the undeserving poor. The deserving poor hauled themselves up by their bootstraps, worked hard, looked respectable, were careful with their money, made something of themselves and became slightly less poor than the rest. The undeserving poor, on the other hand, were feckless wastrels who had children, didn't always find work, got themselves homeless, committed crimes, probably drank and finished up in the workhouses. It was all their fault.

The deserving poor, it could be assumed, voted Tory. The undeserving poor could never be trusted.

Much the same happens today. The deserving poor behave themselves, don't cause any trouble, find jobs for low wages, set up their own businesses, make something of themselves and ... vote Tory. The undeserving poor don't make any money, don't find jobs, don't have homes and then have the gall to commit crimes. They are undeserving, therefore they must be punished. It used to be workhouses; now it will be workfare.

The absurdity of this argument hardly needs illustrating, but it escapes, by some remarkable process, the logical minds of the Conservative Party, the press and sometimes the poor themselves. They all think poverty has nothing to do with governments or the nature of capitalist society but somehow falls down out of the sky, bump, like a meteorite.

The reality is different. First, mass unemployment keeps people poor. (It is also very popular with the Conservative government because it keeps people frightened, which is why they try hard to increase it.) Second, there is only so much wealth going round: if some people have it, others do not. Third, there is only one way to make

money, and that is out of other people; so some must be poor. Fourth, making large sums of money generally requires a fair degree of unpleasantness; it could be said that the people who get on are the undeserving ones. Fifth, some people do not have the ability to 'improve' themselves; if they happen to be born into the comfortable middle class this does not matter, but if they are born to the poor they are always going to struggle. Sixth, and finally, it is very, very hard to escape from poverty.

Yet all of this is irrelevant to Conservative dogma. It is all the fault of the poor; there is no other cause of poverty. And if it is all their fault, they must be punished for it.

Why are they so wilfully obtuse, the Conservatives? Well, if it isn't the fault of the poor it must be someone else's fault: the rich, in fact. This cannot be admitted publicly – it can't possibly be the government that is to blame, or they might not get all the votes. So the poor must not only be oppressed in order to make others rich: they must also be blamed for their own oppression.

Not all crimes are committed by poor people, but the vast majority of people who appear in court are poor. (Tax evaders are seldom caught and even less punished – and when did you last see a capitalist charged with making exorbitant profits out of people?) Not all crimes, for that matter, are directly financial; but poverty also causes frustration, envy and hopelessness, and these lead to violence, drug abuse, alcoholism and even motoring offences, as well as burglary and theft.

Conservative penal policy, however, makes two assumptions. First, nothing is the fault of the government: they bear no responsibility for urban decay, mass unemployment, bad housing, impoverished local government, understaffed police and cuts in benefits. Second, those who are to blame, generally the poor, must be punished. There are no causes of crime, only crimes themselves; therefore the perpetrators of the crimes must be punished but the causes are never addressed. Crime prevention, as any police officer will tell you, comes bottom of the agenda for police forces; it is also bottom of the agenda for the government. Helping the criminals, and thus diverting them from crime, does not come on the agenda at all.

There is, however, a problem for the government with the punishment approach. Dedicated as they are to cutting public spending, they do not want to pay for more and more prisons – which has been their approach so far. On the other hand, they need to placate their own supporters, who want to send virtually everyone who

doesn't vote Tory to the nick. They have to find, therefore, a solution cheaper than prison but at least as unpleasant, if possible more so. In reality this cannot be done, because nothing is as unpleasant as prison. They will, however, have a pretty good stab at it, and so they have turned to the time-honoured route for trying to provide punishment on the cheap – the Probation Service.

Over the last few years the Conservative Party has touted its programmes for what they call 'punishment in the community', which they want to be administered, or perhaps I should say flagellated, by probation officers – or, in many cases, unqualified and worse-paid probation assistants. The Probation Service, which has always been a social work agency, has, the government believes, been far too soft on criminals in the past, treating them as people with difficulties and even trying to help and care for them. All that nonsense must go.

Some of the most outrageous excesses of Conservative dogma were strangled at birth or laughed out of court – electronic tagging of people on bail, for example, proved a technical and financial disaster as well as morally repugnant. However, late in 1992 the government finally put into law its beloved Criminal Justice Act. Most of it is designed to rule out any notion of trusting, helping or understanding those who have broken the law.

Many of the details are too technical to be debated here. However, the centre of the Act concerns the probation order; that is, the order made by the court when someone is put on probation.

Previously the probation order was imposed *instead of a sentence*. The court gave recognition to personal difficulties that had led to the offence, and therefore placed someone on probation instead of sending them to prison or passing some other sentence; over the years this has been gnawed away at slightly by extra conditions being imposed on probation orders, but still an order was a measure imposed primarily for help rather than punishment.

This has now gone. The probation order is now a sentence in itself, apparently designed primarily as a 'restriction of liberty' – in other words, imprisonment. Furthermore, the order can be linked in with other sentences and a plethora of extra conditions: for one offence someone could, if taken to extremes (and it will be), be sentenced to see a probation officer weekly, do community service, live in a hostel, have psychiatric appointments and be contained every day for two months in a day centre. (Perhaps I was wrong earlier – perhaps this is as bad as prison, where at least they leave you alone most of the time.) In addition, to stop these softie probation officers trying to

undermine this system, there are now punitive national standards set for administering probation orders, designed to ensure that the probationer is dragged back to court automatically for failing to keep any one of this barrage of conditions.

Not only has the notion of help been totally sidelined, the notion of trust has been taken away. Previously, everyone knew that they had been trusted by being placed on probation: if they stayed out of trouble while on probation they were okay but if they committed another offence they could be sentenced for the first one as well. The vast majority respected the chance they had been given and stayed out of trouble. Now that trust has been removed because the probation order is a sentence in itself: a breach of it is not an offence. The idea, in fact, of a 'probationary period' has been taken away completely. Probation Officers should really be called something entirely different.

Anyone with the brains of a bat can see that all these measures will be counter-productive, to use a polite word. People who come through the courts are frequently leading society's most difficult lives, poor, underprivileged and disorganised. To expect them to meet the requirements of all these conditions, when they are in court because their lives were disorganised in the first place, is frankly ridiculous. Within a very short period the courts will be besieged with cases of people who have breached the requirements of their orders, if indeed the courts use all their new powers.

All of this was, of course, pointed out to the government before the Criminal Justice Act came into force, but common sense and this government, as the coal and the rail industries can testify, do not always run hand in hand. Furthermore, as probation staff well know, punishing people never stopped them committing crimes: if it did, people would never go back to prison a second time. Probation staff came into the job with a view to helping their clients with their lives, if they wished, with the aim of keeping out of the courts. Probation officers do not condone crime, and indeed are generally just as shocked by it as anyone else is. They do, however, recognise some of its causes and try to do something about them, whether they are drugs, alcohol, isolation, family difficulties or anything else (unemployment and poverty unfortunately they can do very little about).

Crime will never be totally eliminated, perhaps. It will certainly hang around while a capitalist society preaches greed, jealousy and the accumulation of wealth at the expense of others. However, some of the causes of crime could be eradicated and some of the law's

unfairnesses abolished, and that in itself would reduce the numbers of people in prison.

What, then, could be done to reduce crime?

Well, there is no need for a tax system which, since 1979, has made the rich dramatically richer and the poor dramatically poorer. There is no need for mass unemployment. There is no need to have benefits set below the poverty level, or homelessness on the streets of the major cities, or a health system which turns out the mentally unwell to increase the numbers on those streets.

Meanwhile, black people are more likely to be poor, make five job applications for every one by a white person before being successful, are stopped by the police as a matter of routine and then – surprise, surprise – sometimes found in possession of something illegal: just as white people would be if they were stopped. Then black people are sent to prison faster than white people for the same offences. Women, whether white or not, are sent to prison faster than men for lesser offences – and black women, of course, are doubly disadvantaged.

All of these are things which the government could change if they really wanted to cut down crime and cut down imprisonment. They could cut down imprisonment, for a start, fairly easily by simply making it impossible for the courts to send people to prison for certain offences. But they don't want to, of course.

The Conservatives want people poor and unemployed. It keeps them frightened, it keeps down the wages of those in work, it undermines the power of the unions and it keeps profits up. It makes the government and their friends rich and powerful, in fact. But, to retain the support of sufficient of the electorate to win elections, they want someone other than themselves to blame for it all and be punished: the poor and the oppressed.

Meanwhile probation staff are left in confusion, wanting to hang on to their own jobs while not (on the whole) wanting to administer the farrago of punishments which they know to be ideological claptrap.

The Probation Service may be at a crossroads. Either this whole legislation will collapse in a whirligig of rubble, totally without logic or any other sustaining force; or it will be ignored as wrong and unworkable and we will go on much the same as before, as government attention passes on to making some war somewhere. One thing is clear, though. At present, no-one knows what the hell they're doing.

Stephen Cullen

Anarchy and the Mad Axe Man*

In discussing the nature of utopia with his gang, 'the Outlaws', William Brown argues for a 1920s boyhood paradise in which, he says, "I'm goin' to break ten windows a day. I bet I'll have more fun than anyone else in the world". An anarchist might argue that in an anarchist society such an act would not necessarily be regarded as a crime, and that given freedom from adult restrictions, the hero of Richmal Crompton's *Just William* books would no longer feel that he had to break windows indiscriminately. Yet the fear of crime is often one of the main objections to anarchy. Indeed, the popular misuse of the term to mean not natural order, but chaos, gives rise to the view that in an anarchist society the weak would be constantly prey to the violence of the strong. Malatesta argued that this objection had to be met, precisely because it was such a widely held belief. In addition, he maintained that crime "will certainly not disappear from one moment to the next following a revolution ... [and] it could even be the cause of upheaval and disintegration in a society of free men, just as an insignificant grain of sand can stop the most perfect machine". (*Errico Malatesta: his life and ideas*, edited by Vernon Richards, Freedom Press, London, 1984, page 105). Nonetheless, Malatesta seems to have had some difficulty with the question of crime (which he defined as actions which "infringe the rights of others to equality and freedom"; *ibid.*, page 106) in an anarchist society, and his solutions imply a certain degree of reliance on what might reveal itself as lynch law, not to mention eugenic measures to be taken against those who "procreate if there are reasons to believe that the progeny will be unhealthy and unhappy" (*ibid.*, page 108).

* With thanks to Ian Cadman for asking me the question.

Part of Malatesta's problem arises from the concept of the anarchist revolution being achieved by the insurrectionary act, or acts. Once the insurrection is triumphant, and government is dead, then the revolutionaries will be able to contract new relationships based upon anarchist principles. However, as Malatesta admitted, this will not immediately lead to the cessation of older patterns of behaviour, criminality amongst them. And, even with the post-revolutionary acceptance of new social values that bring an end to almost all such acts, there will still be the problem of those "few men [who] are born, or become, moral bloodthirsty and sadistic monsters whose deaths we would not know how to mourn" (*ibid.*, page 111). In other words, even in an anarchist utopia we would still be faced, perhaps, with the serial killer or the deranged gunman. Anarchy would, in other words, still have to tackle the spectre of the mad axe man.

Those anarchists who, like Malatesta, place heavy reliance on the concept of the 'insurrection triumphant' will inevitably face the problem of an outbreak of criminal chaos. Such chaos will result from the continuation of patterns of behaviour learnt under the previous authoritarian situation. There will be little social responsibility shown by those who have yet to learn it, and are unaware as to the benefits of the free organisation of society. In such a situation, revolutionary anarchists will quickly find themselves acting as a substitute police force, responding to violent anti-social attacks with violence. Again, Malatesta recognised this, commenting that "in every respect the injustice, and transitory violence of the people is preferable to the leaden-rule, the legalised state violence of the judiciary and police" (*ibid.*, page 109). This seems to be very close to vigilantism and lynch law, and who is to say that such police action ('violence of the people') will be 'transitory'; the seeds of a new state may well be found in such 'temporary' measures.

An alternative programme would envisage the achievement of anarchy by degrees, so that we would arrive at the anarchist utopia having undergone a lengthy, perhaps generational, learning process in which older methods of social organisation had been by-passed and abandoned. This would reflect Gustav Landauer's famous remark that "the state is not something which can be destroyed by a revolution, but is a condition, a certain relationship between human beings, a mode of human behaviour; we destroy it by contracting other relationships, by behaving differently". The key here is not the triumph of a series of insurrections, but the success of anarchist education and propaganda, and the widespread realisation that

anarchism has a positive vision to offer in place of the current, universal chaos of statism, and free markets. Hence, the anarchist 'revolution' would mark the achievement of a fundamental change in the civic culture, rather than a partial achievement of that necessary change, and the realisation that large areas of social life were still dominated by older values. In the latter situation the revolutionaries would discover that they had made a revolution without anarchy.

The change in civic culture that is a prerequisite to the achievement of anarchy would see the end of civic cultures that are characterised by an acceptance of governmental, authoritarian, competitive, hierarchical and socially divisive values. Instead, the civic culture of anarchy would be characterised by libertarian, egalitarian, co-operative, communal and unifying values. There is, of course, an assumption here that the triumph of such a civic culture would provide the guarantee against the emergence of acts of violence that we would call crime. All we have said so far is that by achieving anarchy by increments rather than by insurrectionary revolution we would avoid the type of police action that Malatesta talked of. But would anarchy, however achieved, see the end of the mad axe man?

Most murder victims are known to those who murder them – for example, the high proportion of family murders – or become victims for very specific reasons, such as being involved in a rival criminal enterprise. These types of murder do, to a degree, possess some rational basis, and are generally limited in their scope and frequency. However, those murderers that I have somewhat facetiously termed 'mad axe men' form a separate class. It encompasses serial killers and lone gunmen intent on mass murder, usually of those whom the killer has little personal knowledge or against whom he has no specific grievance. There are a number of recent and infamous cases. English murderers of this type include Michael Ryan, who mounted a lone gun attack on residents of Hungerford, killing and wounding randomly chosen victims; a type of crime that has been repeated fairly frequently in both the USA and Australia in recent years. Peter Sutcliffe, the 'Yorkshire Ripper', represents the random male killer who chooses his victims on the basis of their female sex; an even worse case being the American, Ted Bundy, who murdered more than thirty women. Homosexual sex murderers include the Scot, Dennis Nilsen, who murdered fifteen or sixteen young men, mostly homosexuals; and, in America, Bob Berdella, who similarly sexually attacked, tortured and murdered six young men. The worst case of random mass sex-murder, this time of both sexes, was that of Andrei

Chikatilo, the 'Rostov Ripper', who sexually abused, tortured, murdered and sometimes ate parts of his fifty-two victims. And in Italy the police have recently announced the capture of the 'Monster of Florence', allegedly Pietro Pacciani, who specialised in brutally murdering young lovers he found together, sixteen of them in fourteen years. The question is, could the establishment of anarchy deal with such crime more effectively than existing, governmental societies?

