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"DEVIANCE" and PUNISHMENT in ANARCHIST SOCIETY



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“Ras les murs” (Tear Down the Walls)

Translated from French by SonofTomJoad, Ottawa, Ontario, Canada

The original French text can be found at:

http://increvablesanarchistes.org/articles/1981_2000/deviance_prison.htm

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Notes:

1. Pio Marconi, *La Liberta selvaggia* Padova, 1979.

The problem of “deviance,” of “criminality,” in a libertarian society, as well as how to deal with it, has a central value to us anarchists. When considering this issue, not only do we have to respond to some objections that could be classified as “crude,” but we also must explain the viability of the anarchist project in general, that is, as a social organisation without a State, laws or any other economic or moral constraints.

Certainly we are aware that even if an anarchist society could not escape using some form of social control, it would not tolerate any constraining institutions or organisations, legalistic or not, without rejecting everything anarchism represents in the process. As opposed to the authoritarians, we believe that the exercise of the greatest individual freedom possible is not only compatible with the imperatives and demands of social life, but even that it is desirable and inalienable. However, it would be a mistake on our part if we held to that principle at the expense of the community as a whole.

Every society has its “deviants,” and anarchist society won’t be an exception. If protection for the human community is not a duty, it is a right, at least, so how will individuals or groups sit back as harm and abuse are done to them? Is it always necessary in all circumstances to want freedom, never anything less, even for our enemies? Even for enemies who happen to be of the proletariat itself? Freedom for all those who commit “anti-social” acts, for the “monsters” as well? Will it be necessary to allow those acts to happen, or will we have to have some sanctions or punishments? And if so, what kind and for what reasons?

These are questions we must answer but which cannot be figured out with general propaganda formulas. More than ever, we agree with Fabbri, Malatesta, Berneri (among others) that the problems of building a libertarian society must be confronted without delay by trying to propose as well as possible concrete solutions, even limited ones, rather than push them off into the hazy future of the social revolution. Any work that attempts an innovative analysis toward this end will be welcomed.

However, we also think that it’s necessary to be clear in this re-affirmation and deepening of libertarian thought. It would be very dangerous if we, through some “ultra-realism” in our struggle against utopianism, ended up proposing solutions for “assuring security” that were not fundamentally different from the present systems of social constraint.

Criminality as a social problem

Anarchist discourse on “deviance” is rich in new, user-friendly perspectives that take a glimpse at the subject but are relatively lacking in practical solutions.

Yet reasoning based upon such founding abstractions does not have, for us, much sense and cannot help us past the false dichotomy of “exclusion” or treatment of “deviants” in very limited ways.

The gamble of freedom

All societies have their “deviants,” struggles, violence, and we repeat that anarchist society will have its share as well. We believe it is fruitless and dangerous to operate from a starting point based on a vision of a perfect society without “crime” simply because we cannot envision non-coercive preventive actions.

“Deviance” is not just a residue of present contradictions that would be possible to re-absorb gradually. We are convinced like Proudhon that the conflict, the antagonism or “bad” is not necessarily going to disappear automatically, and cannot, should not, be considered as something running counter to libertarian and egalitarian social relations.

On the contrary, we even believe that, to a certain measure, an anarchist society can be envisioned as a society of “deviants” because it does not depend upon the passive participation of its members with a supposedly libertarian structure. Transgression and valorisation of diversity are both the driving force and the essence of all libertarian social dynamics - society which lives with, instead of excluding or marginalising, those outside the “norms.” Better yet, we can say that it is founded on generalised “deviance.” From this point of view, we believe that we can speak about the normalcy, as opposed to the anomaly, of transgression in anarchist society.

This does not mean, of course, that there will be no guarantees of any kind and that we will all be at each other’s mercy. But the society’s right to self-defence and its legitimate reaction could only be designed if restricted to areas not handled through free and voluntary commitments.

It will be a question of advocating a kind of modus vivendi on the contractual and federal bases that will set or determine the rights and responsibilities of everyone. Pacts or contracts will exclude any moral judgement, and it will be possible to create an embryonic contractual right substituting for the principle of punitive restitution of damages.

Freedom itself would be the sole self-regulatory force of society. We others, anarchists, take the risk of freedom.

**Groupe Anarchiste Paris XVè
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Traditionally, this has always been a difficult question. Marconi, an Italian writer, in a book published in 1979¹, described several ambiguities and divergences on this subject among his comrades.

In general, libertarian writers have always strived to explain, on the one hand, the social character of criminality and, on the other, the inefficiency, harmfulness and restrictiveness of any coercive penal or legal system. Today, the existence of repressive mechanisms only codifies and organises the revenge of the community, and, besides deciding the extremity of the punishment they inflict, they are inherently incapable of preventing crime or eliminating it. Not only doesn’t the punishment society inflict on “deviants” educate anyone, but, in fact, it is socially harmful. It is obvious to anarchists that it is better to attack the causes of “criminality.”

Because crime has a social origin, once the society is rebuilt and the intrinsic causes for violence and disorder eliminated, as reflections of the present conditions, crime will disappear as well. Without exploitation, without the State, in a libertarian society, the majority of motives for crimes will vanish. If we create a society in which mutual aid, solidarity and co-operation are developed; all institutional forms of constraint will be rendered superfluous.

Dealing with “deviance”

The positivist optimism of this approach features an under-estimation of the defence of the libertarian community itself. We believe that the problem of “deviance” and the sanctions that could be applied to individuals or groups committing acts considered reprehensible by the entire community and which could not be undone or disproved would have to be confronted.

