

Crime and Punishment: An Anarchist View

Whoever pays the piper calls the tune

Dermot Sreenan

1996

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JUSTICE IS a great concept... but it has little place in capitalist society. Once you start to question this economic system you find that so much of what we are told is lies. The very attributes which capitalism boasts: Law, Order and Justice, are like props on a film set. The closer you examine them the more hollow and fake they prove to be.

In order to enforce justice you first of all have to decide what's criminal. The French sociologist Emile Durkheim in the 1890's 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.

The people who have always defined what is and isn't criminal have been the ruling class. In pre-industrial Europe crimes fell into two major categories:

1. against the Church
2. against the aristocracy

The rulers, those in power at the time, were the Church and the aristocracy. Heresy, Sacrilege, and Blasphemy were all punishable by death. It was also a capital offence to pick fruit, hunt or fish on the lands of the King or the nobles.

After the industrial revolution the only thing that changed was who decided what was or wasn't criminal. The new ruling class replaced the Church and aristocracy as the authors of laws. They moved the goal posts and set the laws to protect their own property. Property and wealth is, after all, what differentiates the ruling class from the working class.

Victorian Values still alive

The Victorians, those beloved moralists, decided to add a new dimension to how to deal with criminals. Punishment (an idea as old as the Bible) was the way to ensure that lessons were learned. Huge institutions were built to house the mad and confine the criminal. They would be locked up and forgotten about. The ruling class would institutionalise those who did not conform to the norms set down by them. In the field of medicine, advancements have been made which led to a rejection of these primitive views. Unfortunately the same cannot be said for the judicial system. We have Mountjoy (Dublin) and Strangeways (Manchester), prisons still in use in the 1990's even though they were built in the 1800's.

Paper Versus Mary Jane

The laws have changed with the times but still seem to be weighted towards protection of profit and property. Cannabis and marijuana were outlawed in the United States in 1937 after William Randolph Hearst led a campaign against them to protect his paper manufacturing industry. Five years later during World War II the United States department of agriculture released a film called

“Hemp for Victory” which encouraged farmers to grow hemp for the greater good for the war effort.

In the USA they have come up with a new definition for murder which depends on who commits it. A boss who saves money by not providing safety equipment for his workers is responsible for what is termed an “industrial death”. This happens if a worker dies at his place of work due to a work related task. This is not a criminal offence. The American public are bombarded with the latest homicide statistics but are not so well informed about how many “industrial deaths” occur in North America each year.

It’s not what you do, it’s who you are that counts

In the excellent pamphlet by Fr. Peter Mc Verry entitled “Spike Island – the answer to what” he highlights an exemplary couple of cases. A low-paid worker stole a television worth £400. He was sentenced to a year in prison and lost his job. A property speculator bought land for £350,000. He later sold it for £2,500,000. His earnings amounted to £21,500 per week and his search for profit added £400 to the cost of each house. Officially no crime was committed.

This example really brings home to us the fact that justice is also defined by what class you belong to: working class, i.e. the low paid worker, or the ruling class, i.e. the property speculator.

The State Versus the Working Class

Last year John Loneragan, the governor of Dublin’s Mountjoy prison, admitted that 50% of the prison population come from a few deprived areas of Dublin. 75% of the prisoners are under 30 years old and 30% are under 21.

The State, including all the various governments, has changed little in the last 30 years. Regularly we read in the newspapers how the politicians are waging a war against crime. In all reality, they are simply preying on people’s fears. The war is mainly being waged by the police against the poorer working class areas.

The police in larger towns and cities are viewed by some as the enemy. The police are waging the war against crime. The ruling class have defined the crimes. The police seek the criminals in working class areas. Their search seldom takes in the upper echelons of society. In Cherry Orchard they send in the riot police, when corruption is revealed in the beef industry they have a tribunal and manage to find nobody guilty.

Who do the police protect?

Childish notions that the police are there to protect and serve the community soon disappear upon experience. Their primary purpose is to serve and protect the state and its ruling class. Their use, over many years, to smash picket lines during strikes illustrates that point.

Capitalism continues to open the chasm between rich and poor. The poorer people get, the less facilities are provided for them. The councils and government ignore the problems, hoping that nothing will happen or blow up before the end of their term in office.

The police are often the only representatives of authority in these places. They are there to keep a lid on a growing discontent. Last year over 900 complaints were dealt with by the Garda

Complaints Commission, this resulted in just three suspensions from the force. Justice for the police appears more lenient. The state prefers not to punish its foot soldiers. It does not want demoralisation among men and women who do their bit for the class system by dealing with those who will not conform.

“The sin of property we do disdain,
no man has any right to buy and sell
the earth for private gain.
By theft and murder they took the land,
now everywhere the walls spring up
at their command.”

– The World Turned Upside Down

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Retrieved on 10th October 2018 from <http://struggle.ws/ws/crime48.html>
From Workers Solidarity No. 48, Summer 1996.

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