One of Donald Rooum's famous 'Wildcat' cartoons shows a 'policepig' begging for more resources on the basis that "arson, rape and bloody murder are on the increase". he gets the extra funding, but proceeds to arrest more travellers, druggies, prostitutes and illegal immigrants, in fact everyone except the arsonists, rapists and bloody murderers. The plain fact is that, as every policeman and woman will tell you, there is little the police can do against the random killer. Since the late summer of 1992, there have been a number of appalling murders of women in England, those of Helen Gorrie, Rachel Nickell, Katie Rackliff, Johanna Young and Claire Tiltman, all of whom have been the victims of random attacks. It appears that the police have made little progress in catching the murderers in any of these cases. In fact, their only real hope in these crimes (as with most others) is for a lucky break, or information from a member of the public. Despite the massive police hunt for the 'Yorkshire Ripper', for example, it was the action of two policemen on routine patrol that led to the capture and imprisonment of Peter Sutcliffe. Some might claim that that fact implies that we should be an even more heavily policed society. Yet the worst mass killer of recent years, Andrei Chikatilo, the 'Rostov Ripper', operated in the most heavily policed society in Europe, the USSR. So, policing is not the answer to the mad axe man, the problem has to be dealt with at source, and it may be that real source of such murderers is the nature of society itself.

A counter argument to the view that various aspects of society, and prevailing civic cultures, are responsible for the creation of monsters like Chikatilo, must be that these men (and they are usually men) are congenitally insane. If this is the case, then anarchists are faced with what amounts to an insurmountable problem for anarchy. If, thanks to individual genetic disorder, the anarchist utopia is still marred by such killers then action would have to be taken. What then would anarchists do, kill the murderers or lock them away? If these options were taken then our anarchist society would be undermined by the presence of anarchist executioners or anarchist prisons. Is that really an option? However, it may be that the mad axe man is, indeed,
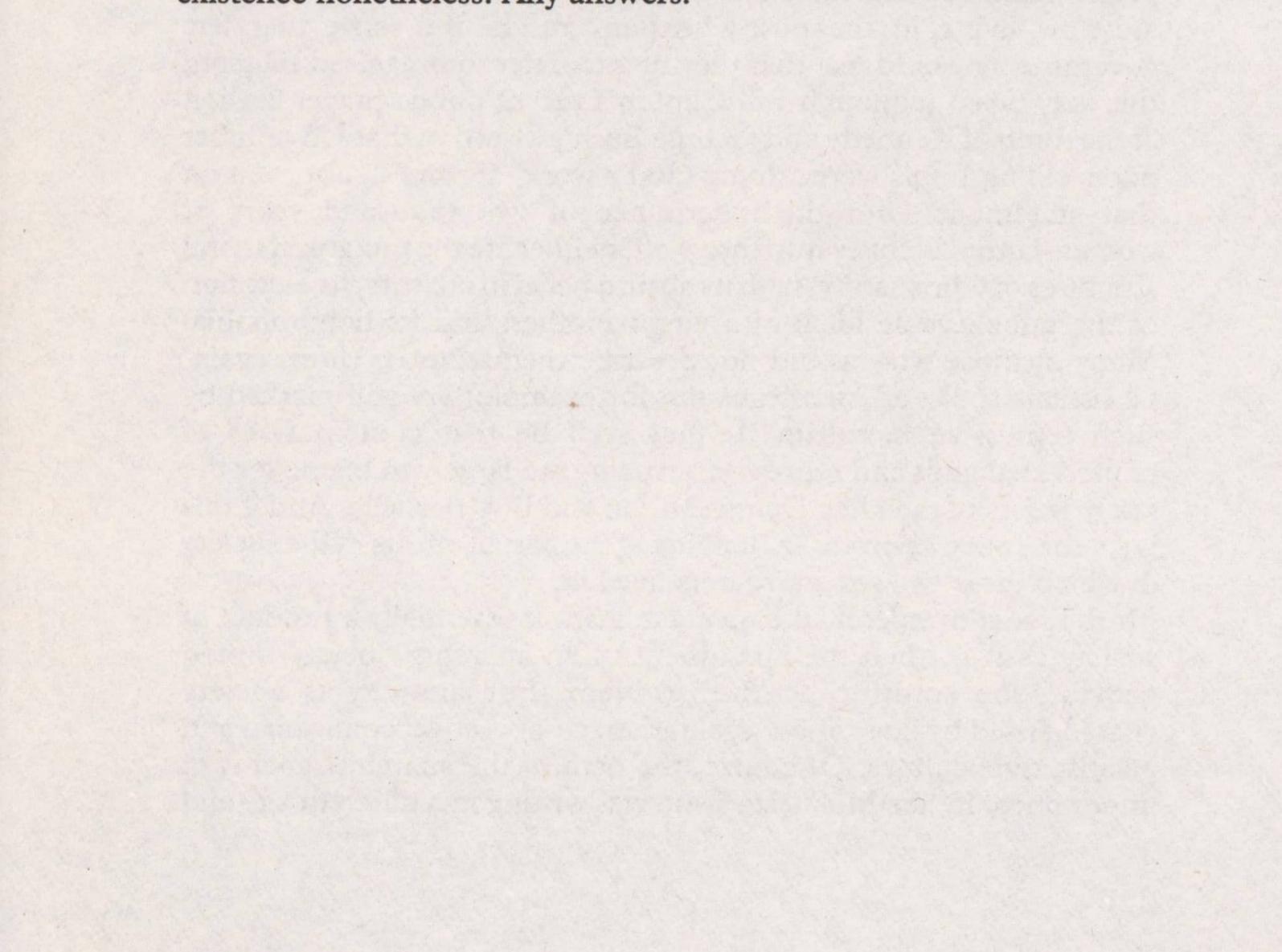
primarily the product of non-anarchist forms of social organisation. The mass murderers mentioned above all seem to exhibit certain clear characteristics, either in their personalities or in the nature of their crimes, or both. And these characteristics all appear to be related to certain effects of social organisation, where the civic culture manifests itself in the form of competition, social dislocation, authoritarianism, militarism and sexism.

Michael Ryan, the Hungerford gunman, seems to have been, like many mass-murderers, a particularly isolated individual. Isolation and loneliness appear to be one aspect of the type of advanced capitalist society we have in the west. In the UK, for example, the majority of 'households' consist of people who live alone. Clearly, that fact by itself does not mean that such individuals are either lonely or likely to be more homicidal than those who live with others. Indeed, given the high rates of domestic violence, including murder, one could argue quite the opposite. However, the organisation of society does, at present, mean that many people are more vulnerable to the sadness and frustrations of loneliness. The sort of general anger against his fellow citizens in Hungerford that Ryan displayed must, in some way, have been a reflection of this social isolation and discomfort. Nonetheless, other factors clearly had their part to play.

Foremost amongst these, and something common to many such gunmen, was an interest in military equipment, organisation and activity. This is a clear reflection of the sort of militarism that pervades society. In Britain, we have a long military tradition that has preserved a high degree of glamour and popular approval, mainly because of the, often fortuitous, fact that Britain has not lost a war since the American War of Independence. Two centuries of military victory added to the prestige of Empire has made Britain a far more militaristic society than many people would admit. And in recent years Britain has been involved in a series of military adventures, from the Falklands to the Gulf, that have boosted the place that the military have in our society. Not surprisingly, killers like Ryan are often obsessed by the activities and hardware of such officially sanctioned killers as the SAS. Whilst our society glamorises, excuses and supports the activities of bomber crews or undercover hit squads, we should not be surprised when certain individuals attempt to act out their own murderous fantasies that spring, in part, from society's militarism.

Three notable mass-murderers, Peter Sutcliffe, Ted Bundy and the New York murderer Arthur Shawcross, have all made women their targets. The frequency of mass murder aimed solely at women is a

prominent feature of this crime, and an area that has received much critical attention from feminists. Although there are many competing theories that seek to explain the detail of this type of crime, the fundamental truth is that women are not treated as equals in male-dominated societies. Women are debased, and become the targets for many men to vent their frustrations on, be they connected with personal powerlessness or of a sexual nature. The ugly fact is that hatred of women is a common condition in authoritarian, governmental society. The cultural aspects of this are manifold, and the extreme examples of the Sutcliffes, Bundys and Shawcrosses of this world are only the worst cases in a culture that has dehumanised many women.

The origins of the sexism in the West that least to the emergence of men like Ted Bundy seems to lie, in the post-Classical world at least, with the moral imperatives of Christianity, which provided a new ideology in the shape of the Judaic/Pauline tradition, for existing male-female power relations. However, other key religions, such as Judaism and Islam, have also performed the same role as legitimators of anti-female structures and hatred. In the West, some claim that we are now living in the post-Christian era. In the sense that few governments would feel that they had to defer to organised religion, this may be so (although Bill Clinton's recent public prayer session at the tomb of Kennedy and George Bush's assertion that US bomber pilots killing Iraqis were "doing God's work" throws doubt even on that statement), but the inheritance of two thousand years of women-hatred is not easy to throw off. neither are the unnatural moral strictures of Christianity, with its absurd belief in chastity, its elevation of the unbelievable ideal of a virgin mother, and its homophobia. Many of those who would not describe themselves as 'born again' Christians (60% of Americans do, for example) are still marked by such repressive moralism. It may well be that combinations of homosexual guilt and repressed sexuality are largely to blame for the sex murders of men like Dennis Nilsen and Bob Berdella. And if this is so, then once again we are looking at the partial effects of the society in which these two sex-murderers lived in.

If the mass-murderer, the mad axe man, is essentially a product of society as it is, then the attainment of an anarchist society should provide the solution to the problem. For anarchy is society characterised by libertarian, egalitarian, co-operative, communal and pacifist civic culture. Of course, the path to the anarchist goal is of importance. If, like Malatesta (who was writing in a different age and

with a different perspective) the path chosen is to be by insurrectionary methods, then anarchists will undoubtedly see their dream defiled by those who are not yet convinced of anarchy and, what would be more destructive of the anarchist plan, by anarchists themselves. For they would, as Malatesta admitted, be forced into violent, coercive and organised acts of policing and imprisonment. But, if we accept the analysis of Landauer, that we must contract other relationships and behave differently, then the anarchist utopia will be achieved gradually and we will see an incremental growth of a civic culture that counteracts the corrosive effects of the existing civic culture. But there is still the possibility that some amongst the ranks of the mad axe man are congenitally criminal; something that would represent the worst scenario. If so, I feel that these would be in the tiniest minority, and inflamed by the authoritarian nature of society today. And if they do exist, unaffected by positive social influences, then we are just as at risk from them in the most closely policed state as we are in the anarchist utopia. That would still leave us with a problem, small compared with today's homicidal civic culture, but in existence nonetheless. Any answers?

Hans Ramaer and Thom Holterman

Clara Wichmann and the End of Criminal Law

On the subject of crime and punishment, there always have been two ways of thinking diametrically opposed. There are the followers of the idea that crime has to be opposed with severe punishment and expansion of penology, an opinion which is popular again nowadays. At the other hand there is the view (of a minority) which emphasises that (apart from exceptions) the theory of intimidation does not work and that crime does not stop because of severe sanctions, let alone by confining offenders in prison. Because of this there are lawyers and criminologists who advocate abolition of this system. Some of these abolitionists advocate abrogation of the prison-system because it does not function. Others, like most anarchists, consider this as a first, important move towards abolition of the ruling criminal law. They present fundamental arguments. According to them also other coercion systems must be included. What is the use of demolishing prisons if psychiatric wards take their place?

Cosmic Humanism

Clara Wichmann (1885-1922) was one of the first and one of the few people in Holland who shortly after World War I advocated transfomation of criminal law into "a science of social pedagogy". She was a lawyer (she worked at the Central Office of Statistics), but she was above all well-known as feminist, anarchist and anti-militarist.

Her father, who was a German geologist, was a professor at the University of Utrecht, so Clara Wichmann grew up there. As a child she was already interested in what happened in the world and what could be improved. When she was a law-student she was active in the feminist movement and at the same time fascinated by the dialectics of Hegel and the historic-materialism of Marx. Although she was not religious, she became a member of the Union of Christian-Socialists

during World War I. It was a small religious-pacifistic party which emphasised (under the influence of Bart de Ligt, who was discovering anarchism) that a social revolution could not take place without a spiritual turn. In this Union and later in the International Anti-Militarist Association (an anarchistic influenced organisation) Clara Wichmann found what she missed in Marxism: the ethical consequences which result from the persuit of a socialistic society

Her most feministic articles date from this later period, when she was not so much bent anymore on the feminist issue. In 1917 she wrote for example an article on individual and social ethics:

"Power corrupts all relations. It is the dark, oppressing spirit opposing the mind. Power prevents people from being themselves and showing themselves to full advantage."

If you read the writings of Clara Wichmann you will notice that her evolution to anarchism has been a logical development. Nowhere else but in anarchism do individual and social liberation join hands so clearly, has the problem of power been discussed so fundamentally and has self-liberation and self-improvement been accentuated as much. Like de Ligt she represented a modern anarchism, as idealistic as the anarchism of Domela Nieuwenhuis, the great Dutch anarchist who lived around the turn of this century, but more contemplative, shaded and with a clearer notion of the importance of cultural developments and results of social and technical sciences. The Union of Religious Anarcho-Communists, which was founded in 1920 partly due to Clara Wichmann's efforts, obtained an organisational structure in accordance with this ethical anarchism.

It is not easy to label her thinking properly. Jo Meijer, her spiritual comrade and husband, probably succeeded best by calling it 'cosmic humanism'. It expresses that her ideas about social changes are connected, and at the same time that her view on human freedom presupposes a strong union and and a lot of commitment, in time and in space. Accordingly she wrote in one of her articles: "The present is not something we have to escape from; we can accept it as a link in a bigger chain".

