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Crime, punishment & community policing

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his/her own choosing — there won't be any fancy lawyers or judges in silly wigs).

In addition, the idea of revenge or punishment will have no place in the justice system but it will be more about restitution and compensation for the victim. The aim will be to ensure that the perpetrator of the 'crime' makes some form of recompense to the victim, and that the behaviour is not repeated.

As has been said, we do not have a crystal ball and therefore cannot predict with any certainty exactly what will happen in an anarchist society. We do not claim to have all the answers but hope that this article and others will lead to a discussion among anarchists about how a future society should deal with anti-social elements.

It is a complex area and the only thing which can be said with certainty is that the only solution can be through freedom and democracy.

This in turn implies that there will have to be some form of community forum to deal with these problems. This will however have nothing in common with the current police force. Firstly, the ‘laws’ which are being implemented will be decided upon in a democratic manner. A free and democratic society will have very few ‘laws’ as such as these won’t be necessary. The vast majority of people – given the opportunity to do so – are quite capable of living together in a peaceful and neighbourly way without having laws and rules to tell them what to do. People, for example, don’t need police to tell them to drive on the correct side of the road or to stop at red traffic lights – common sense is enough.

Secondly, the community justice system (or whatever title will be put on it) will itself be under democratic control. It is of course impossible to state precisely what will happen, because the system will be created by the people living in that society, not according to blueprints that we draw up in advance, and may in any case vary from time to time and from place to place. Suffice to say that – as with all other aspects of decision making – maximum democracy will be the hallmark of the anarchist society and thus no individual or group will be given the power to make decisions relating to ‘law enforcement’ by themselves.

Perhaps, for example, people will be elected as investigators when specific anti-social behaviour needs to be investigated. In some cases it will be necessary to have people with particular expertise such as in forensics. But these people will be given no particular positions of power as a result of this expertise – their function will remain purely administrative.

The idea of ‘prosecuting’ an offender will be done away with. Instead – where necessary – evidence will be presented before a democratically elected community forum, weighed up in an open manner with the ‘accused’ given every opportunity to question it (either personally or through a representative of

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of democracy and local organisation that — as already pointed out — the state will simply not allow it to happen.

The absence of just such a political strategy is patently obvious in the North, where — as stated earlier in the article — the very phrase ‘community policing’ is much abused. What is currently being witnessed on the ground in working class communities in the North is certainly not community policing. Nor could it even be said to be moving in that direction. The people involved in implementing what they describe as community justice are not in the least bit interested in looking at the causes of crime. Indeed their political allies are in many cases sitting in government, propping up a system which perpetuates economic inequality, thus ensuring that real community policing can never become a reality. As long as these people remain more interested in making friends in high places — be that with the Dublin, London or Washington establishments — than in challenging the basis of capitalism, we cannot move any closer to a society in which the idea of communities being self-managed and self-policed could become a reality.

After the revolution

So what about after the revolution? Firstly, there is no doubt but that in a free, democratic society which meets everybody’s basic needs the vast majority of crime against property will immediately be done away with. In a society in which everybody has his/her basic needs met — and where indeed there will be many shared luxuries — there will quite obviously be less occasion for crimes against property. But there will still be those who — for whatever reason — want to give society the two fingers. There will still be ‘crimes of passion’ and there will still be people with mental illness who will have to be removed from society for their own protection and that of others.

themselves. If found guilty, dealers would be ordered to cease their activities or leave the area. Those who refused to comply were forcibly evicted through community marches on their homes.

CPAD however before long came under pressure from two sources. Firstly, the state (the cops) moved in to dismantle what they saw as a threat to their power base. The sight of communities organising and bypassing the official structures frightened the life out of the powers that be, so they moved to crush the developing movement. Secondly, the temptation to allow the 'hard men' to sort out those who wouldn't co-operate became too great, and the movement tended to descend into vigilantism.

