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An Enduring Passion for Criminality

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Schmitt, Carl (1985). *Political Theology: Four Chapters on the Concept of Sovereignty*. Trans. Schwab, George. Chicago. University of Chicago Press

a symbolic terrain of engagement with a symbolic enemy, the state as legal construct, the bank as abstract institution. This is a point-less reading. It is only in coming to terms with the dangerous core of the illegalist tradition, the necessary connection between insurgency and criminality, the attack launched on the operability of sovereignty, the creation of a crisis within the functioning of the state, hostility to the police, that the illegalist tradition can prove useful to us now. Insurgency always requires an embrace of criminality, a direct material conflict with the operational capacity of the state, and likely requires crime to be engaged in, but crime that has, on its horizon, a sense of amplifying conflict within a material terrain of engagement with the very logistics that determines the act to be illegal. Illegalism, when understood in this way points to a conclusion that many, largely the more naïve among us, specifically many within the “movement building” and “dual-power” tendencies, have been loathe to accept, that criminality lies at the core of the insurgent project, not as an inscription of meaning for our actions, but as an intent, a posture toward action itself, an absolute, total, material hostility toward governmentality itself.

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are intended to be contrary to the law.¹¹ Rather, illegalism becomes an important guidepost for the concept of anarchist insurgency – to the degree that we recognize a movement of exceeding the very question of the law, the inscription of the meaning of law onto the action. This was not a conceptual rejection of law through the taking of actions that can be retroactively declared illegal, it was a forceful attack on the State’s structure of decision and material operation of decisions. They understood the fundamental distinction between crime and criminality. Criminality is a material intent, a posture of actions that exists in an absolute material hostility to law, as an attempt to destroy the actual materiality of operations of law and the functionality of the police. It is in this sense that all insurgency is a move into criminality, but not necessarily a move into the criminal; it is not the case that it is always the time to break the law must always be broken, or that breaking the law is always the most effective action in all cases.

This is not the lesson that we would derive if we pay attention to the contemporary narrative of illegalism, one steeped in romanticism and the concept of banditry, as well as the valorization of heroes and heroines. If we are to take this contemporary reading to heart we begin to step into a conceptual universe piled thick with a form of ethics, an ethical injunction to take actions that become important to the degree that they are inscribed with the outside content of law, of being contrary to law. But, this is a meaningless reading, a reading that not only reduces illegalism to crime, stripping this crime from its dangerous intent, but inserts the action into

¹¹ Schmitt, 17–35; For Schmitt the problem of sovereignty is in how the concept of the decision is obscured in the liberal tradition, a tradition that attempts to reduce the state to the conceptual edifice of law, and then claim, in a purely Kantian sense, that law functions universally. Schmitt argues, here that the law is meaningless outside of the moment in which law takes place, in the arbitrariness of the decision imparted by the judge or the cop, a decision that means nothing without a material logistics of force, a logistics of force that exists prior to, and potentially in the absence of law.

delegitimized, or publicly flogged. The illegalist tradition of hostility does not even posit of the possibility of banditry the valorization of transgression, or the fetishizing of the illegal act. The history of hostility is the successive development of a structure of action that amplifies the crisis in policing itself, by causing ruptures in logistics on a material level. The materialist core of illegalism is not a declaration of the illegal or the fusion of act concept against law. The revolutionary promise of illegalism is that it takes an absolute material hostility toward the logistics of law, policing, as its point of departure. Illegalism should then be understood as a degree – the degree to which criminality manifests through a hostility toward the operation of law. Seen from such a perspective, illegalism is not a reaction to law as a conceptual universality or even the existence of the theory of law. In other words, illegalism becomes dematerialized when taken as an ethical injunction, whose anemic existence is the pathetic life of a conceptual paradox: imposing moral law in the attempt to combat the concept of law. The enduring passion of illegalism thrives as a form of insurgency, as a terms that marks the space of active hostility toward the operation of the logistics of policing. This hostility grows in particular moments, within particular dynamics, and as such, generates an illegalism that can only be understood strategically – as a strategy through which immediate and material hostility manifests, with a criminality of the tendency toward direct confrontation with policing, and without an ethical injunction against any possible actions.

