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anarchist society. The reader is welcome to look them up online, or write to me for them at abobob51@verizon.net. Although Scott tosses around words like "arbitration," he doesn't know what they mean. But I do.

The "anarchist response to crime" is not to bother with crime, which, by definition, anarchy abolishes, but rather to resolve problems between people, or at least, to provide means for their resolution, such as mediation and arbitration, or if all else fails, banishment or execution. The possibilities of such methods should be exhausted before resorting to Scott's cops, courts and prisons. The only difference between Scott's criminal justice system and the existing criminal justice system is that his is a lot worse. The English and American common law judges have been pondering for almost a thousand years issues which have not even occurred to Scott. Their worst critic — and that would be me — would have to acknowledge, as I do, that there is some wisdom in what they have come up with.

Surely a statement like this (the italics are mine) is nothing if not repugnant: "We must accept that it may take a few generations of experience in the new society *and a lot of incarcerations* before society at large is purged of the bad influences of capitalism, authoritarianism, and chauvinism." Or, I would add: purged of the bad influences of leftism, cultural studies (feminist, black, queer, etc.) and moralism. The Marxists promised us that after a few generations (they were vague about the timetable) the state would wither away. They never delivered on their promise. Scott promises that it will only take "a few generations" for anarcho-cops, anarcho-courts and anarcho-prisons to wither away. If these really persist for, say, a hundred years or more, they will never wither away, they will have to be destroyed by an anarchist revolution against a police state that calls itself anarchist. I would rather they never get set up in the first place.

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any real anarchist. The idea of a Screws' Collective to do the community's dirty work is even more disgusting, and it institutionalizes a danger to anarchism. Scott's suggestion that, as anarchism gets established, the need for prisons will eventually wither away, is about as convincing as the Marxist-Leninist idea that, as socialism gets established, the state will eventually wither away. We know how that turned out. The state will never wither away. It must be smashed.

A Different Orientation

I've criticized Scott on many particular points. Until I read his essay, I would never have thought it possible for any self-styled anarchist to advocate a system of police, kangaroo courts, plus prisons with forced labor. I would have taken that to be a bad joke. And it is bad, but, it isn't a joke. I have taken it upon myself to smack it down. It so happens that I have some relevant credentials and education in subjects such as criminal law and criminology (the sociology of law). But any well-informed anarchist who understands what anarchism means, as Scott doesn't, would have come up with most of my criticisms.

The reason why Scott (who is obviously an excitable, college-type twentysomething leftist middle-class white boy) has got his anarchist response to crime totally wrong, is that he has started out by asking the wrong question. The real question has nothing to do with crime and punishment. Those are statist issues, not anarchist issues. Anarchism is about how people could live together as harmoniously as possible. An anarchist society is not concerned with crime and punishment. An anarchist society is concerned with conflict and dispute resolution.

This is not the place for me to reiterate what I've written and published about dispute resolution, and how certain of the several forms of dispute resolution might find a place in an

focused on non-state band, tribal and chiefdom-type anarchist societies, I know that all of them — all of them — provide for capital punishment in some circumstances. But none of them maintain prisons. Capital punishment is compatible with anarchism, provided that the state does not inflict it. Prisons are incompatible with anarchism.

If an anarchist society was really put to the choice whether to imprison certain criminals (presumably for life), or, if for some reason it didn't banish them, to execute them, I say execute them. Because an anarchist society is, I believe, the best possible form of society, though not a perfect one, and if we set one up, nobody should be allowed to wreck it. Capital punishment is regrettable, but it doesn't compromise the anarchist nature of an anarchist society. Maintaining police and prisons doesn't just compromise an anarchist society, it abolishes it as an anarchist society. That is a far too high a price to pay just to keep a few dirt-bags alive.