However mild and shaded Clara Wichmann formulated her criticism on society, her views were undoubtedly radical; foremost her ideas about crime and punishment. In a number of articles she advocated a vision which basically differed from the prevailing vision, but she was sufficiently realistic to recognise that even in a free and socialistic society anti-social behaviour would be found. She meant

that society does not react anymore with force and violence, but chooses the way of education towards a social behaviour without a presumptious arrogance that punishment is the right way.

Clara Wichmann suited the action to the word. She gave her energy to the 'Committee of Action against prevailing ideas about Crime and Punishment', which was founded in 1919 and in which also anarchists like Kees Boeke and Jo Meijer participated. Rightly or wrongly, this Committee for which Clara Wichmann wrote the foundation manifesto, has been compared to the Coornhert Liga, the organisation of criminal law-reformers, which exists in Holland nowadays. The objectives of the Committee were far-reaching.

"Although we will enjoy every real improvement that is introduced into criminal law and the penal system – our goal out-reaches this; we are asking for radical changes, not partial improvements; we see another principle dawning at the horizon: a new era of a brotherhood of man, that will break with the penal principle."

Clara Wichmann's ideas about criminology and criminal law are so remarkable that they never completely sank in oblivion after her death. Especially anarchists re-read her ideas in the collected articles that Jo Meijer published. Her name and sometimes even her ideas were also known in juridical circles. It lasted until the '70s before they became widely known and appreciated. The feminist movement (re)discovered her as an early defender of women's rights and named an institute after her. The fact that she was commemorated by the University and the city council of Utrecht can also be seen as a late recognition of her pioneering work.

In spite of the call for severe punishment that is increasingly heard, her abolitionism continuously attracts attention, because it questions the structure of society. In this way her ideas are still up to date.

The most fundamental problem mankind has to solve, she thought, was the use of violence. In every article this view was notified. Obviously the problem of violence is not only the kernel of the penal system, but also of national defence. On violating the prevailing legal order society only has one answer: violence. It is supposed to discourage, but this notion fails time after time, in the intercourse between people as well as between countries. It is not surprising that Clara Wichmann, with her ideas on war and peace, took a different stand.

Although she is not known as an anti-militarist as her friend and comrade Bart de Ligt, her analyses on militarism and war-psychosis,

and especially on revolutions, like the Russian Revolution of 1917, can be regarded as revolutionary. In a controversy with poet and marxist Henriette Roland Holst she postulated that means and end are not separable and that one cannot fight militarism by taking up arms oneself. The peoples have to defend themselves with non-violent means. According to Clara Wichmann such a 'mental defensibility' was preferable on ethical and on practical grounds. Because of the technical and economical development of society, general strikes and mass disobedience have become more effective means. By this view her sympathy for syndicalism, the revolutionary anarchistic labour union, becomes evident.

Crime, Punishment and Society

Clara Wichmann originally wanted to study history and this special interest in the past she always kept. Whether she wrote about woman labour, workers unions or criminal law, the historical development always was an important, if not the most important issue in her analyses. She also gave the economical conditions extensive attention. Historic-Materialism determined her vision on society only to a certain extent. She discerned completely that the 'reasonable-moral desire' of the individual, a prominent issue in anarchistic thinking, was underestimated by Marx. She warned not to mix up historical laws and natural laws, because people and society change continuously.

In her thesis – a cultural-historical dissertation on the penal notion – which was published in 1912 – this view is already present. She writes about the development of penal law from the Teuton period to the beginning of this century, in connection with social changes. She clarifies the historical context of the rules and values which lay the foundations of the penal system, but she supposes that the history of law cannot tell us in what direction future developments will be heading.

In her thesis she writes appreciatively about the modern current in penal law at the time. This so-called 'new movement' arose in France around 1880 and turned upon the prevailing opinion about crime and punishment. The supporters of the 'classical movement' did not bother how significant punishment is, let alone whether crimes are socially or culturally determined. Retaliation – by means of inprisonment – was the backbone of the penal policy which the classical movement advocated. The new movement, which would be

dominant in many countries after World War I, revolted against retaliation-punishment. The issue at stake was to prevent the individual offender from recidivism, because of which this movement propagated 'functional punishment'. The offenders' social background had to play a prominent role at the penal provision. Because, in a society with rich and poor people, the social environment of the delinquent was a decisive factor in the development of criminality. Improvement of social and economical circumstances was a more significant policy then retaliation and discouragement. The new movement wanted to replace (short lasting) imprisonment by fines.

Although Clara Wichmann regarded the starting-points and the suggestions of the new movement as an important progress in comparison to the classical movement, she revolted more and more against the idea of punishment as such in the years after she wrote her thesis.

First of all she denied the existing society the right to punish. It is a class-society, in which violation of ownership and rebellion against the State are severely punished, but exploitation is sanctioned by the prevailing law. "A lot that is morally unacceptable remains unpunished," says Clara Wichmann.

Secondly she emphasises that punishment can never be a solution:

"Punishment creates nothing, it corrupts the conditions for development in a better direction, because it clips a persons's wings and it curtails... Crime is misguided energy; energy which has found no better channels, just like punishment is the easiest misguided way to react, to defend oneself."

Relapse into crime, that often occurs, proves how little use punishment is, she added.

It will be clear that Clara Wichmann did not only regard crime but also punishment as a social problem. Penal policy is based on compulsion and violence and the point is to bend the policy in a direction which offers the offender the possibility to free him or herself from his or her criminal past. This view fits in with the ideas of the French philosopher and sociologist Guyau and the Italian pedagogue Montessori, who reject an external imposed moral. She pointed out that in the method of Montessori punishment is not regarded as an educational device, but society holds on to education by means of (threatening with) punishment.

Still, about the end of criminal law Clara Wichmann thinks in terms of dying out instead of abolition, because also in the anarchistic

society she had in mind, crime would not totally disappear. Such a society would lack resistence against the economical and political structures of class society by which property and political criminality would disappear, but there would remain a small group of psychopathic criminals and some people would undoubtedly behave asocially out of passion, anger or jealousy. Due to her early death – she died in childbirth – Wichmann did not generate alternatives for the penal system. Although she was optimistic about the possibility that people can change 'for good', she was not naive. She did not produce blueprints for a crimeless future.

An Anarchistic Concept of Law?

Up to here we focused on the ideas of Clara Wichmann about criminology and criminal law. Although less prominent, she also engaged in thinking about law in general. For an anarchist this is rather remarkable, as 'Law' is traditionally seen as something that has to be abolished. Clara Wichmann does not repudiate law in such a strong way.

For one of us, Thom Holterman, her view about law has been a source of inspration to reflect on its relevance for anarchism. He hooks on to Clara Wichmann for the development of an 'anarchistic' concept of law. But out of what did Clara Wichmann develop her views?

It is useful here to say something about the three basic forms of law: common law, chosen law and command law.

Common law expresses itself in implicit action-patterns. Because of this it is nowadays also known as implicit law. Kropotkin already appreciated this kind of law.

Chosen law is consciously chosen by the people in a certain area or for a certain goal. One could call this in a modern sense 'contract law'.

Command law has pushed aside chosen law to regulate social-public activities.Command law is imposed on the people by the government. Creation of law has primarily become a state matter. We know it as state law.In anarchism the theory of state-power and the coupled command theory is rejected. It is remarkable that we do not only find the rejection of this command-concept in anarchistic circles, but also with some lawyers, even at the end of the last century. We talk about lawyers that start thinking about law in terms of law-in-a-social-context.

One of the first Dutch lawyers, H.J. Hamaker, who mingles in this

debate in 1888, posed the question whether law with its binding force should come from the state with all its power to order and to forbid. He posed this question in connection with the question whether a regular human society is possible without a government which has the power to order and to forbid. He answers positivily and reasons as follows:

  A negative answer to this question comes from those who think that the only true motive for action from one person to another comes forth out of fear for the government. Who believes however that man in his acting can be determined by other motives than fear of the government alone and also values the opinion that those other motives will always be present under certain circumstances, must be able to imagine a regulated human society, in which a government is absent.

  The lawyer who proclaimed this idea was Clara Wichmann's lecturer at the faculty of law in Utrecht when she was a law-student at the beginning of this century. Although she herself does not explicitly mention his influence on her thinking, it is unquestionably present. For instance,when she writes about the newly presented Russian conjugal-code, she remarks:

"The importance and joy of this Russian code is that it contains no coercive law... The most important content of this code is the abolition of former coercive law; and so widening liberty. Just because it entails little command and suppression, and mainly allows and recognises liberties that did not exist until now, this code can fulfil its peculiar task as an example even better. Because in our opinion we have to deal with something that is not a code, but rather a manifesto; something that radiates a modern view on marriage and family."

The Russian framer of the code has found to his cost that finally it turned out completely different in the Soviet Union. But that's not the point here. Clara Wichmann expresses the necessity of a cultural turn towards the thinking about the functions of laws (Nowadays we would speak of a 'paradigm-turnover'). This is not any more command law but custom-creating law, law that 'permits'. The motive of fear for the government as 'action-prescriptive' has been dealt with.

  Clara Wichmann was fully aware that a renewal of consciousness of law is necessary before the introduction of such an idea and that such a renewal does not come out of the blue.

"If one fights for socialism, one cannot let law development take its own course; it is not that simple. All elements that make up the socialistic turnover

— changes in family, education, law, art and so on — all have to be included in the main stream of renewal of society and mankind."

This cultural approach of law has been partly approved by her comrade Bart de Ligt. He shows this for instance when he reviews the work of some contemporary lawyers.

According to this vision on law, law is emphatically regarded as a relational concept and it is considered that the modern state has no monopoly on creating law and order. In line with his anarchistic thinking Thom Holterman has developed a so-called 'interactional concept of law' out of this 'relational concept of law'.

The kernel is that justice is created within the relations between people by their acting. These relations get a meaning by the context in which the actions occur. In this way action, interaction, is a form of communication in itself. What is communicated — within relations — is 'meaning'. Because of this 'meaning' all human communication takes place under subjective points of departure. This makes interaction predictable to a certain extent. That is precisely one of the functions of law.

An interactional concept of law contains matters like 'being bound to rules' and 'stabilisation of relations', but it concerns self-chosen rules and all kinds of relations. Such a concept of law — which in fact refers back to the already mentioned implicit law and chosen law — can be an acceptable category for anarchists. It is an anarchistic concept of law that carries back to Clara Wichmann.

Conclusion

In Clara Wichamnn's life there has sometimes been a certain tension between word and action. Although she did not shun publicity and gave many lectures, she was not a person by nature to draw attention by spectacular actions. She chose for writing — and she wrote a lot — in a personal style without being sentimental about her engagement with the fate of others. Bart de Ligt called her a defender of humanity and according to the socialist poet Henriette Roland Holst she always tried to stimulate humanity in all people. Her criticism on the hypocricy of the bourgeois ethics, which accepts power from one man over the other, came forth from a true anarchism, which even nowadays deserves respect.

Translation: LV

Note

Thom Holterman is a constitutional lawyer and theoretician of law. See Thom Holterman and H. van Maarseveen (editors), *Law and Anarchism*, Black Rose Books, Montréal, 1984. He developed the relevant concept of law further in his thesis *Recht en politieke organisatie* (Law and political organisation), Zwolle, 1986 (only available in the Dutch language, with an English summary – on request the author will send a copy of the summary –write to: Th. Holterman, Erasmus University, PO Box 1738, 3000 DR Rotterdam, Holland). Hans Ramaer and Thom Holterman also published the anthology *Bevridjing: Een keuze uit het werk van Clara Meyer Wichmann* (Liberation: a selection of the work of Clara Meyer Wichmann) with a 68 page introduction, Amsterdam, 1979.

Hans Ramaer is a social historian and independent publicist. They are both editors of the Dutch anarchist quarterly *De As*, which dedicated a special number to Clara Wichmann (nr. 70/1985).

John Myhill

Children Abusing Adults – Rule 43

I know a man who believes whatever his children tell him. It is his misfortune, and theirs. If they say they have been bullied at school, he not only threatens the alleged bully but the child's parents and the teachers at school for good measure. If the children cause any damage, they only have to point the finger and father will threaten total strangers or call out the police. His children have him in their power, and they know it. He is becoming increasingly paranoid, as it appears that everyone is out to get his children as the children use their power over him more frequently, and of course more people become upset by his unjust attacks upon them.

He is not an honest man, preferring secrecy and stealth to any kind of openness; yet he cannot believe that his children are following his example. He wants children as a child wants a puppy, but when they grow beyond babyhood he has no idea what to do with them and avoids being at home as much as he can. The result is a heavy dose of guilt when his real neglect leads his children into conflict with others. To compensate for his neglect he transfers his guilt onto whoever the children blame.

This one individual has caused serious harm to a number of households. But, it is far more serious that the majority of people and the institutions which reflect them act in exactly the same paranoid way. Responsibility for children is shifted on to schools, social workers and police as parents take up a back seat in the upbringing of their children. Inevitably, when these child-avoiders are told that children are at risk, they feel guilty. They cover up their neglect by supporting any campaign which claims to provide protection for children. They compensate by transferring their guilt on to whoever the children blame.

So, who are children blaming now that they have unlimited access to telephone helplines and dedicated professionals who believe every

word a child says? They certainly are not accusing strangers: the threats-and-violence man continues to assault and murder children, assisted by the anonymity and lack of community. Teachers may be accused if they seem eccentric, dedicated or fail to respond as the child requires. Males working with playgroups, scouts, childsitting or other out of school 'fun' are particularly vulnerable when a child has a father who would have no ideas how to play with children or treat them as equals. Still the most common accusations are against the child's own father. Usually a caring, egalitarian father, whose playful romps are easy to misinterpret as sexual groping if you happen to be an angry wife seeking a divorce or a man-hating harridan seeking to use children as an instrument of vengeance.

Like the man I know, the police need no evidence, other than the child's testimony and a police doctor's examination, in order to arrest you. And remember, one fifth of our prison population is awaiting trial. Even if they do let you out, during the year it takes the case to come to trial you may well have to live away from your family or allow your children to be taken into Social Services 'care'. And, if you happen to have any money you will certainly have to spend it all on lawyers. Why then should the police bother to investigate further?

