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Government

W. S. Bell

1890

“We hold these truths to be self-evident: that all men are created equal; and are endowed by their creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.”

These declarations are nothing more than flattering sophistries and glittering generalities. In the first place they are not “self-evident” truths, because they are not truths at all. Men are not created equal; they are not equal intellectually, physically, or socially. They were not created equal because they were not “created.” They were not endowed by their creator, because they had no creator; they have no inalienable rights, because they have no natural rights whatever. Besides they have no rights that government does not destroy at any moment it wishes to dose; and as for government deriving its just powers from the consent of the governed, nothing could be farther from the truth.

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Retrieved 02/19/2023 from catalog.hathitrust.org
Published in *Egoism* 1 no. 8 (December 1890), p.5–6 and no. 9
(January 1891), p.5–6.

usa.anarchistlibraries.net

One of our inherited delusions is that government protects us. Just how it does so, and from whom it protects us, is no particular concern of ours, as long as we have faith that it protects us. It is enough for the horny-handed sons of toil to pay their taxes and vote the straight ticket, without taxing their brains over such questions as “How does government protect?” His patriotic blood swells in his veins as the voter thinks of the never-to-be-overestimated vote he holds in his hands. Even the president of the United States has no more than one vote! A Gould, or Vanderbilt, has but one vote. What a great honor to be thus made the peer of these millionaires! Poor dupe does not see that Gould and Vanderbilt can sway the votes of thousands by their position, and thousands by the dollars they put out. The voter quite often prays to heaven for his daily bread, and yet he is well assured that if Vanderbilt should catch him voting the opposite ticket, heaven would be powerless to send him bread. He knows too well that heaven has less to do with the bread question than Vanderbilt has, yet he continues to pray for it while keeping one eye on Vanderbilt.

The saintly Wanamaker knew full well that heaven could not assist him in getting votes. Heaven does not care a fig which party is in office. In view of the fact, St. John went out to raise \$400,000, not for Christ’s sake, but for the Republican party’s sake. This episode constitutes a fine illustration of the beauty of *democracy*—of the value of the elective franchise, and how governments instituted among men derive their just powers from the consent of the governed.

Let us cast about us to see how it is that government protects us in life, liberty, and our pursuit of happiness. We are painfully conscious that it does nothing of the kind. At any time we can be pressed into military service against our will, and sent out to kill men whom we have never seen—men who have never done us any harm nor wished to do us any. We are conscripted into service and sent out to kill or be killed—by the government which derives its just powers from the consent of

the governed. When did you give your consent to be drafted by the government? When did you concede to government the right to make war? How does the arbitrary and irrepressible power of confiscation of property and the impressment of the individual harmonize with the doctrine of inalienable rights of life, liberty, and the pursuit of happiness is coercing me to go to war to kill or be killed, and instance where governments derive their just powers from the “consent of the governed?” When did I consent to this arrangement?

Let us see how much protection the people have in the administration of justice in our courts. The workings of the police, the manipulation of the courts, jails, prisons, and other governmental institutions would never suggest to the meet acute observer the existence of inalienable rights, except it suggest the inalienable right of the government Officer. He certainly does not- want to part with his office.

It is a well recognized principle of common law that there can be no crime without criminal intent. In all criminal cases of great importance, the motive of the accused is the thing that determines his guilt or innocence. In former times this principle was more fully recognized than it is now. The intention of the prisoner was the turning point in all criminal trials, great and small. The increasing arbitrary rulings of courts have changed this, so that now the question is not as to the intent of the actor, but only, did he violate the law.

“To accomplish this object they have in modern times held it to be unnecessary that indictments should charge, as by common law they were required to do, that an act was done ‘wickedly,’ ‘feloniously,’ ‘with malice aforethought,’ or in any other way that implied criminal intent, without which there can be no criminality; but that it is sufficient to charge simply that it was done, ‘contrary to the form of the statute in such case

made and provided.” (Lysander Spooner, “Free Political Institutions,” p. 36.)

It was too hard work for these public servants to be able to prove a malicious intent upon the part of the person arrested. The laws had become so numerous and artificial that it was impossible for judges and juries to get at the intention of the accused. Throwing a banana peel on the sidewalk is in some cities a criminal act; begging in the streets is a criminal act; having no business or no home is a criminal condition; sleeping in a stable, or in a ball-way, or in the public parks is criminal; working on Sunday is a criminal act in almost all states; allowing an automatic machine to be placed in front of your store, that will drop down a cigar after you drop in a nickle, if it works on Sunday, is & criminal act. This is almost as bad as the old Puritans who had such a holy horror of Sabbath breaking that according to Rev. Sam Peters:

Upon the Sabbath they'll no physic take
Lest it should work, and so the Sabbath breake.

