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# Legal Anarchism: Does Existence Need to Be Regulated by the State

Sirus Kashefi

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# Legal Anarchism: Does Existence Need to Be Regulated by the State?

**Sirus Kashefi**

A Dissertation Submitted to the Faculty of Graduate Studies in Partial Fulfillment of the Requirements for the Degree of Doctor of Philosophy

Graduate Program in Law  
Osgoode Hall Law School, York University  
Toronto, Ontario

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## Abstract

This thesis asks “*does existence need to be regulated by the State?*” The answer relies on “legal anarchism”, an interdisciplinary, particularly criminal law and philosophy, and unconventional research project based on multiple methodologies with a specific language. It critically analyzes and consequently rejects State law because of its unjustified and unnecessary nature founded on unlimited violence and white-collar crime (Chapters 1-4), on the one hand, and suggests some alternatives to the Governmental legal system founded on agreement and peace (Chapter 5), on the other hand. It furthermore takes into account the elements of time and space, which means the ecological, local, national, regional, and international aspects of the legal system, in its analysis, critiques, and models.

**Keywords:** existence, State, repression, legal system, law, punishment, anarchism, legal anarchism, anarchist alternatives

## Dedication

I dedicate this dissertation to endless non-human and human victims, particularly my sister Sedigh, of unlimited cruelties of politicians and humanity as a whole. My sister is unspeakably suffering from existential injustice. She is a real ocean of pains swallowing an ignorant and cruel family, forced marriage at 14 year old, a poor, ignorant, and wicked husband, three highly problematic children, permanent injustice imposed by the legal system, ... The Iranian States, before as well as after the Islamist Revolution, have played an immense role in her victimization.

*"Is He A Nihilist Dancer?"*

*He makes fun of all scriptures*

*He plays with all philosophers*

*He challenges all authorities*

*He dances with all ideologies*

*Is he is a nihilist dancer?"*

Sirus Kashefi<sup>1</sup>

## Acknowledgements

I express my deepest gratitude to the following Professors who have made this thesis possible by their academic reviews and expertise.

I would like to thank my supervisor Professor Dayna Nadine Scott for her important role and continuous support in solving the issues related to the first version of my thesis as well as helping me to defend the thesis. Contrary to my first supervisor, she has sincerely been very dispositive, comprehensible, and patient. She has also improved my dissertation by her thoughtful comments and useful suggestions.

I would also thank Professors Liora Salter and Edward Peter Stringham for admitting to take part in the supervisory committee and giving feedback and suggestion, which have facilitated my thesis defense. Their opinion and expertise have certainly enriched my dissertation.

Besides them, I have no debt toward any person in writing this thesis, except Professor James Martel who carefully read the three Chapters (at that time, I did not divided the Chapter 1 into two Chapters of 1 and 2) and gave several creative comments and ideas. I would thus like to thank him for his kindness, trustworthiness, encouragement, suggestions, and criticisms that I have used in the context as well as appendix B of this thesis.

I recognize that the language of the thesis is very vehement, but hopefully honest. I do accordingly emphasise that I have critically analyzed “the institution” and not “the person” at all, since naming some people in this thesis means “a structural analysis” that has nothing to do with any “personal attack”, which is not undoubtedly my business. Furthermore, I am certainly an alone individual who must survive by her own capacities in a jungle or psychiatric hospital that we call the world in which presenting some unconventional ideas – of which this thesis would be an example – is so difficult, if not impossible. Let me accordingly invoke Carl Gustav Jung, “*Loneliness does not come from having no people about one, but from being unable to communicate the things that seem important to oneself, or from holding certain views which others find inadmissible.*”<sup>2</sup> For instance, does not academia make some individuals, i.e. those who are unable to adapt, alone or excluded through its horrible hierarchy and rules?

My thesis hopefully neither follows York University’s ideology, nor obeys Osgoodian and anarchist propaganda, but it mostly depicts my own opinion as some misanthropic critiques of authorities, forcibly realized through my existential but painful experience and knowledge. For instance, under the academic and economic pressure and censorship resulting in my huge pains and struggle, including my two hunger strikes, against a very cruel system, I had to highly censor the two versions of this PhD thesis (particularly my detailed arguments against lawyering, academia, and politics) in order to defend it possibly, and to

obtain my second PhD title eventually. I hope that this highly censored version will somehow enjoy the freedom of speech, cherished by academia itself! And as Sophocles said in *Oedipus the King*, "*In the time you will know all with certainty; time is the only test of honest men, one day is space enough to know a rogue.*"

# Table of Contents

Abstract.....	ii
Dedication .....	iii
Acknowledgements .....	iv
Table of Contents.....	vi
Synopsis of Thesis .....	x
Figure 1: The Schematic Plan of the Thesis .....	xiii
Introduction .....	1
Chapter 1: The Critical and Controversial Concepts .....	11
1.1 Synopsis.....	11
1.2 Anarchism, the Anarchist Thoughts, and Libertarians .....	11
1.2.1 Anarchism: From Broadness to Adjectivelessness .....	12
1.2.1.1 Anarchism and Libertarianism: To Be or Not To Be Contrary .....	12
1.2.1.2 Anarchism Without Adjectives .....	15
1.2.2 The Anarchist Movements, Schools, Publications, and Organizations .....	17
1.2.3 The Libertarians: A Privileged and Spoiled Caste .....	17
1.3 The Importance of Anarchism .....	20
1.4 Legal Anarchism: A Complex Discipline.....	22
1.5 Power and Authority .....	26
1.5.1 The Similarities and Differences .....	27
1.5.2 The Critiques of Authority .....	29
1.5.2.1 The Ideological Justification of Authority .....	29
1.5.2.2 The Destructive and Corrupting Aspects of Authority .....	33
1.6 The State.....	38
1.7 Conclusion .....	42
Chapter 2: Some Elements of the State.....	44
2.1 Synopsis.....	44
2.2 State Jurisdiction.....	45
2.2.1 The Creation of Frontiers and the Protection of Citizens .....	45
2.2.2 The Nation-State: The Belligerent and Dirty Misadventures .....	46
2.3 The State and Democracy.....	51
2.3.1 From Liberal Democracy to Theocratic Democracy.....	51
2.3.2 Anarchist Democracy .....	53
2.4 Statelessness.....	56
2.5 The State and Human Nature .....	59
2.5.1 An Old Question in Political Philosophy.....	60
2.5.2 The State's Effects on Human Nature .....	61
2.6 Extremity .....	63
2.6.2 The Extreme Suffering: Organized and Unlimited Violence.....	70
2.6.2.1 The Scale, Intensity, and Legitimacy of State Violence .....	71
2.6.2.2 The Overregulation and Overcriminalization of Individuality and Sociality .....	73
2.6.2.2.1 The Extreme Rules .....	74
2.6.2.2.2 The Extreme Sanctions.....	75
2.6.2.3 The Place of Freedoms and Rights.....	81
2.6.2.3 State Violence Against Nature .....	84

2.6.2.3.1 From Political Violence Against Animals .....	84
2.6.2.3.2 To Political Violence Against the Entire Environment .....	87
2.7 Conclusion .....	90
Chapter 3: The Anarchist Analysis and Critique of the Law and Punishment.....	94
3.1 Synopsis.....	94
3.2 The Introductory Notices.....	96
3.3 The Critiques of the Law .....	98
3.3.1 The Substantive Critiques of the Law.....	99
3.3.1.1 The Materialistic Critiques.....	100
3.3.1.2 The Psychological Critiques.....	102
3.3.1.3 The Legal System .....	106
3.3.1.3.1 The Law School.....	106
3.3.1.3.1.1 The Corporate Center of Indoctrinating Future Lawyers .....	107
3.3.1.3.1.2 Racist Obedience to the Law.....	110
3.3.1.3.1.3 The Lack of Transparency and Democracy.....	113
3.3.1.3.1.3.1 Academic and Legal Dictatorship .....	113
3.3.1.3.1.3.2 The Academic and Legal Sanctions Against the Outsiders .....	116
3.3.1.3.2 Lawyering .....	117
3.3.1.3.2.1 The Lawyers.....	117
3.3.1.3.2.1.1 The Very Bad Reputation and Moral Bankruptcy .....	117
3.3.1.3.2.1.2 A Corporatist and Propagandist Institution of Obedience .....	120
3.3.1.3.2.2 The Judges .....	126
3.3.1.3.2.2.1 The State Sacred and White Men .....	126
3.3.1.3.2.2.2 The Selected Dictators .....	128
3.3.2 The Procedural Critiques of the Law .....	131
3.3.2.1 The Myth of Equality before the Law.....	131
3.3.2.2 The Myth of the Presumption of Innocence .....	134
3.4 Conclusion .....	136
Chapter 4: State Stigmatization and Repression.....	139
4.1 Synopsis.....	139
4.2 The Mechanisms of State Control: State Repression v. Protest Permission .....	141
4.2.1 Absolute Power to Repress .....	142
4.2.2 Begging Permission to Protest Against State Violence.....	147
4.3 Delegitimization: The State Against Its Own Rules .....	150
4.3.1 Historical Delegitimization.....	153
4.3.2 Modern Delegitimization .....	157
4.4 Judicial Legitimacy: The Anarchists vs. the State Criminals.....	166
4.4.1 Accepting vs. Denying Judicial Legitimacy .....	166
4.4.1.1 An Accepted Court .....	167
4.4.1.2 A Denied Court.....	170
4.4.2 A Forced Justice for the Libertarians .....	173
4.4.3 An Impotent Justice for the State Criminals.....	176
4.5 Conclusion: The Hopeful Revolts or Revolutions .....	180
Chapter 5: The Anarchist Alternatives.....	184
5.1 Synopsis.....	184
5.2 The Problems and Principles .....	192
5.2.1 The Problems .....	194



5.2.1.1	The Problems of Utopianism .....	194
5.2.1.2	The Problems of Organization.....	197
5.2.1.2.1	Unbalanced Organization between Individualism and Socialism .....	197
5.2.1.2.2	The Affinity Groups .....	199
5.2.1.2.2.1	Platformist Anarchism.....	200
5.2.1.2.2.2	Synthesist Anarchism .....	202
5.2.1.2.2.3	Class Struggle Anarchism .....	203
5.2.1.3	The Problems of Labour.....	205
5.2.1.3.1	The Leftist Criticisms and Solutions .....	206
5.2.1.3.2	The Rightist Criticisms and Solutions.....	210
5.2.1.3.3	The Leftist Criticisms of Labour in a Free Market System.....	214
5.2.1.4	The Problems of Natural Resources and Technology .....	218
5.2.1.4.1	The Natural Problems .....	218
5.2.1.4.1.1	The Rightist Approach .....	219
5.2.1.4.1.2	The Leftist Approach .....	226
5.2.1.4.1.2.1	From the Ownership of the Environment.....	226
5.2.1.4.1.2.2	To the Liberation of the Environment .....	231
5.2.1.4.2	The Technological Problems.....	234
5.2.1.4.2.1	Radical Anarchism.....	235
5.2.1.4.2.2	Moderate Anarchism .....	242
5.2.1.4.2.3	Excessive Anarchism .....	247
5.2.1.5	The Problems of Money and Taxation.....	250
5.2.1.5.1	The Monetary Problems.....	251
5.2.1.5.1.1	The Leftist Approach .....	251
5.2.1.5.1.2	The Rightist Approach .....	254
5.2.1.5.2	The Taxing Problems.....	257
5.2.2	The Principles.....	261
5.2.2.1	The Principle of Endless Alternatives .....	262
5.2.2.2	The Principle of Agreement and Contract .....	266
5.2.2.2.1	The Foundation of Anarchism .....	266
5.2.2.2.2	The Godlike Contract.....	270
5.2.2.3	The Principle of Decentralization and Autonomy through Federation.....	273
5.2.2.4	The Principle of Non-Aggression.....	276
5.2.2.4.1	The Anarcho-Capitalist Approach .....	277
5.2.2.4.2	The Critiques and Challenges.....	279
5.2.2.5	The Green Principle .....	282
5.2.2.6	Free Love .....	287
5.3	The Alternatives .....	291
5.3.1	The National Alternatives .....	292
5.3.1.1	The Individualist Alternatives.....	292
5.3.1.1.1	The Pure Approach.....	292
5.3.1.1.2	The Synthesist Approach.....	295
5.3.1.1.3	The Critiques of the Individualist Alternatives .....	297
5.3.1.2	The Socialist Alternatives.....	299
5.3.1.2.1	Some Key Ideas.....	299
5.3.1.2.1.1	The Preventive Effects of Public Opinion and Participation on Criminality .....	299
5.3.1.2.1.2	The Temporary Autonomous Zones and Squatting .....	301

5.3.1.2.2 The Mutualist Justice .....	303
5.3.1.2.3 The Collectivist Justice .....	308
5.3.1.2.4 The Communist Justice .....	311
5.3.1.2.4.1 Equality and Consumption According to Need .....	312
5.3.1.2.4.2 The Rainbow Family of Living Light .....	314
5.3.1.2.5 The Syndicalist Justice .....	316
5.3.1.2.6 The Eco-Anarchist Justice .....	319
5.3.1.3 The Capitalist Alternatives.....	324
5.3.1.3.1 The Free Market Law and Punishment .....	325
5.3.1.3.1.1 The Crimes Against the Individual and Her Property .....	327
5.3.1.3.1.2 The Crimes Against the Environment .....	330
5.3.1.3.2 The Free Market Enforcement Agencies .....	332
5.3.1.3.3 Some Critiques of the Capitalist Alternatives .....	336
5.3.2 The International Alternatives .....	339
5.3.2.1 The Rightist Alternatives .....	340
5.3.2.2 The Leftist Alternatives .....	344
5.4 Conclusion .....	348
5.5 My Alternatives and Final Notices .....	352
5.5.1 The Alternatives.....	353
5.5.1.1 The National Principles .....	353
5.5.1.1.1 The Principle of Existence .....	354
5.5.1.1.2 The Principle of Freedom to Choose .....	355
5.5.1.1.2.1 The General Elements.....	355
5.5.1.1.2.2 The Legal Elements.....	359
5.5.1.2 The International Principles.....	361
5.5.2 The Conclusive and Critical Notices .....	362
5.5.2.1 The Severe Criticisms of the Anarchists and Legal Anarchism .....	363
5.5.2.2 My Uncertain Contribution to Legal Anarchism .....	367
Bibliography .....	372
In English and French .....	372
In Farsi.....	453
Appendices .....	454
Appendix A: Acronyms.....	454
Appendix B: Professor Martel's Comment on My Thesis' Three Chapters (before dividing the Chapter 1 into two Chapters of 1 and 2) .....	455
Footnotes .....	457

## Synopsis of Thesis

The dissertation aims to demonstrate that the State is neither justifiable nor necessary. In approaching the question of whether “*existence needs to be regulated by the State*”, it focuses on anarchist theories, which conventional legal scholarship misunderstands or ignores, by putting forward arguments based on “legal anarchism”. The critique focuses on criminal law due to its crucial position in justifying and supporting the need for Government as the most important and solicited institution of modernity. Divided into five Chapters, the dissertation aims to understand both the epistemology and necessity of the State according to anarchist thinking. As such, the thesis canvasses the opinions about the legal system consistent with the individualist, socialist, capitalist, and synthesist libertarians. It questions why all anarchist schools of thought, except the minimalists (questionably believing in a minimal State close to anarcho-capitalism), argue against the State’s nature and justification as the exclusive source of law and order. We cannot indeed understand an anarchist society without considering these critiques of Governmental epistemology and necessity. This society struggles to avoid the overwhelming State violence and corruption that is left unchallenged, if not furthered, by the legal establishment. State legal systems are actually impotent toward the white-collar criminals, including State actors themselves, but tough vis-à-vis the blue-collar criminals.

The research strategy engages with very diverse anarchist thinkers from the left to the right sides of the political spectrum, and from the traditional to the modern schools. In order to examine their theories and alternatives to Government, legal anarchism categorizes them into individualist (e.g., Stirner, Armand, and James Walker), socialist (e.g., Godwin, Bakunin, Kropotkin, Malatesta, Goldman, Berkman, Bookchin, Chomsky, Falk, and Zerzan), and capitalist anarchists (e.g., Friedman, Rothbard, Hoppe, and Stringham), without denying their degree of permeability or synthesis inasmuch as they can simultaneously share certain characteristics, principally, of anarchism, individualism, socialism, marketism, and religion (e.g., Proudhon, Spooner, Tolstoy, Tucker, and Chartier). Legal anarchism does indeed use a synthetic methodology to treat the relationship among Government, humans, and non-humans, since, as various libertarian literatures emphasize, Government has monopolized the regulation of all life and death through a sophisticated system of law and punishment. Despite the fact that legal anarchism, as a dependent discipline, relies on anarchist and legal literatures, it, as an independent discipline, has its own autonomy and liberty to analyze, criticize, or develop them with its specific terminology.

To appreciate the anarchist analysis and critique of State law requires the understanding of several key concepts central to legal anarchism. Legal anarchism defines these terms according to its synthetic

methodology without limiting itself to the specific author. The key concepts include legal anarchism, existence, and the State. Legal anarchism is a multidisciplinary project exploring and challenging the conceptual and practical implications of the State and its various institutions in a fundamentally different way. It is concerned with critically analyzing the materialistic and psychological elements of law, like the role of “law addiction” and capital, both indoctrinated and ensured by conventional approaches to legal education and lawyering. State authority actually survives and develops by not only legal or illegal violence, but also propaganda. Legal anarchism regards existence as encompassing all of human and non-human living within the cosmos. This cosmic definition of existence is observable throughout the libertarians’ critiques of Government (Chapters 1-4) as well as their models (Chapter 5), due to their consideration for the life of humans and non-humans in relation to the universe. Legal anarchism describes the State as an illegitimate institution inasmuch as it does not really build upon its citizens’ consent or democracy, but upon several despotic mechanisms, particularly taxation, legalism, and militarism.

The analysis demonstrates that State authority is neither theoretically nor practically justified. That is, neither divine representation, social contract, voting, the ethos of obeying the law, the monopolization of legitimate violence, nor the defense of liberties and rights, can save the State. It is illegitimate because it imposes itself upon the individual, society, and nature while enforcing its rules without any real agreement. First, legal anarchism demonstrates how the overregulation and brutalization of existence through sanctions produces pains for existence while guaranteeing a luxury lifestyle, founded on income inequality, for the elites. Then, it analyzes how State law produces more problems for humans and nature (e.g., pollution, the destruction of individual and social liberty as well as mutuality) than solutions. The anarchist scholars point to accepted practices of legal education and lawyering because they indoctrinate the students and produce obedience to the law, corruption, sexism, racism, corporatism, and environmental degradation. After that, legal anarchism examines why the anarchists regard the State and its legal apparatus as a stigmatizing and repressive institution toward its dissidents whereby it further delegitimizes itself in violation of its own constitutional laws.

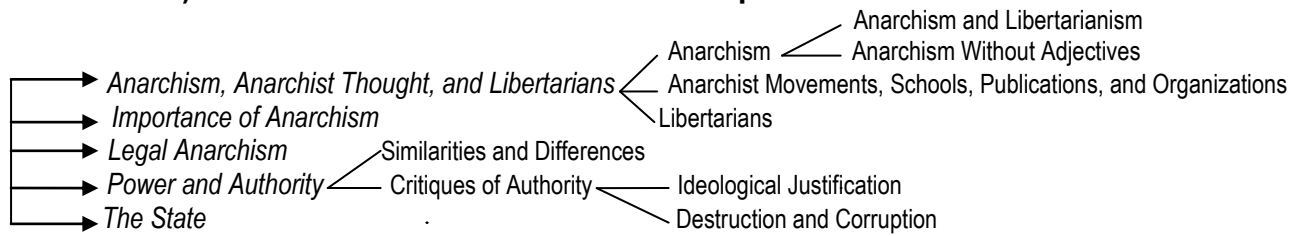
Due to Government illegitimacy and problems, legal anarchism concludes the necessity of its premises as the foundation for governance by advocating certain legal models focusing on individual and social agreement and liberty as well as considering the environmental and international issues of governing. These alternatives substituting the State defend an anarchist society relying on peace, decentralization, direct democracy, federalism, equality including gender equality, and ecology at communal, national, and international levels. They are however contested, particularly around questions of

property rights. There is much disagreement among the libertarians about the goals and strategies of establishing an anarchist alternative or self-governance. For instance, legal anarchism shows that the marketing models of Rothbard, Friedman, Chartier, and Stringham are close to the egoist models of Stirner, Walker, and Tucker because of disregarding or ignoring the social, international, and environmental solutions that the socialist models of Godwin, Proudhon, Bakunin, Malatesta, Kropotkin, Bookchin, Kaczynski, Chomsky, Falk, and Zerzan advocate. Unlike the socialist anarchists, the anarcho-capitalists have built their models exclusively upon the individual's economic interest or private property, which either seriously damages or totally denies the value of the society and nature at local or international level. If certain free market anarchists, like Rothbard and Chartier, have analyzed some legal issues of the environment, their analysis has simply reduced nature to private property.

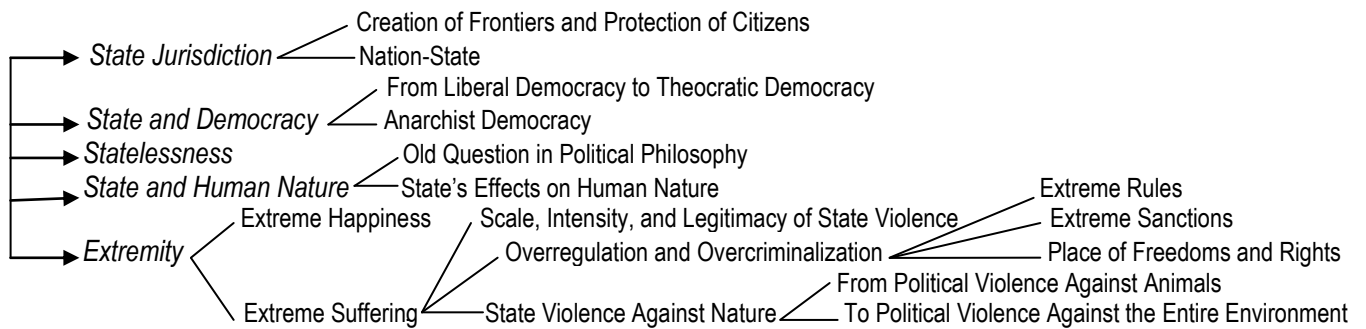
In the end, I articulate my own suggestions and alternatives for how humanity and nature can live peacefully and harmoniously without any central Government, even though some elements of the old order relying on governmentality (e.g., the principles of criminal law) would somehow exist in the new order, but certainly not in a degree that would violate human and non-human dignity and liberty. For example, I conclude that putting the ideas of anarchism into practice, according to the principle of choice, needs more studies and critiques with a positive presentation and stimulation in academia, especially in the law school, and the mass media without fixing them in a dogmatic framework. As such, the dissertation constitutes my possible contribution to legal anarchism, its efficiency, improvement, and future to facilitate a better and safer life for humans and non-humans as well.