Ultimately, however, the principal reason why CPAD – and other similar anti-drug movements in the 1990s – failed was because of its political limitations. While focussing on driving anti-social elements out of the community, the bigger picture was missed – ie looking at the causes of drug abuse. While focussing on marches on the homes of small-time pushers living within the communities, the big drug barons were left untouched. Also the focus on forcing the state – health board and other agencies – to put facilities and treatment for addicts in place was missed. Ultimately the CPAD imploded – as a result of both its political limitations and the state's crackdown on it – and within a short period of time, drug abuse and anti-social behaviour was back to its previous levels.

This is not to say that the community activists who got involved and attempted to rescue their communities were wrong, but to say that in the absence of an overall political strategy which aims to change the authoritarian nature of society, such initiatives are inevitably doomed to failure. It is in fact difficult to envisage a situation in which any real degree of community policing could operate under capitalism. A system of community justice must – if it is to be successful – involve such a level

*"...the man who is called 'criminal' is simply unfortunate;...the remedy is not to flog him, to chain him up, or to kill him on the scaffold or in prison, but to help him by the most brotherly care, by treatment based on equality....."*¹

The issue of crime and anti-social behaviour and society's responses to it is possibly one of the most pressing issues facing many people – especially those in working class communities. While it is true to say that the mainstream media and some politicians often – for reasons of sensationalism and for their own political ends – over-hype the "crime problem", it is also a fact that in many of the poorer and more deprived housing estates in urban areas North and South many people do live in something near a state of siege². Housebreaking, vandalism, joyriding, alcohol and drug abuse and even physical attacks (including muggings, rape and stabbings) are far too often a regular feature of life in many areas.

In this context, the implementation of the 'Good Friday Agreement' in the 6-Counties has seen the issue of policing become one of the most contentious areas of disagreement between the political parties. Long hours of negotiation have taken place in an attempt to establish a police force which will be 'acceptable to both communities'. While there is no doubt whatsoever that the RUC is a totally discredited (something which will hardly be changed by changing its name!) and sectarian police force and while the issues of the continued use of plastic bullets and the failure to face up to past human rights abuses are important, surely the debate about its replacement should have involved more than what symbols would be worn

¹ Peter Kropotkin, 'Law and Authority', Quoted in 'Demanding The Impossible – A History of Anarchism' by Peter Marshall, Page 31

² Ireland is of course by no means unique in this context

on the caps of the new police force and what flags would fly over their barracks.

The real issues have, in effect, been ignored by the mainstream players — by the politicians and commentators who have been setting the agenda. Interestingly, some of those on the fringes of the debate have actually put forward a somewhat deeper analysis. Speaking in a personal capacity at the ‘Voice of the Lark’ discussion forum in Conway Mill, Belfast on April 3rd 2001, Billy Mitchell of the Progressive Unionist Party (political wing of the Ulster Volunteer Force) stated:

“A new and effective policing service will only be achieved through a new and effective philosophy on policing...that rejects the traditional model of ‘justice’ that is rooted and grounded in retribution... An effective philosophy on policing must include an effective philosophy on justice...So long as justice is regarded as ‘just desserts’ rather than ‘just relationships’ no amount of tinkering with the police service will serve the interests of justice...”³

Punishment beatings

Unfortunately, considered opinions such as these are few and far between in the context of the Northern debate on policing. And what has been happening on the ground in working class communities is not alone worrying but frightening. In the name of ‘community policing’ — and under the cover of there not being a police force ‘acceptable to both communities’ — the number of punishment beatings and shootings has continued to increase. Figures quoted by the “Irish Times” earlier this year claimed a 40% increase in punishment shootings and a 30% in-

³ Text available on the web at lark.phoblacht.net

circumstances of the individual case — to indirect mediation, formal mediation or victim-offender conferencing.

CRJI’s mission statement “*Through a process of empowerment to build a restorative community that is tolerant, responsive and inclusive*” certainly does point to a possible way forward. The central question remains however as to how effective such a system can be while society continues to be organised in a hierarchical manner. To what extent does this remain a laudable objective, or does it have any real basis? Is the real local democracy that is necessary for such a system to operate properly possible under capitalism?

