

# **Crime, Criminals, Punishment an anarchist view**

**Housebreaking...joy riding ... heroin pushing ... mugging ... rape**

Workers Solidarity Movement

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**AROUND THIS TIME every year we are hit with a barrage of articles and TV programmes about spiralling crime figures. The usual rash of calls for stiffer sentences and more cops on the beat are thrown out as the answer. Anarchists have a convincing analysis of crime and some ideas on how to eliminate it for good. Conor McLoughlin looks at the issues.**

The Russian anarchist Kropotkin in his examination of the subject came up with three types of crime. Property related crime, government related crime and crimes against the person. In Britain it has been estimated (Anarchist Black Cross bulletin) that 94% of crime is committed against property (though admittedly a lot of it would be personal property). However what isn't recorded are those crimes committed for property.

This isn't just playing with words. We live in a capitalist system. But where did all the capital come from in the first place? Check your history books. The capitalism of the 18<sup>th</sup> and 19<sup>th</sup> century was built on the piracy and slavery of the 16<sup>th</sup> and 17<sup>th</sup>. Millions of pounds of gold, silver and spices plundered from the "New World" financed the basis of the banking and trade system. One of the first commodities to be traded was human beings. Slavery played a vital in the early years of capitalism. Many English titled families of today owe their knighthoods and dukedoms to this sordid trade.

## **Daylight Robbery**

The day-to-day running of the system is daylight robbery. A worker's wages only represent a fraction of the value of his/her labour. The rest flows into the boss's pocket. This was what Proudhon meant by the oft quoted "property is theft". It would have been clearer (though not as catchy!) if he had qualified this remark. All property and wealth that enables you to exploit the labour of others is theft. If we got paid what we were really worth the present system couldn't function. This is the main and fundamental reason for all the cops and courts, to defend the system which ensures we slave our lives away so that the rich can get richer.

There is also the whole range of officially criminal fraudulent activities. These range from 'insider trading' to criminal empires like the Mafia. Only a tiny fraction of these ever come to light. The law is built to serve the bosses not to expose them.

The Telecom scandal shows how £3 million can be made in a few weeks by sitting on the boards of several companies and playing pass the parcel. The Beef Tribunal was, until neutralised by the recent Supreme Court decision on cabinet confidentiality, finding out how a fortune could be made in export credit insurance by small donations to the right political parties. If anyone of these businessmen are caught they risk a few days in an open prison or have their sentences suspended. Those that are nabbed are just the fall guys. The system is riddled with fraud and rackets. It is a racket. The solution to these crimes is simple. Shut the system down. It simply can't cure or reform itself.

## **Robin Hoods?**

On the other hand there are crimes against property. Living on the dole or miserable wages leads some people into a range of dodges like not paying for cable TV, working in the "black economy"

or shop-lifting to feed a family or a heroin habit. A small minority may even turn to burglary, drug dealing and other organised anti-social crime.

This is certainly no justification for anti-social crime like burglary, heroin-pushing and 'joy-riding'. We understand why they happen but we do not condone or excuse them. Working class communities are especially vulnerable to this type of crime. Old people and parents of young children may live in constant fear because of it. Those who make a living preying on their own class are as bad if not worse than the capitalists. There aren't many Robin Hoods out there and anarchists should never romanticise criminals for "getting back at the system".

We recognise peoples' rights to defend themselves against anti-social crime. This sort of action, if it is not to breakdown into vigilantism must be community based and democratic. Effective community policing has often occurred in revolutionary situations (where property related crimes usually decline drastically). A glimpse at the possibilities was seen in this country for short periods in the life of "Free Derry" and "Free Belfast" in the late 1960s.