# Figure 1: The Schematic Plan of the Thesis

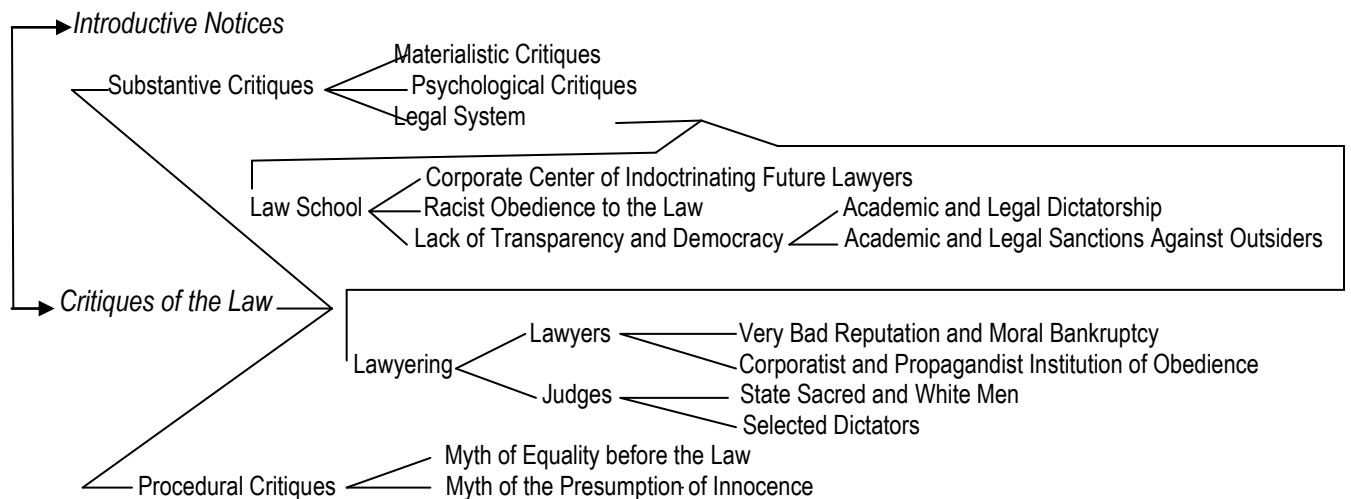
## 1) The Critical and Controversial Concepts



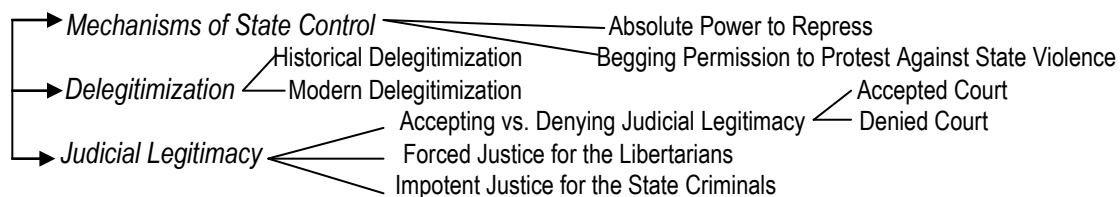
## 2) Some Elements of the State



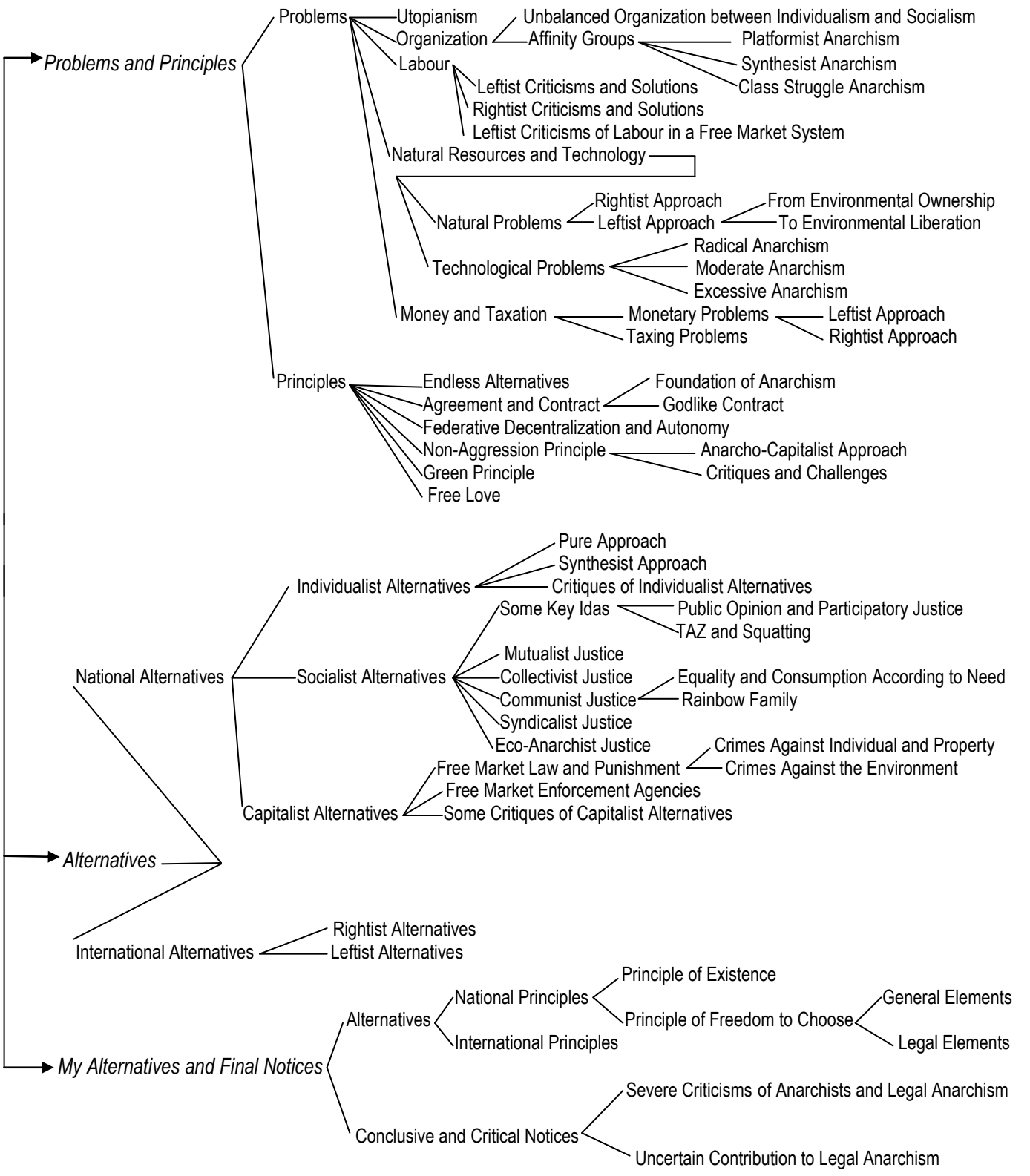
## 3) The Anarchist Analysis and Critique of the Law and Punishment



## 4) State Stigmatization and Repression



## 5) The Anarchist Alternatives



# Introduction

*“Laws are created to be followed by the poor. Laws are made by the rich to bring some order to exploitation. The poor are the only law abiders in history. When the poor make laws the rich will be no more.”*

Roque Dalton García<sup>1</sup>

The question to know whether existence needs State regulation is beyond any doubt a large research requiring exhausting thought in all existential directions: individuality, sexuality, family, education, language, food, housing, healthcare, power, authority, democracy, economy, culture, art, sport, psychology, sociology, history, religion, morality, technology, geography, the environment, etc. This thesis has nonetheless ambition to examine the legal system, which is a big and crucial part of every State, through anarchist ideas. As a result, “*does existence need to be regulated by the State?*” is the legal and philosophical question of the thesis in the framework of what we call “legal anarchism”. The answer to this large question goes hand in hand with the justification and necessity of the State. To have or not to have the State is a very important question. According to Aristotle, human beings are “political animals” needing Government, regardless of its terminology and form in time and space, as either a centralized institution, recommended by the majority, or a decentralized and small community (i.e. self-governance), advocated by the minority. In other words, we cannot avoid the answer to the question of legitimacy and necessity of governance, because the individual and the society should somehow manage their life through some structure and rule internally as well as externally. In this sense, the thesis outlines a project endeavoring to find some elements of answer argued by certain intellectuals that we could regard as the outside the mainstream, i.e. the anarchists who discredit any centralized authority in favor of self-governance.

Although I will explain the principal but highly controversial concepts of the thesis in the first Chapter, let me briefly define three terms central to my project (existence, the State, and legal anarchism) in order to introduce our debate. We could also keep in mind that these concepts are by no means fixed, but evolving in time and space according to circumstances.

I merely define *existence* as humanity and naturality in their physical and psychological identity in relation to each other in the cosmos. According to this definition, human existence mixes with non-human existence in the universe. As a result, we cannot separate the issues of Governmentality from those of nature to which human beings take part. We are actually one part of nature and not its master and proprietor, as insisted by both religion and capitalism. As we will observe, especially throughout “the Green



Principle” (GP) in the Chapter 5, all animals, including us, have an equal right to exist, even though the respect of such a right seems to be dilemmatic. The more humanity advances in time and space, the more legal anarchism takes into account the cosmic characteristics of libertarian models, as explored in the Chapter 5. Besides, as we will later see, the Statesmen/women are doggedly struggling to regulate or even to destroy all existence, i.e. humans and non-humans, legally or illegally. I therefore try to take into consideration non-humans, submitted to our domination so arrogantly and mercilessly, in this thesis. According to this approach, I would like to be “anti-racist” insomuch as I deny humans as a “superior race”– if some people would really like to hear about race – to other races or non-humans, which is not actually far from the philosophy of the so-called “Master Race”.<sup>2</sup> We are just one race with its own “evolution” or even “devolution”. Is there eventually any race more than “nature” because we all belong to the Mother Earth as a small part or a molecule of the cosmos? As a result, is there really any other law than “natural law”?

I define the *State* as an institution that imposes its norms upon a population within a territory by using executive, legislative, and judicial powers. As we will see, these so-called “territoriality” and “separation of powers” are mostly fictive, because all elements of State apparatus obey one rule: the preservation of the status quo and continued State power inside as well as outside State jurisdiction.

By *legal anarchism*, I mean a complex discipline that critically analyzes the law and punishment in terms of several disciplines (especially anarchism and jurisprudence), on the one hand, and presents some alternatives to State law, on the other hand. Legal anarchism first argues why and how authority justifies and imposes itself, substantively and procedurally in the framework of legal system, on the civil society, and consequently causes several harmful effects, such as the destruction of individual and social liberty and autonomy. It then analyzes why we need a Stateless society in which all individuals participate in the matters concerning their life. In this sense, it is neither purely legalistic nor simply libertarian, but principally a mixture of the philosophy of law and anarchism. It tries to understand the ideological and practical elements of legal system, which means a panoply of norms and sanctions, as traditionally monopolized by State violence.

That existential question on governance has hitherto created two groups of intellectuals: “the proponents of the State” (i.e. the Statists or the “archists” according to Professor Martel) and “the opponents of the State” (i.e. the anarchists) who have developed “Statism” and “Statelessness”. We observe that each group has endlessly divided into many different and controversial ideas or “isms”: individualism, capitalism, communism, socialism, monarchism, republicanism, democratism, Judaism, Christianity, Islamism, anarcho-individualism, anarcho-capitalism, anarcho-collectivism, anarcho-

socialism, anarcho-syndicalism, anarcho-primitivism, ethical anarchism, etc. As far as the thesis is concerned, it only analyzes some libertarian ideas for three reasons to avoid a very long and exhausting research by examining all theories of Statists and anarchists about the necessity and justification of the State and its alternatives.

Firstly, from time immemorial, some great bands of iconic personalities and their clans have fervently discussed, justified, defended, worshiped, supported, or implied the necessity of the State to govern all existence of humans and non-humans. They have indeed presented this too big institution as the only salvatory end and means guaranteeing all existential happiness at all levels of individuality, family, community, regionality, nationality, and internationality as well. They have wonderfully done their job through endlessly systematic and institutionalized war, violence, terror, plunder, propaganda, ideologies, and gesticules, such as social contract, utilitarianism, realpolitik, dance, writing, flattering, singing, playing, and sporting. They are people all over the world from, for example, David, Confucius, Cyrus the Great, Protagoras, Socrates, Plato, Aristotle, Jesus Christ, and Muhammad to Hobbes, Locke, and Marx. Their ideas and actions are unsurprisingly well known among the law Professors and their students around the world. To talk abundantly about “polity” or the subjugation of the masses to few “civil authorities” is really a great intellectual and professional fashion as well as achievement. As a result, we can observe the States and their legal systems everywhere!

Secondly, anarchy is at best useless and utopian, at worst a kind of psychosocial and dangerous illness in the law schools, which are perfectly indoctrinating legal professionals to look at the anarchists as “the psychopathic personalities” or “the naïve people”. According to the dominant ideology in these schools, the libertarians are nostalgically living in the past. The original sin of the libertarians is that they do not believe in any type of State law. On the contrary, these new legal professionals are well educated and generously paid to worship the State as the sacred source of law and order. Furthermore, the libertarian thoughts about the law and punishment are mostly unknown or ignored in the law schools in which few Professors and students have certain rudimentary knowledge about some archaic anarchists, especially William Godwin and Pierre-Joseph Proudhon.

Thirdly, the more we think that we know the State, the more it stays out of our knowledge and control to become a gigantic machine, which is deliberately or undeliberately impotent regarding individual and social injustice. In this case, the global financial crisis, matched with austerity measures imposed upon the poor, is currently a striking example. Paradoxically, the State remains at the same time an omnipresent power that forcibly regulates our existence before birth, during life, and after death as well. In this case, the

anarchist critiques and alternatives would precisely provide new reflections on freedom and autonomy in our hyper-regulated life. It would thus be important to analyze the anarchist ideas about the law and punishment.

As for dissertation methodology, it has used library research and collected information and evidence from, principally, many books, articles, and websites. It focuses mostly on the criminal law and philosophy that are indeed my academic education and expertise. The methodological challenges stem chiefly from three facts.

Firstly, anarchism is a heterogeneous group of ideas, practices, or movements, because it has permanently evolved according to the problems of humanity and the environment as well. For instance, anarchism treats the issues related to children, women, aboriginals, immigrants, refugees, discrimination, racism, white supremacy, dictatorship, violence, war, slavery, poverty, exploitation, globalization, art, natural resources, and animals.<sup>3</sup> In other words, anarchism, as *an open-ended model*, contains many different opinions and cases that reveal the similarities and disparities among anarchist thoughts concerning the ends and means to arrive at an anarchist society. As far as the dissertation is concerned, it can be just an individual and descriptive reflection about a highly complex institution called the State. Because a holistic research about this institution is a difficult, if not impossible, task, the dissertation is unfortunately far from fully analyzing all libertarian reflections on the legal system.

Secondly, the anarchists are not often lawyers, but mostly philosophers, economists, or political scientists. Their works are hence more philosophical, economic, or political than legalistic. Law Professor Eltzbacher has judiciously stated that anarchism analyzes juridical institutions from the philosophical standpoint and with reference to their economic effects. Therefore, to understand its essence without falling to all possible misunderstandings requires that one has to be familiar with the jurisprudential, philosophical, and economic concepts relating to anarchism. This Professor has accordingly founded his study about *the anarchistic teachings* upon three concepts of law, the State, and property.<sup>4</sup>

Except the anarcho-capitalists or “*more akin to what Americans call libertarians*”, as Professor Martel has noticed, the anarchists have rarely developed certain detailed systems when it comes to norms and their application in a libertarian society. In other words, if they are extremely deep in their analysis and critique of the law and punishment, they seem to be fragile in their alternatives to State law insofar as they are usually arguing with general and philosophical statements, rather than by legal statements. For them, the ways of putting the anarchist ideas into practice are principally the responsibility of all members of generation and not exclusively that of certain initiated savants. Analyzing their ideas regarding the legal

system cannot be thus reduced to a mere legal methodology, but it requires understanding many other disciplines (e.g., history, religion, mythology, philosophy, ethics, economics, politics, anthropology, sociology, psychology, feminism, and environmentalism), whereby they undermine the justification of State law and propose some alternatives.

For a thesis, it is challenging to remain in a purely legalistic environment while studying libertarian ideologies about law and order. Indeed, the unconventional methodology of the dissertation, which focuses principally on the criminal law because of my expertise and interests, is somehow *surrealistic* inasmuch as it analyzes and criticizes the legal system in a libertarian manner, which is to say outside of the law's Empire. It focuses indeed on legal anarchism, which is an unconventional discipline because of its anarchist nature. In this case, the relationship between anarchism and surrealism would explain the nonstandard methodology and style of the thesis, since reality and imagination (utopianism) overlap each other in legal anarchism to desire a non-hierarchical and decentralized society, i.e. the opposite of our traditional education and culture. When it comes to the importance of legal anarchism, Professor Martel has judiciously mentioned that anarchy and the law generally “*seem so antithetical in the normal ways that law is considered. Anarchism also seems alegal.*” Anarchy and the law are not paradoxically inimical, even though “*the archaic concept of law*” “*seems to demand an exclusive monopoly on law that pushes aside all alternatives.*”<sup>5</sup>

Thirdly, the rich diversities of anarchist ideas make it difficult to classify them according to some fixed frames (such as individualism, socialism, collectivism, capitalism, and environmentalism), because there exists some degree of overlap or controversy among them. For example, we can simultaneously regard Proudhon as an individualist, syndicalist, mutualist, socialist, capitalist (“*petit bourgeois*” according to Marx’s fetishistic terminology), anarchist, or even minarchist who moderately advocated a federal State at both national and international levels.<sup>6</sup> The same difficulty to classify a libertarian thinker is observable throughout the “rightist anarchists” (such as Troy Southgate) and the “leftist libertarians” (such as Tolstoy, Lysander Spooner, Benjamin Tucker, Samuel Edward Konkin III, and Gary William Chartier) in whom nationalist, individualist, socialist, capitalist, anarchist, and religious elements are present and mixed. There is furthermore some degree of permeability in legal division, since we can classify some concepts according to several categories.

For example, the Judge is both applying and creating the law, especially in the common law in which there is the concept of Judge-made-law. As a result, the classifications of the thesis are somehow arbitrary, and principally aim at facilitating the analysis of libertarian theories about law and punishment. In other words, the divisions of topics in this thesis (such as socialist, communist, individualist, substantive and

procedural critiques of law) have their own advantages and disadvantages. The same goes for the substantive and procedural issues of law and punishment, as analyzed in the Chapters 2 and 3 that particularly handle overregulation, overcriminalization, and extreme violence enforced by the Governors. This not only proves State law's violence against humankind and nature, but also requires all citizens' absolute obedience to and independence on State authority and law.

By dividing subjects into different elements, the thesis actually wants to facilitate their analysis without forgetting their similarities and interferences. I should also add the problem of anarcho-capitalism to this challenge, because the social anarchists do not really recognize this type of anarchism, due to its acceptance of inequality and exploitation that exist in the current capitalist systems managed by both political and economic elites. Moreover, some intellectuals (such as Rousseau, Hegel, and Nietzsche) who are supposedly anarchists or a source of inspiration for the libertarians strengthen the anarchist controversies because of embracing liberty and authority.<sup>7</sup>

Despite its multidisciplinary and abundant literature, legal anarchism still seems to suffer from the lack of modern alternatives. I thus try contributing to legal anarchism by building a bridge between its traditional ideas and our modern life requiring new regulation, which I cannot miniaturize according to a simple anarchist life. Is it a kind of modernization of legal anarchism? Perhaps, if I cannot present any viable alternatives to the current legal systems, I am not worried for two reasons. On the one hand, countless great thinkers have already presented many different alternatives in the frame of "isms": individualism, socialism, communism, syndicalism, etc. On the other hand, the masses' endless capacity to be governed by mad men (partly thanks to so-called *charismatic leadership*) has hitherto justified *la raison d'être de l'État*, developed by a significant source of intellectuals and politicians as well. Khomeini is a typical example in this case. As a Mullah supported by some Western Governments to become the charismatic and reactionary leader of the Islamic Revolution, he successfully seduced many Persian intellectuals as well as several Western thinkers, including Professor Foucault,<sup>8</sup> by articulating "anti-imperialism" and "political spirituality".<sup>9</sup> "Economics is for donkeys,"<sup>10</sup> he claimed! This State criminal did perfectly use all his seductive power in the wake of anti-Western sentiment (i.e. Westoxification, Weststruckness, or *gharbzadegi* in Farsi) by which he magnified his authority in establishing one of the most ruthless States in history.<sup>11</sup>

Although I do not present any dogmatic prescriptions, I keep my natural right to criticize. Like all ideas and theories, my critiques are not without controversy. Due to my anti-Governmental ideas, I may not be an objective researcher, but who is not an ideological person? Who is not a "political animal"? Who is

hence an objective individual far from all ideologies? Has not postmodernism challenged formidably “the modern confidence in objectivity and truth”?<sup>12</sup> In this sense, Professor Feyerabend has noticed: “The process of knowledge production and knowledge distribution was never the free, ‘objective’, and purely intellectual exchange rationalists make it out to be.”<sup>13</sup> As for Professor Dayna Scott, she believes that many feminist legal scholars share this notice. My subjectivity does not nevertheless prevent me from analyzing a weight of arguments about the legal system.