What occurs in the form of the actions of the Bonnot Gang and the Russian Nihilists is not a process in which actions are were not taken due to their illegality. Rather, something much more important is functioning in this process, they dispute the legitimacy of law as a conceptual framework. These illegalists launched a material attack on the operationality of law as such. They took aim at the structure and function of policing as a logistics. Rather than following an ethical injunction whereby one is compelled to take actions defined through the sovereignty of the state, even if those actions

“Revolutionaries always pay their parking tickets” –
William Haver

Introductions

Anarchist discussions of illegalism become confused when it is defined in relief; “if the law is a criminal imposition by the ruling class, criminals are truly revolutionary regardless of their actions” they say. Such a definition leads to idiotic floundering to find a place in the revolutionary milieu for notorious criminals. Yet even the most dedicatedly nihilist anarchist would balk at seeing the perpetrator of the Montreal Massacre, a misogynist with an utterly incompatible vision of the future, as a comrade or as being of the same class or category. Rehabilitating certain anarchist propaganda of the deed causes further problems, as it relies on the stale moralism of accepting certain crimes (theft, forgery, counterfeiting, fraud) while decrying others (acts of brutality, property destruction and murder). An illegalist declaring of alliances merely creates a false dualism between the “good” criminal, who identifies sites of oppression that they lash out at, versus the “confused” or “bad” criminal, whom works against the interests of their class or others. It is through this prism that we discuss the infamous Bonnot Gang and Russian Nihilists, groups that engaged in “campaigns” of robbery and assassination, and are celebrated for their refusal of respectability in order to wage war on the state.

Celebrations of criminality are not new to the anarchist project. Also age-old is its adversary: “moderate” voices that dismiss the long history of violent (and often criminal) resistance. General historical accounts of Anarchism, an exemplar of which is Black Flame, choose to focus on more conventional (largely union-based) attempts to seize power from the capitalist class. This often leaves anarchists with a simplistic dichotomy between “adventurists” and a “true” anarchism that organizes working-class interests to seize

power over the economic sphere through something like a union. This simplistic dichotomy ignores the ways in which the working class has often been quite enamored with criminal resistance (cf. E. P. Thompson's *Making of the English Working Class*, or even James C. Scott's *Domination and the Arts of Resistance*). Numerous histories of working class revolt demonstrate the centrality of criminal resistance and not simply as an adventurist game played by disaffected bourgeoisie. Criminality has been equally as important in anarchist history. The most notable examples are Strinerite Individualists, the "Bonnot Gang" and Russian Nihilists, such as Sergey Nechayev. Rather than defanging such movements by presenting them in palatable terms, something to which these revolutionaries themselves would object; the purpose of this paper is to explain the dynamics of a certain posture within and toward action.

We would like to address the arguments constructed by those with which we find affinity. Addressing only those involves a choice not to discuss the absurdity of a discourse on responsibility. This is because we have no interest in engaging the problems of anarcho-moralism or prefigurative concepts of strategy that substitute performance for actual engagement. We leave these issues to platformists and organizations, such as Deep Green Resistance. This discussion is instead among those with which we do find points of convergence: those who operate within a tradition whose acts are primarily illegal. For this tradition, illegality is not a means to a political end, an inconvenient byproduct of being radical, or a risk to be faced when being confrontational. Illegalists live criminality as a way of life.

There is a certain symbolic element introduced to conversations of illegalism that is, for lack of a better term, activisty. Activism misrecognizes the actions of illegalists as a symbolic protest against law. Illegalism in this portrayal exists only as a reaction to law itself, as a codified structure, and thus misses the material dynamics of the operation of law. The generic concept of law is without

dent concept of law; criminality is material action in an of itself, the act of breaking of laws and the material antagonism toward law. While the criminal is a subjectivity, criminality is a hostility. Illegalism as subjectivity limits itself to performing illegal actions, committing crimes, and discussing their importance as ethical. Illegalism as hostility begins with the dynamics of the action in order to develop an antagonism toward policing, one that differentiates between friends and enemies in a material sense. But how is illegalist hostility a form of criminality, rather than merely as the committing of crimes? Hostility does not perform conceptual rejection, even through the polemical exercise of activism with guns or the loud rejection of law through a politics of complaint. Hostility is built not declared, it is constructed against the actual material threat posed by the logistics of policing. The law parades as a concept to give the false impression of an all-pervasive power that can be resisted everywhere through even the most mundane acts of minor resistance. Materialist illegalism sees through such a bluff; the actions of the illegalists posit that there are gaps in law's coverage and that the logistics of policing were vulnerable. Whereas subjectivity's reward is public recognition of a declared opposition to the law, hostility expands its subversive power through the shared exploitation of its gaps and absences. Stated diagrammatically: criminal, subjectivity, opposition, recognition; criminality, hostility, exploitation, subversion.