So, why has society given the police such sweeping powers to act as judge and jury, forcing families apart, forcing all but the destitute to part with their life savings to pay for lawyers, even when the police know that the person will be found innocent when the case comes to court? Why place so much control of injustice in the hands of a disciplined mob of poorly educated, prejudiced tough guys? Because a society without crime would have no need for a government, and the most effective way to promote crime is to have the kind of police we have with the overwhelming powers they possess. Governments need police to produce criminals; because the mass of the people are so frightened of criminals they they willingly give away their rights and freedoms to gain protection How absurd that fifty million people should be ruled by a handful of politicians and risk arbitrary arrest by uniformed mafia simply because they are afraid of a few thousand men who are not clever enough to cheat without breaking the law.

The new phobia, whipped up in the 1980s, regarding the sexual abuse of children, and more recently, their ritual abuse, is something unique amongst government scams for keeping the working class in their place. The ideas about sexual abuse, who commits it and why, how offenders are caught and treated, the needs of victims and their truthfulness – all this comes from the United States where it was found

to be a useful method of criminalising previously respectable sections of the community. It was imported by the extreme male-hating feminists for whom it is a powerful weapon of revenge. It appeals to all those (like the man I know) who seek scapegoats, and to all those who give money when they see a child looking sad. And it gains full government approval, as it takes the minds of millions off financial and other expectations of government.

Who commits it? One in ten men say the feminists. (Do we want two million men in prison?) Usually fathers, relatives or other carers – not strangers, and usually with cuddles rather than violence. So are these the weak men whom women are least afraid of? Do they constitute a different sexual orientation parallel to homosexuality? The feminists say NO. The feminists say their motives are unimportant: they are evil and must be stopped at all costs; even though most of them were once innocent children who were sexually abused themselves.

Feminists are far clearer on catching than on treating the sexual abuser. They must be caught early: pre-school children who have not learnt to talk can still be recognised as abused, can still point out their abuser. Lack of physical evidence of abuse does not matter, as long as the children appear 'over-sexualised for their age' – and that is given a very anti-libertarian definition. The only treatment is full confession, and acceptance of total responsibility by the alleged abuser. And if that reminds you of seventeenth century witchcraft trials or the Inquisition, be assured, the similarity is no coincidence. Only the sex of the accused is now male – all other details are the same.

The first 'victims' who got the whole thing going in the States were women with mental health problems, and the lesbian counsellors who encouraged them to blame everything that was wrong with them on some man in their childhood. This soon became a recognised method of gaining state and charity handouts: "I was abused as a child and never stood a chance: that's why I can't cope now".

Perhaps the strangest aspect of the sex abuse phobia is the acceptance by adults that children will tell the truth about such matters. Every parent knows that children will tell lies to protect themselves or their friends; that they will creatively invent fantasy events, people and places as preferable to the real world; that their ability to manipulate adults are devious, learnt and practised. If this were not so, all adults would be paragons of honesty. Untruthfulness is learnt at an early age, and parents learn to cope with this.

The fascists used young children to give evidence against their parents and other adults who were alleged to be involved in anti-government activity. It apparently never occurred to them that the children might fail to tell the truth; but then they were cruel oppressors who had good reason to be paranoid. The anti-man feminist wants to believe that children always tell the truth, because they believe that by protecting children they will produce a better generation next time. They are not, of course, concerned about innocent men falsely accused because they do not believe that any men are innocent.

Truth itself is a major philosophical problem. As anarchists we do not want children to be used by the State to pick out cannabis users, or parents who ride their bicycles without lights. But, it might seem paranoid of me to suggest that such uses of child evidence would be the next logical step towards a police state. We do want our children to tell the truth about important matters, because co-operation between free-thinking individuals depends upon a high degree of openness. State power is maintained through secrecy, and openness is our most effective weapon against it. At the same time, creative fantasy and adult manipulation are essential skills developed in childhood. Without them we would lack literature, conversation and the complexity of human relationships. Using children as tools in an adult witch-hunt is an invasion of the child's freedom to develop naturally. It forces them to grow up too quickly.

If a child has been forces to have an adult sexual experience, then he or she will need to incorporate that into their growing understanding of the world. They will not want to be told how they must deal with that experience: conceitedly and vengefully is the current programmed 'treatment'. Nor will they benefit from an adult legal experience; in which their truth, cover-up or fantasy is used by the police to cause pain to others. Like the children of the man I know, they will be corrupted by such an enforced experience of power.

We want children to be childlike as long as possible. We want them to be able to play adventurously with each other and with adults. We want them to be thrown up in the air and caught, carried around when they are tired, picked up when they are hurt, cuddled and responded to openly. Yes, openness is the answer – nothing in private that could not also be done in public, and the child being aware of that. Such a child would say no to an adult sexual experience, and hopefully also be able to say no to an adult police misinterpretation – though that is of course much more difficult.

So what becomes of the alleged offender? At present the children may trip themselves up, even over a video link – but they may soon be free from any cross-examination of any kind if the NSPCC have their way. Then it will become wholly useless to protest once a child has been believed by the police.

Of course the alleged offender who pleads guilty will get a shorter sentence, as will those who are allowed to go to a magistrate's court. But for the less fortunate, there is the government's new 'bifocal system' of punishment where 'sex' puts you in the heavy league with the IRA and serial killers. Such crimes are deemed by our government to need longer sentences than previously, while crimes against property and light violence need shorter sentences or fines.

So, accepting that there are four or more years to be served the alleged offender now discovers Rule 43. This is a prison rule to allow for the segregation of prisoners who might be at risk of violence from the general prison population. There are over three thousand men on Rule 43 at the present time, and the number is growing. It is already too large a number for the prison system to cope with by providing small enclaves within each prison. So most 43s go to Wandsworth, one of the worst decaying Victorian piles left. Not for the sex offender the 25 new prisons of our Conservative masters.

What then of the wives and families of our man on Rule 43? Yes, astonishing isn't it, how many of these alleged child abusers continue to have a close loving relationship with their partner and children despite the police, the court, the publicity, rejection by employers and total strangers, and finally the separation of a prison sentence. And a twice-monthly visit to Wandsworth is not an easy way to keep a family together if you happen to live in Devon or Glasgow. But then men disappeared to ten years to the Gulags of the USSR and found their families just as devoted to them when they came out. The experience of state oppression is the beginning of wisdom: it turns the theoretical anarchist into the practising advocate.

Further reading:

Parents Against Injustice, 3 Riverside Business Park, Stansted, Essex CM24 8PL, have the most reliable information on the abuse of adults.

Amnesty International's campaign on child torture is worth examination. If this country was poor and had an excess of children, we might be shooting them instead of 'protecting' them.

Donald Rooum

The Challenor Case Thirty Years On

Thirty years ago, the British public trusted the police not to bring false prosecutions. It was known that officers occasionally lost their tempers and belted people. It was known that a few 'rotten apples' accepted bribes or engaged in thievery. But it was not widely suspected that police invented cases against innocent persons.

Things are different today. Juries, and even some magistrates, no longer believe police witnesses just because they are the police, or disbelieve defence witnesses just because they contradict the police. Courts have become more even-handed, causing police spokesmen to rage against the number of acquittals, and right-wing politicians to propose laws against pleading 'Not Guilty'.

The erosion of bias has been accelerated recently, by some dreadful cases including more than a dozen victims shown to have been framed for murder. But the process began thirty years ago, with a case meriting no more than a £10 fine.

The case is legendary within the police force itself, as we learn from the former policeman Mike Seabrook:[1]

"Years ago, before I joined the job, the first chilly draught penetrated the cosy love affair between the British public and the British bobby, in the form of the Challenor affair. Harry Challenor was a very tough Detective Sergeant on 'C' Division of the Metropolitan Police. He had a reputation for being utterly fearless, and also for having an uncompromising loathing, amounting to an obsession, of organised vice – in which 'C' Division, which includes Soho, abounded then as it does now.

Challenor was so feared by the big-gang villains that if he walked into a nightclub where the Kray brothers were drinking (they were then in their heyday as unofficial but undisputed kings of London's organised crime) they would immediately get up and walk out, leaving their drinks, their companions and their premises. The reason was that if they remained in their

seats he was more likely to walk straight up to them, where so many on both sides of the law had quailed before them, and announce quietly 'You're nicked.' The charges would be announced later, when he had had time to decide what he had arrested them for.

If this is true, of course, it is a very serious infraction of the law. Yet I cannot see any great injustice. I speak for the majority of policemen, I believe, in feeling that where people like the Krays are concerned the gloves must come off. I never heard anybody condemn Challenor. Indeed, all the accounts I heard of him from those who remembered him were told with immense admiration and approval.

Harry Challenor was put on demo duty at the height of a decade of student unrest. What he apparently did was 'stitch up' two students by planting half-bricks in their pockets. He then arrested them for carrying offensive weapons. It may well be that he thought the two were not real students at all but political agitators paid by the Russians – a very common animal in those days – or at least at the scene of whatever demo it was for the purpose of stirring up mischief. And he may have been right.

Unfortunately, forensic scientists were able to prove that the two half-bricks found in the two young men's pockets were the two halves of the same brick; and it was proved by other evidence that the two students *could not* have been in each other's company for a very long time beforehand. Challenor was undone. He escaped imprisonment (which quite possibly saved his life) but he was finished forever as a policeman.

The British bobby's reputation for total incorruptibility – which he had never deserved in the first place, and couldn't have deserved since he is a representative of the human species which is infinitely fallible – was punctured never to return."

Like all legends, this account is glamorised and simplified. There is no record of Challenor ever going near the Kray brothers. The *Daily Mail* celebrated him as "Challenor the gangbuster" when he secured the conviction of five protection racketeers. But the Court of Appeal released the 'gang' in 1964 after hearing that three of them, a waiter, a wine salesman and a bookie's runner, had nothing to do with any protection racket. The other two were protectionists who worked solo and had never met before Challenor brought them together.

It appears that Challenor determined to rid Soho of the two thugs. As long as each worked alone, demanding money with menaces from clip joints, spielers and other shady businesses, the courts would treat them leniently. They would only get long sentences if they were seen as gangsters, so Challenor invented a gang. Hard luck on the innocent, one of whom got seven years. But if the price of getting two villains banged up was to frame three inoffensive citizens, then Challenor was prepared to pay the price.

In the bricks case, planting was done by four officers: DS Challenor and PCs Battes, Goldsmith and Oakey. The victims were not two but eight: four demonstrators and four lads who had nothing to do with the demonstration but were easy to pick on.

And the evidence which ruined Challenor depended on his *not* putting a piece of brick in my pocket.

I wrote a full account of events as I experienced them in *Anarchy 36*.[2]

On 9th, 10th and 11th June 1963, the King and Queen of the Hellenes made a state visit to London, and were followed by jeering crowds wherever they went. Greece was becoming a police state. Gregory Lambrakis, a Greek MP who favoured nuclear disarmament, had been murdered by fascists acting as police auxiliaries.

On Wednesday 10th June the Queens of Greece and Britain appeared together on a balcony, and were booed. Queen Frederika took it in her stride, but Queen Elizabeth was seen to stumble slightly. Queen Frederika then appeared on her own and got a boo, then Queen Elizabeth appeared alone and got a loud, enthusiastic boo all for herself.

Late at night Henry Brooke, then Home Secretary, summoned a press conference. He was renowned for rigidity and coldness, but on that occasion was reported by the *Daily Express* to be red-faced and trembling. "The Queen of Britain has been booed tonight, and I am furious". He invited everyone to "show contempt" for the demonstrators.

The following evening, Thursday 11th June 1963, there was a state banquet at the Claridge's Hotel, and I was trying to dodge the police cordon, carrying a large sheet of paper bearing the words 'Lambrakis R.I.P.' A uniformed policeman took it off me and was reading it slowly when four men in plain clothes appeared. I said politely "Can I have my banner back?"

One of the plainclothes men was distinguished by his trousers, which were not quite long enough to cover the tops of his police boots. Detective Sergeant Challenor. He stepped forward. "Can you have your *what* back?"

"My banner."

"You're fucking nicked, my old beauty" he said happily, and gave me a clout on the ear.

On the way to the police station, in a van full of uniforms, he was full of noisy jokes: "Where the fuck are we going? Nick the driver." To his three mates in the street: "'Aven't you got yourself a prisoner

yet, Ginger? Cor, you are slow." To a girl demonstrator who cheekily asked for a lift: "Yer, Right under the bleeding chops." In the police station he clouted me up the stairs, repeatedly shouting "Gerrup them stairs", a catchphrase from a comic radio show.

"Boo the Queen, would you?" he snarled.

"No" I said truthfully. On Wednesday it had been my turn to babysit, and my companion Irene had booed the Queen.

"Eh? But you sympathise with 'em, don't you?" He knocked me flying with three more clouts to the ears. "There you are, my old darling, 'ave that with me. And just to make sure we 'aven't forgotten it ..." He took from his pocket a parcel of newspaper, which he opened with a flourish. Inside was a bit of brick. "There you are, my old beauty. Carrying an offensive weapon. You can get two years for that."

My chances were remote. The word of a policeman, or possibly four policemen, against the word of a demonstrator. But I remembered Stirner's maxim:[3]

"I do not surrender to you, I only wait. When I can come at you I will; and meanwhile, if I can find any weakness in you, I will draw it to your attention."

So I leaned against the detention room door and listened for the faint possibility of a weakness.

I heard Challenor recounting, in courtroom style, how he had stopped someone in the street and taken a piece of brick from his pocket. He repeated this recitation three times. He was charging three other victims, but at the time I thought he must be rehearsing his lines.

Faint hope began to dawn. A week or so earlier I had read a book on forensic science by a former superintendent of the Metropolitan Police Laboratory, which enunciated Locard's Principle, "every contact leaves its trace".

A brick in a pocket would surely leave a trace. *If* they neglected to put a brick in my pocket, and *if* the man persisted in his story that he found it there, and *if* I could prove this was the suit I was wearing, and *if* I could get it to a forensic laboratory before I could clean the pockets, there was a chance.

I was invited to sign a list of property taken off me, "two shillings silver, seven pence copper, portion of brick". I said "I'm not signing that" and waited for another clout on the ear. But they just said "Refuses to sign. Right", and wrote 'Refuses to sign' in the space for the signature.

PC Battes took my fingerprints and filled in a description form.