Furthermore, this thesis may be my chance to revolt academically against those who have mercilessly put nature and us into a miserable and painful situation through governing and repressing. Let us, i.e. all powerless or voiceless people, stand up against those whose extreme luxury and violence rely on human and animal flesh and blood; a severe language should be our last rampart behind which we can still take a rest and feel our dignity. What fate does existence reserve for us more than revolting against our marginality? My thesis is indeed an unashamed writing against what I see as a highly problematic, if not wholly unjust, institution called the State. In this regard, I challenge not only other ideas, but also my own ones. The gigantic apparatuses of the State, mingled with the masses’ ignorance and cruelty, forced me to immigrate and to endure various forms of injustice, because of my birthplace, poverty, ideas, attitudes, and revolt, as they have perfectly done against my family as well as countless individuals whose existential crime is to be alone and outsider, all alone and outsider.

Throughout my thesis, a reader will indeed realize that I am highly critical of the academicians, particularly the law Professors, apparently paid for justifying the status quo that means all injustice imposed over us by so-called law and order. As we will see, I have presented some evidences that the law Professors are the necessary agents of producing or reproducing authority and hierarchy in whatever is the system.

As far as my thesis outline is concerned, I divide my analysis into five Chapters. Each Chapter contains a synopsis at the beginning and a conclusion at the end in order to facilitate the reader’s understanding. Although I use the term “conclusion” in every Chapter, I think that there is really no conclusion, because every conclusion is potentially able to produce other ideas to become themselves other conclusions, and so on. Professor Martel has accordingly suggested that “anarchism is anticonclusion by definition.” Anarchism actually resembles the Hegelian theory of “thesis”, “antithesis”, and “synthesis” insofar as they are interchangeable. Indeed, we have scarcely a limited idea, rather a group of homogeneous or heterogeneous ideas overlapping each other. The demonstrative arguments articulated in the four Chapters will finally lead to the conclusion in the Chapter 5.

Based on legal anarchism endeavoring the legitimacy and necessity of the State in regulating existence, the four Chapters argue anarchist thought about the critiques of State law by proving its harmful consequences on existence, while the Chapter 5 undertakes the anarchist models for a legal system respecting individual and social liberties and freedoms according to self-governance. The former argue why existence does not need any State, when the latter suggests that we can regulate existence as well as care about the ecosystems in a libertarian way.

Chapter 1 analyzes certain controversial concepts central to anarchism, legal thought, and practice. Exploring anarchist literature is actually challenging, because it involves some critical definitions, strengthened by the difficulty of presenting a reliable alternative. This has led to an unconventional form with its paradoxical characteristics. Although my thesis follows anarchist tradition, I recognize my critique or dismissal of certain anarchist definitions when I have problems to present a better definition. This could be confusing for the readers, especially for those who are not familiar with anarchist literature. I indeed try to give some insight into several important definitions in legal anarchism, without pretending to present the best or the most solid definition, since a reader is eventually free to choose any definition that she finds correct. Legal anarchism is by no means an imposed discipline in a traditional or academic sense, but a libertarian project aiming to stimulate freedom and creativity. The Chapter implies that the increasing quantity and quality of anarchist schools, movements, organizations, and publications highlight the difficulty of defining any concept in legal anarchism with certainty, albeit we can find some shared concepts (particularly liberty and autonomy) among all anarchists. However, legal anarchism has strangely endeavored to define, with its specific language, not only itself but also its keywords, especially power, authority, and the State that are ambiguous or general concepts.

Chapter 2 analyzes certain essential elements of governing (e.g., frontier and citizenship) and the relationship between Government and other concepts (e.g., human nature and democracy). It furthermore explains that Statelessness does not necessarily mean the state of nature, rather a modern condition caused by the State itself through, for example, war and refuge. It also argues why Statehood requires both extreme happiness and suffering, because it provides a great existence for some so-called “civil servants” while imposing unlimited forms of violence upon State subjects and whole nature.

Chapter 3 expresses the anarchist analysis and critique of the law and punishment, which deal with the fundamental and formal problems caused by the State. The Chapter emphasizes the characteristics of State law through property rights, legal addiction and indoctrination, lawyering, and the procedural myths of equality before the law and the presumption of innocence (POI). According to this radical approach, the law



school, the lawyer, and the Judge are necessarily agents of corporation and Government in a very profitable but highly unethical business. We know this legal marketing or legal prostitution under the generic name of legal system, to which we are all subject not by the ethos of democracy, as the legalists are fervently propagating, but by the force of brainwashing (i.e. State addiction and the duty of obedience to the law) and violence enforced by unlimited sanctions.

In other words, legal anarchism examines, in the Chapters 2-3, how State violence in its unlimited form can be “legal” or “constitutional” inside as well as outside State jurisdiction. Human history has perfectly proved this by the totalitarian or even apparently democratic States that have committed, for example, genocide and war crimes in accordance with their own constitutional laws, despite in discordance with so-called international law. We will accordingly observe why law Professor Michael Mandel believed that lawyering is a manner of defending things and not a moral endeavor.

Chapter 4 will explain why and how the State stigmatizes and represses anarchist individuals, groups, and movements, mostly by violating its own constitutional rules like the rule of law and due process. The State therefore ignores or violates its own constitutional laws providing the individuals and groups with the principles of justice and fairness. It accordingly delegitimizes itself by passing from a State society, i.e. the so-called State of law, to a chaotic society during which the fundamental liberties and rights of dissidents are practically useless. In this sense, the State could be itself, not its opponents, anarchist because it places itself outside of the law protecting the right to protest. In other words, the Chapters 2-3 concern legal violence enforced by the State, while the Chapter 4 depicts State illegality or delegitimization that is itself another form of State violence.

Chapter 5, which is the longest and the most detailed Chapter, shows the libertarian alternatives to State law at both national and international levels, in accordance with certain anarchist principles such as the GP, contract, federation, and free love. These individualist, socialist, and capitalist models have however embraced some ideological as well as structural problems like organization and natural resources. I eventually present my own anarchist alternatives and express my critical notices about the anarchists and legal anarchism. The last part of Chapter 5 constitutes my uncertain contribution to legal anarchism. In other words, I have ambition to think about some kinds of free and decentralized legal systems that may work in our mega societies, which rely increasingly on each other because of natural resources, the internationalization of human rights and economy, as well as the international dialogues among individuals and communities through mass communication (particularly the Internet) and immigration. Nevertheless, I show my hesitations and inquiries about any conclusive or definitive idea, theory, or alternative. I hope that



my final arguments and questions about legal anarchism will create more constructive or even destructive thoughts, studies, or actions to have a free, equal, peaceful, safe, and clean existence.<sup>14</sup>

I do finally state that my thesis purpose is not, as especially elaborated by my “principle of freedom to choose” (PFC) in the Chapter 5, to set out a dogmatic program, but to stimulate some discussions on the issues currently not featured (or indeed actively suppressed) in law schools and the legal profession. For instance, law Professors and legal professionals do scarcely speak about civil disobedience when teaching and practicing the duty of obeying the law. As a result, the important problems of legal immorality (e.g., the legalization of genocide by some Governments) still are not frequently considered and discussed in legal education and lawyering. The aim of this dissertation is to create space for more creative ideas and practice by pioneering and opening up new horizons. One way of stimulating such reflection is through exposing the fundamental and formal problems of the legal system based on a centralized authority, which is obviously far from the ideals of deep ecology, direct democracy, liberty, transparency, and accountability as I set them out in the Chapter 5 in my review of possible alternatives.

# Chapter 1: The Critical and Controversial Concepts

## 1.1 Synopsis

To understand legal anarchism, a complex discipline on which this thesis focuses, requires defining and analyzing certain key concepts: *anarchism*, *anarchist thoughts*, *libertarians*, *law*, *power*, *authority*, and *State*. The definition and the analysis of legal anarchism rely on knowing the different anarchist ideologies that take into account the plurality and justification of authority in time and space, while they evolve from a broad system of thinking to a synthetic form of anarchism. They indeed contain certain open and diverse terminologies that concern the State's epistemology and necessity or justification, both denied by the anarchists. Because two terms, i.e. law and anarchism making the concept of legal anarchism, the Chapter principally defines and analyzes those key concepts that are essential to understand the anarchists' critical attitudes toward the legal system and their alternatives as well. As the symbols and the functions of the legal system, power, authority, and the State are interchangeable concepts that libertarians hate, because they have certain hierarchical and authoritarian characteristics generating violence and exploitation.

## 1.2 Anarchism, the Anarchist Thoughts, and Libertarians

As an evolving identity, anarchism has generated various decentralized and spontaneous thoughts, movements, schools, publications, organizations, as well as freethinkers, which increase, decrease, or advance according to various situations in different times in order to facilitate a foundation for existence. These libertarian identities have also developed their own sophisticated concepts that legal anarchism uses in its analysis and arguments. Although there is hardly any common conceptual ground in legal anarchism, the thesis endeavors to present some selected key concepts that provide the reader with a better understanding of the anarchist arguments in critically analyzing the legal system as well as in modeling a libertarian society in contrast to our State society.

First, legal anarchism explains why anarchist thought still remains controversial internally, since the leftist anarchists or somehow the majority of anarchists do not recognize those who are called "libertarians". For instance, Martel and Fernández have argued that the libertarians merely constitute a conservative or minarchist group advocating capitalism, despite its harmful effects like economic inequality and exploitation that anarchism has traditionally opposed. Milstein has followed this approach when defining anarchism as a synthesis of communism and liberalism embracing equality. Other scholars, such as McElroy and Butler, hold a different opinion, because they think that some anarchists, including Josiah Warren and Proudhon,

have not really rejected the free market, as an alternative to State capitalism, as long as it guarantees each worker the just compensation for his labour.

Then, legal anarchism argues that certain leftist and rightist anarchists (like Reclus, Louise Michel, De Cleyre, Faure, Malatesta, Guérin, Rothbard, and Woodworth) have tried to *synthesize* various anarchist schools – to which the Chapter 5 will also come back – in order to support the foundation of an anarchist society. There is indeed a process during which various anarchist ideologies, from individualist anarchism to anarcho-capitalism, have unified themselves around a form of anarchism, known as anarchism without adjectives, in order to strengthen anarchist capacities to establish a self-governed society by recognizing, without denying, different anarchist strategies.

After that, legal anarchism explains that in spite of mutual hostility among various anarchist schools, which synthesist anarchism has tried to overcome, they share a common ground: the nobility of many anarchists and their movements. The anarchist caste includes many members of the middle or upper class, regardless of their egoistic, environmentalist, socialist, communist, or capitalist propaganda, which is obviously a result of our unequal societies. For example, Godwin, Bakunin, Kropotkin, Malatesta, Chomsky, Milton Friedman and his son David Friedman come from certain privileged families. Anarchist nobility certainly concerns the creation and development of legal anarchism itself by, for example, complicating anarchist language.

## **1.2.1 Anarchism: From Broadness to Adjectivelessness**

The division of anarchist identities or schools has evolved from broadness into adjectivelessness, since the anarchists have realized that despite their differences in environmentalism, individualism, socialism, or even capitalism, there would be some common elements providing a foundation on which a free society can rely. According to anarchism without adjectives, anarchism is plural in its means (anarcho-individualism, anarcho-collectivism, anarcho-communism, etc.), but singular in its end (i.e. the establishment of a voluntary society).

### **1.2.1.1 Anarchism and Libertarianism: To Be or Not To Be Contrary**

It is firstly important to notice that I am aware of the problems coming from defining a concept, because each definition depends on several concepts that need definition in turn, on the one side, and the writers use it in different contexts with different meanings, on the other side. As a result, terminology is one of the most difficult tasks in research. The anarchist terminology is accordingly uncertain and challenging, even the libertarian scholars do not agree with the key concepts, such as the distinctions among *anarchy*

(positively, a Stateless society or negatively, chaos), *anarchism* (mostly a leftist doctrine advocating natural order in contrast to the artificial or State-imposed order),<sup>1</sup> and *libertarianism* (usually a rightist orientation embracing the free market ideology). Legal anarchism uses anarchism, libertarianism, anarchist, and libertarian as interchangeable concepts, without denying their differences, since many authors use them with either different or similar definitions according to their ideologies or to circumstances. Furthermore, many anarchists, as a privileged caste, have a particular interest (economic, political, academic, or else) in monopolizing the definition of libertarian concepts through their very technical and sophisticated language. The laypeople would consequently need them to explain these concepts. This form of linguistic monopoly makes the clarification of legal anarchism's keywords more difficult in my thesis endeavoring to make compelling arguments.

In *Government or Anarchy? in the Debates on the Constitution*, Blau, Professor Emeritus of religion at Columbia University, has accordingly concluded that it was “a justification of Jefferson's faith in the people that those who wanted a Constitution as a protection against the anarchy in democracy, because they distrusted the people, won the ratification of the Constitution by winning the suffrage of the people.”<sup>2</sup> Under the pressure of several great thinkers (especially Hobbes and Locke), “chaos theory” has become “chaosology” matched with “anarchophobia”, which means anti-anarchist attitudes or the belief that the States must be independent without any supranational authority (e.g., the EU and the UN) over them.<sup>3</sup>

Like the definition of liberty based on positivity (“freedom to” or positive freedom) and negativity (“freedom from” or negative freedom), the *definition of anarchism* contains both negative (destructive) and positive (constructive) aspects: the rejection of the State and the acceptance of voluntary cooperation.<sup>4</sup> To help the readers to have some idea about anarchism, I define this concept in a leftist tradition in relation to the synthetic methodology of legal anarchism. Anarchism is “a non-hierarchical and decentralized order based on common decision and cooperation among the individuals, groups, communities, or nations by adopting various strategies to respect ecology (non-humans), autonomy, justice, individual and social freedoms and rights in accordance with their own capacities and diversities.”

According to this synthesist definition, anarchism is both negative and positive. On the one side, it is aware of its permanent struggle against the production or the reproduction of authority on various scales, and, on the other side, it tries facilitating mutuality among different participants in harmony with direct democracy and the environment. As we will see, to accomplish such a democratic and ecological system is neither practically easy nor desired in some circumstances. For instance, a free market society is under the violent attack of leftist anarchists who define this society as another form of the State society with the cloth

of private companies, which sell and buy law and order like bread. They indeed reproach the capitalist anarchists for basing their model exclusively on private property, which results in disrespecting common decision-making and ecology together.

Nonetheless, the controversial aspects of anarchism are observable throughout its ambiguous definition, which may exclude or put into question certain ideas presented as “libertarian” or “rightist anarchism”, i.e. anarcho-capitalism. In this case, Sapon and Robino argue that since the middle of nineteenth century, the term libertarianism had been used in a left political context (i.e. left libertarianism or libertarian socialism), and its use in a right ideological context (i.e. right libertarianism) only came into fashion in the 1950s.<sup>5</sup> As for Professor Martel, he has asked whether libertarian means anarchism or not. He thinks that at least in the US, the libertarians constitute a conservative group that is generally against the State, but pro-capitalist. They are not actually anarchists, because they do not entirely oppose the State. Nonetheless, in other places like Spain, “*the anarchists have often called themselves libertarians,*” so it may be just a matter of nomenclature.

Some scholars have also attributed the term “libertarianism” to “anarcho-capitalism” (a completely *laissez-faire society*), which has flourished in the USA since the 1970s, in contrast to anarcho-socialism or libertarian socialism.<sup>6</sup> In this terminological aspect, Fernández uses “libertarian” in its original sense, that is to say “anarchist”. He believes that they used this concept almost exclusively in this sense until the 1970s when the Libertarian Party grossly misnamed it by not only glorifying capitalism, the mechanism that denies both positive freedom to the vast majority and equal freedom, but also retaining the coercive apparatus of the State while getting rid of its social welfare functions.<sup>7</sup> As a result, those “libertarians” have widened the rift between poor and rich, and increased the liberty of the rich by reducing that of the poor who find the boot of the State over their necks. These egotists, who are in fact enemies of freedom in the full sense of the word, have hijacked the exceedingly useful term of “libertarian” in the US.<sup>8</sup> Bufe has accordingly stated “*Anarchism is not “Libertarianism.”*”<sup>9</sup>

For Professor McElroy, although the anarchists of the nineteenth century commonly called themselves “socialists”, they consistently proposed “the free market” as the alternative to the capitalist system. At that time, socialism meant to organize a “society by contract” in which the workers received the full product of their labour through “cost the limit of price”, advocated by Warren as a value resulted exclusively in the compensation for labour or for its product.<sup>10</sup> Butler has stated that this “cost principle” or “labour for labour” rejects the traditional concepts of capitalism such as interest on money and, therefore, all banks and banking operations, stock jobbing, and the present financial systems and institutions built on

money. In turn, it aims at giving to everyone an equal opportunity to acquire knowledge and property, as well as counteracting natural inequality in humanity (e.g., intelligence). In short, it wants to give men, women, and children the just reward for their labour.<sup>11</sup>

It seems that the term *libertarianism* tries to avoid the negativity of both “anarchism”, associated with terrorism and disorder according to public opinion and to Government, and “capitalism”, as the symbol of imperialism, colonialism, and exploitation according to the leftists. The same could be true as for *religious anarchism*, even though it appears in a leftist style as, for example, Tolstoy presented his anarchistic communism through Christian ideology.<sup>12</sup> Professor Milstein has thus argued that “*Anarchism is a synthesis of the best of liberalism and the best of communism, elevated and transformed by the best of libertarian Left traditions that work toward an egalitarian, voluntarily, and nonhierarchical society.*”<sup>13</sup> Many other activists and academicians have likewise expressed while adding individualism to their interpretation of anarchism.<sup>14</sup>

The question remains whether anarchism is contrary to or synonymous with libertarianism. In other words, to be or not to be contrary, that is the question in the relationship between anarchism and libertarianism. In this case, anarchism without adjectives can provide some elements of reflection.

### 1.2.1.2 Anarchism Without Adjectives

Anarchism without adjectives, which implies Reclus’ *anarchisme toléré*,<sup>15</sup> attempts to conciliate different anarchist schools around some common principles. These principles include existential dignity (i.e. the respect of existence in which the GP takes part), liberty, autonomy, and decentralization. However, it is essential to notice that although legal anarchism takes the GP into its synthetic methodology and analysis including anarchism without adjectives, the environmental considerations are quietly new in libertarianism. These considerations are actually new in comparison to other anarchist debates like individualism, socialism, and capitalism. The place of the GP can nonetheless be close to anarcho-socialism.

For instance, De Cleyre had expressed the possibility of exercising anarchism without adjectives.<sup>16</sup> Professor Curran has thus argued that anarchism includes a set of “*principles to which most anarchists subscribe, but these principles are broadly interpreted and diversely applied within the panorama of ideas and schools that it accommodates. This breadth includes an anarchism of the left and an anarchism of the right, even if much of the left is loathe to embrace the right’s anarcho-capitalism into its fold.*”<sup>17</sup> Refers to Malatesta, “anarchist pluralism” contains both anarcho-communism (i.e. the common ownership of the means of production mingled with distribution according to needs) and anarcho-collectivism (the common ownership of the means of production mingled with distribution according to work performed). Such pluralism eventually led

Malatesta to see the superiority of “moral communism” upon collectivist mentality, which would bring back wage labour and privilege, in an anarchist society.<sup>18</sup> He furthermore hoped that the anarchists would abandon their differences to find a ground for common action.<sup>19</sup> Louise Michel also expressed a similar opinion: “I think that each of the “tendencies” will provide one of the stages through which society must pass: socialism, communism, anarchism.”<sup>20</sup>

Faure’s *La Voix Libertaire*, founded in 1928, accordingly struggled to unify or to *synthesize* three major anarchist movements (i.e. individualist, communist, and syndicalist) in order to avoid their political and social division and isolation, which means synthesis anarchism or synthesist anarchism.<sup>21</sup> The Bastian Circle, founded by libertarians such as Professor Rothbard, would start to publish *Left and Right: A Journal of Libertarian Thought* between 1965 and 1968 while urging all libertarians to join the New Left.<sup>22</sup>

In addition, the vague borders among different libertarian schools (such as eco-anarchism, individualist anarchism, and anarcho-capitalism) may facilitate recognizing the value of anarchism without adjectives as a synthetic methodology. Guérin has emphasized certain terminological debates in this case insofar as despite the diversity, richness, contradictions, and doctrinal disputes of anarchist thought turning very often around the false problems, there are some homogenous conceptions. A social anarchist is therefore an individual anarchist as an individual anarchist can be a social anarchist, even though he does not dare to say his name.<sup>23</sup> For example, Woodworth says, “I have no prefix or adjective for my anarchism. I think syndicalism can work, as can free-market anarcho-capitalism, anarcho-communism, even anarcho-hermits, depending on the situation. But I do have a strong individualist streak. Just plain anarchism – against government and authority – is what I’m for.”<sup>24</sup>

As a result, do we need some ideas far from all “isms” or “ideologies” in a human sense as already implied by a revolted man who called himself “a citizen of the world”? Is Professor Rothbard right to argue that the categories of “left” and “right” “have been changing so rapidly in recent years in America that it becomes difficult to recall what the labels stood for not very long ago”?<sup>25</sup> Professor Ray would go in the same direction by concluding that a libertarian likely has “more in common with the political Left than the political Right, but whether in his personal life he will tend to behave in a liberal/permisive way or in an authoritarian/directive way cannot be predicted.”<sup>26</sup> He has moreover argued that to be a humanistic liberal does not guarantee that a person will also abandon authoritarian practices.<sup>27</sup> All anarchist elites indeed share the passion of monopolizing anarchist thoughts and movements, thanks to their mental and material capacities and superiority, especially in wealth, higher education, and networking. The ideological lines of their talking have hence



blurred in practice through publications and propaganda not only in their own circles, but also in the mass media and the society as a whole.