Scott's anarchist prisons are so horrifying that to debunk him, he does not need to be criticized, merely quoted:

"The best disposition for those who are incarcerated is [for them] to be held separately for sleeping purposes and released for daily work periods. Those who do not choose to work should remain in isolation. Large areas of incarceration facilities should be devoted to food production for use at the facility. Hard work at the facility makes the time pass more quickly and uses up a person's energy so there is less violence between those who are incarcerated. Those who endanger the lives of other people in the prison should not be allowed on work details. We cannot expect incarceration facilities to be self-sustaining. [He's right about that.] They will be a liability the community will just have to accept as part of the price of their freedom."

Except that the community should not accept that "liability," if it wants to remain an anarchist community. The very idea of taking a turn at being a prison guard is nauseating to

According to "Scott," the existing system of crime control is wrong, and contrary to anarchism, because it includes, among other evils, punishment, police, courts, and prisons. In contrast, his anarchist response to crime includes, among other improvements, punishment, police, courts, and prisons. After all, "Anarchists believe that the only true justice lies in personal freedom," and what better ways to realize personal freedom than to restrict personal freedom by punishment, police, courts, and prisons?

"In society, there are only two ways to maintain peace: Cooperation and Coercion." (Not so, but let that pass.) You might think that Scott is about to say that anarchist societies maintain peace through cooperation, whereas state societies maintain peace through coercion — but you would be wrong. If Scott implies that state societies maintain peace only through coercion, he is obviously wrong. People are mostly peaceful and mostly law-abiding in all societies, mostly for other reasons than coercion. Cooperation is even now the main source of social order, as anarchists such as Kropotkin and Malatesta observed. And you might think that Scott will argue that under anarchy, social order will be sustained by cooperation only — but you would again be wrong. But not as wrong as he is.

Scott is highly misleading when he makes statements like this: "Historically, societies with disparities in wealth and prosperity have always relied on coercion to keep those who have been robbed from taking back what is rightfully theirs." This seeming statement of fact is morally rigged, because it mixes up "is" and "ought." Societies with disparities in wealth and prosperity (what is a disparity in "prosperity" if not a disparity in wealth?) have always relied upon coercion to enforce all laws — that is true by definition — not just those which prohibit expropriating the expropriators, if indeed there are any such laws. The law of theft, for instance, applies in principle to everyone, however unequally it is in fact enforced. It applies to theft from the poor (which is usually committed by the poor),

and to some of the ways the rich swindle each other. It applies to acts which have nothing to do with the just distribution of wealth, such as murder, drug use, reckless driving, indecent exposure, and animal cruelty.

In discussing Scott's essay, when I refer to existing law enforcement and legal procedures I am referring to the current United States legal system, except where I indicate that I am drawing on comparative historical and cross-cultural data.

What is Crime?

Scott has his private idiosyncratic idea of what crime "is," which really refers to how he would rewrite rather than abolish the criminal code. In real life, a crime is an act prohibited by the state (or an omission of an act mandated by the state) where this act or omission is subject to punishment by the state after the offender is arrested by the police, prosecuted by a public prosecutor, and convicted after a court proceeding by a judge with or without a jury. All crimes are by definition crimes against the state, whether or not they may also, or may not, affect private interests. So defined, the "anarchist response to crime" is self-evident: to abolish crime by abolishing the state. Scott's proposed anarchist penal code is therefore literally nonsense.

Crime should be left to the state, and left behind when the state is left behind. The question is what to do about undesirable behavior. Now what is bad behavior to some people is not bad behavior to others. Scott, however, has a universal formula for justice, in the grand tradition of anarchists like Plato: "everyone must be entitled to life, liberty, and the fruits of their [sic] labor and no one should be allowed to take these things away from anyone else. Crime is any action which would deprive someone of equal access to these things." Deprive them of these things, or deprive them of "equal access to" these things?

guard. But apparently, for Scott, anything goes when it comes to organizing a collective. If you call it a collective, or call it "popular," anything goes.

Remarkably, Scott goes on to say that "the most violent people in society" cannot be rehabilitated — I agree — and must be banished. Scott is troubled, however, by the fact that those who are banished will relocate to other communities and resume their predatory behavior. But since Scott posits that his anarchist society is also a modern society, we must suppose that the Internet will still be available for posting and disseminating information. Already the state maintains, for instance, registers of child molesters, including where they live, which anybody can access. An anarchist community which has been provoked so far as to expel somebody, and this should only happen in a very serious case, could, and should, post a warning, an all-points bulletin for all other communities. It will then be between the criminal and the community he wants to join, whether he will be allowed to join that community.