"Grey suit" he said. Anxious to have the suit identified, I said "Grey-green". He said "I'm not writing a description, I'm just filling the form in". I could not argue without reminding them to put a brick in the pocket.

But I need not have worried. I was kept in the cells overnight and driven to the magistrate's court, and from there went straight to the solicitor's office. There was never any doubt about my suit.

The solicitor was Stanley Clinton-Davies, later a Member of Parliament, a Junior Minister, a European Commissioner, and now a member of the House of Lords. He telephoned Irene, asking her to bring some clothes I could change into. Irene had been told of my arrest by Peter Gibson and Anne Forsyth, who had seen the arrest and thought it more violent than it was. She arrived with the two youngest children, expecting to find me covered in blood.

My book on forensic science, Cuthbert's *Science and the Detection of Crime*, says:[4]

"Case work is never refused for the defence, and much work is done which favours the accused. That the police use the facilities more than the defence is probably due to the fact that police are more aware of the benefits than some members of the legal profession."

Not so. When Mr Clinton-Davies telephoned the Metropolitan Police Laboratory, he was told yes, they would examine the suit, but it must be brought to them by the prosecuting officer who must be told exactly why the defence wanted the suit examined.

Fortunately there are independent forensic scientists who work in civil cases such as patent infringements. My solicitor found Ferdinand Kayser, retired from full-time employment as a forensic scientist for the Gillette razor blade company. Mine was his first criminal case.

I engaged a barrister, Mr Michael Sherrard, to make the magistrate listen to the defence. Edward Robey, the magistrate who heard my case, had one of the other brick cases in his court a month later. Same defence, same expert witness, a mere constable prosecuting. But this defendant did not have a barrister so Robey found him guilty.

Mr Robey recalls my case in his memoirs:[5]

"Expert evidence was called to show that the exhibit in Rooum's case was friable and would have left particles of brickdust in the defendant's pocket if it had been put there. The exhibit was handed up to me, and when I touched it loose grains came off onto my desk. It was further established that not a single particle of brickdust had been found in the defendant's pockets, and also that he had no opportunity of cleaning out his pockets prior to the jacket

coming into the possession of the expert witness. Having heard the evidence on both sides I stated I was left in a state of doubt and dismissed the case."

I was worried when Mr Challenor started to give evidence, because his story was very different from the one he had told in the police station. But he did not change the bit about finding the brick in my pocket, so I breathed again.

He was familiar with Locard's Principle, which he summarised, cockily, in answer to one of Mr Sherrard's questions. He must surely have learned in police training that the way to plant evidence is not just to say you found it, but to put it in place and then actually find it. He could have noticed his error, and corrected it by saying I was holding the piece of brick in my hand. But he fluffed it.

I believe this mistake caused his mental breakdown. His resilience depended on his perception of himself as a smart operator. He could bounce back from any misfortune not of his own making, but could not cope with defeat by his own stupidity.

Long out of mental hospital, but still on tranquillisers after thirty years, he still cannot face his blunder. As he and his journalist collaborator put in his memoirs:[6]

"In my heart of hearts I have always wanted to explain, if not justify, my fall from grace, but I have never been able to bring myself to face up to the realities of what brought it about. The mere effort of trying to recall exactly what happened on one fateful night made me physically ill.

There are still blank areas in my memory where the 'Brick Case' is concerned. To let it rest there would appear too much like a glib evasion of unpalatable truths, so I have interspersed what I can recall with the transcripts of the Court hearings, and the official enquiry that followed. (Even that proved too great a strain and I was ill again for the first time for a considerable period and had to undergo further treatment before I could continue.)"

Defenders of the police reputation tended to suggest that Challenor was already mad when he led his three constables out to plant the bricks. The Court of Appeal, releasing the victims of his 'gangbuster' case, remarked that he was "probably" mentally ill when he framed them in 1962. Mary Grigg commented in 1965 in her book *The Challenor Case*:[7]

"Solid facts seem to have been lost in the course of inquiries into the detective sergeant's mental condition. Compared to the nebulous conclusion that he could possibly have been insane at a certain point, there was very strong evidence that he was behaving improperly. A perverse kind of reasoning seems to be employed in saying that because Challenor might have been mad he

could have fabricated charges. One could equally cogently say that although he fabricated charges he could have been mad when he did so.

Insanity, in this case, became something of a smokescreen. When it at last became clear that major enquiries had to be set up, it was asked: how could an officer who was insane be allowed on duty? The question the inquiries ought to have been investigating was: how could a police officer be allowed by his colleagues and superiors to go on framing charges?"

The question, how could an officer who was insane be allowed on duty, was asked by the first, and so far only, Public Inquiry set up under the Police Act 1964. It was conducted by A.E. James QC in a vacant building, now the Museum of Mankind. Martin Ennals, then General Secretary of the National Council for Civil Liberties, was present throughout. He wrote in *Anarchy 56*:[8]

"For nearly nine weeks Mr James sat, benign, avuncular, bespectacled and bald, shining down upon a battery of barristers, giving confidence to the witnesses and courtesy to the lawyers. No one could have been more fair, patient and tolerant, no one more willing to listen or anxious to learn.

The more therefore the surprise of the total whitewash of the published report."

Wherever a police officer is accused of lying, Mr James concludes that the accuser is lying. He studiously avoids finding even Challenor, or the three jailed constables, guilty of any falsehood. Police evidence is always believed, except when police contradict each other.

Of the 'gangbuster' case, he writes:[9]

"I reject as false the testimony of Mr Pedrini that DS Challenor produced the iron tube to him in a cell saying, 'That's yours', and threatened and assaulted him.

I reject the evidence of Mr Cheeseman that DS Challenor produced the knife to him in his cell saying, 'That's for you', and I am satisfied that DS Challenor did not strike Mr Cheeseman.

I reject Mr Ford's evidence concerning the second knife which he said was put away by DS Challenor on the arrival of a Police Inspector."

Of a later protection gang case:[10]

"I find no evidence to support a contention that DS Challenor instructed or countenanced the 'planting' of evidence by any other officer. Indeed, I am not satisfied that any weapon was 'planted'."

Of another case:[11]

"The reliable evidence strongly points to the conclusion that DS Challenor did not place the detonators in the cushion but did make a genuine discovery

thereof, and that is my conclusion."

In the brick cases the evidence of police falsehood is incontrovertible. So:[12]

"The terms of reference of the Inquiry did not necessitate any findings as to whether DS Challenor fabricated evidence by 'planting' bricks upon innocent persons. I have therefore studiously avoided making any findings on those questions."

Mr James finds[13] that the apparent enjoyment with which I gave my evidence "detracted from its objectivity and the weight which could be given to it". Whereas Mary Grigg flatters me:[14]

"If Challenor hadn't arrested Donald Rooum, he might have gone on framing charges indefinitely. Of the hundreds of demonstrators milling around Claridge's, the detective sergeant chose a professional cartoonist. He could talk and write fluently and persuasively. He even had enough money to pay a barrister. 'British justice – the best that money can buy' Rooum proclaimed, proceeding to address meetings on the subject. His first comment on his case was a cartoon of a bobby on a crumbling pedestal – and himself holding a small portion of masonry and saying 'I've dislodged a bit of brick'.
Challenor must have forgotten that in every group of people who don't matter, there can always be one or two who might."

She might have written with more truth, 'If Challenor hadn't been grossly incompetent he might have gone on framing charges indefinitely'. I knew nothing of him before be arrested me, and my object in proving him a liar was to save my own skin. Nevertheless, I am proud of my part in his downfall.

If we are to believe Seabrook's allegation, that all the police who knew Challenor remember him "with intense admiration and approval", then we must also believe the traditional street cry:

I'll sing you a song
and it won't take long:
All coppers are bastards.

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Clarence Darrow

The Crime of Punishment

Clarence Darrow (1857-1938) spent a great deal of his professional life defending in the courts victims of the capitalist and political system. He also lectured to prisoners in American jails. The following statement is taken from his autobiography.

I always worked against capital punishment, and all severe penalties. I had always believed in clemency to first offenders, and believed, as do most men of science, that every kind of human conduct comes from causes, and in order to change conduct the causes that bring it about must be altered or removed. One needs only to read a sketch of the treatment of what we are pleased to call criminals in the past to know something of the depth of ignorance and brutality of old-time statutes. It is less than two hundred years since animals were tried and solemnly executed for crime. Children of seven and eight years of age were once upon a time put to death by the state. For slight offences men were banished to penal colonies to die a pitiless death by disease, or be torn to pieces by wild beasts. In former years, banishment meant death in the most hideous way. As a rule, it means the same today.

In the olden times the criminal and the insane were tortured and chained indiscriminately, and, for that matter they are today. There is no way of determining who is sane or who is insane, or who is good and who is bad, but one thing is certain: in the treatment of criminals a great change has come over the world in a hundred and fifty years, for it is only a short time since scientists have even tried to find out the causes of human conduct. Amongst the scientific men who deal with the problem of the human mind there has been an almost universal agreement about the cause and treatment of crime. But ideas are very slow in affecting the mass of mankind. They are held back by prejudice, by ignorance, by common conception until long

after the intelligence specialist has thoroughly proved conditions and discovered remedies.

I can hardly remember the time when I was not sorry for the inmates of prisons. I have no doubt that this feeling made me more readily undertake their defence in courts. To be sure I sympathised with them long before I made any study of the subject called crime. After I began the defence of men charged with crime I often visited these unfortunates in jail, of course. They were in no respect like the idea I had formed from the general conception of criminals. I found that they had the same likes and dislikes as other men, that they acted from the same motives and impulses as those outside the jails. They loved their wives and their friends. All of them could explain the reasons for their special deeds. I soon began to see that their conduct, like the conduct of every man, followed cause and effect. Not only did they generally love their families, but they were loved in return. Fathers and mothers would tell of the generous acts and decencies of their sons; wives would sacrifice everything they had to help them in their trouble; little children would reach their hands through the bars to greet their fathers in jail. These fathers and mothers and wives and children had seen the prisoners in a different light from those who judged them and hated and condemned them without trying to understand. Outside of the family there was always a circle of loyal friends, many of whom would face death for the man that the world condemned. All of this impelled me to try to understand these men as I have tried to know others. With the right psychology they were not difficult to fathom.

I soon discovered that very few of the inmates of prisons have any schooling. Very few had ever learned a trade or had any of the regular means of earning a living. Seldom was there anyone who had any money. Almost all of them had begun their career in their youth. As a rule, the inmates of prisons do not grade high intellectually; now and then one is found with a fair mentality, but even these usually have weird ideas and do not interpret the world as others do. Often they are sent from the prison to an institution for the insane. A very large proportion of them are on the border-line between sanity and insanity.

Of course, each different offender had a distinct and different psychology. In controversies between capital and labour they all have the same psychology: whatever is done is an act of war, just as opposing armies would be guilty of the most atrocious deeds if their acts were not committed in the name of some cause.

The boundless and senseless belief in the virtue of punishment is one of the anomalies of the human animal. Society in general has the idea that only fear keeps human beings from cutting each other's throats and pillaging their homes. As a matter of fact very few, if any, have such tastes or tendencies. If fear had been the mainspring of human behaviour the race would have perished long ago ...

Fear is not the strongest motive: it is one of the lesser emotions that move men. Pride, charity, love and pity are much more controlling. Nor does the state punish because of the need for self-protection. The state punishes, that is inflicts pain, because it gives men pleasure to know that others suffer. No one can inflict suffering on another unless it gives him gratification to cause it. There is a mixture of sadism in every human being that makes him enjoy another's misery.

Endless reasons have been given for punishing people. It is a common assertion that the evil-doer is punished in order to help him. But everyone knows better ... The spectacle of the state doing everything in its power to degrade, debase and destroy a human being, and then seeking to help him to recover from the effects of his punishments, is a fine example of the idiocy of man ...

When all is said and done, the last excuse given for punishment is that it is administered for the protection of society. There is no evidence, and from the nature of things there can be none, that punishing an individual in any manner aids society ... Assume that A knows that he will suffer pain for doing a certain act; what is the effect on A? This knowledge does not stifle the desire to do the act; if it has any effect, it makes him cautious in accomplishing the deed. No one who commits an act that he thinks might bring him misery ever expects to be caught. Plans are always made for escaping arrest, and they generally succeed.

David Hartley

Community and the Regulation of Conduct

One criticism of how anarchism will deal with the issue of anti-social behaviour in a post-statist society derives from the claim that as individual freedom is valued above any authority, it implies "the free licensing of the bully and the spiv".[1] As this scenario is undesirable, so too is the philosophy that promotes its realisation. On the other hand, another critic sees an anarchist society as having no need for social control whatsoever since individuals will simply "co-operate out of brotherly love".[2] Both are misinformed views of communitarian anarchism, for as Kropotkin in one of his more realistic moments conceded, the question will not be whether injustices will exist, but rather "how to limit the number of them".[3]

All of the many social goods and individual goals that anarchism seeks to realise presuppose a desired level of social order, and regulating individual conduct towards achieving and maintaining this in a communitarian anarchist society is envisaged as taking the same two basic forms – passive and active – that it does in most societies. Passive ways of influencing conduct would stem from internalising the general behavioural standards of the community and, to the extent that they become habitual through socialisation, are largely self-regulating.[4] Even in statist societies this process, vis-à-vis rational considerations of self-interest, is sufficiently powerful to ensure that most individuals refrain from anti-social acts such as fraud, theft and murder.[5] But where the internalisation of such mores has been unsuccessful and self-regulation is insufficient, active forms of social control may be utilised against those individuals whose anti-social acts are serious enough to warrant communal concern. The anarchist approach to active control exhibits three essential features. Firstly, it

seeks forms of control to ensure the prevention of recidivism, thereby eschewing traditional statist philosophies of punishment which primarily seek retribution against offenders under the guise that some type of punishment is deserved, and irrespective of whether it will necessarily change an individual's behaviour for the better. Second, anarchists favour the utilisation of psychological sanctions over physical coercion in achieving behavioural compliance (although there will be situations where only violence can be effective if further violence is to be avoided). Such sanctions can take a variety of forms, depending on their efficacy in preventing recidivism. In some cases they may be *informal* (as when mild rebuke amongst friends in discussion is sufficiently effective), or in other cases, temporary communal censure may be *formally* imposed against the offender. In complete extreme cases where the offence is too serious to allow for the possibility of repetition, complete ostracism from the community may occur if other sanctions are deemed ineffective.[6]

The third feature of active control in anarchist theory, and the one that I will focus on here with respect to Kropotkin's writings, is the evocation of 'community' to denote the form of social organisation which is to replace statist forms of regulating conduct (including its passive variant). The notion of community is ambiguous and problematic in this context, because it is appealed to in other contexts where considerations of scale imply that community cannot function at one level as the economic unit for organising a future anarchist society, while contemporaneously, also being the most appropriate anarchist response to the problem of social order.[7] The tension between the two is manifest by Kropotkin's desire that a future anarchist society should not retreat into some type of pre-industrial communal isolationism, but should reap the technological benefits of modernity through the formation of, and federation between, agro-industrial communes. Such an organisational system points to a conception of community at the level of the commune which is of a quantitatively and qualitatively different nature to the notion of community alluded to in regulating anti-social conduct. The commune can function as one of, if not the, major forms of *passive* control, but it should not be seen as an effective form of *active* control.[8] For communes to achieve the latter, they must have smaller, intra-communal forms of community organisation that can provide effective active control, and this points to a much smaller level at which the notion of community must operate. If the anarchist conception of community is to function as a necessary condition for

maintaining a desired level of social order, then it should be viewed as acting at two levels: at that of the commune in providing a major form of passive control, and at the smaller level of what can be referred to as the neighbourhood, the appropriate catalyst of active control. Before embarking on this specific argument, however, it may be easier to show how the problem arises in the first place by showing why the relationship between community and its role in regulating anti-social conduct may not appear to present a problem at all.