In addition to subverting the law, illegalist hostility is also a direct attack on the functioning of capital. Such an attack does not reject the means of production, although theft does reject the concept of production as possession, but through direct raids on the content of capital. As such, the illegalist tradition opens to a fundamentally different perspective: illegalism not as rejection-based response to law but as a hostility toward the function of law. As a result, illegalism undermines policing in a direct, material, strategic, and necessarily insurgent form of the act. Hostility does not treat law as an emperor without clothes; it need not be denuded,

actions take on value to the degree that they become distinct from the actions of others but also, in an inversion of Kant's ethical imperative, to the degree that the individual exists in violation of this conceptual outside of the law. In individualism's fight to eliminate conceptual spectres (to borrow a term from Stirner), the ethical injunction to act illegally reinscribes legality, as the individualist self as the monistic agent is defined first through their closeness to conceptual statism and only secondarily finds value according to the distance they are able to create from it.

The consequence of an ethical opposition to the concept of the state, is radical monism. Locking power and resistance together, it is a complete rejection of the outside of desire. This speculative criminality is thus ironically thoughtless, forever damned to a futurity beyond immediate desire, always looking over their shoulder to act in relation to an enemy. As such, desire is falsely understood as operating completely within the framework of the self. The ethical injunction to always already act illegally thus forms an obtuse illegalism unaware of strategy, the materiality of the state, and the function of the police. Just as in Kantianism, the actions of this blundering illegalism are isolated from their dynamics, for they are expressed conceptually and deemed relevant to the degree that their conceptual definition is expressed through the medium of immediate action¹⁰. The obliviousness of this illegalism is its fundamental ignorance to the strategic elements of illegalist action: the use of the car in robberies, safe houses, evasion techniques, and the casing of sites. Obscuring the strategic elements of the action, abstract illegalism cannot think its only criminality; for them, criminality is the deft trick of "getting away with it" unique to moments of spontaneous genius, exceptional circumstances, or incredibly luck.

We distinguish between criminal and criminality: criminal is a defined subject (in the sense that one is a criminal, one who breaks the law), an isolated self inscribed as a subject through the transcen-

¹⁰ Kant 49–62

fixed content and only becoming meaningful through codification and police logistics. Resisting the hollow content of the state is for those who define all existence conceptually; those who live by nothing but a conceptual form of political positivism. These positivists dream of living on the limits of existence, but in fact only practice a form of ethical absolutism; their basic injunction is that law must always already be violated with every breath and with every beat of the heart otherwise illegalism becomes reduced to nothing but an intention to break the law. In this form, illegalism offers nothing more than a strongly-worded critique that everybody knows but no one reads; limiting illegalism to this obliterates everything interesting and useful about criminality. To begin to grasp the dangerous core of illegalism once again, the volatility contained within this tradition, requires us to re-evaluate the dynamics of the actions taken by those identified with this tradition.

Materialist Illegalism

The Bonnot Gang is perhaps the penultimate example of the criminal tendency within Individualist (specifically Strinerite) Anarchism, both because of their historical notability and their successes. These are interrelated facts of the gang, however, as the Bonnot Gang would not be notable were it not for their innovations in the field of bank robbery, which naturally lead to their successes. Firstly, the Bonnot Gang utilized getaway vehicles when the police were still primarily moving about on foot, giving them the ability to spirit themselves away from the scene of the crime and then disappear (from the eyes of the police at least) into the anarchist underground of the time. The Gang also initiated a conceptual shift in policing with regards to their utilization of firepower; the Bonnot Gang like many individualist anarchists of their time carried about and used the readily available Browning High Power 9mm pistol, a weapon that had a significantly higher rate of fire and

magazine capacity than the revolvers used by the French police. Because of these factors, and the rather daring robberies that it allowed them to pull off before their eventual trial and execution (for the members who did not die in shoot outs with the police) the Bonnot Gang also struck a chord with their contemporaries becoming notable historical figures. For the bourgeois who condemned them, and whose condemnations lead to much of their notoriety outside of the anarchist milieu, the Bonnot Gang represented a complete breakdown of the social order, working class youth armed with high quality weapons robbing banks and breaking into the houses of the rich to make off with their property. The anarchist milieu, on the other hand, was split over whether the Bonnot gang was a pure expression of individualist anarchism or simply a pointless lashing out, regardless of how legitimate the targets were.