But if automatic machines are a violation of the Sunday law because they take money for goods delivered, what shall we say about the organist and choir of a church, who work for pay. Also the preacher and policeman who work for pay. But I fancy someone shouting in my ear, “These are works of necessity and mercy!” And imagine myself shouting back the inquiry, “Who is it calls preaching and running boys into the station house, deeds of mercy and works of necessity but the preacher and policeman.” One stands for the state and the other the church, and these are the two legs that government stands on. They cheerfully exonerate themselves.

The preacher gives us hell and the policeman shoves us into jail, and this is what they call the “protection” of government. Some minds, however, are so obtuse as to be unable to see how these procedures guarantee us inalienable rights.

ing that our administration of law and justice is nothing of the kind.

Government is something we think we need, but when man advances to the point of individuality where he is willing to take the responsibility of his own life, the need of government will fade away. That day is distant, but that should not excuse us from assuming our own personal responsibility now.

As a government institution, the postoffice is often cited to show what the government can do. And we see that one reason why the postoffice is a superior institution is because it is a purely business institution. Its officers are not exposed to such constant temptations of bribes as are the police, judges, congressmen, and custom house officials. But government, like cancer, spreads and poisons all it touches. Hence the postoffice was too good, the people had some liberty that was the pure article; accordingly, government enacts its Comstock bill, and now the postoffice and the United States courts are joined. The postoffice can interfere with and destroy the liberties of the people.

The district attorney shares with all other government officials in the desire to uphold government. To uphold the government is to keep the people down.

He has a case to prosecute. His success and popularity depend largely upon the number of cases he wins—upon the number of persons found guilty. In his case as in the case of the police judge and the policeman, the very animus of his office leads him to disregard justice. It is the perpetuity of government that most concerns him. and he is the government, or that part of it whose official existence he is most anxious to prolong. How obvious is it that man needs protection, and the protection he needs most is to be protected from the crime, cruelty, and barbarisms of government.

That our courts do not administer justice, we have only to take a case or two: a man steals a watch, and is sentenced to three years in the penitentiary, while another who steals a watch is sentenced by some other court to six months or a year's imprisonment, and the third one who steals a watch gets clear.

One man knocks another down, and is sentenced to two years in prison; another kills his wife, and gets two years. And thus I might go on citing cases that happen every day, show-

In our large cities thousands of inoffensive young people are annually run into the lockups for some very trivial affair, as shouting, firing off pistols or some such thing. The young boys are commonly locked up in cells with older criminals. There is no care taken to keep the innocent away from the company of the vilest and most depraved. The injury done a boy by thus locking him up, even for only twenty-four hours with a hardened felon, is irreparable. It is just in this way that society makes its own criminals. Here is where government shows itself to be a beast. It makes laws to prevent crime, and then in the administration of these laws it makes criminals.

A very large part of those run into the lockups over night are discharged in the morning. They are guilty of no crime. The verdict then must be that they were unjustly arrested. But does this blunder of the policeman teach him not to arrest innocent people afterwards? Do these false arrests induce the magistrates to instruct the police to cease this sort of public protection? Not at all. The old brutal method of clubbing the tipsy, or old, "or young, goes on now as it has heretofore. Suppose some man of large heart and still larger brain, and plead the case of an inexperienced person by saying, "There can be no crime without criminal intent," the parrot answer would be that, "Ignorance of the law excuses no one." This bald-headed fraud, has come down to us in the white livery of justice, from the blackhearted despotism of the past. "Ignorance of the law excuses no one." Why they have just told us that government is instituted for our protection, and if the innocent are not to be protected, who then is? "Ignorance of the law excuses no one." The claw sticks out from the velvet paw of the beast in this infinitely damnable clap-trap sentence. Some old lawyer in a tight place gobbled the legal maxim, "Ignorance of the law excuses no one," and since that thousands of young legal gobblers have gobbled the same infamous lie. When you see how the young, the poor, the orphan and helpless of all classes are mostly the victims of fines and punishment, is it not apparent

that the great system of protective law is more like a spider's web than it is a shield and defense? "The court of justice," is a nice phrase, and looks harmless, nay seems beautiful to the unsophisticated mind. But so does a spider's web. How soon all this wonderful mechanism changes when mister fly gets caught in its meshes. In the twinkling of an eye a great big-bellied spider skips over his beautiful web and weaves his toils about the poor victim. Goodbye, fly!