But there is another possibility. The incorrigible malefactor might be put to death. Scott objects to capital punishment because it does not, he supposes, deter crime. I am a lot more familiar with the social science research on capital punishment than Scott is, and as I read it, it does says that capital punishment is not a deterrent. But what this means is, not that capital punishment doesn't deter murder (this is the only crime for which capital punishment is constitutionally permissible), it means that it doesn't deter murder any more effectively than does the next most serious punishment, life imprisonment. I've studied this research and I find it convincing. But that is not the last word on the matter.

I am utterly opposed to capital punishment, inflicted by the state. I am not, however, opposed to killing intolerable people, as a last resort. Chronic troublemakers should be banished or, if they won't go away and stay away, killed. Based on my extensive historical and ethnographic studies, which have especially

Do We Need Prisons?

I would have thought that all anarchists would say "no." For fifty years, radicals, including anarchists, have campaigned against prisons. Until now, nobody suspected that there could be prisons in an anarchist society. Anarchists such as Kropotkin and Berkman, based on personal experience, wrote some of the most eloquent critiques of imprisonment to be found. But Scott says they are indispensable. The "most violent elements of society" should be placed in "centers of incarceration" — his euphemism for prisons — for how long, he doesn't specifically say, they must be committed to "the prison system," "without any early release that might threaten the society." However, we cannot allow these prisoners (Scott calls them "parasites," a Stalinist slur) to sponge off the rest of us. It isn't enough to lock them up: they must pay for their punishment and work off their debts to society.

The prison must be "fully self-sufficient." This was indeed the goal (never quite realized) of the earliest prisons, in New York. Scott admits that this will not happen. Slave labor is known to be inefficient. The kind of people who end up in prison are the kind of people with few if any marketable skills. It should be obvious that prison bureaucrats would make their highest priority, getting the most possible work out of the prisoners, and keeping them from escaping, not reforming or rehabilitating them. Scott's anarchist prisons would be the same. Except that they would be controlled by a Prison Guards Collective, a Screws' Collective. What kind of people would volunteer to be prison guards? The only people who would want to be prison guards are the very people who should never be allowed to be prison guards. Most would probably be former prison guards — there will be a lot of them — as such people, who are generally of low intelligence, uneducated, and without marketable skills, are usually good for nothing else. No anarchist, except possibly Scott, would ever stoop to taking her turn as a prison

What does it mean to have "equal access to" life? Is Scott anti-abortion? Beyond that, this generality is as abstract, and as vacuous, as proclaiming inalienable rights to life, liberty and the pursuit of happiness. This is a political philosophy, not a code of conduct. As Scott phrases it, Herbert Spencer or Ayn Rand could agree with it, but they had different ideas about what counts as the fruits of one's labor. Their ideas were better thought out than his.

Scott does go on to try to infuse a little content into these principles: "An Anarchist society recognizes only three types of crime: (1) Chauvinistic Crimes, (2) Economic Crimes, and (3) Violent Crimes." A strange way to rank these categories! What on earth are Chauvinistic Crimes? "Chauvinistic Crimes are those actions that deprive us of freedom or the fruits of our labor because of social prejudices, religious dogma, or personal malice or animosity." But acts which deprive us of these things are either Economic Crimes or Violent Crimes regardless why they are committed. Scott's Chauvinist Crimes are another of his borrowings from the law of the state: they are "hate crimes." But currently, hate itself, or even the expression of hatred, is not a crime: it is only what is called an aggravating circumstance, something which justifies a harsher punishment when it is the motivation for something otherwise a crime already. But according to Scott, in an anarchist society, there is no punishment!