## **Heroin Pushers**

In the 1980s some Dublin working class localities saw involvement in Concerned Parents Against Drugs (CPAD) which was initially community based but later on tended to look to others, i.e. the IRA to "sort things out". It is doubtful if any of the Provos' campaigns against "undesirable elements" have represented community policing as no sort of fair public trial is ever held before knees are capped. It is extremely difficult to sustain genuine community-based action against crime within the present system. It will always be seen as a threat to the existing order and cracked down on by the police (CPAD is a good example of this). No state will tolerate it's monopoly on power being challenged by it's citizens.

We would never join calls for extra policing as any kind of solution. But where practical suggestions to reduce the effects of crime are brought forward within communities we would certainly support them. For example, ramps and security gates to slow down 'joy-riders'. However we know these can only contain the problem. The only way to tackle it is to get at the root causes.

Again we are down to the capitalist system, and the poverty and alienation it causes. People constantly bombarded with images of expensive consumer goods well beyond their means won't always shrug and say "shucks I guess that's not for me". The only solution is to abolish poverty and give people something to live for.

## **Democracy?**

The second type of crime on Kropotkin's list are crimes relating to government. These are almost too many to mention. From trade wars to shooting wars, they and their system have probably killed more workers than any other single cause.

It's easy to point at nasty Third World dictators and their record of political prisoners and human rights abuses. However this country and our nearest and dearest neighbour have nothing to boast about. The Nicky Kelly case shows that the Irish government had no problem torturing and framing a man because of his political views. The laws that allowed them to do this have not been changed. And let us not forget the Birmingham Six, Guildford Four, Maguire family, Tottenham Three and all the other victims.

The publishing of information on abortion is banned under the Censorship of Publications Act, and the giving out of a telephone number where a woman may obtain advice about legal abortion services abroad is prohibited by High Court injunction. Republicans aren't allowed on the air under Section 31 of the Broadcasting Act. Books and films are banned and subjected to censorship. So much for democratic rights!

Most laws are concerned with protecting property and giving business an easy ride, or are integral to the State's own good health. Some make sense such as those against drunk driving, breaking a red light or selling heroin. These would continue in some form in a future anarchist society. For the moment, obviously, unjust laws have to be fought – like those relating to sexuality, contraception, divorce, abortion, etc. where no state should have a right to intervene in people's private lives.

This leads us to the final area, that of crime against the person. Not all of these can be dismissed by simply saying "it will disappear with the end of capitalism". Many do arise out of property related crime and will indeed disappear. But there are some crimes committed by mentally unbalanced people, or ones committed for a range of personal reasons which will continue after the revolution.

## **Rape and Child abuse**

Our analysis of crime against the person is very different to that put forward by most establishment figures, or that of many feminists.

Rape is a horrific and brutal crime, the extent of which is only now beginning to come to light due to years of widespread under-reporting. Even now Rape Crisis Centres estimate that up to 90% of rapes go unreported. Most media and public attention is focussed on individual horrific cases where the woman involved may also be kidnapped and murdered by a madman. This gives the impression that rape is always carried out by mad axe-murderers on dark streets. It totally detracts from the reality of rape and sexual abuse in many women's lives. In fact, all available evidence points to the rapist usually being someone known to the victim.

In Ireland 92% of victims are estimated to have known their attackers. A 1989 Home Office survey in Britain found this for 61% of reported rapes (of course you are less likely to report the rapist if you knew him). Ruth Hall's American survey ("Ask any women", Bristol 1985) put the figure at 75%. Most police advice is focussed on telling women how to dress, when to go out and to beware of strange men. This implies women share some blame for the problem though 'carelessness'. It also fails to even address the reality that most rapes are carried out by someone known to the victim.

## **An Aberration?**

Rape is not an aberration. If one considers the wide degree of under-reporting and the increasing reports of child-abuse and rape in marriage it becomes clear that rape is extremely common and bound up with women's day-to-day social existence. It is very much part and parcel of our present form of social organisation.

Another misconception that has to be laid to rest is that rape is a crime undertaken purely out of uncontrollable lust or sexual desire. One leading authority, Dianna Russell argues in her book

“Rape within marriage” (1982) argues that rape should be seen at one end of a continuum with voluntary mutually desirable sex at the other. In other words that the sex-obsessed male will not accept “no means no”.