## **1.2.2 The Anarchist Movements, Schools, Publications, and Organizations**

The anarchist or quasi-anarchist schools, movements, tendencies, groups, organizations, journals, magazines, blogs, websites, research institutes, projects, radios, and, possibly, TVs are increasingly growing around the world with their own nepotism, jargons, concepts, strategies, and agendas for the whole of humanity, animality, and nature as well.<sup>28</sup> Several years of my personal experience may prove that many of these groups or organizations are as bureaucratic, hierarchical, and segregating as any other Governmental organization (such as the university) that the anarchists are traditionally attacking, despite their extreme propaganda of non-hierarchy and equality.

## **1.2.3 The Libertarians: A Privileged and Spoiled Caste**

In spite of different ideologies among leftists and rightists, both sides of libertarians have been traditionally rooted in the middle and upper classes, rarely in the lower or underclass for which the leftist anarchists are ceaselessly crying and propagating or selling their own products. As Professor Shantz has argued, capitalism controls two soft and tough powers when it comes to reacting against the dissident movements: cooptation, absorption, and marketization (e.g., Critical Legal Studies (CLS), Rainbow Gathering, and punk movement),<sup>29</sup> on the one side, and criminalization and repression, on the other side.<sup>30</sup> In other words, the State, especially in its capitalist form, has the power of repressing, buying (e.g., to offer an academic or Governmental position), or neutralizing (e.g., to allow them to talk in some intellectual coffee shops or bourgeois universities) its opponents, according to circumstances. For example, to ridicule the anarchist movements by making them futile (e.g., egoist anarchism) in the fight against capitalism (i.e. class struggle anarchism)<sup>31</sup> would be an efficient weapon in the hands of capitalist elites to absorb the dissidents in a cheap and pacifistic manner. The law schools especially and the universities generally are traditionally placing themselves in the marketing and neutralizing side, thanks to their fortunate, spoiled, conservative, submissive, and fearful Deans, Professors, and students as well.

On the one side, the leftist libertarians have been traditionally imbued with the ideas of revolution, class struggle, strike, sabotage, protest, and resistance, which mean “propaganda by the deeds and the words” as well. On the other side, the rightist and individualist libertarians are so busy with their business and spirituality (e.g., nudism, naturism, primitivism, vegetarianism, free love, and punk rock), which make



them useless or talkative thinkers and activists, tolerated by authority as long as they are socially isolated and politically disinfected, or economically beneficial for capitalism as a niche market.

For instance, on the one hand, there are the iconic academicians, who are endlessly criticizing the law and the State together, belonging to the prestigious academic and freemasonic clubs. In this case, the Godfathers of the so-called "CLS Movement"<sup>32</sup> are honorable Professors at Harvard Law School, Stanford Law School, and Northeastern University School of Law. They know very well how to play with a group of burning and legalistic words without firing their position at the heart of these elitist and hierarchical systems based on State sponsorship, capitalism, and conservatism. We really need the emergence of a movement against these iconic and opportunist legal thinkers, since the university has rarely been anything better than a secret and undemocratic system skillfully absorbing the academic Godfathers and Godmothers. Academia has rotted to the core, such as bribery, money laundering, corruption, and investment in mass murder.<sup>33</sup> For example, Unger, a Harvard law Professor, first denounced the Lula da Silva administration "as the "most corrupt in Brazil's history,"" and then became its Minister for Strategic Affairs!<sup>34</sup> The new scandal of Lula's corruption proves Unger's denunciation!<sup>35</sup> It should actually be cheaper for a State to give bread to some intellectual malcontents, who are the masters of critical verbiage, in order to shut them up than punishing or brutalizing them, which may erect them to the status of martyrs. On the other hand, Professor Niman states that the American and European communities "have discovered the economic benefits of hosting a Rainbow Gathering."<sup>36</sup>

It would not be surprising that most of the anarchists, except certain unfortunate ones (e.g., Proudhon, Stirner, Grave, Most, and Rucker), belong to a very well respected caste, well-paid workers, or the so-called *petite bourgeoisie*, such as doctors, engineers, artists, historians, geographers, economists, teachers, and Professors. They have both time and money to critically analyze and deeply discredit every element of State apparatus. They have thus developed their own sophisticated argots, loyal acolytes, and technical movements (e.g., Proudhonism, Neo-Proudhonism, Bakuninism, Kropotkinism, Warrenism, Rothbardianism, and Chomskyism) to understand one must study intensively, which is not obviously the case of many people who must work for the wage slavery. We are able to find in their argots many complex expressions, such as reformist anarchism, revolutionary anarchism, post-anarchism, post-structuralist anarchism, post-left anarchy, anarcho-primitivism, and so on.<sup>37</sup> Could we apply to the anarchist academicians what Professor Bratich has already said about obscurantism, jargonism, and armchair strategizing "posties" (i.e. postmodernists, poststructuralists, and postcolonialists)?<sup>38</sup> Are the anarchist

argots at odds with anarchist emphasis on popular education as a means of enlightenment and liberation from Government intervention?<sup>39</sup>

About the intellectual revolt against popular education made possible by technological and social revolutions – which is, according to Professor Dayna Scott, the opposite of “experiential education” –, Professor Carey has noticed that the spread of literacy to the masses has driven the intellectuals in the early twentieth century towards producing a mode of culture (modernism) that the masses cannot enjoy. The new availability of culture through television and other media has actually impelled the “*intellectuals to evolve an anti-popular culture mode that can reprocess all existing culture and take it out of the reach of the majority. This mode, variously called ‘post-structuralism’ or ‘deconstruction’ or just ‘theory’, began in 1960s with the work of Jacques Derrida, which attracted a large body of imitators among academics and literary students eager to identify themselves as the intellectual avant-garde.*”<sup>40</sup>

Overall, the classification of the libertarians seems to be actually *fictive* when taking the element of class into account, because they, ironically like the Governors, belong to a privileged and spoiled caste. Does their “charismatic personality” lead to “charismatic authority” crowning all struggles for equality with failure even in an anarchist society? By this question, I would like to know whether some Godlike anarchists (Godwin, Proudhon, Kropotkin, Rothbard, and Chomsky, among others) abuse their authority. Their intellectual authority or power comes from their mental or material superiority in manipulating the society for satisfying their own desires and needs in the name of propagating anarchism through a lot of sophisticated, evolving, or controversial arguments, as, for example, mentioned in all parts of my thesis. In this case, we could observe a form of dictatorship that I would like to call “anarchist dictatorship” appearing in both theory and practice in a centralized manner. The critique of libertarian caste could actually be the foundation of freethinking, so let us criticize them as violent as they do regarding the State.

When it comes to the lists of the anarchists, it is not useless to remind that the iconic and martyric personalities in the history of anarchism traditionally belong to radicalism, socialism, communism, syndicalism, or they are somehow close to these schools, such as anarcho-primitivism, green anarchism, and anarcho-feminism.<sup>41</sup> *Leftist anarchists or leftist libertarians* have nowadays absorbed many controversial Godmothers/fathers, post-anarchists, Professors, think-tankers, revolutionaries, environmentalists, activists, feminists, sexologists, criminologists, journalists, artists, syndicalists, and sympathizers as well.<sup>42</sup> They are also many *individual anarchists* that we can difficultly classify according to a specific anarchist school, because they have simultaneously embraced several aspects of anarchism such as egoism, socialism, and the free market.<sup>43</sup> They are many classical and modern *free market*

*anarchists* who are mostly American economists and Professors.<sup>44</sup> Besides, they are *religious* or *spiritual anarchists*: Christian anarchists, Jewish anarchists, Islamic anarchists, Buddhist anarchists, etc.<sup>45</sup> Furthermore, Professor Martel suggests that we should look at Professor Ferguson's *Emma Goldman: Political Thinking in the Streets* in which she has presented many lists of anarchists and talked about what these lists do to her text.<sup>46</sup>

### 1.3 The Importance of Anarchism

As the foundation of legal anarchism, anarchism is one of the most important theories for four reasons. Firstly, although anarchist thought has mostly come from and principally developed in Western culture, anarchism is multicultural or universal, since it is older than archism.<sup>47</sup> For example, China produced specific libertarian ideas 2500 years ago,<sup>48</sup> while Southeast Asia and Africa have their own traditional anarchism.<sup>49</sup> The West has ironically pioneered in the modernization of the State and strengthened its functions (especially its legislation through the so-called rule of law) since the Greek City-States. Moreover, if I rely principally on Western legal anarchism, this does not mean at all that other anarchist ideas and practices are less important, but I hope that other researchers will develop them more.

Secondly, libertarian thought explores almost all aspects of human as well as non-human existence in many abstract and concrete ways during human and environmental evolution or revolution: metaphysics, physics, economics, politics, sociality, sexuality, individuality, family, education, food, housing, art, music, culture, sport, animals, etc. We may find rarely any analytical and critical system of thought and practice as large and deep as anarchism.

Thirdly, anarchist ideas are some of the most disgusted, abhorred, ridiculed, miniaturized, manipulated, misinterpreted, misunderstood, discredited, or ignored ideas among the people, the intelligentsia, and the politicians who have some interests to disregard these ideas. For instance, discussions about the violent anarchist activities, loudly known as "propaganda by the deed", during the late 19<sup>th</sup> and early 20<sup>th</sup> centuries incarnate a very negative idea of anarchy coming principally from the politicians and their adored scholars who rarely see anything positive in Statelessness, but chaos and violence. Certain anarchist Godfathers/mothers (such as Bakunin, Joann Most, Kropotkin, and Emma Goldman) however preached those activities to their acolytes.<sup>50</sup> On the one hand, the politicians and intellectuals may see no great value in an anarchist society where equality and justice are crowned. On the other hand, they are absolutely blind and mute when it comes to comparing anarchist violence, which is not certainly common among all libertarians, and its effects with the current situations of Stateness. They

indeed beautify State-subject or more exactly State-slave by the terms “civilization” and “democracy”, regardless of all Governmental war-making machines, conscription, invasion, occupation, slavery, corvée, espionage, massacre, plunder<sup>51</sup> (e.g., taxation and the *Absentee Property Law* of the Israeli Government),<sup>52</sup> etc. They are willingly but wrongly presenting human history as a “State-making history”<sup>53</sup> when glorifying the advantages of the States, particularly healthcare, education, and social welfare that have increasingly become private nowadays. In short, they see in the State-making of history a development of civilizing the so-called barbarians that have supposedly neither culture, nor justice, nor democracy, but savagery and disorder. Our Statist historians have doggedly struggled to show that the State’s people are superior to the Stateless people, while our State-makers have unlikely been “*to give up their claims to sovereignty, they will tend to confront their opponents violently to ensure their control over the resources necessary for effective territorial domination.*”<sup>54</sup>

Fourthly, anarchist theories are extremely diverse and controversial, and therefore contain rich analysis, critiques, and alternatives to hierarchal and authoritarian societies. Such diversity may stem from two facts. On the one side, anarchist theorists are mostly coming from either the middle class or the upper class that has had both wealth and education to elaborate many abstract, sophisticated, artistic, or scientific concepts, which are mostly inaccessible to the masses whose sense of anarchistic or spontaneous revolution is fervently advocated by the revolutionary anarchists. For example, Professor Comfort’s efforts against the allied bombings during the Second World War, as Professor Honeywell has found out, matched with his anarchist tradition based on immediate human goals over abstract and distant ones.<sup>55</sup> Nonetheless, as long as education and highbrows’ terminologies are inaccessible to all people, the grassroots will be ignorant and, consequently, continue to be the target of academic, cultural, political, or economic exploitation by few elites, including the anarchists. Lewis has accordingly pointed out: “*man is ‘a political animal’ is of course completely false; it is as false as Hobbes’ remark that he is ‘a fighting animal.’ He is neither. It is only the wealthy, intelligent, or educated who are revolutionary or combative.*”<sup>56</sup> On the other side, the State and its mechanisms are very complex phenomena that require knowing many disciplines: politics, economics, religion, education, family, culture, sport, and technology, among others. Thanks to their material and intellectual superiority to the ordinary people, the anarchists take into account this State complexity deepening their critiques.

However, if anarchism is so rich in many critical aspects throughout “isms” and “posties”, legal anarchism needs more analysis and critique, since the anarchists have been mostly philosophical, political, or economic thinkers rather than lawyers. Although almost all anarchists (Godwin, Proudhon, Kropotkin,

and David Friedman, among others) speak about the legal system, there are few “legal anarchists”, which should be as oxymoronic as “legal anarchism” *per se*. There is indeed a small amount of lawyers among the anarchist castes, sympathizers, activists, or theorists.<sup>57</sup> We could call them “the political lawyers”, which would refer to Professor Kirchheimer who has already used “political justice” for the partial legal system or the abuse of legal rules for political purposes.<sup>58</sup> In spite of studying law at the University of Turin, Galleani abandoned legal practice, because he had come to disregard the legal profession. He thus transferred his energies and talents to radical propaganda.<sup>59</sup>

Because the legal job, as Godwin argued many years ago,<sup>60</sup> is amazingly full of cheating, deception, arrogance, and immorality, it is scarcely able to produce either a freethinker or a revolted individual against the status quo. In addition, when a lawyer goes against State law, she/he most probably leads to fall into the trap of inconsistency with her/his own profession founded on Governmental recognition. For example, Schuster argued that Spooner had given to anarchism a legalistic interpretation, whereby he had verbally destroyed the American Constitution.<sup>61</sup> Spooner certainly put into question the American legal Bible while he declared the unconstitutionality of slavery!<sup>62</sup> On the contrary, William Lloyd Garrison and the Non-Resistants disapproved the Constitution as “*a convent with death and an agreement with Hell*” inasmuch as it legitimized slavery. Therefore, Garrison strongly rejected Spooner’s *The Unconstitutionality of Slavery*.<sup>63</sup> In reality, the Fathers of American Constitution were wealthy slaveholders, merchants, bankers, or lawyers who did not believe in equality among human beings at all.<sup>64</sup> They have ironically become pro-democratic politicians in order to develop our political mythology, even though they were anti-democratic aristocrats.<sup>65</sup> In this case, we can talk about *oligarchic* or *elite democracy*,<sup>66</sup> realized through so-called “representative democracy”.

## 1.4 Legal Anarchism: A Complex Discipline

As interdisciplinary and libertarian research, based on multiple methodologies and taken part in “anarchist knowledge” or “anarchist science” with a specific language, legal anarchism critically analyzes the philosophy, functions, and workers (particularly the lawyers, social workers, police officers, prosecutors, and Judges) of the legal system and their consequences on victims, offenders, society, and nature, on the one side. In this sense, its critiques of Governmental justice are destructive. It tries to present some alternatives to State law in the frame of a libertarian society, on the other side. In this sense, its alternatives are constructive. On both sides, it is influential and influenced in relationship with other critical thoughts according to time and space, which means the ecological, local, national, regional, and international

aspects of the legal systems. For example, feminism, anti-globalization, radical criminology, constitutive criminology, CLS, and environmentalism help legal anarchism in its analyses, critiques, and models. In short, because the legal system is a quasi-fixed and defended institution by the traditional guardians of law (i.e. the jurists or “*the philosopher-kings of the legal establishment*”)<sup>67</sup> in time and space, legal anarchism examines the legal institutions in a dynamically holistic approach. In other words, legal anarchism, like anarchism itself,<sup>68</sup> is *evolutively intersectional*.

In fact, legal anarchism tries to avoid the isolation and discrimination of academic disciplines that resemble the national or ethnic groups defining “*themselves in terms of boundaries, exclusions, and hierarchies*.”<sup>69</sup> To understand the legal system, as a multi-ideological and multifunctional system, indeed requires a multidisciplinary study taking into account many, if not all, aspects of law and punishment. In other words, any fixed ideological discourse (e.g., to observe the criminal law as a tool in class struggle founded around the economic relationships) is rarely able to analyze the legal system in a holistic manner. Legal anarchism, in spite of its title, cannot therefore be limited only to a narrowly libertarian discipline or a legalistic approach (e.g., Kelsen’ *Pure Theory of Law*);<sup>70</sup> it should use other disciplines, such as individualism, socialism, Marxism, communism, capitalism, and liberalism. However, if the legal system can produce some good effects (e.g., children’s rights) in a State society, these effects mostly come into existence by the force of the down (i.e. the people) and its demonstration, as relief valve, on the one side, and as long as these effects can guarantee the status quo, on the other side.

Professor Martel has guessed that the debate depends on our relationship to the law. He has accordingly invoked the works of Professor Critchley, an anarchist seeking to stay within the boundaries of the law, even though the law in his approach is radically different from what we usually refer to the term. In this case, Professor Martel is specifically thinking of *The Faith of the Faithless*<sup>71</sup> in which Professor Critchley has discussed the law, while he has taken a few philosophers (especially Professors Giorgio Agamben and Slavoj Žižek) to task, because he has thought that they have prematurely abandoned the law. Professor Martel has also emphasized that almost by definition legal anarchism is going to be very different from other types of legal practices. The anarchists and the law actually “*have a strange and generally alienated history so to retain the word brings in all kinds of interesting complications*.” Professor Martel has indeed implied that legal anarchism has a specific identity requiring different approaches to the current legal practices, such as legal reasoning and the rule of law, which traditionally function not only to justify State power, but also to maximize it in all existence, because they partake in State apparatus.

When it comes to methodology in legal anarchism, I should express certain challenges. Firstly, both quantitative and qualitative works of anarchist thinkers (e.g., philosophers, politologists, economists, and ecologists) have complicated the methodology of legal anarchism insomuch as the study of anarchist ideas in the frame of law still seems to be a difficult task. The jurists' legal bibliography and methodology would not actually be either familiar to or loved by the anarchists who are traditionally skeptical toward the codified law (i.e. the written law), and do not really believe in any type of State law. Secondly, legal anarchism tries to make a connection between different anarchist schools and movements, which contain the heterogeneous ideas concerning the means and ends of establishing a decentralized and non-hierarchical community (i.e. synthesist anarchism). Thirdly, the heterogeneous methodology of legal anarchism would make its epistemology difficult, because each discipline has its own method, language, and frame of thinking. In other words, to put the law and punishment in the frame of legal anarchism faces the problems of making a connection among different mentalities and methodologies in different disciplines, such as philosophy, theology, jurisprudence, criminology, psychology, anthropology, sociology, economy, politics, geography, and statistics. The same could be said as far as the concept of legal anarchism is concerned, since it simultaneously contains "law" and "anarchy" that are traditionally regarded as bellicose, thanks to the presentation of anarchism as either lawlessness (i.e. disorder and chaos) or utopia.<sup>72</sup> We can observe such a presentation in all social classes, regardless of their level of education.

Therefore, we can ask is "anarchist law", like legal anarchism itself, an oxymoronic concept? Professor Bankowski has accordingly argued that it is not contradictory for the libertarians to speak approvingly about the law if it, as a form of sociality or administrative regulation, allows the participation of all actors.<sup>73</sup> By the way, is not ironically existence itself an oxymoronic concept such as the Peace Nobel Prize created by the inventor and manufacturer of dynamite or "merchant of death"?<sup>74</sup> Is existence doomed to be paradoxical?

Such an oxymoronic concept reveals the recognition of the complexity of legal anarchism: an *independent discipline* containing both law and anarchism, a *dependent discipline* relying on other disciplines, or a *simultaneously independent and dependent discipline* with specific and common characteristics, on the one hand. However, as its name implies, legal anarchism remains libertarian in its terminology, analysis, and critique, i.e. no limitation to any specific author or theory. The oxymoronic concept of legal anarchism matches the interpretation of anarchy as State lawlessness, on the other hand.

For example, sociologist Black argues that "*anarchy is social life without law.*"<sup>75</sup> He does not nevertheless deny social control in anarchy that varies according to seriousness of offence: beating,



ridicule, teasing, compensation, revenge, banishment, voluntary exile, feud, suicide, assassination, and so on.<sup>76</sup> The anarchists do not necessarily reject law in an anarchist community. For example, Proudhon considers that the juridical norms are necessary to establish an anarchist order.<sup>77</sup> As far as Professor Comfort is concerned, he believed in 1945 that “*If anarchism is the recognition of ultimate responsibility, then anarchism is also the origin and quintessence of law, not its opponent.*”<sup>78</sup> He also argued that the Blackstonian concept of natural law, upon which jurisprudence focuses, is essentially an anarchist concept.<sup>79</sup> The same is true for the conception of the common law, which comes from common conscience and consent in accordance with human rights and duties. If the anarchists oppose the legal system, it is not because they are against the conception of law, but because this system is in disaccord with human conscience. In short, the law is a normal and desirable element of free communities, when the State and its laws, imposed by a political majority, are not.<sup>80</sup> Professor Johnson argues that although the “anarchist legal theory” seems to be terminologically a contradiction or demonically an exercise, positive law needs anarchy for its binding force, and freedom is the mother of the law and not its daughter.<sup>81</sup>

The etymological and epistemological controversies of legal anarchism are also observable throughout the relationship between anarchism and the legal profession. I define a lawyer in a large sense, which is to say a person who knows, teaches, or practices the law. In the French system, they however make a difference between a “*juriste*” who knows legal science and an “*avocat*” who puts the law into practice as a member of the bar association. In fact, the profession of lawyering is larger than that of knowing or teaching the law inasmuch as all *avocats* are *jurists*, but not all *juristes* are *avocats*.<sup>82</sup> Can an anarchist be a lawyer and vice versa? As I have already explained, such a possibility is difficult. About the conscious and practical dilemma of practicing law by a libertarian, law Professors Palchak and Leung have found out that few libertarians want to devote the expense and time to enter the legal profession, and then attack all institutions upon which their career depends.<sup>83</sup>

Moreover, the law schools, firms, and judicial system depend fundamentally upon the bourgeoisie, racism, sexism, sexual harassment, indoctrination, inequality, partiality, hierarchy, domination, submission, or obedience,<sup>84</sup> which the anarchists fervently reject. They are ironically pretending to struggle for human rights and justice throughout their agenda and work! In fact, the legal professionals belong to a middle or upper class regarding equality in salary as a horrible scourge against natural law. You could rarely find any lawyer who is against any wage slavery inasmuch as the society generously feeds and greatly worships her/him. Due to the overregulation of all existence, all citizens, as either defendant or plaintiff, need a lawyer who is omnipresent, like the State, before their birth, during their life, and after their death in all



cases: familial, sexual, commercial, civil, criminal, etc. Like the State, the lawyer is sacred, because nobody can really live without her/his business. Should therefore the society disregard the lawyer because her/his business depends on the status quo including the wage slavery contrary to her/his own wagelessness or free from any wage regulation?