Community, cooperation and controlling conduct: what's the problem?

Achieving and maintaining a certain minimal level of social order is a public good that anarchists wish to realise, but it is not the only one, and depending on factors such as how tolerable the community is, or the costs involved, it need not be regarded as even the most important since the desired level of social order could, presumably, always be set higher. Kropotkin's advocacy of economic communism implies that the provision of material communal goods is another such public good (being free at the point of consumption, their availability benefits everyone, even if not all contribute to their production).[9] That people will not voluntarily contribute in sufficient numbers to the provision of such economic goods has traditionally been one of the major justifications for the existence of the state.[10] But equally, it has been recognised that small communities can coordinate the production and distribution of economic goods in a manner both consonant with the distributive principle of need, and without recourse to either a centralised authority or a market mechanism.[11] It has also been acknowledged that such groups are likewise able to maintain a level of social peace without degenerating into the bellicose state of nature as portrayed by Hobbes.[12] From an empirical perspective, Taylor has argued that social order in the absence of the state can only be maintained if inter-personal relationships exhibit the three essential characteristics of community: that beliefs and values are held in common, that their context should be direct and many-sided (i.e. be unmediated by third parties and occur in a range of contexts), and that they exhibit reciprocity through practices of mutual aid, cooperation and sharing.[13]

Taylor's further conclusion that to maintain social order, communities must be relatively small and stable (since with increasing size each condition becomes diluted, attenuated or restricted)[14] can

also be inferred from Olson's claims about the significance of scale in the context of collective action problems.[15] The essential point of his argument is that the smaller the group, the greater the contribution each individual must make to realise a group goal, and conversely the larger the group, the smaller the contribution required from each and the easier it becomes for any individual to renege on their commitment and to attempt to 'free-ride' on the contributions of others. When the group is small, voluntary cooperation is more likely to be forthcoming, but with increasing size the greater the likelihood that individuals must be coerced into realising the group's common interest.[16]

At this level of argument there appears to be no great difficulty involved in establishing the significance of group size in simultaneously realising two important public goods. As anarchists have recognised, in echoing the concerns of Plato, Aristotle and Rousseau with the problem of scale, there are good reasons for recognising that there must be upper limits to the size of the community, beyond which the complexity of social life requires organisational solutions and produces inter-personal relationships which detract from those characteristic of community. The general point is that as population size increases not only does the community become more complex in coordinating its life, but it becomes increasingly difficult for each person in a community to establish and maintain direct personal contact with each other, thus leading to a certain dilution of communal relations overall.[17] Provided, then, that a group is relatively small and exhibits the characteristics of community, there are good theoretical grounds and strong empirical evidence to show that social order and economic communism can be achieved in the absence of the state. Or to express the claim in a more positive vein: under the type of circumstances anarchists seek to evoke in their notion of community, evidence suggests that people can voluntarily cooperate at a level sufficient enough to ensure that economic communism can be achieved, and social order maintained.

However, it could be claimed that the above argument is fallacious: cooperation does not provide the *primary* solution to the problem of maintaining a certain level of social peace for the argument subsumes two distinct behavioural dispositions under the common rubric of 'public good', and it is not clear whether the same type of cooperative activity that (allegedly) facilitates social order can also realise communist economic relations. In the communal provisions of public goods, the behavioural dispositions of individuals are basically those

that require *contribution*, and those that require *restraint*. Cases of the former typically refer to those public goods which are achieved through the active participation of individuals; in the latter case, public goods are realised and maintained by individuals restraining themselves from performing certain actions. Thus, for example, individuals contribute *directly* through their labour-power to the provision of a public economic good, whilst contributing *indirectly* to the maintenance of social order through not engaging in criminal activity. There is, then, no clear connection between the two types of behaviour – contribution and restraint – in realising public goods since I can contribute to the realisation of a public good through cooperating with others, but I do not require their cooperation as a necessary condition for me to restrain myself in committing anti-social acts. Accordingly, the argument fails to show how cooperation per se is related to the notion of individual restraint which, as noted earlier, is in any case mainly effected through passive socialisation and is the major reason why most people do not commit crimes. Realising cooperation to provide economic goods is, then, no guarantee that this will produce a desirable level of social order.

Anarchists can attempt to rebut this criticism by stressing that in their conception of community, cooperation *does* play a significant role in relation to individual restraint in at least two ways. The most straightforward example concerns a particular case of the detrimental consequences of universal free-riding. Although the social effect of my performing a certain anti-social act may be inconsequential in isolation, serious and undesirable problems would arise if many individuals were to perform the act, and such a consideration may be sufficient enough reason for me to restrain myself from carrying out the act. There is an implicit notion of social cooperation in such a case which can be expressed as one of mutual restraint: provided every (or enough) person(s) voluntarily restrains themselves, and *recognises that others are doing likewise*, the group can be regarded as exhibiting cooperative behaviour in order to offset the deleterious effects that would follow were many individuals to perform the anti-social acts in question.

The second way in which cooperation plays a role in restraining behaviour is through the mutual involvement of the community in mobilising active forms of social control. In contrast to the anarchist position, methods and procedures for restraining individuals in statist societies can be utilised independently of the overall level of social cooperation: there is no need for individuals to participate and to

cooperate with others in correcting the anti-social behaviour of some, since specialised agencies exist which have appropriated this function and possess some degree of public legitimacy in exercising their powers of correction. But as Kropotkin's reflections on this issue show,[18] anarchists envisage that the task of regulating anti-social behaviour should devolve back to the community as a whole, and it is clear from his analysis that if this control is to be effective as a non-statist alternative, then it requires a high degree of involvement in community life:

"Family life, based on the original community, has disappeared. A new family, based on community aspirations, will take its place. In this family people will be obliged to know one another, to aid one another and to lean on one another for moral support on every occasion. And this mutual prop will prevent the great number of anti-social acts which we see today ... Anti-social acts need not be feared in a society of equals, in the midst of a free people, all of whom have acquired a healthy education and the habit of mutually aiding one another. The greater number of these acts will no longer have any *raison d'être*. The others will be nipped in the bud. As for those individuals with evil tendencies whom existing society will pass on to us after the revolution, it will be our task to prevent their exercising these tendencies. This is already accomplished quite efficiently by the solidarity of all the members of the community against such aggressors. If we do not succeed in all cases, the only practical corrective still will be fraternal treatment and moral support."[19]

The specific manifestation of mutual restraint and mutual involvement as regulators of individual conduct indicates the extent to which anarchist methods of social control, if they are to be successful, presume a significant degree of voluntary cooperation amongst the members of an anarchist community. It is, indeed, tempting to suggest that if an anarchist community had reached a level of mutual involvement in the voluntary production of communal goods which was sufficient enough even to tolerate some degree of permanent free-riding, then such a community had also solved the problem of getting individuals to cooperate with each other in detecting certain anti-social acts, and to determine and enforce whatever (if any) sanctions would constitute the appropriate response. For as Taylor suggests:

"... the maintenance of the system of sanctions itself constitutes or presupposes the solution of another collective action problem. Punishing someone who does not conform to a norm – punishing someone for being a free-rider on the efforts of others to provide a public good, for example – is

itself a public good for the group in question, and everyone would prefer others to do this unpleasant job. Thus, the 'solution' of collective action problems by norms presupposes the prior or concurrent solution of another collective action problem."[20]

Along such lines anarchist have been led to suppose that by evoking a conception of community which stresses cooperation as both mutual involvement and mutual restraint, they have (in theory) simultaneously solved the two public goods problems of communal production and social order. Community is seen as facilitating cooperation and cooperative relationships come to constitute the basis of an anarchist community. But whilst this argument finds support up to a point, it becomes, for some of the reasons alluded to earlier, less tenable as the size of the community increases. Indeed, the problem facing communitarian anarchists is more complicated than this relationship may suggest, for there must be a trade-off between how small a community can be in maximising active forms of social control, and how large it must become so as to be an economic unit that is reasonably autarkic in satisfying the envisaged needs of its members. The problem of regulating conduct in conjunction with a conception of community which expresses the central behavioural and organising principle of an anarchist society, thus stems from the different considerations of scale that are involved in producing two types of public goods which anarchists wish to realise. Recognition of the tension involved in realising these two goals therefore requires a revised conception of the level at which community operates, one of which is the commune.

Community and the Upper Limits of the Commune

In Kropotkin's depiction of a future anarchist society, the basic economic unit which is to realise communist principles is the agro-industrial commune. Although small in size, the communes are seen as being large enough to produce goods beyond those necessary to satisfy basic and simple needs (the general idea being that if a commune requires certain goods and can produce them itself, then it should). Subsequent to having secured the needs of all, the commune is to "strive to satisfy all manifestations of the human mind",[21] and as required by the "supreme aim"[22] of leisure, communes will be able to procure more sophisticated goods via a cooperative network of inter-communal federation. Kropotkin does not specify what the

upper limits of the commune might be, but by drawing on a variety of studies, and from a number of perspectives, Kirkpatrick Sale has argued that the upper limits of such a community appear to be in the range of 5,000 to 10,000 people.[23] Although not specifically concerned with anarchism, his argument is nevertheless pertinent because it attempts to not only quantify the point at which a community decays along the lines noted earlier, but also shows how this population range can accommodate Kropotkin's economic vision of the commune. Sale quotes Leopold Kohr that a society of about 4,000 to 5,000 people "seems capable of furnishing its members not only with most of the commodities we associate with a high standard of living, but also of surrounding each person with the margin of leisure without which it could not properly perform its original convivial function".[24] Further considerations lead Sale to conclude that a "community of 5,000 or 10,000 takes on the stature necessary for real economic independence ... [at] that size ... agricultural self-sufficiency and community energy systems are most economical and efficient, and at that level the labour force available for the rest of the economy (if it approximated current American percentages) would amount to between 2,000 and 4,000, divided about evenly between manufacturing and services".[25]

If the upper limit of an anarchist commune thus comprises 10,000 individuals, then the two most important questions that the anarchist notion of community must address are that if individuals have free access to communal goods, what motivates them to voluntarily cooperate in supplying the labour necessary for their production, and secondly, what is to be done with those who avoid such a commitment and attempt to 'free-ride' off the communal labour of others?[26] On the first question, and drawing on historical observations, Kropotkin argued that communist customs and institutions would produce a high degree of identification between the individual and the community through the preponderance of mutual aid – acts which exemplified cooperation between individuals in helping one another, whether spontaneously or voluntarily.[27] Just as the most distinctive characteristic of mutual aid in past human societies had been communal work,[28] so too would it be in the future. In theory, the commune will achieve a higher degree of social integration than at present, and attain a far greater degree of *passive* control over conduct than contemporary societies do, mainly through reorganising work in four major ways: through communalising the means of production, reintegrating the anti-egalitarian distinction between mental and

manual labour, rejecting the principle of personal remuneration according to labour contribution, and requiring that all able individuals partake of communal labour for four to five hours a day from the age of 20-22 to 45-50.[29]

Such are Kropotkin's reflections on how the reorganisation of work, and its role in an *éducation intégrale*, is seen as effecting a high degree of identification amongst commune members.[30] The degree to which this communal socialisation envelopes other communal relationships, and becomes habitually expressed through the solidaristic principle of "treating others as one wishes to be treated by them" is the extent to which the commune can function as the major means of effecting *passive* control over individual conduct. Although he did not go as far as Kropotkin in advocating economic communism, Bakunin also placed great emphasis on how significant such an ethos can be:

"The power of collective sentiment or public spirit is even now a very serious matter. The men most ready to commit crimes rarely dare to defy it, to openly affront it. They will seek to deceive it, but will take care not to be rude with it unless they feel the support of a minority larger or smaller. No man, however powerful he believes himself, will ever have the strength to bear the unanimous contempt of society; no one can live without feeling himself sustained by the approval and esteem of at least some portion of society. A man must be urged on by an immense and very sincere conviction in order to find courage to speak and act against the opinion of all, and never will a selfish, depraved and cowardly man have such courage."[31]

One way in which individuals could seek to deceive the community pertains to the second question which anarchists must address in the provision of material goods: what to do with those who attempt to 'free-ride' off the communal labour of others? In the absence of compulsion or direct incentive, Kropotkin acknowledges this possibility in that the necessary work of the commune to satisfy basic needs is essentially manual and that everyone would try to avoid doing it.[32] Future improvements in production notwithstanding, Kropotkin attempts to address the problematic link between individual motivation and that of voluntary cooperation in communal production by selecting the least undesirable scheme from a range of bad choices: if it remained the case that necessary work was not voluntarily undertaken, Kropotkin's point is that it is preferable that all do an equal share if the alternative is to force a few to do it all. Such an argument, however, does not get to grips with the real problem of *what* to do with free-riders, it simply restates one of the four reasons canvassed above as to how reorganising work could

facilitate a higher level of passive control, and by extension, why the overall level of free-riding may not be as significant a problem as some think it otherwise might be. The ambiguity of the anarchists' usage of the word 'community' to solve the two public goods identified so far should now be apparent. On the one hand, community is seen as operating at the level of the commune in order to fulfil certain economic functions, and even here there exists a tension between how big the commune should be in order to be a viable economic unit, and how small it should be in order to minimise organisational tendencies that may precipitate statism. But on the other hand, the community is evoked as the appropriate *active* response to regulating acts of anti-social behaviour (such as free-riding). The problem that confronts anarchists who evoke 'community' at the economic level of the commune is that if passive control has not been completely effective and the community must deal with individuals who commit anti-social acts, how are 10,000 individuals expected to do this? The short answer to this question is that at *this level of community* they are not. For reasons that go beyond a concern with *just* mobilising active forms of social control, the commune must itself comprise effective participatory structures which ultimately come to constitute it. This suggests a need for the notion of community to operate on a smaller scale, one manifestation of which Kropotkin calls the neighbourhood. As with the commune, there are good reasons for thinking that it too has its upper limits, but unlike the commune, the neighbourhood seems to be the appropriate organisational level at which community can operate to effect the active regulation of conduct.

