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Anarchy, Crime, and Prisons

Reviews of two books on anarchism's approach to
crime prevention and punishment

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Review of Jacques Lesage de La Haye, *The Abolition of Prison*
and Anthony J. Nocella II, Mark Seis, & Jeff Shantz (Eds.),
*Classic Writings in Anarchist Criminology; A Historical
Dismantling of Punishment and Domination*. Written for
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Movements against the police and prisons have burst out in the US and around the world. They are part of broader rebellions against state repression and the state itself, against exploitation and capitalism itself, against ecological destruction and the whole capitalist-statist-nature-destroying system. These two books are valuable contributions to that struggle.

that he had offered to teach prisoners his art, until he learned that convicted felons were not eligible for a barber's license.)

What Then?

The Nocella et al. editors summarize the view of Malatesta: “Anarchists, unlike authoritarians, do not claim to hold an infallible formula for ending crime as authoritarians propose through laws and force.” (p. 179) As he advocated in other areas of social organization, Malatesta proposed experimentation with different approaches to maintaining public safety. He responded to a fellow anarchist who advocated the communal organization of public safety in a form similar to agencies for public health or transportation, under popular control. But Malatesta was opposed to a specialized or permanent police force, fearing that it would become a new oppressor. Anarchists and revolutionary Marxists have long advocated some sort of popular militia (an organized, armed, people) to replace the police and army.

How would people in a free society deal with social conflicts and harms? “What is the best method for settling problems and conflicts within a collective? We all know it: dialogue, reconciliation, discussion—in short, mediation. It has always existed.” (Lesage de La Haye p. 77)

Lesage de La Haye tells the story of the Indigenous people of Guerrero, in the Costa Montana region of Mexico. (Pp. 67–70) 63 villages formed a federation with locally elected “police captains,” judges, and overall committees. Offenders are treated with mediation, re-education, and reparations—no prisons (the Mexican state was not happy about that). Covering about a hundred thousand people, it has lasted for over ten years (at the time of this publication). He also refers to other examples of successful community management of public safety around the world.

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“It must be utterly destroyed on the day when the people desire to break their chains.” (p. 142)

All the writers look at the irrationality of the laws and the penalties for breaking them, above all of incarceration. Punishment and retribution (really revenge) are denounced as unworthy motives for dealing with harms caused by individuals—especially in a society which has harmed these and other individuals at least as much. The only just motive for coercing anti-social actors would be to protect society from their aggression. Yet the current system is not very effective at that. The people arrested, tried, and sent to prison, mostly come out of prison eventually. Few have been improved and many have been worsened. Many will again break the law and be sent back to prison.

As an argument against the punishment of criminals, several of the authors argue that individuals’ actions are determined by previous conditions, Therefore they should not be blamed if they act harmfully towards others. (This is argued in passages by Godwin, Bakunin, and de Cleyre.) Certainly everyone’s behavior is formed by the interaction of heredity with their biological and social environment. But people do make choices and decisions and may be held responsible for them. This is not a justification for prisons, anymore than it is for whipping blocks, torture, or burning at the stake.

It is not hard to show the evils of prisons. Causing great suffering, they do not pretend to “rehabilitate” their inmates. “Rehabilitation” implies that there is a good society in which some aberrant people have broken the rules, therefore they can be re-adjusted to the good society. Yet actually, we have a bad society in which some people have followed the general competitive, get-over-on-the-other-guy, philosophy, but have done poorly at it. Of course rehabilitation does not work, although I hope Chairman Dimon can find some good jobs for a number of former inmates. (My barber, a good-hearted man, told me

major theorist of anarchist-communism), the Haymarket martyrs August Spies and Michael Schwab, Errico Malatesta, Voltairine de Claire, Lucy Parsons, Alexander Berkman, and Emma Goldman. Much of their selected writings cover general anarchist themes of opposition to the state and capitalism as a background to considering crime and punishment. I am not going to go over each writer's contribution, but rather review some overall themes of these foundational anarchists, together with Lesage de La Haye.

The anarchist authors all agree that laws, legislatures, police, courts, and prisons (and executioners) exist to maintain the power and wealth of the capitalist class and its state officials. These laws justify the greatest "crimes" of all, the robbery and murder of the people of this country and the world by the bourgeoisie and its state forces. These laws and the conditions they uphold are the main creators of the crime, violence, and anti-social aggression from below. This is the starting point of the anarchist analysis of crime and punishment.

Of the conditions of suffering and oppression, the classical anarchists reprinted here focus on poverty and class exploitation. These socioeconomic factors are extremely important to relate to crime and punishment. However, there is only one discussion of women's oppression (by Emma Goldman) and none of racial injustice (except for a brief passage by de Cleyre about the evil of lynching). This is not a limitation of the editors but of the revolutionary anarchists of the time.