Nonetheless, Professor Kennedy, who certainly profits from economic inequality because of his prestigious Professorship at Harvard Law School, has ironically proposed: *"I don't think we'd lose anything at all in terms of social product if lawyers, law professors, secretaries, paralegals and law firm janitors were all paid exactly the same amount."*<sup>85</sup> In this hypothesis, if the society did not lose anything in production, this honorable legal philosopher would most probably lose his social position, fame, and comfortable lifestyle as a capitalist thinker while becoming a modest janitor. What will he intellectually produce if we regard him as a simple worker abandoned at our clemency? I may not exaggerate if I argue that the most demagogue and the most notorious liars nest traditionally among the anarchists, socialists, Marxists, communists, egalitarianists, ethicalists, or criticalists who are comfortably living in their ivory towers while being preaching the ethos of equality and justice to us. They do not even care about treating us with respect and equality, since all their revolutionary words and moral seduction in their writings aim at satisfying their own morality and prestige.

Overall, legal anarchism is an intersectional and evolving discipline that uses a synthetic methodology or anarchism without adjectives to examine the State's epistemology and necessity, particularly State law and punishment, as well as to advocate its alternatives according to anarchist thoughts. It accordingly defines the legal system as a Government institution with power of producing and enforcing the laws or norms, in either an active form (e.g., paying tax) or an inactive form (e.g., not revolting against political authority), which regulate existence. Any attempt to break these norms embraces punishment from physical sanctions (e.g., capital punishment and prison) to economic sanctions (particularly fine). In this case, legal anarchism endeavors to clarify the meaning and essence of power and authority as two essential elements of governance and legality.

## 1.5 Power and Authority

*"Power concedes nothing without a demand. It never did and it never will."*

Frederick Douglass<sup>86</sup>

First, legal anarchism argues that some theorists have critically analyzed the characteristics of power and authority through their similarities and differences. It has particularly relied on the works of Gramsci,

Professors Foucault, Martel, Ward, and Carrington. The scholars have however implied that there are more similarities between authority and power than differences, since both of them exist in all aspects of social life, and force obedience to their rule.

Then, legal anarchism explains why authority needs to be ideologically justified, especially through the educational system indoctrinating obedience to the law, as analyzed by Professors Henry, Milovanovic, and Chappell. This ideological justification contains several divine and human theories, such as the king's divine right, social contract, utilitarianism, democracy, and the dictatorship of the proletariat. Legal anarchism also analyzes why certain thinkers, particularly Hobbes, have defended the necessity of the State to prevent chaos and disorder or the state of nature. This defence is not however a solid argument according to the anarchists such as Professors Barclay, Martel, and Benjamin. They have argued that neither the anthropological research has supported Hobbes' theory, nor any State really protects us against violence, but it is itself the source of violence.

Finally, legal anarchism proves that authority is a destructive phenomenon, because it relies on gender inequality, destroys autonomy and liberty, and eventually corrupts the Governor and the governed together. Professor Wolff has accordingly explained why political authority is incompatible with liberty. Many years ago, Bakunin believed that authority generates a superiority complex mingled with indifference and an inferiority complex respectively in the Governor and the governed. Legal anarchism implies that several studies (e.g., Stanford Prison Experiment, BBC Prison Study, and Milgram Experiment) have supported Bakunin belief. Political authority or the State has nonetheless caused both avoidance, as defended by Professors Martel and Scott, and resistance, as analyzed in the Chapter 4 and 5. Furthermore, legal anarchism recognizes the eventual existence of some harmful effects of power and authority in a decentralized community, since both power and authority are multidimensional and pervasive phenomena in existence.

### **1.5.1 The Similarities and Differences**

While power and authority differ from each other, they share some common characteristics. For instance, they evolve, revolutionize, or even regress in all times and spaces. If power does not necessarily need legitimacy, authority has never stopped claiming its legitimacy upon its subjects that must recognize its ideological justification, rooted in divinity, inheritance, tribalism, charisma, tyranny, meritocracy, aristocracy, oligarchy, plutocracy, democracy, voting system, the legal system (especially in the Constitution), tradition (e.g., the common law), or pure violence (e.g., revolution, *Coup d'État*, and war).

Power, authority, which mostly implies political authority or State authority, and the State are usually interchangeable concepts, while their demarcation lines are not clear among the scholars and the laypeople as well.<sup>87</sup> Every authority has power, but not every power necessarily has authority. For example, the Mafia has power but not authority or legitimacy. In this sense, power is more general than authority needing legitimacy or the *consent of the governed*, of which the US Declaration of Independence is proud.<sup>88</sup> As Gramsci noticed, all States, regardless of their political regimes (liberal, democratic, etc.), need not only the masses' consent (i.e. vote, "spontaneous consent", or "voluntary servitude"),<sup>89</sup> but also the coercion of those who do not consent.<sup>90</sup>

On the one side, both power and authority have the capacity of imposing a set of illegal or legal norms over human and non-human lives, over bodies as well as minds: *biopower* and *biopolitics*.<sup>91</sup> The violation of these norms brings various illegal or legal sanctions according to the seriousness of crime: corporal punishment, capital punishment, torture, kidnaping, blackmail, etc. On the other side, both of them are not monolithic but multidimensional institutions with multi-mechanisms. They are thus omnipresent at all levels of existence: family in its patriarchal or matriarchal form, school, college, university, hospital, factory, religious or spiritual personalities, cultural and economic institutions, legislature, Government, judiciary, prison, environment (e.g., national parks), and so on. As a result, there exist many conceptions related to power and authority: political power, State power, economic power, political authority, civil authority, legislative authority, judicial authority, police authority, economic authority, patriarchal authority, charismatic authority, educational authority, religious authority, etc.

Professor Ward has stated that the principle of authority exists in every aspect of human society.<sup>92</sup> Professor Carrington has likewise noticed that to different degrees, hierarchy is indispensable to all human efforts entailing organized cooperation. Many of our most valued liberties depend on restrictions imposed by hierarchs of one type or another. Everything depends on the end of a hierarchy, and the fitness of its methods to this end. There is therefore nothing intrinsically wrong with reproducing it.<sup>93</sup>

As an agent of power and control, authority relies on many social institutions (especially school, university, hospital, court, prison, and the mass media) as well as inter-Governmental organizations (e.g., OAS, EU, ECHR, and UN),<sup>94</sup> which specify the boundaries in which human behaviours are acceptable or punishable.<sup>95</sup> Some scholars have nonetheless argued that hierarchy and the exercise of power are neither the necessary elements of social life nor the universal qualities of life. For instance, the structural of the legal system can be non-hierarchical insofar as the people concerned take into account the needs of themselves as well as those of others without addressing to any centralized authority.<sup>96</sup> However, the

anarchists might forget that so-called local authority can be as problematic as centralized authority, imposed by many diverse mechanisms such as education, religion, morality, law, and so on. In other words, the quantitative and qualitative degrees of authority in its vertical form may be identical in its horizontal form, somewhat such as Professor Paxton's the "parallel State".<sup>97</sup> In fact, the criminal law in a Stateless community has the capacity to be as ruthless as in a State society. For instance, Benjamin Tucker provided capital punishment, prison, or even torture for his anarchistic society.<sup>98</sup>

When it comes to biopower, Professor Foucault, a real "powerologist" and "guru",<sup>99</sup> has argued that power exists *"everywhere; not because it embraces everything but because it comes from everything."*<sup>100</sup> In this case, Professor Martel has believed that *"Foucault is very helpful because he recognizes how much anarchism is up against, how ingrained power dynamics are in all sorts of functions that we don't normally associate with the state but which is still "archist" and still caught up in archist forms of legality."* Due to the multi-institutional and omnipresent of authority mingled with knowledge, to destroy it or to revolutionize its organizations requires changing many individual and social relations upon which authority has the unlimited power of regulating and punishing.<sup>101</sup> The good news relies paradoxically upon the fact that neither power nor authority can remain absolute and infallible insomuch as there are some people who struggle to escape or to destroy it.<sup>102</sup> In fact, human struggle for freedom and justice is permanently everywhere, and the question is accordingly that to know whether new authority will be less pervasive than the old one.

Overall, legal anarchism defines authority and power as the legal or illegal capacity of an individual, a group, or an institution to set up the norms for humanity and non-humanity as well as to ensure their application. It however challenges this capacity, because authority, unlike power, claims its legitimacy of passing and enforcing the law, while it depends principally on violence or sanction, instead of its citizens' consent. Let us now examine more characteristics of authority through its critiques articulated by legal anarchism, which calls its legitimacy into question.

## 1.5.2 The Critiques of Authority

Legal anarchism has called authority into question throughout several aspects. It proves that the highbrows have vehemently criticized the ideological justification of authority as well as its destructive and corrupting effects on both Governor and governed.

### 1.5.2.1 The Ideological Justification of Authority

All authorities need to be ideologically or morally recognized or justified, if not, we would call them powers, even though their mechanisms would be dissimilar. In this case, the educational system, directed

by the State, indoctrinates students with both ethos and necessity of obeying the law in order to avoid what the Governmental ideologists call “the state of nature” or “disorder and chaos”. Professors Henry and Milovanovic have thus incorporated the postmodernists’ anarchistic critique of knowledge into their theory of *constitutive criminology* inasmuch as knowledge is not objective, neutral, or value free, but a weapon of domination or resistance to power.<sup>103</sup> For instance, Professor Chappell argues that American public schools have prodigiously become bureaucratic institutions operating as a rigorous maintenance system. They function in order “to inculcate the masses with acceptable ideologies and to weed out dissenters whose recalcitrant behavior and spontaneity are viewed as dangerous to the democratic tenets of the United States.”<sup>104</sup> Our modern society is actually soaked with a kind of “State-educational indoctrination”, managed by an army of politicians, academicians, scientists, journalists, clergies, and Mullahs who are hotly justifying the necessity of the State to the detriment of destroying our freedom and justice. They are accordingly normalizing State violence. At the same time, humanity has been desensitized vis-à-vis existential pains, while the pursuit of happiness of politicians has forcibly prevailed over our pains: mass murder, war, political execution, torture, rape, and so on.

The existence of political authority depends not only on the brute and sophisticated force of the police, army, and legal system, but also on the stupidity of the masses to be manipulated and governed by propaganda. For instance, the Mongol Empire could not live for a long time despite the extreme ruthlessness and military skills of Genghis Khan and his commanders, when the British and French Empires still exist, thanks to their brutal as well as sophisticated methods of governing. The State cannot only rely on violence, since its justification and development need brainwashing by which it subjugates all individuals and groups to its authority. In other words, State violence, legal or illegal, is not enough to keep the State alive, at least not for long, and the State therefore demands a sophisticated system of propagating obedience, including the law school and lawyering.

The grassroots indeed adapt themselves to every type of regime as long as the elite, demagogic, or iconic personalities seduce them and satisfy their vulgarity and meaninglessness. In this case, religion, spirituality, and education come to strengthen the governance of these personalities. There also exists a huge gap between the elites and the masses inasmuch as the former are able to extend greatly their influence by controlling the crucial societal institutions, such as the economy, State, and mass media.<sup>105</sup> Nettlau has accordingly found out that it is always easier to mobilize the masses around a program by demanding them to vote and to pay contributions than carrying out an individual and independent action.<sup>106</sup> As Bakunin put, the destruction of political authority needs the political and economic emancipation of the

masses by themselves.<sup>107</sup> The anarchists have also emphasized that the educational system plays a crucial role in this emancipation from authority. Such a system should rely upon freedom, cooperation, equality, creativity, tolerance, and respect of all individuals, groups, and communities concerned, which take into account the environmental issues as well. The current educational systems are unfortunately too far from this anarchist foundation because of their hierarchical and undemocratic elements, which mean the Presidents, Deans, associate Deans, directors, as well as Professors. The academic Godfathers/mothers are perfectly able to use their power to legitimize any form of authority, on the one hand, and to annihilate any dissidence or protest against authority through several sophisticated and tyrannical means, on the other hand. Legal anarchism will come back to this topic in the section concerning the law school in the Chapter 3.

Based principally on some generic concepts of “social contract” or “utilitarianism”, the sources of legitimacy of authority are so abstract, rhetorical, and diverse going in many transcendent as well as untranscendent directions,<sup>108</sup> and speaking about the fearful consequences of the state of nature upon individual, property, or civilization as a whole. For instance, legal anarchism mentions *the divine right of the kings* (e.g., James I of England and Louis XIV) and *theologians* (e.g., the Church in Christianity<sup>109</sup> and the Guardianship of the Islamic Jurist in the Shia)<sup>110</sup> to govern in a transcendent way. As for certain examples of an untranscendent or quasi-religious way, they are *public goods, democracy, Plato’s philosopher-kings, Weber’s charismatic authority*,<sup>111</sup> Rousseau’s *general will* in the *Social Contract*,<sup>112</sup> Marx’s, Lenin’s, and Mao’s *dictatorship of the proletariat and the peasantry*,<sup>113</sup> the anarchists’ *revolutionary dictatorship, elite dictatorship, and avant garde*.<sup>114</sup> In this case, there may be a connection between fascism and anarchism because of elitist and aristocratic tendencies among certain libertarians, of which Mussolini and the “Vanguard Group” (an anarchist communist group inspired by Bakunin and Kropotkin and activated during the 1930s in the US) seem to be two examples.<sup>115</sup>

The Statists have hotly analyzed and defended the fear of chaos and the cult of democracy as the strongest arguments for their contractual or utilitarian theories. It seems that in many of these theories, we are not eventually far from the archaic theory of philosopher-kings implying that the masses are unable to decide or to change the current systems because of their inequalities and incapacities in wealth and sense of politics. Some professional or revolutionary individuals have thus the intellectual and political responsibility to direct the masses toward justice, democracy, and the pursuit of happiness. All those ambiguous and rhetorical theories of legitimizing Government have wonderfully functioned to put all

individuals and nations under the yoke of some seasoned politicians, revolutionaries, or anarchists, whatever their recipes are in their cooking books made for us.

The panic caused by the lack of a centralized political authority has already pushed some great thinkers toward the extreme worship of the State. In this case, Hobbes' *Leviathan* could provide one of the most phenomenal and cited works showing a mind amazingly paralyzed by the fear of State collapse or the failed State.<sup>116</sup> It argued that "*no knowledge of the face of the earth, no account of time, no arts, no letters, no society, and which is worst of all, continual fear and danger of violent death, and the life of man, solitary, poor, nasty, brutish, and short.*"<sup>117</sup> Such a fear is unfortunately much deeper than a purely philosophical contemplation, since it is rooted in both societal and Governmental violence, as Hobbes himself was psychosocially a result of the "fear of violent death" and "civil war".<sup>118</sup> In this sense, the acceptance of the State because of the fear of the state of nature depends on the personal or social experience of violence attributed to the absence of political authority.

Nonetheless, such a sense should not always be limited to the so-called Third World. For instance, the Canadian society with its propagandist institutions of obedience (especially the school, mass media, and university) does not indeed like the individuals who seriously think about many "disorders" in our State society, such as the wage slavery, poverty, unhealthy housing, racism, and sexism. In other words, it appreciates those who are scared of practicing anarchism, which they regard as the source of disorders rather than order, peace, and justice. It also likes the alienated people and communities that are submerging in gossip topics (particularly the privacy of famous and iconic people), sport, music, dance, alcohol, drug, sexual misadventures and violence.<sup>119</sup> In short, the Canadian society desires some humans who unquestionably obey the law in order to pay tax and pay debt off (e.g., education, mortgage, car, etc.). As a result, Canada has rarely produced, to my knowledge, any original anarchist or any anarchist alternative. In comparison to other Western countries like France and the USA, Canada remains a conservative country when it comes to accepting or tolerating anarchism.

Professor Comfort has however argued that the law and coercion are only necessary to regulate behaviour in the centrally organized societies, because the anonymity of centralization isolates the individual from primary group controls. Social dynamics are actually direct and immediate in small groups in which the individual moral sense can function unhindered and participate in shaping the mores that regulate group activity.<sup>120</sup> In contrast to the Hobbesian concept of brutal war of all against all, Professor Comfort has stated that man is a social animal that follows custom and the social group with an innate



predisposition to sociability. He has also thought, "*Leviathan becomes Frankenstein*" in a society living under central political power.<sup>121</sup>

On the one side, the necessity of the State to avoid the so-called "state of nature" is not evident, because the empirical studies have not proved the Hobbesian grim opinion of life in the pre-law Stateless societies.<sup>122</sup> Professor Barclay finds accordingly out that the anthropological record has not clearly supported Hobbes in any way. The Stateless societies seem to be less brutish and violent than the State societies.<sup>123</sup> Moreover, we have never observed a man in the state of nature, which means a man without social conventions.<sup>124</sup> On the other side, a glance at State crimes (especially war crimes) and the nuclear ambitions of the Statesmen should prove quite the opposite of Hobbesian look at the state of nature, and despite all political authorities around the world, we are not far from the state of nature, rather we are all inside it.<sup>125</sup> Professor Martel has found out that according to Walter Benjamin, the State does not safeguard us from violence, but it is the *source of violence*, especially in the fieldwork of the police.<sup>126</sup> "*To 'protect' us via the state is to have the fox guard the henhouse,*" Professor Martel has hence believed. In this case, the American Government, traditionally presented as one of the most democratic Governments, is obviously one of the most aggressive States that we have ever observed during political history.<sup>127</sup> As we will see in the Chapter 5, some scholars, especially the internationalists, have cynically presented the aggressiveness of the US Government as a symptom of international anarchy, anarchy in international relations, or the state of nature in international relationships! On the contrary, we will observe that the anarchists are seeking for an international libertarian order based on respect and cooperation. However, the *International Anarchist Congress* taking place from 24 to 31 August 1907 in Amsterdam could be a failed endeavor in this regard.<sup>128</sup>

### 1.5.2.2 The Destructive and Corrupting Aspects of Authority

According to a psychosocial approach based upon sexism depicting the masculine root of authority, the rulers have to be male, because they are supposed to be rational, strong, superior, dominating, adultish, and ruler-like people. On the other hand, the ruled have to be female, because they are supposed to be slow-witted, weak, inferior, submissive, sensual, conventional, slothful, childish, and unambitious people.<sup>129</sup> Such an idea about the subjugation of women by men is apparently old. For instance, Aristotle, a very great and influential Statist thinker, believed in male domination in both household and the City-State, because of female weakness and inferiority *by nature*.<sup>130</sup> As a political result, women have scarcely found any opportunity to govern existence, except some seasoned females.<sup>131</sup> Law Professor Wexler has already



concluded: “Now that large numbers of women are getting an opportunity to rule, we will see if they are any better at the task than men have been.”<sup>132</sup> Contrary to his conclusion, the Stateswomen have proved that there is no real difference between the governance of female and that of male, since both cases focus on corruption and hierarchy. Gender equality, like skin colour (e.g., Obama’s *Wartime Presidency*), cannot certainly solve all problems related to power and authority, because white male supremacy is only a part of these problems in a sophisticated system called politics. In other words, to be or not to be governed is not a simple question of being or not being a woman, since androcentrism is a current part of power and authority. Moreover, if women and men are equal, what is the difference between female governance and male one?

Despite white male supremacy with the inestimably harmful consequences, many human and natural experiences have hitherto shown that authority does know neither gender, nor skin color, nor religion, nor community, nor nationality, and does exceed all times and spaces altogether. It would be therefore hard to think that there is neither hierarchy nor rule-based laws (i.e. *made-man law* according to Emma Goldman)<sup>133</sup> in a decentralized and cooperative system. Professor Henry has accordingly shown the existence of hierarchical order in some cooperative structures.<sup>134</sup> As a result, “organizing from below”, which is contrary to “organizing from above” in the hierarchical societies, may constitute either an *anarchist fetish*<sup>135</sup> or an oxymoronic concept, which implies below-top governance, proving the existence of vertical authority and domination in a so-called anarchist society.

Moreover, there are always certain problems related to the relationship between freedom and authority, as Professor Wolff has already analyzed in a subtle and critical way. He has especially discussed the incompatibility of autonomy and liberty with authority.<sup>136</sup> In fact, authority requires absolute submission to the law that mostly breakdowns individual and social autonomy and liberties. Professor Frankel could be hence right to argue that to put positively those problems means to build an institutional framework providing at least minimal conditions for rational choice: human beings “*must be confronted by decisions between alternatives which are not ultimate but relative – in short, choices.*”<sup>137</sup>

Political history has hitherto shown that an authority centralized in one person or a group of persons leads to violence and despotism. Authority is accordingly corrupting not only the Governor (particularly the politicians, lawmakers, Judges, and cops) but also the governed.<sup>138</sup> It creates the feelings of superiority, unlimited knowledge, certainty, shamelessness, and regretless in the Governor who regards his/her opponents as inhuman and wrong, while it generates the feelings of inferiority, ignorance, uselessness, and obedience in the governed. On the one side, authority facilitates the access to many individual, familial,

social, economic, political, and legal advantages and privileges on all scales for those who desire governance. For instance, they are immunity, respect, celebrity or *political celebrity*<sup>139</sup> – which is very important in “political show” or “political theatre” –, wealth, sex, food, housing, clothing, and travel. The Governor does really do nothing, but only governing us! On the other side, authority distributes the fear of repression and punishment among those who must obey the rule of law or more exactly the rule of the jungle. It makes resistance very difficult on both sides. In short, more authority unavoidably leads to more problems, especially in the legal system in which the police officers, prosecutors, and Judges enjoy the enormous power of repressing, persecuting, judging, and punishing. As we will observe later, the stigmatization and repression of dissidents are salient in this case.