Community and the upper limits of the neighbourhood

Kropotkin does not spell out how the commune will be organised internally to achieve its aims, but it is clear from the considerations involved in his rejection of representative government, he does not advocate some type of direct deliberative assembly on a scale approaching 10,000 people.[33] To Kropotkin the task for the future was to remodel relationships at the appropriate territorial and functional levels:

"... from those existing today between every individual and his churchwarden or his station master, to those existing between trades, hamlets, cities and regions. In every street, in every hamlet, in every group of men assembled about a factory or along a railroad, you must awaken the creative, constructive, organising spirit, in order to reconstruct the whole life in the

factory, on the railroad, in the village, in the stores, in taking supplies, in production, in distribution."[34]

In his historical survey of mediæval cities and the free communes of the Middle Ages, Kropotkin saw guilds as being formed to reflect the concerns of individuals as individuals, whilst as members of the community, individuals "united into small territorial unions – the street, the parish, the section".[35] Such territorial units, although federating with each other such units, nevertheless kept their own independence and organised their affairs through popular assemblies, forums and tribunals.[36] Just as the guilds provided Kropotkin with a model of how individuals could federate through association in satisfying their individual pursuits, so too did the territorial units provide Kropotkin with a sense of the importance of small-scale forms of organisation as a forum for meaningful participation by individuals in those decisions that most affected their lives as citizens of the community. Anarchist communism, he concluded, could not exist unless its organisation created and reflected "local life, independent in the smallest unities – the block of houses, the street, the district, the commune".[37]

If the notion of the neighbourhood is taken as the most basic level of formal communal participation, are there upper limits attached to this level of community in securing the other public good of social order through active forms of regulating conduct? Sale is again helpful here in suggesting, mainly on anthropological grounds but finding contemporary support from successful commune movements like the kibbutzim, that the upper limit of community in this context is 500 individuals.[38] The key point behind this figure seems to be the importance of what has been called the 'face to face' society – the upper limit by which, as one urban planner has put it, "every person knows every other person by face, by voice, and by name".[39] The importance of this level of inter-personal intimacy, and one which is hardly possible to achieve at the upper level of the commune, becomes apparent once it is recalled that anarchists propose to apply psychological pressure of a kind that can only be effective if offenders place some degree of importance on the views of their fellows: sanctions are more effective when imposed by those who are emotionally close to us. In a recent work, John Braithwaite has developed the psychological implications of this insight into a contemporary and comprehensive theory of crime control. In Braithwaite's theory of "reintegrative shaming", crime is best

controlled "when the members of the community are the primary controllers through active participation in shaming offenders, and having shamed them, through concerted participation in ways of reintegrating the offender back into the community".[40] Although, like Sale, Braithwaite's direct concern is not with anarchism, his theory advocates a form of communitarianism of relevance to anarchism in general, and of particular significance to the arguments about scale and community canvassed here. In the first place, the theory of reintegrative shaming reinforces many of the considerations as to how an anarchist community can function to passively regulate conduct.[41] The two societal conditions which Braithwaite regards as fundamental to the success of reintegrative shaming (those which an anarchist society would also exhibit) are communitarianism and interdependency: individuals who are enmeshed in multiple relationships of interdependency are more susceptible to shaming practices, and societies which are communitarian are able to shame more effectively.[42] For both of these conditions to obtain, the interdependencies involved cannot be based on a calculus of personal convenience as derived from the philosophy of individualism. Rather they must, as with Kropotkin's notion of mutual aid, be grounded in a communal context of group loyalties, mutual obligations and relationships of trust.[43]

Of even greater importance to anarchist theory is Braithwaite's argument that articulates active forms of control with considerations of scale. Contrary to the views of many today, the pertinent evidence suggests that the primary deterrent associated with the possibility of being detected for offences is the fear of shame in the eyes of intimates, and not the fear of formal punishment:[44]

"... the nub of deterrence is not the severity of the sanction but its social embeddedness; shame is more deterring when administered by persons who continue to be of importance to us; when we become outcasts we can reject our rejecters and the shame no longer matters to us ... the deterrence literature supports the view that the severity of sanctions is a poor predictor of the effectiveness of social control, while the social embeddedness of sanctions is an important predictor ... It would seem that sanctions imposed by relatives, friends or a personally relevant collectivity have more effect on criminal behaviour than sanctions imposed by a remote legal authority ... because repute in the eyes of close acquaintances matters more to people than the opinions or actions of criminal justice officials."[45]

Braithwaite's argument, then, points to a conception of community which, for the active regulation of conduct to be successful, the

commune is ill-suited to fulfil. Even if it were desirable, it is simply not possible that individuals on a scale of 10,000 can relate to each other in the inter-personal manner which characterises the intimacy of familial connections, or is forged in relationships of friendship. Material interdependency amongst commune members can be experienced in concrete and objective terms, but beyond this the commune is a relatively abstract entity. Its overall level of intimacy can never match that which derives from the more personal experiences of individuals in direct, ongoing and multi-faceted relationships with each other. To the extent that such experiences constitute and come to personify relationships of community, their extension to embrace 10,000 individuals can at best be subjectively *conceived*, but cannot have the import derived from being directly *experienced*. The commune can certainly be a 'relevant collectivity', but it can never be a *personal* one, and although its members may share the many common goals, perspectives and character traits that exemplify the intimacy and affectivity of friendship, they will realistically never come to know this, and in an important sense, all will remain strangers to most others.[46]

The notion of the neighbourhood community, on the other hand, seems well placed to fit the two necessary conditions of interdependency and communitarianism that are required for reintegrative shaming to function effectively.[47] Such conditions may not, of course, be sufficiently efficacious at this scale, for just as the sheer fact of physical proximity does not necessarily generate neighbourly relations, neither does the mere existence of a territorial neighbourhood guarantee that it will fulfil its role in actively regulating anti-social conduct. But there are good reasons for suggesting it goes some significant way towards fulfilling them since with an upper limit of 500 individuals, the problems that beset attaining the requisite level of inter-personal intimacy at the upper limits of the commune are far less severe. Barclay, for example, has suggested that for 'face to face' relationships to prevail, and for diffuse sanctions like gossip and ostracism to have the required impact, effective control is maximal up to a limit of about 200 individuals.[48] This anthropological conclusion finds further support in evidence drawn from modern urban contexts whereby gossip affects individual behaviour when it occurs within close-knit networks (but which is of minor concern to those who are mobile or remain aloof from their neighbours).[49]

By providing a more immediate, tangible and hence more meaningful source of community identification than the commune

can, the scale of neighbourhoods are also more conducive to the *informal* activation of methods of regulating conduct, which in turn can have other important salutary effects:

"Through listening to and participating in secretive gossip directed at others we learn the circumstances by which people suffer loss of reputation through gossip. Thus, when we engage in comparable behaviour ourselves we know that others will be gossiping about us even though we do not hear it directly. We have learnt the culture ... because shaming is a participatory form of social control, compared with formal sanctioning which is more professionalised than participatory, shaming builds consciences through citizens being instruments as well as targets of social control. Participation in expressions of abhorrence toward the criminal acts of others is part of what makes crime an abhorrent choice for us ourselves to make."[50]

Gossip is not, of course, likely to be an effective form of actively regulating conduct in all cases, hence the need for the neighbourhood to have other psychological sanctions at its disposal. But what the exact nature and content of these sanctions may be in each and every instance, whether they are applied formally or informally, and for how long, are all issues that cannot be specified in advance. What may be appropriate and effective sanctions against some individuals may not be so for others.[51] In the case of free-riders, then, the evocation of specific sanctions will reflect circumstances such as their effectiveness over the individual concerned, whether the behaviour is just an isolated case or a persistent problem, and whether the free-riding is at the expense of the commune, the neighbourhood or another association (in which case, the association itself may be the appropriate sanctioning body). On the other hand, it must be recognised that communities will not always be correct in their imputation of guilty conduct, and the innocent party may find it particularly difficult to plead their case in a climate of informal sanctions. But just as the neighbourhood can, acting as a constituted body, be a source of formal sanctions, it can also provide the forum whereby the accused can confront the accusers. As Braithwaite puts the matter in concluding his theory of reintegrative shaming:

"The solution, I submit, is to advocate vigorous moralising about guilt, wrongdoing and responsibility which is informed by the theory of reintegrative shaming, in which the harm-doer is confronted with community resentment and ultimately invited to come to terms with it. The climate of moralising must be such as to put the accused in a position where he must either attempt to persuade the community that he is innocent, to persuade them that his deviance is harmless diversity which should be tolerated, or

express remorse and seek to compensate for the harm he has done. It should be a society where retreat into a world of exclusion is difficult for either the accused or his accusers to accept.[52]

Conclusion

For the claim that an anarchist community can effectively deal with anti-social conduct to be plausible, the notion of community needs to be understood in two senses: as connoting certain *relational* attributes between people (fraternity, solidarity, mutual aid, and so on), as well as denoting certain *organisational* forms (as with the commune, syndicates and neighbourhoods). The fact that community is seen as operating at various organisational levels (since not all decisions are best dealt with at only one), raises the question as to whether the relational attributes of a community can exhibit the same degree of intensity at all levels. The evidence and arguments canvassed here suggest they cannot.

Kropotkin sees the interdependency of communal production as contributing to a strong ethos of community identity amongst individuals. In proportion to how strong this is manifest, the commune can provide a focus for socialising consciences which can effect a high degree of passive control over conduct. But it cannot, in the scale envisaged, be construed as a viable form of effecting active control (whether through the imposition of formal or informal sanctions). To be told that by free-riding on the commune I free-ride on the efforts of 10,000 people is one thing, but for all of those individuals to be a concrete, meaningful reality that affects me to a sufficient emotional degree is quite another, and it is a fact that I will never be confronted by them all, simultaneously and face to face.

No such guarantee is offered by neighbourhoods however. Being about one-twentieth the size of communes, they possess a great ability to mobilise active sanctions.[53] The effectiveness of such sanctions is, nevertheless, contingent upon whether the views of my neighbours about my conduct are sufficiently significant to me. To the extent that their opinions are indeed valued, the neighbourhood functions like the commune in passively regulating my conduct and thereby pre-empts a need to rely on active forms of control alone. Neighbourhoods can thus provide a source of identity at a much more tangible level of interaction than that of the commune, and they can facilitate a multi-faceted interdependency that derives from more than economic activity alone. Neighbourhoods exist on a scale which,

through territorial proximity and participation in local affairs (both formal and informal), can channel an ongoing process conducive to forming those relationships which, for reintegrative shaming to succeed, must somehow be acquired. Neighbourhoods can come to fulfil an important mediatory role in bridging the gulf between the paradigmatic example of reintegrative shaming that occurs within the affectivity of families[54] and the wider, less-intense inter-relationships of the commune. When active forms of control become necessary, they can be instigated by neighbourhoods with a degree of flexibility that reflects an informed judgement about an individual's character – one which can hardly be matched by a state whose judges *sometimes*, and paradoxically, pass judgements about the character of one stranger (the accused) based on judgements from other strangers ('character witnesses'). And in circumstances where the whole neighbourhood may be against me, yet I consider their judgement wrong or their sanctions too harsh, I can, if need be, confront them in the local assembly, face to face just as I do, and have always done, amongst my friends, relatives and those others whom I value.

Communitarian anarchists have always tried to place their wider ideals within a philosophy that gives primary credence to direct, participatory structures – the idea that "the best and fairest way is to trust the decision to those whom it concerns most nearly".[55] Such a concern animates their approach to the problem of social order, and is complemented by the insights derived from their general critique of the state. Because the notion of community occupied such a pivotal place in anarchist thought, it is perhaps understandable that anarchists have sought to see so many issues from, and place so many concerns under, the one rubric. Although this tactic has led to ambiguity in interpretation, a lack of conceptual clarity is not a reason for dismissing the anarchist case for community out of hand. Rather, it is to see the wider implications of recognising that, in the case of realising only two public goods amongst many others, the anarchist community that is most effective in dealing with anti-social conduct is neither quantitatively nor qualitatively the same community as the commune is.

1. C. Rhodes, in C. Rhodes (editor) *Authority in a Changing Society* [London, 1969], page 15.

2. D.D. Raphael, 'Liberty and Authority' in A.P. Griffiths (editor) "Of Liberty [Cambridge, 1983], page 4f.

3. P. Kropotkin, *The Conquest of Bread* [New York, 1968], page 110.

4. Kropotkin saw unconscious habits as playing a "potent" role in human affairs since they constituted three-quarters of our relations with each other. He claimed that the principle of solidarity – treating others as one wishes to be treated by them – is consciously appealed to only in moments of hesitation; ninety nine times out of a hundred it is simply an unconscious habit. See Kropotkin, *Ethics* [New York, 1968], page 34, and R.N. Baldwin (editor), *Kropotkin's Revolutionary Pamphlets* [New York, 1970], page 101f.

