

LAW

THE SUPPORTER OF CRIME

"When justice reigns in society and disorder in the minds of men, laws are enacted. Legislation is enacted. Law being a fresh misadventure, it is continually led to demand from it what can be done to prevent crime. From the over-demand and their morality." It is a no-revolutionary who says this, not even a reformer. It is the jurist, Dalioy, author of the collection of French law known as Repertoire de la legislation. And yet though these lines were written by a man who was himself a maker and admirer of law, they perfectly represent the abnormal condition of our society.



In a... looked upon... need of... bad, people... to also... village... says: "The... parish... in a... bandmen, cattle-breeder, or our spec- ulator argues "It is progressive legis- lation that we require." Down to the old clothe-maker there is not one who does not demand a law to protect his own little trade. If the employer lowers wages or increases the hours of labor, the politician... exclam- ing, "We must have a law to put all that to rights." In short, a law every where and for everything! A law about

"When ignorance reigns in society and disorder in the minds of men, laws are multiplied, legislation is expected to do everything, and each fresh law being a fresh miscalculation, men are continually led to demand from it what can proceed only from themselves, from their own education and their own morality." It is no revolutionist who says this, not even a reformer. It is the jurist, Dalloz, author of the collection of French law known as *Repertoire de la Legislation*. And yet though these lines were written by a man who was himself a maker and admirer of law, they perfectly represent the abnormal condition of our society.

In existing States a fresh law is looked upon as a remedy for evil. Instead of themselves altering what is bad, people begin by demanding a LAW to alter it. If the road between two villages is impassable, the peasant says: "There should be a law about parish roads." If there is stagnation in agriculture or commerce, the husbandman, cattle-breeder, or corn speculator argues, "It is protective legislation that we require." Down to the old clothesman there is not one who does not demand a law to protect his own little trade. If the employer lowers wages or increases the hours of labor, the politician in embryo exclaims, "We must have a law to put all that to rights." In short, a law every where and for everything! A law about

fashions, a law about mad dogs, a law about virtue, a law to put a stop to all the vices and all the evils which result from human indolence and cowardice.

We are so perverted by an education which from infancy seeks to kill in us the spirit of revolt, and to develop that of submission to authority; we are so perverted by this existence under the club of a law, which regulates every event in our life - our birth, our education, our development, our love, our friendship - that, if this state of things continues, we shall lose all initiative, all habit of thinking for ourselves. Our society seems no longer able to understand that it is possible to exist otherwise than under the reign of law, elaborated by a representative government and administered by a handful of rulers. And even when it has gone so far as to emancipate itself from the thralldom, its first care has been to reconstitute it immediately. "The Year 1 of Liberty" has never lasted more than a day, for after proclaiming it men put themselves the very next morning under the yoke of law and authority.

The millions of laws which exist for the regulation of humanity appear upon investigation to be divided into three principle categories: protection of property, protection of persons, protection of government. And by analysing

each of these three categories, we arrive at the same logical and necessary conclusion: The Uselessness and Hurtfulness Of Law.

Socialists know what is meant by protection of property. Laws on property are not made to guarantee either to the individual or to society the enjoyment of the produce of their own labor. On the contrary, they are made to rob the producer of a part of what he has created, and to secure to certain other people that portion of the produce which they have stolen either from the producer or from society as a whole. When, for example, the law establishes Mr. So-and-So's right to a house, it is not establishing his right to a cottage he has built for himself, or to a house he has erected with the help of some of his friends. In that case no one would have disputed his right. On the contrary, the law is establishing his right to a house which is not the product of his labor; first of all because he has had it built for him by others to whom he has not paid the full value of their work, and next because that house represents a social value which he could not have produced for himself. The law is establishing his right to what belongs to everybody in general and to nobody in particular. The same house built in the midst of Siberia would not have the value it possesses in a large town, and, as we know, that value arises from the labor of something like

fifty generations who have built the town, beautified it, supplied it with water and gas, fine promenades, colleges, theatres, shops, railways and roads leading in all directions. Thus by recognizing the right of Mr. So - and - So to a particular house in Paris or London or Rouen, the law is unjustly appropriating to him a certain portion of the produce of the labor of mankind in general. And it is precisely because this appropriation and all other forms of property bearing the same character are a crying injustice, that a whole arsenal of laws and a whole army of soldiers, policemen and judges are needed to maintain it against the good sense and just feeling inherent in humanity.

Half our laws, - the civil code in each country, - serves no other purpose than to maintain this appropriation, this monopoly for the benefit of certain individuals against the whole of humanity. Three-fourths of the causes decided by the tribunals are nothing but quarrels between monopolists - two robbers disputing over their booty. And a great many of our criminal laws have the same object in view, their end being to keep the workman in a subordinate position towards his employer, and thus afford security for exploitation.

As for guaranteeing the product of his labor to the producer, there are no laws which even attempt such a thing.

It is so simple and natural, so much a part of the manners and customs of mankind, that law has not given it so much as a thought. Open brigandage, sword in hand, is no feature of our age. Neither does one workman ever come and dispute the produce of his labor with another. If they have a misunderstanding they settle it by calling in a third person, without having recourse to law. The only person who exacts from another what that other has produced is the proprietor, who comes in and deducts the lion's share. As for humanity in general, it everywhere respects the right of each to what he has created, without the interposition of any special laws.

As all the laws about property which make up thick volumes of codes and are the delight of our lawyers have no other object than to protect the unjust appropriation of human labor by certain monopolies, there is no reason for their existence, and, on the day of the revolution, social revolutionists are thoroughly determined to put an end to them. Indeed, a bonfire might be made with perfect justice of all laws bearing upon the so-called "rights of property," all title deeds, all registers, in a word of all that is in any way connected with an institution which will soon be looked upon as a blot in the history of humanity, as humiliating as the slavery and serfdom of past ages.