As for the Governor’s corruption, Khamenei, the Supreme Leader of Iran, has provided a significant example. As a political activist and prominent journalist during the rule of the Shah, Houshang Asadi was jailed with Khamenei who would later become one of the most ruthless and bloodiest leaders in the world. “*I think,*” he says, “*the image I have given of Khamenei and the image we have from him now demonstrate what power does to people, how it turns a tortured prisoner into someone who is in charge of hundreds of torturers and who tortures others through them.*”<sup>140</sup>

In this case, I also think that *The Experiment* is an interesting film showing how the voluntary division of participants into two groups acting as inmates and prison guards led to the oppression of the former by the latter.<sup>141</sup> This film indeed depicted Professor Zimbardo’s *Stanford Prison Experiment* and Professors Haslam and Reicher’s *The BBC Prison Study*.<sup>142</sup> They had explored the psychological and social consequences of putting people in the groups of unequal power that cause both tyranny and resistance. Their studies remind us of torture in the Abu Ghraib and Guantanamo Bay Prisons.<sup>143</sup> When it comes to reciprocal corruption between the prisoner and the guard, Professor Sykes has explained a principal barrier to the rehabilitation of an adult offender in a maximum-security prison. It concerns not only the unnaturalness of prison environment and the lack of scientifically tested therapeutic tools, but also the corruption of the guard’s authority in maintaining discipline and custody.<sup>144</sup> There are however some questions to answer: does power reveal an authoritarian personality that changes according to circumstances and opportunities as well? Are personality traits underlying tendencies to act in certain ways in especial situations?<sup>145</sup> Does this also remind us of the “victim to victimizer cycle” or the “cycle of violence”?<sup>146</sup>

In our case, Professor Milgram’s controversial study, known as *the Milgram Experiment on Obedience to Authority Figures*, is another significant example providing the destructive aspect of

obedience to authority. It consisted of ordering a “teacher”, a participant, to administer increasingly more severe punishment to a “learner”, an actor working as a cohort of the experimenter, in the context of a learning experiment. A shock generator with 30 graded switches ranging from slight shock (15 volts) to severest shock (450 volts) administered punishment. The study showed that the majority of participants (the 26 subjects of 40) obeyed the orders to the end. They punished the victim until they reached the most potent shock available on the shock generator in spite of the pains of the learner.<sup>147</sup> That social psychologist hence concluded in *The Perils of Obedience*: “Even Eichmann was sickened when he toured the concentration camps, but he had only to sit at a desk and shuffle papers. At the same time the man in the camp who actually dropped Cyclon-b into the gas chambers was able to justify his behavior on the ground that he was only following orders from above. Thus there is a fragmentation of the total human act; no one is confronted with the consequences of his decision to carry out the evil act. The person who assumes responsibility has evaporated. Perhaps this is the most common characteristic of socially organized evil in modern society.”<sup>148</sup> Many political criminals, including war criminals, accordingly love to confirm that they have only obeyed law and order when carrying out their evil acts.

Moreover, those who impose authority over us “live in distance with us” while maintaining parallel lives and separate spheres, which do not rely on partnership.<sup>149</sup> Their isolation from ordinary life has made them immune against any sense of shame, regret, or feeling of human pains, while power has certain negative effects on their brain.<sup>150</sup> Professor Eby’s article about why labour leaders are alone is accordingly significant. He concluded that the man becomes “isolated from his fellowmen by personal inclination and system, more in sorrow than in anger. I know that as long as big government and big organizations exist, men will be set apart, and consequently lonely. Recognizing this, I believe that the set-apart must be governed by a true humility, rooted in the soil of everyday living, and hence willing to return to the people who gave them rise. When they are not such men, when indispensability becomes their God, the people must protect themselves by insuring that they are so returned, even against their own wishes and the indispensability they so unbelievably believe real.”<sup>151</sup>

As far as the governed is concerned, she/he has become a clown who has no real power over political decisions, except to choose her/his political Masters during some elections. Some researchers have emphasized that the leader influence may directly or indirectly affect an individual through a network of social peers. The influences imposed by social leaders upon group behavior are plentiful in the fields of politics, marketing, and media.<sup>152</sup> The governed people eventually lose the sense of autonomy and freedom in their personal and social affairs whose quantity and quality rely on authority. In this case, self-respect and self-esteem have a direct relationship with how Government treats the citizens.<sup>153</sup>

Professor Martel has argued that if the people believe that “archism”, as a part of “human nature”, is unavoidable, it then makes sense that they try to be as State oriented and aggressive as possible. “*Better to be a dictator yourself than to suffer under one!*” For him, “*the only way anarchism makes sense is if human beings are not fated to either rule or be ruled.*” He has also discussed that Professor Scott’s *The Art of Not Being Governed* is a wonderful book showing that the States do not *naturally* arise at all, but they only force the people to become citizens. As a result, most of the citizens must run away to avoid being dominated. “*It is only over time that States succeed in seeming like the only game in town and that very idea reinforces the prevalence of archist thinking,*” Professor Martel has concluded.

Legal anarchism can summarize the debate by invoking Bakunin’s *Power Corrupts the Best*, which relates to the problems of governing according to the Governor’s *superiority complex* and the governed’s *inferiority complex* as well. He argues that nothing is more destructive for human morality than the habit of commanding. The best person, the most intelligent, disinterested, generous, or the purest person is always spoiled at this trade. Two feelings inherent in power are actually the overestimation of one’s own merits and contempt for the masses. As for the grassroots, they recognize their incapacity to govern on their own account so that they elect their commander. They publicly proclaim their inferiority and the superiority of their commander.<sup>154</sup> The relationship between the Governor and the governed could imply Hegel’s “Master-Slave Dialectic”,<sup>155</sup> which may cause three types of personality: a *slave* or *obedient personality*, supposedly normal, a *dominant personality*, supposedly normal also, and eventually an *anarchist personality*, outlaw or abnormal.<sup>156</sup>

Those who study the law, practice it, or even are awarded with certain law degrees, mostly thanks to the Western universities’ corruption and crimes, would seriously suffer from superiority complex in the framework of a type of politically Master-Slave Dialectic. Since, they are historically struggling to subjugate us to their ideology and economic interest as well: the syndrome of “the lawyer-Statesmen” alluding to the philosopher-kings of the legal system, as mentioned above.<sup>157</sup> These narcissistic and psychopathic personalities have never stopped claiming themselves as the only and the best people to govern existence, or they hotly believe in being absolutely the best people to govern existence, since nobody has any merit to replace their absolute power and authority, nobody has their omniscience, but without any reliability. They really want to see all existence, absolutely all, as their dominated property, until everywhere they are able to expand their power and authority, legally or illegally intensified inside as well as outside their jurisdiction. As we will later see regarding the Judge, they make an illusion to be certain “sacred men” or “chosen people by God” in order to be His representatives on the earth and over it.

## 1.6 The State

The ambiguous concept of the State has generated many debates about its definition and function. These debates would not only help us to understand certain elements of the State, analyzed in the next Chapter, but also call its epistemology into question. Legal anarchism has argued that the State is by no means an institution relying on dialogue, and its rationality and normativity are therefore very questionable. The State is actually one of the most used concepts in social science, but a gruesome concept to define, since it is a highly complex institution. It is also a mixed or identified concept with many other concepts: sovereignty, sovereign State, State sovereignty, popular sovereignty, the sovereignty of the people, democracy, republic, country, nation, nation-State, authority, political authority, civil authority, Government, centralized Government, civil Government, polity, social contract, political contract, commonwealth, society, and so on.<sup>158</sup> It seems that there is no agreement among the libertarian thinkers about the definition of the State, as it is the same regarding other thinkers.<sup>159</sup> Such disagreement also exists when it comes to the similarities and differences between the conceptions of the State and Government.<sup>160</sup> Legal anarchism provides some examples in this case showing the vague and general definitions of the State among the anarchists.

Proudhon describes the State as “*la constitution extérieure de la puissance sociale.*”<sup>161</sup> In *God and the State*, written in an elegant and deep language, it seems that Bakunin has really had no definition of the State, but a political allegory. He has thus argued, “*The State will no longer call itself Monarchy; it will call itself Republic.*” It will however “*be none the less the State – that is, a tutelage officially and regularly established by a minority of competent men, men of virtuous genius or talent, who will watch and guide the conduct of this great, incorrigible, and terrible child, the people. The professors of the School and the functionaries of the State will call themselves republicans; but they will be none the less tutors, shepherds, and the people will remain what they have been hitherto from all eternity, a flock. Beware of shearers, for where there is a flock there necessarily must be shepherds also to shear and devour it.*”<sup>162</sup> In *Marxism, Freedom and the State*, he should be clearer when he argues that the State depends upon the principle of *authority*, which means upon the eminently metaphysical, theological, and political idea. Due to the masses’ incapacity of governing themselves, they have always submitted to the benevolent yoke of a justice or wisdom imposed on them from above. Such an authority recognized and respected by the masses has only three possible sources: force, religion, or a superior intelligence always directed by certain minorities. In short, “class”, “power”, and the “State” are three inseparable and presupposed terms meaning “*the political subjection and the economic exploitation of the masses.*”<sup>163</sup> Bakunin finally believes that “*the most imperfect republic is a thousand times better than the most*

*enlightened monarchy*,” because there are some periods when the people are continually exploited and not repressed in the former, but repression is permanent in the latter.<sup>164</sup>

We may observe the same belief among some anarchists who were lovers of Bakunin (especially Kropotkin and Rocker) and advocates of defending the Allied States during the World Wars I and II, or more exactly enduring the British, French, and American Empires against other ones.<sup>165</sup> In this case, as Bakunin implied, the question was to choose between the bad State and the worse State, which still shows the constant debates in politics concerning “the lesser of two evils principle”.<sup>166</sup> How would his opinion be about the possible World War III? In which side will the libertarians take part to justify “authority” that they ironically hate? Accordingly, Karl Kraus judiciously refused to choose the lesser between two evils, because the lesser of two evils remains evil.<sup>167</sup> Professor Weizman has recently expressed the same thing in *The Least of All Possible Evils*.<sup>168</sup> Furthermore, why shall I choose between two evils when one of them would most probably become unpopular as soon as possible?<sup>169</sup>

Professor Hoppe defines the State as a territorial monopolist of force that may engage in continually institutionalized property rights violations and the exploitation of private property owners in the form of regulation, expropriation, and taxation.<sup>170</sup> Berkman has likewise described the State and the law as a protector of capitalism, which means the capitalist class’ robbery from the proletarian class, teaching obedience, though they themselves stand for robbery and murder. In fact, all Governments are the maidservants of the economic powers.<sup>171</sup> In short, violence, force, and fraud are the antisocial destructive characters and purposes of authority or the State.<sup>172</sup> Regarding as a synonym for the State, he has defined Government as the King with his ministers or the President with his cabinet, the Congress or the Parliament, and the officials of the different State and Federal departments. They altogether constitute a small number of people as compared with the entire population.<sup>173</sup>

As for Goldman, Berkman’s lifetime lover and comrade, she believes that Government, the State, or organized authority exists exclusively to maintain the monopoly of property by a minority. It is itself the greatest offender, because it breaks every natural and written law, steals in the form of taxes, kills in the form of war and capital punishment, and has come to absolute power in coping with crime, while it has utterly failed to minimize or destroy the horrible catastrophes of its own creation.<sup>174</sup> She undoubtedly has many destructive ideas about the State throughout certain emotional and violent words without eventually defining the heart of her critiques, which is to say the State itself. For her, the State, moral laws, and society all impose the same rule: obedience. Although humankind can have all the glories of the earth, she/he must not become conscious of her/himself. On the contrary, anarchism is the only philosophy that brings the



consciousness of herself/himself to humankind while maintaining that God, the State, and society do not exist and their promises are useless, since they can be fulfilled only by humankind's submission. In other words, anarchism struggles against the greatest foe of all social equality, namely the State, organized authority, statutory law, or the absolute subordination of human conduct. In short, the keynote of all States is injustice. They ordain, judge, condemn, and punish the most insignificant crimes while maintaining themselves through the annihilation of individual liberty, which is the greatest of all crimes.<sup>175</sup>

Professor Rothbard has tried to define the State in a Weberian manner mixed with an anarcho-capitalist tradition. In *Anatomy of the State*, he has accordingly said that although the State maintains a monopoly of the use of violence and force in a given territorial area, it does not absolutely represent the majority of the people. Moreover, it is particularly the only social organization obtaining its revenue not by voluntary contribution for its services, but by coercion, which is to say expropriation or taxation.<sup>176</sup>

According to Professor Adán, the reformist anarchists (Godwin, Warren, Stephen Pearl Andrews, Benjamin Tucker, Gill, and Read) agree that Government, as a necessary evil, may be only justified by acting against "the actions of invasive agents" that threaten the freedom of individuals. They believe that such a minimal State is a temporary stage toward anarchism.<sup>177</sup> In the same sense, Professor Roberson argues, "there may be some potential for a reconstituted Godwinian theory, shorn of its perfectibilism and with a proper appreciation for the legitimacy, within a limited scope, of legal authority."<sup>178</sup> This can be a secular version of Christian anarchism, since John Humphrey Noyes regarded the States as "preparatory forms of discipline, fitted to the childhood of the race" before the establishment of the Kingdom of God.<sup>179</sup> As for Lum, a leading anarcho-syndicalist, he argued that an organization for protecting person and his labour product or property, "composed of those who felt the need for the exercise of such functions, in which loss by depredation would involve no greater difficulty than loss by fire, would naturally arise where such demand existed. The difference between the watchmen of such an organization, whose functions consist in mutual protection and defence of the equal limits of personal freedom, for commercial needs, and a political-policy system wherein personal liberty is subordinated to inanimate things as of a greater importance than their creators, is so apparent to the candid reader that I need not pause to dwell upon it."<sup>180</sup>

The statute law and Judge-made law actually define the frame of existence according to the sacred *rule of law*, and the legal system punishes any attempt to escape from this legal frame. It should keep in mind the interrelationship among those institutions. For instance, the legal system is not merely a monolithic institution insofar as it covers several entities connected to other institutions.<sup>181</sup> In fact, the Criminal Justice System (CJS) contains several institutions: police, especially as judicial or executive power, prosecutor acting between the judiciary and the executive, Judge who is somehow a lawgiver in the

common law, social worker, and so on. The State accordingly seems to be a group of authorities, particularly political, economic, legal, and judicial authorities. In this regard, Professor Gordon has presented a large sense of Government, which means a “regime” containing an impersonal set of rules that regulate relationships between people, such as work and family. He has argued that the anarchists refuse not only a specific Government, but also Government in general, a word that implies more than the State.<sup>182</sup>

Moreover, as we will see regarding the principle of checks and balances, State powers strengthen each other, and they do not necessarily guarantee individual and communal rights as the lawyers and politologists are hotly defending. For example, when it comes to the security concerns of refugees in Canada, Mossallanejad has stated that many Members of Parliament do not intervene while other inter-Governmental agencies (such as the UNHCR) scarcely intervene.<sup>183</sup>

In spite of the fact that the State has traditionally constituted the Enemy Number One of anarchism, because of its exploitation, indoctrination, and destruction of individual and social liberties and rights, the anarchists have not ironically cared about defining their enemy in a concrete manner yet, which can be understandable for the laypeople. Since, it would remain an ambiguous institution to define in the libertarian theories. Does not such an ambiguity put the value of these theories into question?

Legal anarchism could nonetheless define the State as an authoritarian institution that incarnates authority in all aspects inasmuch as it is unlimitedly enforcing its rules by force, violence, and domination. It moreover argues that when the State’s justification or legitimacy does not apparently rely on force, it endeavors to falsify its subjects’ consent, particularly by legal education and lawyering, as proved in the Chapter 3. Legal anarchism focuses principally on the normative sense of authority: an institution that imposes its norms upon a population and the environment within a territory by using executive, legislative, and judicial powers or institutions: three Governmental powers.<sup>184</sup> In this sense, Government is an executive institution. Legal anarchism uses the concept of the State and Government in an interchangeable manner.<sup>185</sup> The State exists, according to legal anarchism, through seven basic elements: territory, human population, non-humanity, taxation, army, criminal law, and ideology. It will actually exist as long as it is able to force its citizens, by the army and criminal law, to pay tax and to obey its rules through certain ideological mechanisms that aim at propagating the ethos, advantages, or disadvantages of obeying or disobeying its laws. Professor Gene Sharp has accordingly identified the six major sources of political power: *authority* (perceived legitimacy), *personnel* (the ruler and the ruled), *skills and knowledge*, *material*



*resources* (such as land and money), *intangible factors* (psychological, cultural, and ideological factors promoting obedience to and cooperation with the ruler), and finally *sanctions*.<sup>186</sup>

## 1.7 Conclusion

Throughout this Chapter, I demonstrate that the anarchists have created and developed their own terminology and jargon, due to their economic and intellectual superiority in our unequal society, when they fight against each other by their own language. For example, the “anarchists” or supposedly socialist thinkers deny the anarchist essence of “libertarians”, i.e. supposedly capitalist thinkers. Nonetheless, their terminological debates are usually general or ambiguous. It seems that they have not clearly defined the key concepts like anarchism, anarchist, libertarian, law, power, authority, and the State.

As a result, legal anarchism has endeavored to overcome the conceptual issues in anarchism by its synthetic methodology or anarchism without adjectives. It defines a concept in accordance with the spirit of anarchist thought and with that of other disciplines like environmentalism and jurisprudence, which are particularly helpful for its concepts and definitions. It has therefore taken into account or synthesized the issues of *normativity* and *ecology* when, for example, analyzing and defining power, authority, and the State. Legal anarchism however recognizes that anarchist terminology is not a fixed phenomenon, since it evolves to answer new challenges. These multidisciplinary and synthetic approaches of legal anarchism should once again prove its importance for academia as well as the society, which would realize the problems caused by State authority in existence.

Because authority and power are multidimensional and multifunctional concepts absorbing all aspects of humanity and non-humanity, it is hard to think that there will be any type of society, even anarchist one, in which they are ineffective or absent. In this regard, Professor Amster has argued that the anarchist communities aim at maintaining social order as a whole, since they do not eliminate power and authority rather newly applying these endemic tendencies.<sup>187</sup> An anarchist society would accordingly try to maximally minimize or destroy the harmful effects of governance imposed by authority on humanity and non-humanity as well.

Furthermore, legal anarchism finds out that authority and power have more similarities than differences. Enforcing endless norms by punishment and asking for absolute obedience constitute the most common characteristics of authority and power. However, contrary to authority like Government, power like the ISIS does not necessarily need the ideological acceptance of its subjects. Power actually enjoys its practical acceptance by those who are automatically subject to its norms. Such a difference implies that

why almost all States are endlessly struggling to prove their legitimacy by a democratic foundation relying supposedly on the voting and education systems. The anarchists have nonetheless argued against this foundation, as shown in the next Chapters, since State legitimacy is principally practical, which puts it next to power.

Relied on the anarchist conceptual debates on power, authority, and the State, legal anarchism has proved that the State and its authority are neither rationalized nor necessary, because their force comes from the monopolization of property and violence. The CJS guarantees State power in a given territory or even outside State jurisdiction when the State increases its power in space. In other words, the anarchists deny the justification and necessity of the State, since it is rooted in the brutal force of legal system strengthened by organized crime and taxation, not in agreement and democracy.

Finally, the general concept of the State affects also the debates about the determinant factors of State authority, which legal anarchism analyzes in the next Chapter.

## Chapter 2: Some Elements of the State

### 2.1 Synopsis

By some elements of the State, I describe State characteristics and relations with other phenomena, which help us to have some knowledge about governance and its legitimacy. They are State jurisdiction, democracy, Statelessness, human nature, and Governmental extreme happiness and pains.

Firstly, legal anarchism examines the necessity of some national frontiers in which Government and its citizenship find their meaning. The anarchists, like Tucker, believe that national frontiers and their creation are physical aspect of Government relying actually on blood and war, not on democracy. Rocker, Ward, and Rothbard have emphasized the difference between the nation and the State, which opposes the justification of the nation-State. The nation exists through cooperation, but the State through coercion that results in war, conquest, occupation, and eventually imperialism, which need also to invent foreign enemies. Legal anarchism accordingly regards the Iranian, American, Israeli, and Venezuelan Governments as typical examples showing how they are apparently fighting against each other, but keeping some secret relationship.

Secondly, legal anarchism analyzes how State democracy has metamorphosed from liberal democracy to religious democracy. Many States claim secular democracy, others theocratic democracy. This metamorphosis has indeed proved, as Mallock implied, State democracy is a form of oligarchy. In contrast to this form of falsified democracy, the librarians have presented anarchist democracy in accordance with social anarchism. Kinna, Surowiecki, Cadogan, and Munson have accordingly defended that despite certain structural difficulties, direct democracy can satisfy an anarchist claim for autonomy and liberty.

Thirdly, by invoking the work of certain libertarians like Stringham and Miles, legal anarchism finds out Statelessness does not result in the state of nature, but in law and order as humanity has long experienced life without any centralized Government. Arendt, Martel, and Benhabib have expressed that Statelessness results in losing rights and liberties inasmuch as their existence and protection depend on Statehood, which paradoxically generates Statelessness because of political problems like war and refugee.

Fourthly, legal anarchism analyzes the connection between Government and human nature, an old consideration among many thinkers. For instance, Rothbard and Panclasta have interpreted human nature as a mixture of social and antisocial tendencies, while the majority of anarchists are confident in human

goodness. Besides, legal anarchism argues that State authority magnifies antisocial tendencies, due to the extremity of State power and violence, legalized or romanticized by some Statist or even anarchist intellectuals (e.g., Chomsky).

Fifthly, legal anarchism proves that State authority causes extreme happiness for the Governors but extreme pain for the governed, i.e. humans and non-humans together. These extremities are systematic, legal, or illegal. To measure them is however very difficult, because exists a little information or a few research about their quantity and quality. On the one side, the State guarantees a luxury lifestyle to its top workers and their castes during life and after death, based on taxation or corruption, to help them in constitutionally pursuing happiness: the First Lady Syndrome, Palaces, ultra-first class travel, etc. On the other side, the State legally or illegally brutalizes humanity and non-humanity through the extreme rules and sanctions. For instance, the CJS and the army devour sociality, individuality, and naturality through unlimited laws and sanctions, such as property crimes, environmental laws and crimes. In this case, the State is symbolically sacred like God, because it is omnipresent and the breaking of its rules brings punishment. Legal anarchism eventually shows that State crimes against nature are a process starting from political violence against animals and resulting in victimizing the entire environment.