Were you ever taken into a court of justice as a culprit? Then, you remember how everything changed as soon as you were arraigned. Not always, but usually the judge comes out from the sanctity of his secret chamber to be the spider in your case. There seems to be but one prevailing sentiment in a courtroom, and that is, "How much can be got out of the case?" If he is rich, in mine cases out of ten he can escape punishment, but he has to be quite free in the use of his money. Sometimes when courts are greedy, they postpone the trial from term to term and from year to year, and this is another of the self-evident proofs of the inestimable value of government protection. How notorious is the fact that an honest man cannot go into court and get justice. Justice (?) is not an inalienable right, but a commodity to be sold to the highest bidder. See how difficult it is to drag a rich rogue into court and have him convicted. In criminal cases where the accused is rich or has rich friends he generally goes free; or if found guilty his sentence is remarkably light, and even then he goes into the hospital, where he has but nominal duties, and the chances are that he will be pardoned by the governor, or set free on a writ of error. The law that is professedly the safeguard of our liberties has become the mailed hand of tyranny. The custodians of our peace and safety have turned themselves into robbers. The poor people are slow to discover that our great criminals are not the multitude of offenders who break laws for the most part artificial, and that our law-makers are the real criminals of society, because they use the powers entrusted to them for personal aggrandizement

ment institutions are less humane than teachers, but because government in every form is essentially cruel and brutal. It is government itself, arbitrary and irresponsible, that inspires officers with cruel and brutal feeling toward those under their control.

As we take away from the teacher the arbitrary power of punishment, he and his scholars make progress together. But so long as government remains it will be despotic, arbitrary, and cruel. Policeman, judge, and congressman get their places by "ways that are dark and by tricks that are vain." The corruption of politics brings to the surface some of the worst men, and they become our rulers. Instead of government being made for the people, it is the people who are made for the government. Let us suppose a case of a man suspected and thrown into prison. After six months' detention, he has a hearing and is proved innocent. He has lost six months' time; he has suffered the dishonor of being cast into jail; his family has endured privations, and perhaps his health is impaired. After undergoing all this what does government do to right the wrong it has done? Does it attempt to compensate him for the loss of time? Does it do anything toward indemnifying him? Nothing. He is to consider himself happy that he escaped so lightly. He may not even complain too bitterly, for the "majesty of the law" might become incensed, and in that case the great American voter would be rearrested for "contempt of court," and flung into prison again with an emphasis. He could then muse at his leisure how government moves in a mysterious way its wonders to perform, while it is protecting the loyal and patriotic citizen in the peaceful enjoyment of all his inalienable rights. No matter where we touch government, we find that it exists for the benefit of its officers, and not for the people. Whether we look at the legislatures, both state and national, at the courts or custom houses, or elsewhere, we find everywhere the persistent fact, that there is no good in government because its laws are mostly bad, and executed with a vengeance by bad men.

ment, has made something worse than a blunder. The public has itself been guilty of committing greater crimes than those it vainly attempts to repress. But the criminal public is irresponsible, and so too is government.

It was supposed that the best way to preserve good order and complete control over the soldier, sailor, prisoner, child, and scholar, was to crush out the first and least symptoms of individuality. But the “crushing out” method has not been a success, and although prison government is vastly better than it heretofore has been, yet it is barbarous. The atmosphere of courts and prisons is still tainted with the spirit of revenge.

Formerly the prisoner was tortured. Torture was supposed to be the administration of justice. The beasts who inflicted torment were made cruel by the system of religion and government under which they lived. They supposed that torture would reform the criminal. The more he was made to suffer the more purified he would become. Millions of people believe the same thing today. The reformers have pointed out the insanity of such methods,—and although small reforms are effected—still prisoners are almost everywhere robbed of their rights and treated brutally. It is evident that cruel treatment is not reformative, but on the contrary, demoralizing. The prisoner who is abused cherishes savage and revengeful feelings. He thinks of escaping from prison, of shirking by feigning sickness, etc.

We have scarcely emerged from the time when flogging was a panacea for all delinquencies. The sailors were tied up to the mast and lashed. School children were flogged. In fact it was the pride and boast of the teacher to report a large number of his scholars that he had whipt. In the house of correction brutal whippings were common. And even in the almshouses and insane asylums the rawhide or club was used upon the refractory. Today the practice of painful physical punishments in schools is rapidly passing away, but it does not pass away so rapidly from our prisons. Not only because prisoners are more difficult to manage, and that superintendents of govern-

and political preferment. Having gained wealth and power as members of our state and United States legislatures, they have nothing before their eyes but their own emolument. Congressmen constantly squabble over the spoils. Just think of it. Our jails and our prisons are filled with the poor and our United States senate is filled with millionaires; men who fatten on the weakness, ignorance, and toil of the third estate.

