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The Problem of Criminality

William Henry van Ornum

1898

I am asked a thousand and one times, by those who fear the establishment of a society based upon personal liberty, “What are you going to do with your criminals?” But this is not a question which is half as important to me, or to those on my side, as it is to those who are opposed to any change at all. For ourselves, we are not called upon to answer that question until we have criminals to dispose of. We hold that just social conditions would reduce and finally abolish criminality. In other words, the result would be to stop making them. But with the other side it is quite different. “What are you going to do with your criminals?” is already a pressing question for them. Criminality is increasing at such a ratio that it is difficult to find prison room to confine the criminals. What with the criminals in and out of prison (and the indications are that there are more out than in), capitalism is having a hard time of it. And yet it asks, in the most confident way, what are we going to do with the criminals, as if its own solution of the problem was entirely satisfactory. But it is not. Every student of social questions knows that the growing importance of the problem of criminality and its treatment is one of the most pressing and difficult which this age is called upon to face. In fact, capitalism presents no

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Retrieved on 7th May 2023 from
www.libertarian-labyrinth.org
Reprinted from *The Twentieth Century*.

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solution. The most it does, or attempts to do, is to forcibly repress the expression of it. But this is like a man trying to hold a plank against a break in a dam to prevent the water from cutting the dam away altogether, although he knows that the water is rising higher and higher and must soon sweep both him and the dam away together.

So we are asking the apologists for things as they are what they are going to do with their criminals. And it is a question which they must answer, for they must do something. If they don't, the criminals will do something with them. The special privileges, inequalities and injustices in society cannot continue without maintaining that stress which results in crime. The greater the stress the greater is bound to be the crime. So, pile up your repressive laws. Fortify and protect the privileges of the rich. Hold the plank tight against the dam lest any of the water escape. See how the great fortunes are growing. The water is rising higher and higher. Well! how long can you keep it up? That is the only question.

There is another view to take of the matter. Does it pay to take such risks? Is it worth what it costs to rear a race of human wolves who are ready to tear you in pieces at the first opportunity that offers? Stop and think what those great fortunes cost you, my rich friends, who control for the time being the destinies of the world? There is something in this world of more importance than wealth, that is manhood. Can you develop a high type of manhood in an atmosphere of greed? Do you receive anything which will compensate you for the worry and anxiety attendant upon making and watching investments, and collecting and managing their revenues? Do you not see that you are sacrificing your possibilities for personal development, your ease, your comfort, even your very safety, in order to get and keep fortunes which you can never use, and that only bring labor and worry to care for them? All any man can have in this world is what he can enjoy. If he takes more, he merely withdraws it from the possibility of others' enjoyment, with-

out benefiting himself. Then, when some take more than they need, others have less, and there is stress in society. This requires law and the machinery of administration to protect the few in possessions which are of no use to them except to minister to their avarice and greed. It requires law to hold the people down and enable the rich to acquire and keep their riches. Do you know what crime is? Do you know what it comes from? Let me tell you! It is the natural and inevitable resistance to the laws which enable you to get and keep your wealth. I will try and make that clear. Suppose you were a mechanic and wanted to raise a column of water to a given height, you would have to apply force in some way, to do it. And the greater the force applied, the higher the water would rise. But the return pressure of the water always exactly equals the force applied. This is a physical law of nature, and acts with unvarying certainty.

Now, the same thing applies in human dynamics. If you apply the pressure of restrictive laws to men, they, naturally and inevitably, resist just in proportion to the force of the restriction. They, naturally, seek freedom; and, openly or covertly, rebel against whatever restricts them in the exercise of it. Your laws of property, that you call "rights of property," which are purely creations of the law, bear heavily upon the people. They hinder them in the freedom of their action. If the people wish to build houses for themselves, you own the land; and the law protects you in the possession of it. If they would raise food, they must make terms with you or go hungry. Would they mine ores with which to fashion useful implements, you stand in the way. They cannot even cut firewood, make bricks, dig coal, do anything without paying toll to those who do nothing but who have the law on their side. Then, on top of all this come patent laws, copyright laws, laws of taxation, laws of debt and for the forcible collection of it, laws of interest, laws of money and for the restriction of business, private rights to the highways of commerce, private ownership of the means for the employment and a multitude of others, all working to the advantage

of a few and the disadvantage of the many. Even the sexes are not allowed to mate without consulting the law for the benefit and in consideration of the property rights of somebody. So the law is a constant instrument of restriction and repression in every act of life from the cradle to the grave. And, by means of its workings, the many are held down while a few get on top. Consequently, there are plenty of people all the time who resist the law; who seek to acquire wealth by methods which the law forbids, and who are called criminals. The proportion of those criminals and the degree of their criminality always exactly correspond to the intensity of the repression of the law.

The same principle holds good as to crimes against persons where no property is involved. Restrict the freedom of the individual and the individual, openly or covertly, rebels. His aspiration is for freedom and he chafes and frets against the bonds which bind him down. That is why I say that the resistance will always equal the force of the laws; and crime must keep pace with law. The more law the more crime. And vice versa, the less law the less will be the crime. This principle holds good the world over. All the statistics of crime in every civilized country where observations have been made and recorded, prove that crime rises and falls exactly in proportion as the social conditions bear lightly or heavily upon the masses.

I say again to the rich and to the apologists for things as they are: "What are you going to do with the criminals?" You are industriously grinding out more laws every year in congress, in the various state capitols, in the common councils of the cities, in the county boards and even in the school districts; and you are getting the equivalent in an increased number of criminals in every state in the union. You haven't prisons enough to accommodate them; and yet, you are making more all the time. What are you going to do with them?