There will be no punishment — however, "there will still be people who want to exploit and victimize others for their own personal satisfaction as well as some reactionaries who want to establish a new system [I thought that was the old system] of domination, exploitation, and social control. To deal with these criminal personalities a society must be able to segregate them from the general population so they cannot harm anyone." Criminal personalities? Aside from psychopaths, whose numbers are negligible, criminals have the same kinds of personalities as everybody else, except that some of them are

above average in impulsivity. To speak of criminal personalities is literally reactionary: it echoes the discredited criminology of a century ago. To attribute crime to individual psychological defects flatly contradicts Scott's opinion that most crime has social sources. In general, the only thing special about criminals is that they have committed crimes. And even that doesn't make them special, because everyone has committed crimes. "Reactionaries" are not mentally ill, they will merely be political dissidents — just as anarchists are now. Criminologists used to talk about "anarchist personalities," as one type of criminal personalities. Are we to follow their example?

Scott is obviously oblivious to the self-contradictory, not to say Orwellian quality of his language — such as this:

"Too often the term justice has been abused to imply retribution, punishment, correction or other forms of coercion or social control. Anarchists believe that the only true justice lies in personal freedom. … our goal is to insure social peace by segregating those who threaten [society] rather than debating and imposing and imposing an arbitrary view of justice based upon the whims and ambitions of parliamentarians, bureaucrats, and autocratic juries."

So, anarchists don't believe in "social control," but they believe in locking up troublemakers who threaten social peace. Pardon me, but if that isn't social control, what is? The only true justice lies in personal freedom, Scott says, from which it logically follows that one good way to assure true justice is to eliminate the personal freedom of criminals.

How is Social Peace Achieved?

In state societies, social peace is achieved — not very well, however — by specialized law enforcers (called police) who arrest suspected criminals and take them before tribunals (called courts) which, sometimes in collaboration with ad hoc citizen

just enough to discourage others from doing what he did (deterrence). But rehabilitation justifies indefinite incarceration, since nobody knows if a prisoner has been rehabilitated, and the authorities, playing it safe, prolong the prisoner's incarceration (they will get bad publicity if, released, he commits more crimes). Often the prisoner, once released, is not so much rehabilitated as just being an old and broken man, not up for committing crimes because he is not up for anything. Scott explicitly rejects rehabilitation — one of the few points in which we are in agreement.

Which leads to the third rationale for punishment: incapacitation. Here the idea is to put the criminal in such a situation (usually, prison) that he is physically incapable of committing more crimes. Scott is enthusiastic about incapacitation, although he pretends, or is perhaps unaware, that what it justifies is punishment. He is big on "segregating" malefactors from the rest of us. He says that they are then in no position to victimize the general population, without noticing that they are in a position to victimize each other, which is very common in prisons (murder, theft, anal rape, etc.) Academic advocates of incapacitation espouse "selective incapacitation" — because we can't lock up everybody — that is, the incapacitation of only those criminals who commit a highly disproportionate number of crimes. These criminologists know that most convicted criminals will never, as they say, recidivate, commit more crimes, but a small number of them will. Unfortunately, social scientists are unable to distinguish the criminals who will recidivate from the much larger number who will not. I think it is not unfair to say that Scott knows absolutely nothing about these matters. But not knowing anything doesn't stop him from endorsing prisons. To the best of my knowledge, he is the first anarchist to do so. Let us hope he is the last.

the question remains, how to deal with the people who, from whatever motives and for whatever reasons, nonetheless steal or otherwise violate the sanctity of property. His essay is about how to deal with the antisocial residue of anarchist utopia, however big or small it may be. So is mine.

I pause at this point to take up the problem of Scott's notion of "punishment." He repeatedly states that in his anarchist society, there is no punishment, while he then goes on to endorse practices and institutions — including forced labor and prisons — which everybody recognizes to be punishments. Scott equates punishment with retribution. Although the word is sometimes used in that restrictive way, retribution is usually understood to be, not synonymous with punishment, but rather as one of the rationales for punishment. I am not sure that even punishment as retribution could have no place in an anarchist society, but in any event, retribution is only one of the generally recognized purposes of punishment.