An anarchist-socialist society would still have rules of some sort. Kropotkin distinguishes between "two currents of custom," which lay the basis for two currents in the laws. These are, "the maxims which represent principles of morality and social union wrought out as a result of life in common, and the mandates which are meant to ensure...inequality." (Nocella et al.; p. 141) This is the "double character of law." The first current is based on social interaction and mutual aid, while the second current props up the exploiter, the priest, and the king.

Jamie Dimon is the CEO and chairman of JPMorgan Chase & Company, and apparently something of a philanthropist. In a recent column in the New York Times (8/8/21), he begins, "One in three American adults—more than 70 million people—have some type of criminal record...about the same number of Americans [as] have college degrees....Nearly half of formerly incarcerated people are unemployed one year after leaving prison. That is a moral outrage."

So it is, but what to do about the high rate of arrests, of imprisonment, and of post-prison unemployment? Chairman Dimont wants to find jobs for newly released convicts, but what about all that incarceration in the first place?

Many people think that anarchists and other prison abolitionists simply want society more-or-less as it is, but with no police, no courts, no laws, and no prisons. "Common sense" tells them that such a society (if it could miraculously come into existence) would quickly devolve into chaos ("anarchy"). Criminals would have a field day—except in the neighborhoods of the very rich, who would hire private security guards. Eventually, a new repressive state would be formed by either organized crime or the professional rent-a-cops (or both together).

Oddly enough, there are people who advocate something like this: pseudo-"libertarian" right-wingers (some of whom call themselves "anarcho-capitalists," which is not a thing). Even the liberal program of "defund the police" is often misinterpreted to mean "abolish the police"—now, in this society. However, it is pretty easy to argue that our current society, as it is organized with its marketplace in goods and people, its inequality, its poverty, its white supremacy, its sexism, its dog-eat-dog morality, its constant wars, and its general lovelessness—could not exist without repressive laws, police, courts, and prisons. Certainly, things could be made more humane, rational, and flexible—but to altogether abolish prisons, etc., is beyond the scope of capitalism and the state.

“Only a true social revolution can bring the end of punishment by imprisonment.... ‘A society without prisons can only be a society that doesn’t need prisons.’ All the anarchists agree in saying that prison cannot disappear without a radical change of society taking place.” (Lesage de La Haye; pp. 8 & 18) And yet this is often used as a justification for law, police, and prisons.

Let us imagine a different kind of society (call it anarchy, socialist democracy, small-c communism, or a realistic utopia). It would be a prosperous society with a comfortable life for everyone, decent work for all which is productive and even creative, plenty of leisure and free time, equality in all areas including everyone’s standard of living, democratic participation in decision making in industry and community affairs, freedom and respect for women, equality for all racial and ethnic groups, sexual freedom among consenting adults, few limitations on “softer” drugs, and treating more dangerous drugs as issues of public health. Finally, it would have an ideology—taught from childhood—of cooperation, mutual respect, and individual autonomy.

Is it not also “common sense” that there would then be a great deal less crime of any sort, a big decrease in violence, anti-social aggression, abuse of women and of children? I do not say that all anti-social behavior would vanish. But even today, Lesage de La Haye estimates, based on current research, only about five percent of those convicted are “clearly dangerous” having committed “rape, murder, hostage situations, assault with a deadly weapon, shootings.” (p. 95)

Especially in the period of the transition to a new society, a generation will still show the effects of having been raised in the loveless world of capitalism. But it is not necessary to assume that humans will ever be perfect and without flaws. Kropotkin wrote that under anarchism, “There surely will remain a limited number of persons whose anti-social

passions...may still be a danger for the community.” (Nocella et al.; p. 168)

There is a widespread misconception that anarchists think that people are “naturally” good. Anarchists do think that people are capable of goodness, especially if in a society which encourages cooperation and mutual respect. But anarchists also think that humans are capable of badness. This is a major reason why people should not have power over other people; “power corrupts.” Therefore anarchists want to get rid of politicians, bureaucrats, businesspeople, police, wardens, and prison guards.

If there is a lot less anti-social action in a good society, then that remaining bad behavior can be dealt with in a much less repressive, more rational, and compassionate fashion. In their “Introduction,” Nocella et al. write, “In an anarchist society, state definitions of crime would disappear, but conflict between humans would remain. The nonhierarchical and non-coercive strategies defining transformative justice will, to some degree, always be necessary.” (p. 14)

Two Books

These two books deal with anarchist views of crime and punishment, especially in relation to prisons. The little book by Jacques Lesage de La Haye covers his own history as a delinquent, his self-education in prison, his efforts to form family-like communities to help young delinquents, and his general research on the topic of abolition of prisons. Anthony Nocella II, Mark Seis, and Jeff Shantz have edited a collection of writings by early anarchists on the subject of crime and imprisonment. The “classic” authors included are William Godwin (a major precursor of anarchism), P.-J. Proudhon (the first to call himself an “anarchist”), Mikhail Bakunin (a founder of revolutionary anarchism), Peter Kropotkin (a