The answer has to be that it is not. It is only if it operates as a constituent part of the state’s ‘justice’ system that it will be tolerated. The facts of the matter are that the state cannot and will not allow any parallel system of justice to operate, no state will tolerate its monopoly on power being challenged by its citizens.

State power

In the 1980s many working class Dublin communities were ravaged by the effects of heroin abuse and the consequent anti-social crime, with addicts needing hundreds of pounds a week to feed their habits and wreaking havoc on their neighbourhoods — the poorest and most deprived areas of the city. In response to what was a desperate situation, communities began to fight back through Concerned Parents Against Drugs (CPAD).

The CPAD movement initially met with huge success and very soon had active groups throughout the city. The movement that emerged was also initially open and democratic. Public meetings in the community — open to everyone — would be held at which suspected dealers were named. Those accused of dealing would be given the opportunity to defend

Is it possible?

Community Restorative Justice Ireland (CRJI) is an organisation which has done extensive work in the area of community response to anti-social behaviour, and has projects based in Belfast, Derry and Armagh. According to their website¹³

“The ultimate goal of restorative justice is not to punish people but to reduce the incidence of socially harmful activity, to promote victim-offender reconciliation and to help create safer communities.”

The work and research done by CRJI is very interesting in the context of looking at the possibilities for alternative systems of community policing. In an article in the Summer 2001 issue of “Spark” (a magazine produced by Ogra Sinn Fein¹⁴), Paddy Molloy of CRJI outlined the method by which it operates

“We believe that when a crime is committed, there is a breach of a three cornered relationship, between the offender, the victim and the community. Our aim is not to punish people but to heal the breach and ensure that no further harm occurs.”

To achieve this outcome, CRJI has put in place a clearly defined process. When a case is referred to them (either by a victim or by someone else), full details are recorded by a case-worker. The case is then assigned to two workers who liaise with all concerned in an attempt to establish the facts, as far as possible. This part of the process helps to identify the needs of all involved and to come up with proposals as to the type of support that may be necessary, what type of mediation is possible etc. The process would then go on — depending on the

¹³ www.restorativejusticeireland.org

¹⁴ The youth wing of Sinn Fein

crease in beatings in the North over the first five months of the year.⁴

What this means in reality is that from January 1st to May 20th 2001, 144 people — an average of approximately one person per day — were either beaten or shot for ‘anti-social behaviour’. Even more frighteningly, more recent figures show that a growing number of those so targeted — by both republican and loyalist paramilitaries — are teenagers. A report prepared by Professor Liam Kennedy of Queen’s University Belfast and published in August 2001⁵ claims that between 1990 and 2000, 372 teenagers were beaten and 207 shot by paramilitaries in so-called punishment attacks. The youngest victim of a punishment shooting was 13 years old while three other children under 14 were assaulted.

So while Billy Mitchell’s comments on policing as quoted above are welcome, it is unfortunate that those to whom he is close politically don’t appear to be listening. Instead of developing an ‘effective philosophy on justice’, his political comrades are setting themselves up as judge, jury and executioner and doling out their own brand of ‘justice’ to members of their communities who they deem to be guilty of anti-social behaviour.

Likewise we have to listen to the pathetic justifications of politicians such as Gerry Adams and Martin McGuinness. While both of them have in recent months said that punishment attacks ‘don’t work’ and are ‘counter productive’, Adams has been quoted as describing them as

“the community responding in exasperation to the fact that there are elements who disregard any sort of acceptable norm and who simply prey upon other members of the community”⁶

⁴ ‘Irish Times’, Friday 25th May 2001

⁵ See ‘Irish Times’, Thursday August 23rd 2001

⁶ ‘Irish Times’ Thursday August 23rd 2001

Furthermore Adams has expressed his worry that his party would lose votes if they weren't seen to be doing enough to combat anti-social behaviour. Yet we don't see or hear from him or his colleagues any considered analysis of the causes or reasons for anti-social behaviour, but instead see a tacit — and indeed direct — acceptance of the authoritarian behaviour of the paramilitaries.