There are three other major (and several minor) justifications for punishment. One is deterrence, which just means discouragement. Scott seems to assume that deterrence would be a justification for punishment, since he objects to capital punishment because it does not deter. There is specific deterrence and general deterrence. Specific deterrence punishes the offender in order to deter him from doing it again. It is the usual rationale for parents punishing their children. General deterrence means using punishment to make an example of the offender to discourage others from committing the same crime. Deterrence seems to play no role in Scott's penology.

Another rationale is rehabilitation. The idea here is to change the criminal in such a way that he will commit no more crimes. Of all the rationales for punishment, this one is the most sinister, and the most discredited, because it is open-ended, not to mention that it is totally ineffective. Punishment as retribution or deterrence comes to an end, when the criminal has gotten his just deserts (retribution) or he has been punished

bodies (called juries), may determine that the accused did something contrary to social peace (called a judgment or verdict of guilt of a crime). Scott will have none of that. In an anarchist society, specialized law enforcers (called popular militia) arrest suspected criminals and take them before tribunals (called popular tribunals) which may impose a "term of banishment" (or even, as he later indicates, imprisonment). Scott's anarchist criminal justice system is only a simplified, and probably worse version of the existing criminal justice system, which has at least addressed many considerations of which Scott must be totally unaware.

"Historically," Scott relates, "Anarchist societies have replaced professional military and police forces with a part time popular militia which looks out for the safety of the community and would take a person accused of a crime and their accuser before a popular tribunal where any dispute could be arbitrated and any criminal act could be adjudicated and rectified." No "Anarchist societies" ever did any such thing. The only genuinely anarchist socially viable societies so far have been primitive band and tribal societies, and none of them, as far as the historical and ethnographic evidence reveals, ever had anything remotely resembling this system. Nor was any such system in effect in the territories briefly controlled by anarchists in parts of Russia and Spain during their respective revolutions. What Scott describes is much closer — actually, it is very close — to the Cuban popular tribunals under Castro, which are agencies for the imposition of the Communist dictatorship. So much for the appeal to history.

All Scott has done is change the names of the law-enforcing institutions. Put "popular" in front and presto! a coercive institution is an anarchist institution. There is nothing anarchist about replacing full-time cops with part-time cops. Scott's militias, he tells us, "work much like a neighborhood watch except they serve the community rather than being an instrument of police control and manipulation over [sic] the commu-

nity." Scott knows nothing about "neighborhood watch" except that he likes the feel-good sound of the phrase. Neighborhood watch refers to neighbors who have agreed to keep an eye on each other's houses and report anything suspicious to the police. The participants don't patrol the streets, much less arrest people. They aren't an alternative to the police, they are adjuncts of the police. They are the eyes and ears of the police. They expand the scope of state control.

"Anarchist societies," even if they are face-to-face communities, obviously are not organized so as to be directly capable of arresting suspects. The militia does that, in their name, and takes suspects and their accusers before a popular tribunal. In current society, the police cannot make an arrest without probable cause to believe that the suspect committed a crime, and their determinations are immediately reviewed by a judge. There is nothing like that in Scott's scheme. As in a police state, the militia's discretion is absolute. If Scott is to be taken at his word, all it takes is a denunciation to get someone arrested and sent before a "tribunal." That was the system in Nazi Germany and the Stalinist U.S.S.R., although there the trial was often dispensed with. Individuals made extensive use of the opportunity to get rid of their enemies.

"Popular militias," Scott relates, "are made up of volunteers from the community and are delegated their responsibility by the community who [sic] can revoke it at will." In what way is the entire community institutionalized so as to undertake these functions? A general assembly? Is it going to pass upon the applications of each job applicant? Impractical and time-consuming: the assembly has too many other matters to decide. Or will it allow the militia to be self-appointed? There are some people who should never be allowed to be cops, and some of them will be the most eager to volunteer.

Among the other appalling features of this system is that every allegation of wrongdoing is either ignored by the militia or else processed as a possible crime, however trivial it may be. It

session. Among people uncontaminated by law school, some would think that A was justified. Others would think that A had a legitimate grievance but went too far. Few people would think that A should be "quickly segregated," and under the current system, he wouldn't be. Once again the current system turns out to be more humane and reasonable than Scott's.