This may sometimes occur, especially in cases of “date” rape. However in the vast majority of cases the means should not be confused with the end. Rape is carried by means of penetrative sex but rarely has anything to do with sexual desire. Interviewed rapists rarely report any lust for the victim or sense of sexual satisfaction after carrying out a rape.

## **Domination**

Rape is primarily an act of domination. Those raped are seen as people who can be easily dominated and humiliated. Rape is a power crime. Though generally the rapist has the monopoly of force in the rape it may also indicate powerlessness on behalf of the rapist within society as a whole. Dianna Russell in her look at stranger rape in America in “Sexual Exploitation” (London 1984) found that these were often carried out by young men on low incomes. Ageton in another American study of sexual assault among teenagers (“Sexual Assault among Adolescents”, Lexington, Massachusetts 1985) identifies rapists as being failures at school and isolated at home. The phrase she uses is “more delinquent types”.

Rape within marriage seems to be clearly bound up with women’s inferior position within the home and family. In Russell’s study of rape in marriage (ibid. 1982) she found whether women stayed in such a marriage was entirely linked to their financial dependence. 100% of wives who had been the primary bread-winners when first raped had since left their rapist husbands.

In this context more policing, mandatory sentencing and imposing curfews on women don’t address the main issue. The pathetic sentences often handed out to rapists give out the impression that rape is not taken seriously by Irish society. Cases like Levinia Kerwick’s where the rapist walks free disgust most people. On the other hand we shouldn’t take the easy option of blindly joining the call for harsher sentencing. The government can easily cave in on this giving the impression that they have somehow dealt with the problem. But it is no solution.

Rape is bound up with women’s inferior role in our society in which they are systematically oppressed, as well as the sexist attitudes of many men. Improvements in attitudes and some small improvements in women’s actual position have made a difference. At least now rape is talked about and taken seriously. The overthrow of capitalism, and the end of the nuclear family as the only acceptable form of social organisation, will make a difference. However this will only be the beginning of the battle to gain full and absolute equality for women, which is the only way that rape will finally be dealt with.

## **Punishment: who watches the watchers?**

There are three possible aims of punishment: restraint, revenge or reform Capitalism only seems to succeed at the first two. The retributive and vengeful “justice” of the present system has been a total and utter failure.

Attempting to reform people through coercion and force can never succeed. Arguments based on fear and terror are never very convincing. The institutionalised murder of the death penalty has never had the slightest effect on violent crime figures. It amounts to no more than revenge.

Prison, if it achieves anything, tends to perpetuate crime with minor offenders often going on to commit greater crimes. Why not re-offend if nothing has changed when you get out?

Capitalism can not solve the problem. It creates the conditions which lead to most crimes. The supposed system of justice amounts to a closed caste of judges and legal professionals. These are initiated into a tangled web of complex rules and regulations, where any concept of justice or fair play intrudes purely randomly.

## **Anarchist Police?**

Getting rid of capitalism, and replacing it with an anarchist system, will greatly reduce crime. But what about the mentally unbalanced or “crimes of passion”? There is no doubt that some form of incarceration will be needed in particular cases. There are people who will have to be removed from society for their own good and that of others.

This in turn implies some form of law enforcement agency (or whatever title you come up with) will be needed. Of course this will be smaller, and fully answerable to the community as a whole. It will focus purely on the detection of individuals and their imprisonment. There must be no element of revenge. The aim, where possible, should be their reform and release.

These are some ideas on crime and punishment. Obviously there is no 100% perfect solution, though we think we can suggest a drastic improvement. The issue of crime and punishment in a future anarchist society does raise some complex questions. The WSM doesn't claim to have all the answers. Let Workers Solidarity readers know what you think. Drop us a line at P.O. Box 1528, Dublin 8.

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