## **2.2 State Jurisdiction**

State jurisdiction means that the State and its scholars are trying to justify or rationalize its power in space. It actually implies that the State creates some boundaries inside and outside which it pretends to protect its citizens. This implication has generated a generic concept called the “nation-State”, by which all States are satisfying their warlike and dirty tendencies.

### **2.2.1 The Creation of Frontiers and the Protection of Citizens**

Legal anarchism argues that due to the geographical element of Statehood, worshiped by, among others, certain internationalist thinkers,<sup>1</sup> all States have bloodily created national frontiers whereby they are claiming to protect their citizens, but imposing their own laws. As Benjamin Tucker acknowledged, national boundaries are merely physical manifestations of Government.<sup>2</sup> In fact, they are a major source of refugee crisis, discrimination, racism, hostilities, and eventually war among nations, thanks to nationalism or jingoism fuelled by politicians.<sup>3</sup> Professor Murphy has however believed that conflicts for territory are essentially a constant in human history throughout which “might” has generally made “right”.<sup>4</sup>

Besides State frontiers or territories from which nobody can really escape, the fabrication of “foreign enemy” is a common phenomenon among the despotic as well as democratic States, while it takes part in legitimizing governance. For instance, the Islamic Republic of Iran is too proud to denounce the Western States, especially the USA and Israel, as the basic source of all its problems, and consequently its sworn enemies, and vice versa. Nobody can actually escape from the governmentalization of spaces, even over-spaces,<sup>5</sup> or from the label of “enemy” around the world.

Territoriality has also created very profitable and gigantic businesses, illegal as well as legal: human trafficking, animal trafficking, asylum, undocumented workers constituting a part of modern slavery,<sup>6</sup> immigration counsellors, immigration lawyers, visa and immigration services, etc. In the name of defending homeland (i.e. fatherland or motherland) or an ideology, the citizens of one State (e.g., the ISIS) are irresistibly encouraged or legally forced to massacre, injure, rape, torture, destroy, or plunder those of another State. They are consequently burying all senses of morality and humanity together. This phenomenon is really rooted in patriotism or ideologism of which the politicians and war industrialists are profiteers. Nobody will know how many people, animals, and plants have been victims of nationalism inside as well as outside State jurisdiction, since the nationalistic catastrophes do no stop in the frame of national law, international law, or so-called *international war* at all, but devour all existence. In this case, all States, small as well as big ones, are able to declare war against their own populations,<sup>7</sup> which we call *civil war*, when their interests are jeopardised. For example, the Bashar Al-Assad Administration massacres its own revolting people by calling them “terrorists”,<sup>8</sup> as did Libya under another dictator, i.e. Muammar Gaddafi.<sup>9</sup>

Patriotism certainly needs its intellectual foundation.<sup>10</sup> Among the intellectuals, the law Professors and lawyers are honourably crowned to discuss endlessly the guilt, POI, responsibility and punishment of heads of State, elements of the crime (i.e. *actus reus* and *mens rea*), legitimacy and competence of the court, just war theory, national security, international arrest warrant, extradition, etc. They are skillfully doing their business through their technical language and rituals, which are unknown to the laypeople, thanks to their *ex cathedra* while also appearing to treat this as an abstract issue, not giving a damn about the pains of victims: invasion, occupation, internment camp, imprisonment, rape, torture, the demolition of property, and so on.

## 2.2.2 The Nation-State: The Belligerent and Dirty Misadventures

The State always tends to present itself as a nation: the nation-State. On the contrary, the anarchists make a difference between the “society” and the “State”, because the first is a natural organization based

on voluntariness, while the second is an artificial organization founded on violence and coercion, particularly on the legal system and army.<sup>11</sup> Professor Ward has accordingly argued that the anarchists stress an important distinction between the State and society.<sup>12</sup> Rocker's *Nationalism and Culture* provides a good example in this case. According to Rocker, every State has the impulse to reduce minimally the rights of the society and to secure its own existence, on the one hand. The society constantly struggles for expanding its liberties and rights by limiting the functions of the State, on the other hand. Political liberties and rights have never indeed been won in legislative structures, but compelled from them by social pressure. The history of Europe provides striking examples showing that such rights and liberties do not persist because they are written down on paper as law, but because they have vitally become a necessity for the people through their very flesh and blood.<sup>13</sup> It seems that Rocker has gone further by rejecting "the collective responsibility of the nation", because it "kills the sense of justice of the individual and brings man to the point where he overlooks injustice done; where, indeed, it may appear to him a meritorious act if committed in the interest of the nation."<sup>14</sup> Graur has likewise argued that the anarchists do not recognize this type of responsibility insomuch as it is only a valid notion when all individuals in a nation "share common interests regardless of class barriers," since Rocker did conclude that "the real situation was far removed from this ideal, and thus anarchists must vehemently reject the concept of collective responsibility."<sup>15</sup>

This rejection of collective responsibility requires attention. Professor Goldhagen has nonetheless argued that the sentiment of anti-Semitism was deeply rooted in the ideology of ordinary German citizens who were accomplices in murdering the Jews.<sup>16</sup> In this case, Hull, John Stambaugh Professor of history, speaks about the "culture of violence" in Nazi Germany, which was shared by other European colonialist States as well.<sup>17</sup> In this sense, legal anarchism invokes the pamphlet of the Anarchist Communist Federation declaring: "We are against all national flags. All national flags are against us."<sup>18</sup> Finally, does the rejection of collective responsibility imply a "culture of impunity" as it exists under the reign of Islamic President Rouhani?<sup>19</sup> Should we recognize the value of "collective guilt" and consequently "collective punishment"<sup>20</sup> to avoid such a culture? Professor Magala has argued that the degree of acknowledgment and responsibility of the moral trouble with our cultural legacies is limited. For instance, we cannot hold current British citizens responsible for crimes perpetuated by the British Army in India in the nineteenth century.<sup>21</sup>

The difference between nation and the State can also be observable when it comes to the belligerent and dirty misadventures of the latter in the name of security of or prosperity for the former, which means imperialism and colonialism. Professor Rothbard accordingly implied that the "nation" wrongly attached to

the State and emerged in a common and universal word: “the nation-State”. Since, “*the modern European nation-state, the typical “major power”, began not as a nation at all, but as an “imperial” conquest of one nationality – usually at the “center” of the resulting country, and based in the capital city – over other nationalities at the periphery.*”<sup>22</sup> Rocker had already argued that after the overthrow of the Roman Empire, the barbaric States arose around Europe, filling the land with rapine and murder, and wrecking all cultural foundations.<sup>23</sup> In this sense, there is a symbiotic relationship between militarism and Statism, as Professor Charles Tilly puts, “*War made the state, and the state made war.*”<sup>24</sup> For instance, we may separate the imperialism of the US Government from many American people,<sup>25</sup> as we may do it regarding Judaism and the warfare and occupation of the Israeli State or Zionism defending and supporting a Jewish State relying on blood, plunder, genocide, and apartheid.<sup>26</sup>

In fact, the States cultivate the hate of foreigners among their citizens who do not even know each other at all, and have personally done nothing wrong to each other. The Governments of Iran, Israel, the US, and Venezuela are typical examples in this case showing how the States *create* xenophobia among their citizens, when they collude with each other in order to protect State political and economic interests.

On the one side, the Islamist Government has done everything to create a highly hostile environment between the Persian people and the Israeli people, ever since the Iranian Islamic Revolution in 1979, even though Iran is paradoxically homeland for the biggest and oldest Jewish population in the Middle East outside Israel, a community which is experiencing a particularly hard time.<sup>27</sup> Khomeini long ago stated: “*This occupation regime over Jerusalem must vanish from the arena of time.*” President Ahmadinejad would later repeat Khomeini’s statement with a genocidal touch: “*Israel must be wiped off the map.*”<sup>28</sup> Hassan Rouhani, a so-called moderate Mullah selected as the Islamic President of Iran, firstly declared “*Israel an ‘old wound that should be removed’*,”<sup>29</sup> then referred to Israel as a “*festering Zionist tumor*”.<sup>30</sup>

On the other side, the State of Israel has not stopped threatening to bomb Iran because of the Iranian nuclear program – despite the fact that Israel is also a nuclear power –, as it did already destroy Iraqi nuclear facilities at Osiraq in 1981.<sup>31</sup> Many Israelis are nevertheless opposed to such bombardment.<sup>32</sup> The same would go for many Iranians opposing Ahmadinejad’s tendency, although there are no statistics about it, due to State censorship and manipulation hiding any truth about Iranian public opinion on Israel.<sup>33</sup> However, despite State manipulation and censorship, both nations have shown hopefully that they love each other.<sup>34</sup>

Following the political fight between two States, each Iranian Jew was also offered \$10,000 to immigrate to Israel, which doubled the existing \$5,000 allocated by the Ministry of Absorption and the



Jewish Agency.<sup>35</sup> Both Iranian and Jewish States do not care about the suffering of their own citizens in the name of national security while theatrically and legally constructing each other as evil as well as enemy. Despite the rhetorical war and creation of a foreign enemy (a real scapegoat for Governmental brutalities) in both States, Iran bought arms from Israel with American consent (known as *Irangate* or *Iran-Contra Affair*), arms that would be later used also against the Israeli and Western targets. That State secret trade would secure the release of the Lebanon hostages, and allow American intelligence agencies to fund the Nicaraguan Contras in the 1980s.<sup>36</sup> The political identical love story, but with much more details, would repeat during the dirty or shameful British dealings with Gaddafi (known as the *Deal in the Desert*), which was so profitable for the British arms industry.<sup>37</sup>

Furthermore, the Iranian theocratic Government has called the United States “the Great Satan” doing “satanic acts”, while the US Government has continued really not to bother the American companies from making money with Iran and not to change the Mullahs’ State, but to seek that Iran changes its “rogue activities”.<sup>38</sup> For instance, the US Government deliberately failed to support the Green Movement in Iran, which ended in the Iranian Government’s brutal repression,<sup>39</sup> despite the fact that the US Government is traditionally worshipping itself as the *universal gendarme of liberation and democratization*.<sup>40</sup> After the secret relationship between Khomeini and the US Government, another secret *political love story* has emerged between Presidents Hussein and Hassan, a political terrorist,<sup>41</sup> in order to conciliate American imperialism with Persian Islamic fascism in *Animal Farm* style.<sup>42</sup> It seems that the Iranian State is itself a “Small Satan” because it does bloody business with other Satans, as in the case of the Iran nuclear deal, for example.<sup>43</sup>

However, the Small Satan has begun to work with the Great Satan and other ones like the UK. They want indeed to create a more stable Iraqi Government and to ease the threat from Sunni militants struggling to establish an Islamic State in Iraq and Syria (ISIS) or even a Muslim Caliphate in the world.<sup>44</sup> These Satanic States do not really care about the people, justice, and peace in those areas, but about their own geopolitical and economic interests.<sup>45</sup> Moreover, the Iranian and Iraqi Governments were fighting against each other from September 1980 to August 1988!<sup>46</sup> As for the ISIS and other terrorist organizations, are they, for example, as the bloody and economic theaters of militarism as the Iran-Iraq War was through other States’ complicity, cooperation, or silence? Will they trigger another Cold War or Hot War to destroy not only humanity but also nature? Will they eventually spark World War III or destroy the Western Empires and their Allies as the Barbarians invaded the Roman Empire? After this violent and retroactive destruction, will existence witness another Renaissance and Enlightenment either with the more powerful centralized States or without anyone? Is human existence doomed to repeat this violent cycle or



to end it with embracing, for example, Marxist communism or anarchism? *Do we belong to anarchism or will we return to anarchism at the end of history?* Will humanity finally destroy the Mother Earth thanks to its destructive technology?

Former President Chávez, supported by Professor Chomsky,<sup>47</sup> has provided another example. In spite of his anti-imperialistic discourses, Venezuela has still kept a very good economic relationship with the US, and remained a capitalist State as well.<sup>48</sup>

Those examples can show that despite their apparent hostility toward each other, there is usually *secret mutuality* among the States. Professor Martel is right to say that even when the States seem to be in opposition, they are able to collude. Just as they can struggle and compete against each other, they also share a basis for mutual understanding and cooperation (e.g., torture).<sup>49</sup> This would furthermore call into question the sacralization and worship of “mutuality” and “mutual aid” by respectively comrades Proudhon and Kropotkin, because of their potentiality to destroy or seriously limit our liberties and freedoms as well.

To have a great mind or heart does not necessarily come from nationality, since it results in several factors including society and culture. The highly emphasis of certain libertarians, not only individualists but also socialists such as Emma Goldman, on individuality against sociality may nonetheless put into question a distinction between the State and the society insomuch as they are presented as two institutions restraining the individual from her liberties through domination and indoctrination. In this case, Professor Ward has himself recognized that the State represents a type of relationship between the people that has been formalized according to a set of interests operating contrary to the people’s interests, *“even to the point where it evaluates its means in terms of megadeaths.”*<sup>50</sup> As far as Rocker is concerned, he has argued that despite *“all social convulsions we have not yet succeeded in finding an inner adjustment of the manifold desires and needs of the individual and the social ties of the community whereby they shall compliment each other and grow together. This is the first requisite of every great social culture.”*<sup>51</sup> In this sense, Professor Hoffer argues that the solution of the balance between individual liberty and social demand *“is still a challenge”* to us.<sup>52</sup>

Finally, the crimes of the State are sometimes profitable for its citizens. For example, Professor Wilson has argued that *“even if one opposes much of what the American Government and American corporations have done abroad in our name, one can hardly resist the benefits, be they in lower clothing and gas prices or higher stock markets.”*<sup>53</sup> If not all State crimes or activities are beneficial to the citizens, they certainly provide large benefits for the politicians, as we will see later regarding the extreme happiness that the State is permanently providing for its top workers.

## 2.3 The State and Democracy

The concept of democracy would be as ambiguous as that of the State. We are now witnessing an evolution or devolution from so-called “liberal democracy” to “theocratic democracy”. Besides these controversial types of democracy, we can speak about “anarchist democracy” which depicts the problematic relationship between anarchism and democracy.

### 2.3.1 From Liberal Democracy to Theocratic Democracy

First, it is important to notice an old tradition among the Western highbrows to call their Governments the *liberal democratic States*, such as the US, Canada, England, France, and Iceland.<sup>54</sup> They currently call them the *Neo-Liberal States*.<sup>55</sup> There is another tradition among others to call their Governments *democratic, popular, or republic*. For example, they are the Democratic Republic of the Congo, the Republic of Turkey, the People’s Republic of Poland, the German Democratic Republic, the Democratic People’s Republic of Korea, the Dominican Republic, the Republic of Cuba, the People’s Republic of China, the Islamic Republic of Iran, the Islamic Republic of Afghanistan, and the Islamic Republic of Pakistan. Such a political show aims at legitimizing Government by naming its institutions “popular” or “democratic”, despite the fact that most are far from democracy. This is shown by the legal systems, in which the Judges are mostly political and Governmental animals. In terms of their selection, salaries, and functions there rarely exists any type of popular supervision or control, just the shadow of “legal independence” in accordance with the doctrine of separation of powers is still satisfying its adepts.<sup>56</sup> The legal repression of the anarchists, as legal anarchism will analyze in the Chapter 4, denounces the myth of judicial independence.

Thanks to the problems related to the definition of democracy and its elements, every State is perfectly able to theatrically demonstrate its system as popular Government: “*Pepsi or Coca Cola Democracy*”.<sup>57</sup> I can also call it “*democratic fascism*”, since all Governments that are hotly claiming to be democratic only have a democratic *appearance* despite their elitist and despotic foundation, manipulated by the so-called “voting rights” or “privilege” on all communal, municipal, provincial, national, regional, and international scales.<sup>58</sup> In this case, Mark Twain’s quote has some significance: “*If voting made any difference they wouldn’t let us do it.*” Professor Ward would later say the identical anarchist slogan: “*If voting changed anything they’d make it illegal.*”<sup>59</sup> The literature against voting (i.e. *civic duty or right to vote*)<sup>60</sup> in a hierarchical and centralized system is thus abundant.<sup>61</sup>

Mallock has tried to prove that the relation between democracy and oligarchy is complementary and not mutually exclusive, since democracy only recognizes itself by the cooperation of oligarchy in any great and civilized Government.<sup>62</sup> In fact, democracy has enabled many dictatorial personalities and institutions to justify or to legitimize their brutalities, corruption, and hierarchy by merely adding the adjective of “democratic” to their systems. It has actually become “*une boîte magique*”, inside which everybody is able to legitimize every political regime, regardless of its ideology and structure. For example, Muslims, Christians, Jews, Capitalists, Socialists, Communists, Marxists, Leninists, and Maoists have claimed their own Government to be democratic. Moreover, democratic methods (e.g., choosing the singers by the people) constitute one side of the coin, while another side is unfortunately the unlimited power of the people to choose their own dictators and executors: Napoleon III, Hitler, Khomeini, Recep Tayyip Erdoğan, Mohamed Morsi, etc. In this case, theodemocracy could be significant, since three big religions somehow claim to be democratic: Judaism, Christianity, and Islam.

For instance, Professor Litwak argues that the Tehran Government “*enjoyed widespread domestic legitimacy,*” while he ironically describes how President Khatami was “*one of only 4 candidates out of nearly 240 that the Council of Guardians permitted to compete in the 1997 presidential election*”!<sup>63</sup> As for Rouhani’s supposedly democratic election in a total male and Muslim competition, he was selected in June 2013, “*in one of those “elections” where 686 candidates tried to register, eight were allowed to run, and every woman was disqualified.*”<sup>64</sup> Human Rights Watch reported that on February 21, 2011, the Guardian Council, an unelected body of twelve Islamic jurists, disqualified more than 2,000 candidates for Iran’s parliamentary election on ill-defined criteria. On December 31, 2011, the Iranian judiciary announced that calls for an election boycott were “a crime”.<sup>65</sup> Therefore, either I cannot understand the meaning of democratic election at all, or Professor Litwak has a different definition of democracy or a poor knowledge of political life in Iran. By giving the example of the Iranian 2008 election, Professor Rothe has however understood well the place of democracy in that country, while arguing that despite theocratic Governments often speak of parliamentary systems or democracies, their electoral processes are despotic.<sup>66</sup> As Boroumand has truly noticed, the Iranian voters only choose “*among candidates whom the ruling oligarchy has extensively screened and preselected.*”<sup>67</sup>

Besides the Iranian State presenting itself as a theocratic or Islamic democracy, could we regard the Israeli State as another example of theodemocracy meaning Jewish democracy? Due to the problematic relationship among the Israeli Government, Zionism, and Judaism (e.g., family law in Israel), our answer could be positive, although there are some liberties and rights (e.g., the freedom of speech) in Israel that do

not exist in Iran. It seems that this Government relies principally on Judaism so that it would present a type of ethnic democracy, which differs from secular democracies such as France and Canada.<sup>68</sup>

In summary, voting constitutes a mythically sophisticated source of legitimacy for the most States; even a theocratic State presents itself as democracy, i.e. theocratic democracy or a version of dictatorship, in order to legitimize its bloody and dirty authority and power. As a result, the Governors hate anarchism and mercilessly repress the anarchists who demystify the “criminal existence” of “political authority” under the disguise of “democracy”. By this demystification the State would collapse, because its beautiful mask falls off.<sup>69</sup> Because of the problems of State democracy, legal anarchism analyzes anarchist democracy as an alternative.

### 2.3.2 Anarchist Democracy

There is a complex relationship between *anarchism* and *democracy*. The libertarians have vehemently criticized the element of *representative democracy* or *parliamentarism* (i.e. a type of charlatanism) in Government, because it is made up of a ruling minority, often confused with the tyranny of the majority.<sup>70</sup> In *The Political Illusion*, Professor Ellul has accordingly argued if democracy is only possible when *every citizen's will* is respected every day, “*everything is lost*.”<sup>71</sup> In addition, to be fully a citizen who decides about all political questions, a citizen must not only be informed, but also have time, knowledge, and good will to control the political machinery. Such a belief in citizenship results in either certain unrealistic ideas or a lack of experience with political power. Professor Ellul has hence thought that to democratically control the State through the proper placing of authority and democratizing planning is still “a political illusion” and “empty verbiage”.<sup>72</sup> In *History and Illusion in Politics*, Professor Geuss has argued that if certain institutions of representative democracy are maybe valuable in different ways, the more extreme forms of democratic rhetoric (the general will, positive freedom, self-rule, etc.) are able to serve as a useful psychological-social emollient that reconciles the people to their *de facto* submission to a structure. Such a structure has much more power than the people do, and does not always have their individual best interests at heart. As a result, the hope that State power could ever actually be fully under social control or under our power is very misplaced.<sup>73</sup>

Most has said that there are pernicious faith in authority, blind faith in law, inane faith in coercion, narcotic faith in religion, imbecile faith in capitalism, and confusing faith in democracy. He has seen democracy as “*humbug of charlatans praising themselves, scandal of panjandrums disporting themselves, hoax of opiated masses kowtowing to fraud!*”<sup>74</sup> In this sense, the State is a matter of faith rather than of rationality.<sup>75</sup>

A State may somehow be democratic when the majority of people vote in favour of specific Governors, which is a vote in the market of Pepsi or Coca Cola Democracy.<sup>76</sup> Debord has since called this type of democracy “pseudo-power over life lived” in his *The Society of the Spectacle*.<sup>77</sup> The anti-democratic tendency, which mostly appears as *anti-parliamentary democracy*, among the anarchists may be unconsciously rooted in anti-democratic ideas of certain highbrows and dictators who aristocratically disregard the crowd when worshipping genius individuals who are product of “divine grace” or somehow charisma, which eventually means themselves.<sup>78</sup> For example, Hitler, an extremist result of intellectual superiority complex, hated democracy as contrast to “the aristocratic principle of Nature” while believing that it was the forerunner of Marxism and directed by the Jews in Western Europe.<sup>79</sup> According to such a principle, he declared that “*we have the German democracy, which is a true democracy; for here the leader is freely chosen and is obliged to accept full responsibility for all his actions and omissions. The problems to be dealt with are not put to the vote of the majority; but they are decided upon by the individual, and as a guarantee of responsibility for those decisions he pledges all he has in the world and even his life.*”<sup>80</sup> Of course, this leader or Führer was Hitler himself who would ironically become the leader of the National Socialist German Workers’ Party, which might imply rightist Marxism. As for his allied friend, Mussolini started with socialism, Marxism, and anarchism only to end up with fascism.<sup>81</sup> “*Every anarchist is a baffled dictator,*”<sup>82</sup> he thus said.