"In an Anarchist society there is no punishment for crime, only social remedies [isn't punishment for crime a social remedy?]. The only social remedy for an economic crime is 100% restitution." This is blatantly inadequate, because it means that you might as well steal: if you don't get caught, you keep the goods, and if you do get caught, all you have to do is give them back. Laissez-faire libertarians similarly argue that whatever else might be inflicted in the way of punishment, there should be full restitution as far as possible. That is eminently just. The only problem is that it is usually impossible. Stolen money is spent, and stolen goods are consumed or fenced. The kinds of criminals that Scott is thinking of are almost always poor. That, after all, has something to do with why they commit Economic Crimes. If their assets are insufficient, "they may be asked [!] to do labor if this is not enough to correct for what they have damaged or stolen." They won't be "asked," they will be told. Which means a return to involuntary servitude, the chain gang, temporary slavery, a punishment which the current system no longer employs. I daresay nobody before Scott ever thought that forced labor had a place in an anarchist society.

Now Scott claims that his version of anarchy, which is some sort of mutualism — a bastardized cross between socialism and capitalism — is so just and so egalitarian that there would be little incentive to commit Property Crimes, which he supposes would be committed only by kleptomaniacs, slackers and "idiots," since why should anyone steal since there are well-paying jobs for everyone? He is apparently unaware that many embezzlers, swindlers and con-artists have, or could have, well-paying jobs. This is too funny for words, but even if he is right,

be put out of business for good, not empowered. An anarchist society could — and should — dispense with detectives, and could probably do without a forensic "collective" too. Such collectives, Scott tells us, "would serve several communities." They are, then, specialized agencies detached from communities. The state is also a collective whose specialized agencies, detached from communities, attend to various particular purposes. And to their own.

Scott is ignorant of how real detectives operate. They don't start with the crime, as in mystery stories, and trace it back to the criminal. Detectives start with the suspects and work forward to the crime. This often works well because most crime takes place among people who know each other. "The types of crime that would fall under this heading [unwitnessed crimes] would be murders, burglaries, and violent or economic crimes where the perpetrator or perpetrators conceal their identities." Scott seems to assume that most crimes of these types are committed by strangers, and this is the popular view, but it is, to a surprising extent, wrong. Few homicides are committed by strangers. Few rapes are committed by strangers. A remarkably high proportion of what Scott would call Economic Crimes, such as burglary and robbery, are committed by relatives, neighbors and acquaintances of the victim.

To say that "anyone so predatory as to do such things must be quickly segregated from society to protect the community," is savagely punitive in a way far beyond how the current system treats many of these cases. Here's an example of a typical "burglary." A loans his bicycle to his friend B. B fails to return it. A, losing patience, kicks in B's door and retrieves his bicycle. B is at home and tries to stop A, but A pushes him aside. Legally, A has committed two major felonies: burglary and robbery. (It is legally irrelevant that A owns the bicycle, because larceny — robbery is larceny by force or intimidation — is a crime against possession, not title [ownership].) But realistically, what A has done might be called self-help repos-

implies the total criminalization of all deviance. This is not an anarchist utopia, it is a totalitarian nightmare. If my upstairs neighbor won't stop playing his stereo so loudly, my only options are lumping it or calling the police. There is no provision for forms of alternate dispute resolution more suitable to minor problems between people, such as mediation and (non-binding) arbitration. These methods are in fact characteristic of stateless primitive societies, of which Scott is apparently ignorant.

When Scott speaks of his dispute resolution system indiscriminately as "arbitration" and "adjudication," he betrays his ignorance of the difference. His system is, in fact, adjudication, involving an authoritative judgment by a third party not chosen by the disputants, coercively applying a general, pre-existing law. He likens his system to labor arbitration. If he knew anything about labor arbitration, he would keep quiet about such similarities, as most workers are highly dissatisfied with the results of labor arbitrations. But his system is not arbitration, not even binding arbitration, because it lacks critical features of arbitration, where (1) the parties choose the arbitrator, and (2) the parties choose the law to be applied (i.e., the collective bargaining agreement). Under Scott's system, the decision-makers — "tribunals" — are already constituted, and they apply a generally applicable, pre-existing law (consisting of Chauvinistic Crimes, Economic Crimes, and Violent Crimes). (Scott makes heavy use of initial capital letters, as if to give his fancies some substantive reality.) This is no more anarchist than the status quo.