A deafening silence

The silence of the Irish left in general on this issue is deafening. If the RUC or the Gardai were systematically beating up working class kids, there would be an outcry from the left and from liberal and civil rights' groups. If the government — either North or South — were to introduce legislation allowing for kneecapping or the breaking of elbows as the sanction for stealing a car, they would rightly be condemned and opposed every step of the way. Why then do so many stand by and refuse to condemn loudly and vociferously people who call themselves socialists and yet have effectively introduced such laws in what they see as 'their' communities? And let there be no doubt about it, part of the agenda at play here — maybe even the greater part — is the marking out of territory as belonging to either the orange or green bullyboys.

To call such behaviour 'community policing' is a complete misnomer. 'Community policing' implies — in fact demands — that there be fair, open and democratic procedures which would involve the community putting in place a system of fair public trials where evidence would be given and the defendant/accused person would be given the chance to defend him/herself. A most important element of this would be that suspects would be tried by properly elected representatives of the community — not by self-appointed 'representatives'. A system of 'community policing' would also surely involve the putting in

civil rights. An authoritarian society with a repressive morality encourages the psychological disorders which lead to rape, murder and assault. And punishment by its very nature tends to alienate and embitter rather than reform or deter.”¹²

Over one hundred years ago, the Russian anarchist Peter Kropotkin suggested that crime can be divided into three categories :- property related crime, government related crime and crimes against the person. In putting forward this analysis he was arguing that if you remove property and government — in other words if you base society on freedom, socialism and democracy — you remove two of the biggest causes of crime. It could also be argued that a large number of crimes against the person (people injured in muggings, for example) have their root in crimes against property.

This article does not intend to look in any more detail at the nature of criminality. There is much which could be written about the daylight robbery, for example, inherent in the very running of the system — the legal robbery which takes place when large amounts of wealth are diverted from much needed spending on health, education etc. to give tax breaks to big business, the fact that a workers' wages represent only a fraction of the value of his/her labour — with the remainder siphoned off by the boss. This area would demand an article in and of itself. Instead what I want to look at here is whether or not it is possible to have any real form of community policing under capitalism and what if any forms of policing would be needed in an anarchist society.

¹² Peter Marshall: 'Demanding The Impossible — A History of Anarchism' Page 648

have been carried out into fraud and corruption in the planning and political process. Evidence has emerged of large scale fraud in the planning process, in political funding, in the awarding of radio licences. Huge amounts of tax evasion by the wealthy and big business (stealing from the rest of us!!) have been exposed. Yet no one has spent a day in jail as a result of these findings¹⁰. On the other hand Cork Corporation has jailed 6 members of the Householders Against Service Charges Campaign for campaigning against double tax bin charges.¹¹

These are just two examples of the contradictions in definition of what constitutes criminal behaviour. In the 1890s, the French sociologist, Emile Durkheim wrote “*What confers a criminal character on an act is not the nature of the act but the definition given it by society. We do not reprove certain behaviour because it is criminal; it is criminal because we reprove it.*” In other words, what society deems a crime is a crime.

Anarchist analyses

Historically, many anarchists have put forward analyses of crime and punishment, and have looked to suggest remedies both for the current circumstances and for a future anarchist society.

“The constant refrain of the anarchist song is that the system of government and law in modern States is often the cause of, rather than the remedy for, disorder. Most laws in Western democracies protect private property and economic inequality rather than

¹⁰ One Fianna Fail TD, Liam Lawlor did serve a week of a 3-month sentence for failing to supply the Tribunal with full details of his financial affairs.

¹¹ The excuse of the Litter Act has been used. At the time of writing 6 activists have had to serve sentences of three days. More information at www.struggle.ws/wsm/bins.html

place of procedures which would aim more at ensuring that someone guilty of anti-social behaviour would make reparations of some sort to the community or to the victim of his/her crime. Surely punishment is less important than rehabilitation and compensation?