The remarks just made upon laws concerning property are quite as applicable to the second category of laws, those for the maintenance of government, constitutional law.

It again is a complete arsenal of laws, decrees, ordinances, orders in council, and what not, all serving to protect the diverse forms of representative government, delegated or usurped, beneath which humanity is writhing. We know very well - anarchists have often enough pointed out in their perpetual criticism of the various forms of government - that the mission of all governments, monarchical, constitutional, or republican, is to protect and maintain by force the privileges of the classes in possession, the aristocracy, clergy and traders. A good third of our laws - and each country possesses some tens of thousands of them - the fundamental laws on taxes, excise duties, the organization of ministerial departments and their offices, of the army, the police, the church, etc., have no other end than to maintain, patch up, and develop the administrative machine. And this machine in its turn serves almost entirely to protect the privileges of the possessing classes. Analyze all these laws, observe them in action day by day, and you will discover that not one is worth preserving.

About such laws there can be no two opinions. Not only anarchists, but

more or less revolutionary radicals also, are agreed that the only use to be made of laws concerning the organization of government is to fling them into the fire.

The third category of law still remains to be considered; that relating to the protection of the person and the detection and prevention of "crime." This is the most important because most prejudices attach to it; because, if law enjoys a certain amount of consideration, it is in consequence of the belief that this species of law is absolutely indispensable to the maintenance of security in our societies. These are laws developed from the nucleus of customs useful to human communities, which have been turned to account by rulers to sanctify their own domination. The authority of the chiefs of tribes, of rich families in towns, and of the King, depended upon their judicial functions, and even down to the present day whenever the necessity of government is spoken of, its function as supreme judge is the thing implied. "Without a government men would tear one another to pieces," argues the village orator. "The ultimate end of all government is to secure twelve honest jurymen to every accused person," said Burke.

Well, in spite of all the prejudices existing on this subject, it is quite time that anarchists should boldly declare this category of laws as

useless and injurious as the preceding ones.

First of all, as to so-called "crimes" - assaults upon persons - it is well known that two-thirds, and often as many as three-fourths, of such "crimes" are instigated by the desire to obtain possessions of someones wealth. This immense class of so-called "crimes and misdemeanors" will disappear on the day on which private property ceases to exist. "But," it will be said "there will always be brutes who will attempt the lives of their fellow citizens, who will lay their hands to a knife in every quarrel, and revenge the slightest offense by murder, if there are no laws to restrain and punishments to withhold them". This refrain is repeated every time the right of society to Punish is called in question.

Yet there is one fact concerning this head which at the present time is thoroughly established; the severity of punishment does not diminish the amount of crime. Hang, and, if you like, quarter murderers, and the number of murders will not decrease by one. On the other hand, abolish the penalty of death and there will not be one murder more; there will be fewer. Statistics prove it. But if the harvest is good, and bread cheap, and the weather fine, the number of murders immediately decreases. This again is proved by statistics. The amount of crime always augments

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and diminishes in proportion to the price of provisions and the state of the weather. Not that all murderers are actuated by hunger. That is not the case. But when the harvest is good and provisions are at an obtainable price, and when the sun shines, men, lighter hearted and less miserable than usual, do not give way to gloomy passions, do not from trivial motives plunge a knife into the bosom of a fellow creature.

Moreover, it is also a well known fact that the fear of punishment has never stopped a single murderer. He who kills his neighbor from revenge or misery does not reason much about consequences; and there have been few murderers who were not firmly convinced that they should escape prosecution.

Without speaking of a society in which a man will receive a better education, in which the development of all his faculties, and the possibility of exercising them, will procure him so many enjoyments that he will not seek to poison them by remorse - even in our society, even with those sad products of misery whom we see today in the public houses of great cities - on the day when no punishment is inflicted upon murderers, the number of murderers will not be augmented by one single case. And it is extremely possible that it will be, on the contrary diminished by all those cases which are due at present to habitual crimin-

als, who have been brutalized in prisons.

We are continually being told of the benefits conferred by law, and the beneficial effect of penalties, but have the speakers ever attempted to strike a balance between the benefits attributed to laws and penalties, and the degrading effect of these penalties upon humanity? Only calculate all the evil passions awakened in mankind by the atrocious punishments formerly inflicted in our streets?! Man is the cruellest animal upon earth. And who has pampered and developed the cruel instincts unknown even among monkeys, if it is not the king, the judge, and the priest armed with law, who caused flesh to be torn off in strips, boiling pitch to be poured into wounds, limbs to be dislocated, bones to be crushed, men to be sawn asunder to maintain their authority? Only estimate the torrent of depravity let loose in human society by the informing which is countenanced by judges, and paid in hard cash by governments, under pretext of assisting in the discovery of "crime." Only go into the jails and study what man becomes when he is deprived of freedom and shut up with other depraved beings steeped in the vice and corruption which oozes from the walls of our existing prisons. Only remember that the more these prisons are reformed, the more detestable they become. Our Our model modern penitentiaries are a

hundredfold worse than the dungeons of the middle ages. Finally consider what corruption, what depravity of mind is kept up among men by the idea of obedience, the essence of law. Consider all this and you will agree with us that a law inflicting penalties is an abomination which ought to cease.

The man who is called a criminal is simply unfortunate; the remedy is not to flog, chain or imprison him, but to treat him with brotherly care.

"Burn the guillotines, demolish the prisons, drive out the judges and policemen and take from the idle middle class the possibility of displaying their vices in attractive colors and few crimes will mar our society."

No more laws! No more judges! Liberty, equality, and human sympathy are the only effectual barriers we can oppose to the anti-social instincts of certain among us.

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