What Scott calls a tribunal is not what this word suggests, an individual or a panel which performs such functions as screening cases and presiding over the proceedings — in other words, judges. The judge is the only feature of the existing criminal justice system which Scott leaves out, but if you maintain everything else about the system but eliminate the judges, leaving them out makes for a system just as bad as the existing one, except that it is much worse. Somebody has to preside over the

proceedings, and the person who does that is known as a judge. But who is he and how is he selected and just what are his powers? Scott has left a lot out of his anarchist response to crime, if that's what it is.

The militia, as noted, is responsible for making arrests, "but, it is the tribunal that is responsible for questioning them as soon as they are apprehended. Tribunals are groups selected at random from members of the community by lottery. They function much like a jury in hearing evidence and making a decision based upon that evidence." The questioning — the trial — commences immediately: nobody evaluates cases to determine if they are meritorious enough to go to trial. The tribunal doesn't function "much like a jury." The tribunal is a jury. In fact, it is more than a jury, it is judge and jury combined. Scott supposes that he is proposing something radically new when he says that juries are to be randomly selected from the community. Juries under the current system are already selected randomly from voter registration records, motor vehicle records, even public assistance (= welfare) records. The only difference between Scott's jury and a real jury is that a real jury is subject to some control by the judge. Scott's jurors are not, and so his reference to current "autocratic juries" is senseless, since real juries have far less autonomy than Scott's juries. It was a jury like this which condemned Socrates to death.

Scott does say that "If a person feels they [sic] have been treated unfairly they [sic] have the right to seek arbitration." If this means what it says, there is a procedure of sorts for appeal, but, is this real arbitration? Where the parties choose an arbitrator? Why should the accuser, the winner, acquiesce in arbitration? If he doesn't, this is appellate judicial review of a criminal conviction, just like what we have now, not arbitration. Can the arbitrator reverse the verdict of the jury? We are by now far removed from the realm of anarchist, popular justice in any plausibly imaginable form. Many disputes are now dealt with, not by invoking the criminal law, but by filing civil

actions. "Anarchist societies," however, "have no lawsuits ..." Neither do totalitarian societies.

So far, Scott's anarchist criminal justice system bears an uncanny resemblance to the current criminal justice system, except that, when it departs from it, it is more arbitrary and unfair. But the resemblance is even closer. There will be "forensic and detective collectives," to undertake criminal investigations of unwitnessed crimes: "The type of crime that would fall under this heading would be murders, burglaries, and violent or economic crimes where the perpetrator or perpetrators concealed their identities." A Detective Collective? I might think that Scott has written a parody of anarchism except that to do that he would have to have had a sense of humor.

When he encounters a problem with his criminal justice system, Scott's solution is always to conjure up a "collective" to handle the matter. Scott is as ignorant of real-life police practices as he is of criminal law. His idea of forensic experts and detective work is a fantasy straight out of Sherlock Holmes and J. Edgar Hoover. Forensic evidence (almost always, this just has to do with matching fired bullets with guns, or testing to identify drugs) almost never solves crimes, be it street crimes or white-collar crimes, although it occasionally strengthens the case against a defendant whom there was already reason to prosecute. Detectives almost exclusively concern themselves with pumping their informants for information so as to set up arrests in victimless-crime cases, usually drug cases. There would be no detectives in an anarchist society.

"In a modern society, we must expect the need for forensic and detective collectives to investigate major crimes." If so, that is one more argument against modern society. Who would be qualified to staff these collectives except former police detectives (who vastly outnumber private investigators, who are themselves usually ex-police) and police crime lab technicians? They would be counter-revolutionary hotbeds. Such people should not be imprisoned, as Scott advocates, but they should