That said, for us, the means of “dealing with” the transgressor would not be the same as those used by authoritarians. It would always have to be done in terms of defending the social structure and not from a legal or moral angle. It would not be a question of punishment or vengeance for the society but only of defending the conditions allowing the existence of libertarian society.

Overall, we can say that most comrades who have studied this question have primarily focused on the methods of dealing with “deviance” or the “deviant” from a starting point of what we could call the mechanisms of informal control. These mechanisms focus on replacing sentencing and judgement with a moral pressure exercised by all members of the community, that is, community management of transgression control that allows the offender’s re-absorption or prevention of the offence with no recourse to any form of coercion.

However, leaving that process up to everyone or no one, or to the masses’ spirit of initiative, is definitely not a completely satisfactory solution and one that could be impractical or ambiguous enough when it would be necessary to “take some measures.” Who would be responsible for carrying them out, and on what criteria would they be based?

Limits of anarchist neo-realism

It would be even more dangerous for us anarchists, pre-occupied with sticking to the reality of things, to be intimidated by the idea of some suddenly released “wild freedom,” only to return to a logic that assumes the old repressive forms in one way or another.

The greatest danger for anarchists is not in the fact that we might do too much, but that we might do too little. We might recoil from the size of the task and not dare to act when the moment comes for truly radical reforms surpassing anything authoritarian logic can imagine. Not only must we dismantle the current legal institutions (police, prison, judiciary, asylum), but also we must take great pains to avoid reconstructing them in some disguised form.

To be secure is definitely a legitimate desire and essential need. Is it necessary to say that if we are anarchists it is exactly because society such as it is at present does not guarantee security for its members? However, we could not make ourselves proponents under any pretext, in a libertarian society, of maintaining or starting specialised and stable organisations to which the community would hand over the role of establishing or re-establishing order. In the same way, it is not a question of keeping files on people, even limited or temporary ones.

Even more so, an anarchist society would not tolerate the existence of overtly repressive measures meant to deal with dangerous or “incorrigible” individuals, such as exclusion or “segregation” of the “deviant.” Such choices for dealing with “criminals” are typical of totalitarian societies but inconceivable for us, no matter the magnitude of the offence.

Why would a libertarian society, having cleared the table of the past, not choose libertarian integration methods for “deviance” as well? To propose, for example, “enclosed places” to replace prison or asylum, would be, in an anarchist’s mouth, pernicious nonsense.

Besides images of “enclosed places” (for those who can’t be left out in nature) too close for comfort, Huxley’s *Brave New World* has also given us a convincing enough description of what these places would be like, where “unassimilatable” people are free to do whatever they want behind strictly controlled barriers. We know that the road to hell is paved with the best intentions. But, as anarchists, we also believe that we have found the key to all the errors of the past, present and ... future; as far as what has happened to the social reformers: they did not believe enough in freedom.

And if there must be social control, it can only be timely and piecemeal, according to the circumstances and necessities of the moment, but without appealing to any mechanism of segregation or imprisonment, even in the form of “easy time” or re-education of the “deviant.” In fact, it seems to us that “social therapy,” if generalised, would present very great risks of manipulation of the individual and could not be considered an option such as it is. There is not much qualitative difference between therapy based on punishment and that with a socio-moral character.

However, it is obvious that such an approach is far from exhausting the issue. Since we are not going to have an anarchist society tomorrow or the day after, the

idea of “criminality” must disappear with the bourgeois conditions that created it. The fact that future society cannot really anticipate methods of defence against internal or external infringements poses a very real danger to the survival of the revolution.

Who’s crazy?

At any rate, we think that a discussion on “deviance” in anarchist society must analyse the term itself and, before proceeding to imagine appropriate measures to take, we must ask ourselves to whom and why they will be applied. In fact, what is a “deviant” or “criminal” in a classless, stateless society? “Deviant” and “criminal” according to what?

We must not forget that an act or behaviour is “deviant” according to the degree it infringes on commonly-held values. Should anarchists sanction someone who rejects the libertarian system, who retains a loving memory of the former regime? Certainly not! In fact, when speaking of the need for security, self-defence of the society and the means to provide for it, comrades only focus on anti-social acts. Among “deviant acts” are those considered reprehensible, those that directly attack the necessary conditions of social life. We must stress, however, how difficult it is to provide a definition of what constitutes anti-social actions and dangers because such generalisations can put individual freedom at risk.

There is a kind of threshold, a minimum level, of harm caused to other community members (such as murder or rape, anti-social acts by definition) beyond which the interests of the community are at risk, necessitating an appropriate response from that community. But history teaches us that this simple threshold of violence may be more or less expandable. Unfortunately, there are no acts that are anti-social in themselves, and to believe it is possible to demarcate “deviant” behaviours (and the just response of the society) as the direct and unjustified application of violence on living beings or community property is not a fitting operational criteria.

The problem of security in anarchist society is not only in knowing how to deal with the sadists, the monsters. First of all, they are rare and they don’t always bite! Anyway, dealing with them will not require a specialised group.

Let’s not forget either that each society has the monsters it deserves.

Tackling the issue like this seems simplistic. The problem of security cannot be disassociated from the effort to construct the libertarian society itself. This dynamic problem, changing over time, will require varying responses according to location. But to remain within the limits of our subject, let’s emphasise how the hidden vice of all those who deal in these terms is that they all begin with the hypothesis that a perfect libertarian society can exist, harmonious for everyone, a society completely free from the “objective” reasons creating conflict or “deviance.”

We envision “deviants,” all those who commit anti-social acts, as being “deranged,” and people to whom we must make clear the reasons they are in contradiction with themselves and their environment.

“Deviants” from this point of view are anomalies, and it is then “just” and necessary that society treat them the way it does.