One of the problems of the fairly histrionic response to the gang, whether supportive or derisive, is that the Bonnot Gang itself has become a semi-mythical group, often confusingly viewed as Nietzschean Übermensch rather than human beings. The Bonnot Gang “were not at all extraordinary people or anarchist supermen,” Richard Parry notes in *The Bonnot Gang* that we should neither gloss over their exploits nor “glamorize or make heroes” of them.¹ What is extraordinary about the Gang is not that they were criminals, as plenty of working class people engaged in bank robbery, and plenty of anarchists have been involved in criminal activities, such as forging bank notes or assassinating class enemies. Thus, while some groups simply declared themselves a ‘street gang with an analysis,’² the Bonnot gang truly was one, if only because of their decision to act on a readily available milieu. What is glossed over in many hagiographies of the Bonnot Gang is their actions were in line with much of the Strinerite thinking at the time; for example, Pere Peinard, an anarchist paper with

¹ Parry, 6

² A slogan of Up Against the Wall Motherfuckers.

Underlying these spectacular attacks was a consistent tactical ideology. While Russian Nihilists never exerted the charismatic historiography of criminals such as the Bonnot Gang, Anna Geifman’s *Thou Shalt Kill: Revolutionary Terrorism in Russia 1894–1917* can scarcely contain its distaste for the architects of these attacks, they were criminals whose choice of crimes (assassination, maiming, extortion, expropriation) was consistently aimed at destabilizing the Tsarist Regime and although there was a strong symbolism to dynamite obliterating a state functionary their intention was not notoriety or the symbolic nature of such an action. Thus, while their actions are (historically) unceremoniously shoved over the dividing line into “bad” criminal behavior (especially given their almost pathological concern for bystanders) what should be evaluated is the efficacy with which they carried out their task.

Criminality As Hostility

There is a distinction between crime and criminality. This distinction does not appear in the frame that takes actions in violation of the law as its fundamental distinction. To frame the totality of the illegalist tradition in this light is to view illegalism from the perspective of its other; beginning with what others will determine, from some removed administrative point of view, to be illegal, to be criminal, to be in violation. The common reading of illegalism in the contemporary insurrectionist/nihilist milieu oddly combines this notion of the illegal with two others: an isolating individualism that follows from a concept of the individual as a site of inscription for all possible dynamics and meaning; and a strange ethical politics based in the injunction to always already take illegal actions. Illegalism here becomes discussed as an odd form of political Kantianism as framed through a concept of egoism wherein the actions of an isolated individualist is inscribed with an administrative connotation that is attached to an ethical injunction. That individuals

streaming into Russia while gold is streaming out.”⁷ The scale of violence against state functionaries was almost unimaginable, in 1905 alone, 3,611 government officials of all ranks were killed it is probably without irony that one official remarked “one is surprised they have not yet killed all of us” given the near daily assassinations.⁸ One of the reasons that violence became so effective, however, is directly traceable to the avowed amorality of figure-heads like Neychev, specifically assassins no longer solely targeted high profile and particularly odious members of the regime; rather all public officials were considered acceptable targets as were their families. In one case a socialist group assassinated a police informant’s father so they could kill him, their actual target, at his father’s funeral. This amplification of violence by widening the range of acceptable targets combined with readily available bomb making materials and the chaos throughout Russia as a whole allowed terrorism to become “both the catalyst for and the result of Russia’s internal crisis. On the one hand individual assassination attacks and expropriations played a primary role in undermining the political and economic stability of the tsarist regime, inhibiting its efforts to wage an effective anti-revolutionary war... On the other, terrorism was allowed to assume enormous proportions only as a consequence of a whole complex of revolutionary events in Russia.”⁹ The Nihilists, as a tendency rather than a uniform movement, were able to practice their ideology only because of the conditions in Russia, however their wanton attacks on government officials (including acts as small scale as walking about with sulfuric acid and throwing it into the face of the first policeman they encountered and as large scale as grenade attacks on highly ranked government Ministers) helped exacerbate the conditions which allowed them to practice their ideology in the first place.

⁷ Geifman, 16

⁸ Geifman, 39

⁹ Geifman, 20

wide working class readership: “incited to theft, counterfeiting, the repudiation of taxes and rents, killing and arson. It counseled the immediate assassination of deputies, senators, judges, priests and army officers.”³ In essence, there was widespread intellectual approval for the actions of the Bonnot Gang and others within the Strinerite tradition – and it was expressed in widely-read argument in a proletarian paper!⁴ Truly remarkable is the milieu in which the Bonnot Gang acted, for it reflects a generalized rejection of authority; rebuffing policemen and union stewards alike.