5. J. Braithwaite and P. Pettit, *Not Just Deserts* [Oxford, 1990], page 82.

6. As A. Ritter, *Anarchism: a Theoretical Analysis* [Cambridge, 1980], page 71, has noted, although the communitarian anarchists recognise the *imposition* of authority as a barrier to relational deliberation and as a threat to their normative ideal, they also acknowledge that forms of behavioural control (such as socialisation and persuasion through argument) may not always be sufficient. As with the threat of ostracism through a fear of the consequences of non-compliance, coercion is used, but as a *last* resort and not dispensed with altogether, as some have suggested (see, for example, W.R. McKercher, *Freedom and Authority* [Montréal, 1989], page 262f., and R.P. Hiskes, *Community Without Coercion* [Newark, 1982]). But it cannot be denied that Kropotkin is inconsistent on the possible use of coercion. On the one hand, he can be read as rejecting it in the remark that "all we can do is give advice ... while utterly denying the right of society to punish anyone in any way for any anti-social act he may have committed" (*Revolutionary Pamphlets*, page 102f). On the other hand, he recognises that a strategy of persuasion may not always be effective and concedes that ostracism may eventually be a necessary sanction to use against free-riders (*The Conquest of Bread*, page 204). Ostracism, understood as banishing someone from a particular community for a period of time, would not appear to be an appropriate response to psychopathic behaviour since it places other communities as risk. Kropotkin does not address this issue directly, although capital punishment is ruled out in principle. It is likely that he would concede that psychopaths, being mentally ill, should be treated as such. Permanent confinement to a mental hospital is therefore a possibility and a form of ostracism in as much as the individual is banished, not as a form of punishment but for the community's own protection. Evidence suggests that punishment is, in any case, a "very effective ultimate backstop with people who have developed beyond the control techniques which were effective when they were infants" (J. Braithwaite, *Crime, Shame and Reintegration* [Cambridge, 1989], page 73).

7. Kropotkin, for example, speaks of community at levels ranging from a "few millions" (*Fields, Factories and Workshops* [New York, 1968], page 392), to that at the level of the street or parish (*The State: Its Historic Role* [London, 1911], page 15f).

8. Whether the commune can be seen as the *major* source of passive control is an issue that must be left open here.

9. Distribution according to need is the ideal, but qualified the principle becomes "no stint or limit to what the community possess in abundance, but equal sharing and dividing of those commodities which are scarce or apt to run short" (*The Conquest of Bread*, page 82).

10. Cf. M. Taylor, *The Possibility of Cooperation* [Cambridge, 1987], page 1. It can be argued from a number of positions, not least of all from that of the anarchists themselves, that the pertinent question is not so much 'Why should people cooperate?' but rather 'Why don't people cooperate any more?' Political anthropologists concerned with how prehistoric states evolved have provided ethnological backing for the more modern recognition that levels of social cooperation have declined from those of a century ago as communities have died out, or their associated values have been undermined (Cf. Taylor, *ibid.*, page 168ff, who argues that "positive altruism and voluntary cooperative behaviour *atrophy* in the presence of the state and grow in its absence"). One clear manifestation of this is the rise of the welfare state to fulfil functions that t ditionally had been the assumed province of communities.

11. With specific reference to the tenability of Kropotkin's position in this regard see D. Miller, *Social Justice* [Oxford, 1976], page 334. For general historical and anthropological surveys see, respectively, Kropotkin, *Mutual Aid [Boston, 1956], and H. Barclay, People Without Government* [London, 1982].

12. That is "the life of man, solitary, poor, nasty, brutish and short" (T. Hobbes, *Leviathan* [Cambridge, 1991], page 89).

13. M. Taylor, *Community, Anarchy and Liberty* [Cambridge, 1982], page 2.

14. *ibid.*, page 32f.

15. M. Olson, *The Logic of Collective Action* [Cambridge, Mass., 1965].

16. Cf. Taylor's discussion of Olson's argument in *Community, Anarchy and Liberty*, page 53.

17. Historically, anthropologists have suggested two things have happened: either the society has undergone fission in order to retain the *status quo ante*, or it has created a more elaborate form of organisation which, in retrospect, was unable to maintain its organisational and inter- personal characteristics of community. Such societies either become states or exhibited statist features in their organisational structure through, for example, the concentration of power in an elite and the emergence of a hierarchical *modus operandi*. This correlated not only with the diminution of egalitarian organisational forms and communal relationships, but also with the emergence of impersonal authoritative relationships which precipitated, and reproduced through their institutionalisation, those social inequalities which anarchists came to repeatedly denounce as inimical to community.

18. See, for example, Kropotkin's essays on 'Law and Authority' and 'Prisons and their Moral Influence on Prisoners' in *Revolutionary Pamphlets*.

19. *ibid.*, pages 233-235.

20. *The Possibility of Cooperation*, page 30.

21. Kropotkin, *The Conquest of Bread*, page 136.

22. *ibid.*, page 134.

23. K. Sale, *Human Scale* [New York, 1980], page 188f. Following the caveats expressed by most who tackle the thorny issue of trying to quantify the upper limits of group and organisational effectiveness, the following point should be stressed. An upper limit of 10,000 is an approximation only, based on the evidence (such as it is) that is

available, and it should not be taken as an absolute figure that implies a community of, say, 12,000 will *ipso facto* be non-anarchic (any more than, say, the figure implies that a community of 8,000 will necessarily not exhibit the problems faced by more populous polities). The basic point of attempting to quantify the upper limits of the commune is to convey the limitations of using such an all-encompassing notion as community when it is related to considerations of scale in the many tasks it is seen by anarchists as fulfilling. Sale expresses the importance of this when he writes that "there can be no 'communal-interest' among 200 million people, or 20 million people, or even 2 million people, because there is no way for the human heart with all its limitations to perceive the interconnectedness of all those lives and their relevance to its single life; we cheat on our income tax and drive at 65 m.p.h. and ignore beggars on the street because we perceive no community at the scale at which we live" (*ibid.*, page 334f).

24. *ibid.*, page 188f.

25. *ibid.*, page 398.

26. Kropotkin, *The Conquest of Bread*, page 190, poses this as: "If the existence of each is guaranteed, and if the necessity of earning wages does not compel men to work, nobody will work. Every man will lay the burden of his work on another if he is not forced to do it himself".

27. Kropotkin argued that an important generalisation which was drawn from nature at the beginning of human evolution was the interdependence between the individual and the group which gave rise to the principle of solidarity, as well as the notion of limiting one's will with respect to others. In the first case, the identification of the individual with the group is consequently regarded as "the origin of all ethics, the germ out of which all the subsequent conceptions of *justice*, and the still higher conceptions of *morality*, evolved" (see *Ethics*, page 60f.

28. Kropotkin, *Mutual Aid*, page 45.

29. Kropotkin, *The Conquest of Bread*, pages 131, 137. For a useful summary see D. Miller, 'Kropotkin' in *Government and Opposition*, 18(3), 1983, page 325.

30. Kropotkin's advocacy for a form of communal education which combines mental and manual training not only provides a wider scope than otherwise for individuals to explore their own individual preferences, to define and express their creative individuality, but his advocacy for integrating the two forms implies certain social benefits as well. Children who preferred mental to manual labour would, in such a situation, at least be show how reliant they were on the manual tasks of others in providing the material basis of their own lives. There is, then, a clear link between how a reorganisation of work and its pedagogic role can facilitate the promotion of communal sentiments like cooperation, solidarity and mutual aid, and whilst its success in instilling such values is not guaranteed, the notion of interdependency is at least brought home that one's desire to pursue an individual interest occurs in a relationship of dependence on other commune members to provide for each others needs (see Kropotkin, *The Conquest of Bread*, page 160f).

31. M. Bakunin, *God and the State* [London, 1910], page 29.

32. *The Conquest of Bread*, page 196.

33. Cf. Ritter, *op. cit.*, page 63.

34. Kropotkin, *The State: Its Historic Role*, page 40f.

35. Kropotkin, *Mutual Aid*, page 181.

36. *ibid.*, page 15f.

37. Kropotkin, *Revolutionary Pamphlets*, page 140.

38. Sale, pages 182-184, 388f., 488f. In *Strong Democracy* [Berkeley, 1984], page 269, Benjamin Barber claims that neighbourhood assemblies should comprise no fewer than 5,000, nor be any larger than 25,000 individuals. Not only does Barber offer no evidence to support his claim that on this scale such assemblies can be effective participatory forums, he actually cites one author as holding "similar views", even though the author in question found only that communities of "several hundred" did widespread citizen participation occur (see D. Yates, *Neighbourhood Democracy* [Lexington, 1973], page 159.

39. H. Blumfeld, quoted in Sale, *op. cit.*, page 183. For a sketch of the descriptive psychology exemplified by a face to face society see P. Laslett, 'The Face to face Society' in P. Laslett (editor) *Philosophy, Politics and Society, first series* [Oxford, 1956].

40. Braithwaite, *op. cit.*, page 8. The contrast of Braithwaite makes with reintegration shaming is the type of stigmatisation produced by current disintegrative modes of punishment. Reintegrative shaming involved expressions of community disapproval (such as mild rebuke and possible degradation ceremonies) which are eventually followed by gestures of reacceptance back into the community (which could vary from a simple, forgiving smile to formal ceremonies that decertify the offender as deviant). Stigmatisation, in contrast, tends to divide the community through creating a class of outcasts. Whilst great effort is expended in labelling deviance, little effort is paid to the process of de-labelling: signs of forgiveness and reintegration which ensure that the deviance label is transient – applied to the behaviour rather than the person who is seen as essentially good.

41. Shame can, for example, operate as a deterrent in that the social approval of significant others is something we would not like to lose, as well as deterring criminal behaviour in socialising consciences even when any specific external shaming is absent (*ibid.*, page 75).

42. *ibid.*, pages 14, 84. "Shaming by significant others should be more potent than shaming by an impersonal state. Most of us will care less about what a judge (whom we meet only once in our lifetime) thinks of us than we will care about the esteem in which we are held by a neighbour we see regularly. Moreover, frequency of contact means that even if state shaming, being more authoritarian, is more potent, it will be less efficacious than community shaming because of regularity of imposition. I may have to put up with the stony stare of my neighbour every day, while the judge will get only one chance to stare stonily at me" (*ibid.*, page 87).

43. *ibid.*, page 86. Cf. the similarity of Braithwaite's notions of interdependency and communitarianism with those of Taylor who concludes his anthropological survey with the contention that "the two most important social controls used to maintain order in stateless societies – those based on reciprocity and on approval and disapproval – together depend on community for the effectiveness" (*Community, Anarchy and Liberty*, page 129).

44. Braithwaite, *op. cit.*, page 81.

45. *ibid.*, pages 55, 69.

46. Although addressing a different context, this general issue has been critically raised against Kropotkin's conception of community by Caroline McCulloch in 'The Problem of Fellowship in Communitarian Theory: William Morris and Peter Kropotkin' in *Political Studies*, 32, 1984, pages 437-450.

47. It does, nevertheless, follow from the logic of my argument that the neighbourhood need not be the only, or indeed, the most basic level of community at which strategies of reintegrative shaming are operative. The existence of syndicates and voluntary associations could also fulfil this role in cases where, for example, they can be more effective if individuals value their esteem in such groups more so than their repute in the neighbourhood, or where the anti-social act in question pertains to the interests of such groups, rather than being serious enough to involve the wider community. Such subsidiary organisations should be seen as complementary to the role of the neighbourhood and not as a replacement for it. For reasons advanced above, it is doubtful that these groups can fulfil the broader communal role which the neighbourhood can, and in any case, the point of focusing on the neighbourhood relates to the consideration raised earlier as to the need for the commune to have effective community-orientated structures which would need to deal with a plethora of issues, and not just with how to regulate the conduct of its members.

48. *People Without Government*, page 109f. Taylor does not offer a figure in this regard but his view resonates with Barclay's in remarking that "in the small communities of primitive and peasant societies, every individual greatly values his reputation and the esteem in which he is held by the rest of the community; thus, the ability which the others possess (and can easily exercise) to lower his reputation through gossip and ridicule, should he engage in what they believe to be anti-social behaviour, gives them power over him ..." (*Community, Anarchy and Liberty*, page 19).

49. Braithwaite, *op. cit.*, page 109.

50. *ibid.*, page 82. Another important role which the neighbourhood forum may need to perform in its task of reintegrative shaming is to formally signify that an erstwhile offender is once again a full member of the community. Braithwaite argues that gossip and other types of shaming are particularly effective when the targets of shame are not directly confronted with the shame, but *are* directly confronted with the appropriate gestures of forgiveness or reintegration: "Citizens who have learnt the culture do not have to be shamed to their faces to know that they are the subject of gossip, but they may need to be directly offered gestures of acceptance before they can be confident that they are again part of the community ..." (*ibid.*, page 83).

51. It is, after all, an important aspect of the anarchist critique of jurisprudence that laws tend to deal with anti-social acts in a rather inflexible, abstract and general manner. Individuals tend to be treated as a relatively homogeneous group and sanctions can be quite indiscriminate, particularly in cases where they are far stronger than is necessary to prevent recidivism. (See Ritter, *op. cit.*, page 17ff.)

52. Braithwaite, *op. cit.*, page 156.

53. This scalar contrast needs to be emphasised since the optimum size of a commune is sometimes taken to be 5,000, which unfortunately is commonly cited as the optimum figure for a neighbourhood. (See P. & P. Goodman, *Communitas* [New York, 1990], page 74.)

54. Braithwaite, *op. cit.*, page 56f.

55. Kropotkin, *The Conquest of Bread*, page 110.

Correction to *The Raven* 21: 'Feminism, Anarchism, Women'

Peter Geiger asks us to correct the omission of a quotation from his article 'Men are human beings too' in *The Raven* 21.

At page 23, after "... Women do support the hierarchy as much as men do, as Emma Goldman shows:"

please insert the following:

"... that although women have had school suffrage for thirty- four years, and equal suffrage since 1894, the census in Denver alone ... disclosed the fact of fifteen thousand defective school children. And that, too, with mostly women in the educational department, and also notwithstanding that women in Colorado have passed the 'most stringent laws for child and animal protection'. The women of Colorado 'have taken great interest in the State institutions for the care of dependent, defective, and delinquent children'. What a horrible indictment against woman's care and interest, if one city has fifteen thousand defective children. What about the glory of woman suffrage, since it has failed utterly in the most important social issue, the child?"

End note 5, 'Woman Suffrage' op. cit. page 202, refers to this quotation.

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