Obviously a system of community policing would involve something a little more developed than this, but the above paragraph gives an outline which shows just how far we currently are from such an ideal. The question which then arises is whether or not it is possible to put in place a proper fair and democratic system of community policing without fundamentally altering the class nature of society. Indeed, before this question can even be properly answered, it leads us to ask what is crime and what are the true causes of crime?

Social deprivation

The Governor of Mountjoy Prison in Dublin, John Lonergan, has pointed out on more than one occasion that the people sentenced to his prison come overwhelmingly from a few areas of social deprivation. Most recently, speaking at the Patrick McGill Summer School in Co. Donegal on the theme of Drugs and Alcohol in Irish society, Mr. Lonergan quoted the results of research carried out in Mountjoy which found that 75 percent of Dublin prisoners came from six clearly identifiable areas, or — as he described them — “*pockets of disadvantage...infested with heroin*”. The percentage of prisoners who had a heroin addiction history, he pointed out, had grown from 31 percent in 1986 to 67 percent in 1996. He went on in the same speech to point out that heroin addiction is a “*social class addiction*” and that as a society we continue to develop communities where only “*certain classes of people are housed*” and where the message given to these people by the broader society is that they are “*inferior*”.

To people who look at political issues on a class basis, what Lonergan is saying is not radical or new. What is quite extraordinary in terms of Irish society is that it is the governor of a prison — and not the trade union movement or even the social democrats or the liberals — who is making this analysis. It is yet another legacy of the so-called ‘social partnership’ between the trade union movement, government, employers and most of the ‘voluntary sector’ — the usual expected ‘voices of dissent’ have been silenced, bought off by the pretence of ‘partnership’.

It is a reflection of the Irish ‘Celtic Tiger’ and the supposed economic good times that the number of women in prison in the 26-County State rose to its highest in recent decades in April 2001. Again the only voice to be heard questioning what was happening was that of John Lonergan:

“At a time when people would be talking about a whole lot of advantages and improvements in society, this is an indication of something — that in 2001 we have a phenomenally high number of women in prison...[the increase in numbers is]...connected into feelings of isolation and loneliness and being totally disconnected to mainstream society...”⁷

Again this might not be extremely new or radical thinking, but at least Lonergan’s analysis attempts to look at the causes of crime rather than taking the simplistic attitude of beating up offenders. It says something that a prison governor can be described as more liberal than people who claim to be socialists! What he is doing is looking beyond the act of stealing a car or breaking into a house and asking a simple question — why? This has got to be the starting point for anyone who wants to develop a realistic and humane response to crime and anti-social behaviour — Why do some people feel so disconnected from society that their response is to engage in be-

⁷ ‘Irish Times’ Friday April 20th 2001

haviour which is damaging both to themselves and to their neighbours? Or to return to the question as posed earlier in the article — what are the causes of crime and anti-social behaviour?

Definitions

The answer must be that the true cause of a lot of the crime in our current society is actually poverty. This of course leads also to the question of what is crime because it is interesting to note just what capitalist society defines as crime and — perhaps more importantly — just what is not defined as crime. For example, in August 2000, a march of 1,000 building workers took place in Dublin protesting about recent building site fatalities. Since the beginning of that year, 13 people had died in the 26-Counties as a result of construction industry accidents. But the deaths of building workers do not appear to be taken seriously and fines levied on building contractors for breaches of safety regulations amount to little more than pocket money. Addressing the protestors, Eric Fleming, SIPTU⁸ branch secretary said that two-thirds of builders found guilty of serious breaches of the safety regulations “*walk away from court with fines of £500 and £1,000.....If there were as many gardai being killed each year, or teachers or nurses, the Government would build a special prison for the killers.*”⁹

If someone pulls a knife on someone else in a drunken row it is (rightly) called murder. If someone kills someone else as a result of forcing them to work in unsafe conditions it isn’t!

This is just one of the many contradictions thrown up in the way society defines crime. Over the past few years the Irish political system has seen a rash of ‘tribunal-itis’. Investigations

⁸ Services Industrial Professional Technical Union — Ireland’s largest trade union

⁹ quoted in ‘Irish Times’ Thursday August 30th 2001