Despite the power of this milieu and the commendable bravery of the Bonnot Gang, many histories of illegalism fall into the ideological trap of separating ‘real’ criminals from political ones. Parry, for instance, argues that the accomplishments of the Bonnot Gang “took precedence over that of a banker,” whose crimes should be duly condemned because he had “embezzled no less than one million francs – two hundred times as much as the illegalists had gotten away with.”⁵ Although such sideline adjudication is far from rare, it is unsavory. However, a larger problem rears its head in the tendency to read the actions of the Bonnot Gang as symbolic (albeit more effective) protest. To clarify, what we are talking about is the tendency to see the Bonnot Gang robbing both banks and wealthy industrialists as an expression of protest against either banks or industrialists. While the Gang was certainly not in favor of the exploitation of the working class by either of these institutions, it was not their intent to be criminals as a form of social banditry, to borrow Habsbawms term, that acted as symbolic protest against the current order, but rather they were criminals to fulfill their individualist desires (food, good clothing, and a good life) which for them

³ Parry, 13–14

⁴ Their individualist arguments are not even particularly noteworthy, one can find similar argumentation offered on almost any insurrectionists bookshelf, even if it is presented in a slightly more contemporary argot.

⁵ Parry, 83

was a form of resistance, even if only through Strinerite logic. Part of the mythologizing the Bonnot Gang as social bandits is the tendency to read revolutionary impulses into any person getting a leg up on the bosses. As Woody Guthrie adroitly notes, there are plenty of folk songs about bandits and outlaws, yet no working class person has ever penned a song about the greatness of their banker, landlord, or boss. It is, however tempting, unfair to view the actions of the Bonnot Gang as symbolic (although that certainly is the way in which they resonate) rather than tactical. That is, the Gang accomplished their robberies because they were engaged in planning and chose to strike where the money is (banks and wealthy industrialists) it is a corollary to this that they were symbolically humiliating the bosses. In fact, one of the reasons opinions within the Individualist Anarchist movement of the time were so divided on the Bonnot Gang was their decision to shoot a bank courier who would not hand over his package of money as he was certainly a member of the working class, even if the Bonnot Gang rightly termed him an exceptionally stupid one. In this sense, the crimes of the Bonnot Gang were tactical ones (even if their aim was simply self-gratification, a revolutionary act by their own credo) rather than symbolic.

Contrary to the tactical selfishness of the Bonnot Gang, the Russian Nihilists spectacular (and therefore inherently if not intentionally symbolic) campaign of terror was a tactical one completely obsessed with the eradication of the Tsarist state. Before going into the particularities of the Russian Nihilists it is worth noting that this is partially because Russian Nihilism, as espoused by Sergei Nechayev is a paradoxically selfless ideology. That is, according to Nechayev the “revolutionary is a doomed man” with “no personal interests, no business affairs, no emotions, no attachments, no property, and no name” because “everything in him is wholly absorbed in the single thought and the single passion for revolu-

tion.”⁶ Because of the suicidal nature of many attacks and the secretiveness of those that were capable of carrying out multiple attacks, Russian Nihilism does not give us individual figures like the Bonnot Gang. However, the Russian Nihilists pursued their campaign of high profile killings of representatives of the Tsarist state (whether high or low ranking) with a single minded devotion that bordered on fanaticism. While the havoc spread by the Nihilists from roughly 1894 to 1917 was indeed spectacular (and thus as a corollary symbolic) especially given the explosive end they visited on a number of state functionaries this was immaterial to their actual aim to completely eradicate the Tsarist regime (although the symbolic nature of their violence was certainly helpful in spreading unrest and terror).

It is worth, at least noting, that there was no formal organization of Russian Nihilism and almost every revolutionary organization to some extent engaged in expropriation and assassination; however, as a tendency Russian Nihilism is an enduring expression of a particular set of principles exacerbated by the situation in Russia in the pre-revolutionary period. Specifically, the Tsarist state was in crisis on almost every front (including military strikes, workers barricades, peasants killing landowners and non-Russian ethno-nationalists attempting to cede from the Russian state) it was exceptionally difficult for the state to administer order. Furthering this crisis was the near ubiquitous nature of bomb making materials; making the task of preventing terrorist “outrages” a Sisyphean task. The prevalence of bombs as an assassins tool was so common that the Russian lexicon began to reflect it, for example the adage that “luck is like a bomb- it can strike one man today, another tomorrow” or the joke that the Minister of Finance had “decided to replace gold currency with dynamite, since dynamite is

⁶ Nechayev, *The Revolutionary Catechism*; he was also an ardent supporter of bomb-making, stating that 1 chemist was worth 12 poets