What a farce is government! No it is something worse, government is the parental crime, the pandora box whence comes all social evils. It pleases the people, who are intellectually but children, to put plausible and flattering sentences in their mouths, as for instance—“a government of the people, by the people and for the people.” It is rather a government of politicians, run by bribe takers and bribe givers, and sustained by hordes of professional office seekers.

Whether you go to congress, to court, or to church the only constant factor in the administration of law and gospel is money. On which side is the larger pile? On that side you will find law and gospel. On that side you will find the new gospel of, “Damn the public.” Go to law with your neighbor or enemy and you will soon find yourself playing with loaded dice. Go to the almshouse, house of correction, jail, or penitentiary and you will find that the superintendents of either and all these institutions are exerting their best energies in trying to make the largest possible amount of money out of their positions. Why? Because they had to buy votes, or buy men who would buy votes for them. It costs a man a small fortune to get an office that has rich stealings connected with it. Elections are political jobbery. Every species of cunning, of treachery, lying, malicious libel are unscrupulously used to defeat an opposing candidate. Not unfrequently the greatest liar and biggest thief is elected to an office where it is expected he will devote his whole mind and soul toward protecting the interests of the people.

I need not emphasize the fact that all government institutions are manipulated by force and brutality. It is obvious that it could not be otherwise since all governments are founded and perpetuated by violence. The only protection worthy the name that government affords, is the protection of government. If it occasionally does some good by way of timely legislation or proper execution of laws, it is not because of any love it has for the people, but it is done out of the prudential consideration of self-interest,—self-preservation.

How do policemen protect us from the invasions of criminals? The policeman is anxious to excel. He would like to have a good reputation with his superior officers. How can it be done? If he makes but few arrests he will be suspected of shirking, hence the policeman has to have to his credit a good number of arrests. It is no agreeable task to arrest strong men, gamblers, and toughs. But tipsy men, and young people who are innocent of all intention to do any crime are easily handled, and as he follows the line of the least resistance, it is more to his mind to gather this class in. Here is a premium put on unnecessary arrests. “Probably not less than ten per cent of all confined in this class of prisons (lockups) for the first and trifling offense, or for no punishable offense at all; and the aggregate number every night shut up in them, throughout the entire country, can hardly be less than ten to fifteen thousand. Think of it! Not less than a thousand every night in the year locked up for the first time for a small offense, or for no offense. Not a few of them children—boys and girls under fifteen years of age, whose chief fault is that they have never known a parent’s love, never enjoyed the blessing of home.” (Altgeld’s “Live Industry,” p. 173.)

It is not an uncommon sight to see a drunken policeman clubbing some one whom he has provoked a row with; for if you say anything at all in reply to a policeman that he can construe into a defy, he is likely to collar you and drag you into the lockup, and charge you with resisting an officer. There are multitudes of cases in every large city, where drunken police-

men have clubbed unoffending men, and many witnesses ready to testify to the fact, but the corruption of the political ring protects them. There are many cases where policemen have clubbed men to death, men who were conscious of having done no wrong. And nothing is done with these men. Some of them are put through the form of a hearing, but- in ninety-nine cases out of a hundred they are not convicted. If they are punished at all, it is such a light punishment as to show the trial to be nothing more than a farce.

There is no redress to be had against an officer of the law, whether he be a policeman or a judge. They bar your way to justice—they themselves have taken possession of the temple of justice and converted it into a den of thieves. Still the temple remains,—her dome glitters in the sunlight, her walls are massive and grand—her archives contain the ancient law, the statue of justice from above the door-way looks down upon you, holding in her right hand the sword, and the scales in the left. But this temple is like the whitened sepulchers of old, fair to look upon but filled with corruption inside. And the deluded people think that somehow the courts are all right, until one of them is caught in the meshes of the law, and comes out singed or fleeced. Then he curses Judge Jones and the jury. He does not dream that judge and jury are not the primary cause of his misfortunes. He does not dream that government, no matter what kind of government it may be, is the cancer in society that poisons the whole body politic. He never suspects that all the institutions about him from congress down to a policewoman and police court are pregnant with invasion.

Another way in which government perpetuates crime is by the brutality of its officers. It matters not what kind of government you take whether it be civil or military, home. or school government, the supposed efficiency depends upon coercion, and coercion in the last resort means brute force. Prisoners heretofore have been treated as if they had no rights. And just here is where prison management, sustained by public senti-