In addition, there are the questions about *abstention* insomuch as some people, including myself, have never voted because of their dissidence toward the State: non-voting resistance. In this case, Sheehan has found out that the libertarians are not alone in abandoning the ballot box as a mock form of democracy: only 52% of American voters participated in the US presidential election in 2000, and 60% of people between the age of 18 and 24 did not vote in the UK general election in 2001. These non-votes certainly do not count politically, and even a Government elected on less than 50% of the total vote remains a legitimate Government. More than half of the voting electorate can rarely achieve consensus on which Government should be in power.<sup>83</sup> Professor Graeber has thus pointed out that the US describes itself a great democracy, yet most of its citizens hate the politics of the American Government.<sup>84</sup>

As for Canada, Siddiqui, the Toronto Star’s journalist, has argued that “*voters are cynical about politicians, disconnected from the electoral process, disenchanted with the first-past-the-post system in which a candidate often wins with less than 40 per cent of the votes, rendering the rest valueless.*”<sup>85</sup> For instance, we have witnessed the steady decline of voter participation: down to nearly a third of the voters at the municipal level (with the exception of Toronto’s 2010 election, when it was 50%), nearly half at the provincial level (48% in the 2011 Ontario election), and less than two-thirds federally (61% in 2011). The turnout among the

young people is worse: 39% for the 18-24 age group in the last federal election and 45% for the 25-34 group.<sup>86</sup> Voter turnout in many Western countries has indeed been in decline for the past decade or longer.<sup>87</sup>

In spite of common hostility to vote among the anarchists, some of them, such as Yarros and Benjamin Tucker, do not reject voting if it would facilitate the cause of liberty, which somehow means “the lesser of two evils principle”, as supported by *la Fédération Communiste Libertaire* in France.<sup>88</sup> Absenteeism may be beneficial, because absentees, unlike voters, cannot be responsible for or accomplices in State crimes. Nonetheless, the voters and the politicians worship not only to criminalize (i.e. compulsory voting), but also to blame us for being immoral, irrational, despicable, irresponsible, or even lazy!<sup>89</sup> Must also we, as atheists, be blamed for not accepting the tricky arguments for divine existence in governance? Are we “democratic sinners” in a system that indoctrinates the students with the virtue of voting?<sup>90</sup> All arguments also sound good to propagate such a virtue against us: *if you do not vote, you cannot complain; this is your chance to make your voice heard.*<sup>91</sup> What about when there is no candidate to make our voice heard?

The anarchists do not however reject *direct democracy* or self-management in which all individuals participate in decision-making, which reconciles autonomy and authority.<sup>92</sup> We can call it “anarchist democracy”. Professor Kinna has likewise argued that consensus decision-making allows the individuals to come together, to respect each other as equal voices, and eventually to agree about specific action, while it avoids the domination of minority by majority. She has nonetheless recognized the problems related to decision-making, e.g., when some organized, articulated, charismatic, or knowledgeable individuals dominate the structure of decision-making.<sup>93</sup> Contrary to this argument, Surowiecki has explained that group members “do not need to be dominated by exceptionally intelligent people in order to be smart.”<sup>94</sup> As for Professor Cadogan, he had believed that the secret of success of direct democracy depends on the smallness of the group, the closeness of relations, the shared experience, the comparability of talents and custom, trust, and loyalty.<sup>95</sup> Munson has found out that consensus decision-making is a naturally anarchist process, which thousands and thousands of groups around the world use. He has also admitted that real democracy is a difficult process, often needing meetings that continue for many hours.<sup>96</sup>

Even though the concept of “Government” could be controversial in accordance with the spirit of anarchism, the definition of anarchism as “self-Government” should be close to direct democracy, which is realizable through social anarchism. In this sense, do the private agencies in anarcho-capitalism, as we will



later observe, remind us of representative democracy that the libertarians, including the rightist libertarians, despise and denounce as a totalitarian institution against individual freedom?

Finally, when they recognize, at least theoretically, certain rights of minorities such as aboriginal rights and LGBT rights in a so-called democratic State, there is no *right to be an anarchist*, because the State does not recognize any individual or communal right to exist outside its jurisdiction. Is the right to be an anarchist naturally controversial because it is eventually a Governmental right? Do we unfortunately need the State to recognize our anarchism because the existence of the latter goes at odds with that of the former? Has any State ever tolerated any libertarian community anywhere? The answers depend principally on Statelessness and State repression toward anarchist experiences as well.

## 2.4 Statelessness

There are three introductory notes to this section. Firstly, the problems of Statelessness philosophically concern the state of nature, as already analyzed, an always seductive concept for many highbrows.<sup>97</sup> Secondly, the appearance of State is younger than Statelessness. In this case, Professors Stringham and Miles have argued that “*Statelessness is far more common than most people believe,*” because it did not occur only in a few places in medieval Iceland or modern Somalia.<sup>98</sup> They have thus undermined the Governmental version of making history: “*If humans have lived without states for the vast majority of human history, how much sense does it make to say that states are something that cannot be avoided?*”<sup>99</sup> Thirdly, many Governments do not like to accurately count the Stateless people, because of political considerations. A study has nonetheless suggested that there globally exist around 11,000,000 people without a country to call their own.<sup>100</sup> For example, the Roma, described often as Stateless people, “*have been victimized for decades in parts of Europe,*”<sup>101</sup> while many of the world’s Stateless individuals are victims of forced displacement and regarded as “no-rights people” living in legal limbo.<sup>102</sup> Contrary to the visible minorities, a concept against human dignity, they are *legally invisible*.<sup>103</sup>

If the State is connected to democracy and individual recognition through citizenship (i.e. “*the legal bond between a State and an individual*”),<sup>104</sup> a person who rejects State authority becomes automatically Stateless and has to consequently face all problems related to Statelessness: children – those born of Stateless parents become Stateless too –, marriage, identity, healthcare, education, housing, job, travel, and so on.<sup>105</sup> In other words, an individual rarely has any personality or identity outside a given State to recognize *exclusively* her and to *supposedly* protect her rights. These recognitions and protections, as Professor Martel has noticed, are the essence of Professor Arendt’s concern about “human rights”, since if

the individuals came along with citizenship, the Stateless individuals would not therefore count as humans to profit from rights.<sup>106</sup> In summary, Professor Benhabib found that Professor Arendt had already argued that Statelessness or the loss of nationality status is tantamount to the loss of all rights. The Stateless people are therefore deprived not only of their citizenship rights, but also of any human rights.<sup>107</sup> However, if human rights are supposedly *natural rights*, why does an individual lose them by becoming Stateless? If the States are the biggest violators of human rights (as they are really), who shall protect such an individual whose situation is caused by the State itself?

For instance, many Palestinians who have become Stateless after the bloody creation of the Israeli State in 1948 are looking forward to creating their own State according to the article 15 of the UDHR,<sup>108</sup> a right which is also defended by some anarchists who observe it as “self-determination”!<sup>109</sup> Price has struggled to explain this contradiction by arguing that support for self-determination depicts libertarian solidarity insofar as the anarchists defend the Palestinian decision-making that Palestinians want, although the anarchists would not themselves make such a decision. The anarchists similarly defend the liberty of workers to choose their own union, even though they are likely to disagree with the most actions of unions. They defend the legal right of people to vote against dictatorship, although they are against electoralism. They defend the legal right to divorce, although they advocate neither separation, nor bourgeois marriage. They should indeed defend the freedom of oppressed people to make choices, without necessarily agreeing with their choices, since the peoples and classes should learn to make their own choices.<sup>110</sup> Goldman had already recognized that the Jews were not entitled to more rights than the Arabs, but for an ardent socialist to say that the Jews had no business in Palestine seemed to her rather a strange type of socialism.<sup>111</sup>

From certain anarchist and criminologist points of view, the Jewish State, like all other States, was created through terrorism and plunder, and a Palestinian State would be another form of terrorism and systematic robbery, which implies a “victim to victimizer cycle”, as mentioned above. In this case, Rosengarten, a refugee from Nazi Germany, has wisely noticed that “*the Nazis could justify their crimes by a process of dehumanization as well as reinforcing a nationalistic ideology of the most grandiose proportions. Within this cycle of horror, Jews and Palestinians are the last victims of the Holocaust.*”<sup>112</sup> My comment would certainly bother the anarchists, Jewish as well as gentile ones. I however add that real peace and justice depend on the people of both sides to decide for and discuss their own existence, instead of relying on their politicians’ dirty and warlike policy. Herod has thus argued that to get rid of the Israeli State and all States everywhere would free up the whole region and the whole world for an abundance of diverse, autonomous, and



democratic communities. Jews and Palestinians would peacefully live side by side in their neighbourhoods and villages, as for hundreds of years before the coming of Zionism and the State of Israel.<sup>113</sup>

Albeit an individual has rarely any “legal” or “Governmental” existence, the article 15 of the UDHR specifies: “*Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.*” In reality, an individual is scarcely able to escape from the jurisdiction of the State, because everywhere there are the States whose citizenship presented as merely “*the right to have rights.*”<sup>114</sup> The State, like a God, is omnipresent: “*I am a God who is everywhere and not in one place only.*” (Jeremiah 23:23)

An anarchist personality who abandons the State is subject to the mercy of politicians, cops, prosecutors, Judges, and lawyers deciding about her life according to the rights to identity, to healthcare, to work, to have sex,<sup>115</sup> etc. It is very difficult, if not impossible, for her to live in a world bulging with the old States and new ones (e.g., the future Palestinian State), parallel to the explosion of nation-States absorbing Stateless nations!<sup>116</sup> In this case, an anarchist individual looks like a sheep among the wolves, that is to say the States.

The States impose themselves upon us not only by the brutal and bloody force of the police, legal system, and army around the world, but also by aggrandizing the issues of Stateless people. They are the source of these issues, when ironically solicited to solve them by national, regional, and international laws. The *UN Convention relating to the Status of Stateless Persons* (1954), the *UN Convention on the Reduction of Statelessness* (1961), and the *CE Convention on the Avoidance of Statelessness in relation to State Succession* (2006) are few examples in this case.<sup>117</sup> The article 14 of Convention on the Avoidance of Statelessness has accordingly highlighted the importance of international cooperation to prevent Statelessness in the cases of State succession.

Some people who defend the benefits of nationality may argue that a citizen profits from certain social and economic advantages (such as healthcare, education, and social welfare) in a State jurisdiction or in a so-called welfare State.<sup>118</sup> I am against such an argument for three reasons.

Firstly, no States provides those advantages for all citizens in a satisfactory manner at all. For example, the \$626 monthly rate for an individual on welfare in Ontario remains still less than the \$663 that same individual would have received twenty years ago, while inflation has increased 44% since then.<sup>119</sup> This miserable amount of money is not even enough to rent a good room in Toronto in which TTC metropass costs monthly \$133.75 for a single person in 2014. As for so-called “food banks” in Toronto according to my experience, it mostly distributes “expired food” or poor food quality and quantity among the

poor. Poverty in Canada has continued to affect some segments of the population, especially the children. For instance, 38% of those who received food from food banks in 2011 were children and youth under the age of 18, while between 10% and 14.3% of children or 967,000 are growing up in poverty in Canada.<sup>120</sup> The social programs have really failed in many domains in Canada, which is self-satisfied of its social welfare.<sup>121</sup> In this case, I can only mention that drugs are too expensive, taxed, and not covered for all people, and that the educational system is so expensive and mostly reserved for the wealthy people.<sup>122</sup> Canada is indeed the only Western country that has founded universal coverage for physician services and hospital care, but excluding medically necessary prescription drugs.<sup>123</sup>

Secondly, those advantages are not free at all, because we, ordinary citizens, pay for them by taxation, regardless of our income.

Thirdly, as we will observe, all States are too eager to spend generously for militarism and bureaucracy, which are indeed the welfare of the Statesmen/women under the back of taxpayers, rather than for the social programs, less and less guaranteed under the pressure of practicing a minimal State in its Reaganian-Thatcherian style. Professor Higgs has accordingly argued, "*Government spending – whether on our current armed forces and their more than 800 foreign bases or on "green" energy and other government-favored projects – does not produce prosperity.*"<sup>124</sup> As for US wars in Afghanistan and Iraq, they cost \$6,000,000,000,000 or \$75,000 for every American household.<sup>125</sup> Professor Cronin has found that American military approaches have been by far the best funded throughout the decade, since of the \$1,121,000,000,000 spent in the so-called Global War on Terror by 2010, about \$1,100,000,000,000 or 94%, has gone to the Department of Defense.<sup>126</sup> Should they be too much for a country in which, for example, the healthcare reforms traditionally turn around the budget deficit or budget cuts?<sup>127</sup>

## 2.5 The State and Human Nature

The political problems concerning human nature are not certainly new in philosophy, since there is really a long term fashion among the philosophers to struggle to prove a link between human nature and the necessity of Government. If human beings are not angels at all, the State aggrandizes these problems rather than reducing them, because it preciously provides a bunch of psychopathic and narcissist personalities with a great opportunity for an extreme brutalization of humanity and naturality as well.

## 2.5.1 An Old Question in Political Philosophy

Due to the malignity of human nature, there is a very old question in political philosophy about the necessity of a centralized authority to prevent us from submerging in the state of nature in which we rape, torture, kill, or steal from each other. In fact, the Statists believe in the badness of human nature needing authority to control human beings, while the anarchists optimistically believe in the goodness or, at least, social aspect of humankind.<sup>128</sup> Sheehan has accordingly argued that human nature is an evolutive or perfectible concept, since “*our nature is inseparable from our practices, social and economic and so on, and when our practices change, so too does our sense of our human nature.*”<sup>129</sup> This could also remind us of Brecht’s *The Exception and the Rule*:

“Let nothing be called natural  
In an age of bloody confusion,  
Ordered disorder, planned caprice,  
And dehumanized humanity, lest all things  
Be held unalterable!”<sup>130</sup>

As for Professor Rothbard, he has taken a more realistic approach by describing humankind as a mixture of evil and good, criminal and cooperative tendencies.<sup>131</sup> Panclasta had already believed that “*Man is the most sociable animal and at the same time the most individualistic.*”<sup>132</sup>

Although the Statists have developed many schools of thought, there are two major groups of Statism as far as despotism and liberalism are concerned. On the one side, there are some highbrows believing that the masses are stupid and must consequently be subject to few elites’ governance (e.g., Plato’s philosopher-kings). On the other side, certain intellectuals think that the masses will *gradually* reach democracy under the yoke of few politicians.<sup>133</sup> Both beliefs rely somehow on the dictatorship of a band of initiated individuals, observable to some extent among certain social anarchists (such as Bakunin’s *invisible dictatorship* or *collective dictatorship*).<sup>134</sup> This form of anarchist dictatorship is actually sharing a common ground with the dictatorship of the proletariat defended by Marxism, since it implies that only few anarchist elites would be able to direct our State society toward a libertarian society, by either a *revolution* according to a leftist approach, or an *evolution* according to a rightist approach. After achieving this direction, we obviously need them again because they would explain the principles of a libertarian society to us. In summary, the State’s people would need this anarchist caste until they arrive at their maturity to decide independently about their affairs.

As we have somewhat seen in two examples, the Stanford and BBC Prisons, authority provides some great opportunities for the wildest aspects of human nature to satisfy their evil desires: mass murder, war, torture, rape, forced displacement, forced robbery (tax), expropriation, espionage, and punishment. I think that nothing is worse than injustice imposed by authority, which mostly appears through the sophisticated instruments of Government, with almost absolute irresponsibility and impunity. Étienne-Gabriel Morelly, Jean Meslier, and Rousseau have accordingly argued that humankind “*is naturally good but depraved by existing institutions.*”<sup>135</sup> We will later see how certain scholars profit from academic wealth and fame to preach the contingent responsibility and punishment of Statesmen/women among their colleagues and students.

## 2.5.2 The State’s Effects on Human Nature

The State certainly complicates or exacerbates many problems of human as well as natural existences, but it is not the only problematic source. Human history has already shown that human beings are extremely dangerous and greedy animals, with or without centralized power: murder, shooting even in the education system (related also to the problems of politics, gun legislation, and corporate interests),<sup>136</sup> mutilation, torture, armed robbery, exploitation, slavery, and so on. For instance, although mass murder is profitably a Governmental business during war (civil or international), revolution, or *règlement de comptes*, killing has never been limited to political authority. In this sense, Professor Comfort believes that the conflict between individuals and societies “*is as old as the hills,*” and it is not thus “*the product of the Industrial Revolution, socialism, fascism, or any other contemporary cause.*”<sup>137</sup> The same could be true when it comes to other individual and social problems (e.g., drug addiction, sexual violence, prostitution, blackmail, corruption, nepotism, and cruelty to animals and plants), which will not automatically disappear in a decentralized community. Human existence has perfectly proved that there is no limit for either goodness or badness of human beings. Bose has accordingly noticed that although Bertrand Russell criticized the anarchists for their “overoptimistic” ideal about the goodness of human nature in anarchist order, an anarchist revolution is successful only when it ignites new emotions and generates new values that act as countermeasures against the germs of the current order.<sup>138</sup>

If education can undermine or destroy those problems, as many anarchists (e.g., Godwin, Kropotkin, Read, Goodman, and Ward) have fervently defended, many Professors have proved the opposite by their corruption. As a Persian proverb puts, “*a savant robber steals the better good.*” Moreover, if the wage slavery (\$11.25 an hour)<sup>139</sup> and unemployment are problematic in Ontario, the Government of this province is too

generous for its civil servants including the Professors, when it is ironically crying for unemployment rate as well as \$16,000,000,000, \$9,800,000,000, and \$12,500,000,000 deficits respectively in 2012, 2013, and 2014.<sup>140</sup>

Furthermore, some scientists, supported by a band of political and economic elites, have turned existence into the worst nightmare when providing the Statesmen/women with the evil power of systematically repressing and destroying, such as weapons (electroshock weapons, nuclear weapons, weapon of mass destruction, chemical weapons, etc.) and torture technologies.<sup>141</sup> The more science progresses, the more the art of governing becomes complex and destructive. Mingled with the industrial, military, and political powers, the scientists have really gone too far in making existence too meaningless and too cheap by unceasingly creating the tools of mass suffering and destruction in the age of mass society. They do everything for the sake of certain narcissistic and psychopathic rulers in order to obtain or beg buck, medals, awards, prestige, or job in our deadly life. Professor Comfort said something about “the indiscriminate bombardment of Germany” in *Criminal Lunacy Exposed* in 1945 that remains alive and burning. “*Apart from the fantastic irresponsibility of scientists,*” he argued, “*who are prepared to put such a weapon into the hands of our present rulers, the responsibility for seeing that no political or military figure associated with this action shall be permitted to remain rests upon us.*”<sup>142</sup> Militarism has actually realized all possibilities of educating and practicing mass destruction and murder in the frame of Statism. Could we speak about “intellectual crimes” as we do about State crimes? Could we describe two types of *intellectual criminals*? On the one side, some highbrows provide the materials of conquest, domination, and destruction of existences for State criminals. The nuclear and chemical scientists are typical examples in this case. On the other side, other highbrows trivialize, romanticize, justify, legalize, or defend State violence, crimes, and criminals as well, without accountability.<sup>143</sup> Can we call it *violence laundering*? For instance, the legalist philosophers place in this category of intellectual criminals.

In short, ordinary or unintelligent individuals commit crimes on a small scale (e.g., shoplifting, trespassing, and public intoxication) while being usually humiliated and punished. On the contrary, the smart individuals, i.e. politicians and scholars, commit highly violent and very profitable crimes on both national and international scales while profiting from the unlimited protection of journalists and legal professionals, whose job is to detect and denounce small criminals, mingled with public amnesia or sympathy. Moreover, some bands of professional murderers and robbers have gathered regionally and internationally in order to support each other and improve their crimes at the regional and international levels. For example, they are UN, which is really “the United States” because it is made of the States

despite its title speaking of “Nations” and its ... agenda for rights diabolized by undemocratic veto power in the UN Security Council,<sup>144</sup> CE, EU, OAS, African Union, Organization of Islamic Cooperation, etc. If one State is *per se* criminal, a group of States constitutes *a fortiori* a band of institutionalized gangsters whose violence is too intense. In fact, political authority at both national and international levels is not really a solution for the badness of human nature, but this complicates it by intensifying unlimitedly human evils.

Finally, the Statesmen/women come from our societies and not from other planets at all! Although they are usually born and educated in the aristocratic families and communities, they share the ordinary people’s natural cruelty and wildness towards each other and the environment as well. Even the colonial puppets, who wildly exploit their own fellows, were born in their own racialized or colonialized countries. Although there are countless atrocities committed or managed by the politicians, many human beings are taking pleasure in imposing pains upon others and animals as well (starvation and torture, among many others), while having already lost all senses of sympathy for victims and revolt against persecutors, which is a type of “moral amnesia”.<sup>145</sup> Therefore, there will be no hope for any community to establish a peaceful and pleasant environment, unless humanity changes its attitude toward itself and nature as well. As long as we fight against oppression and injustice toward nature as a whole, we will remain humankind seriously thinking about the harmful results of State extremity.

## 2.6 Extremity

Legal anarchism argues that the State is perfectly able to cause two types of extremity: *happiness* and *suffering*. Rooted in regalian rights and privileges, these extremities stem from State gigantic materials and forces constructed upon human and non-human flesh and blood.

Extreme happiness concerns Statesmen/women, politicians, and their clans in their “pursuit of happiness”, as constitutionally guaranteed by the US Declaration of Independence. President Obama accordingly claimed: “*We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.*” “*That is our generation’s task – to make these words, these rights, these values of life, and liberty, and the pursuit of happiness real for every American.*”<sup>146</sup>

On the contrary, extreme suffering mercilessly concerns the poor and laypeople. They must be indoctrinated, taxed, robbed, confiscated, tortured, punished, oppressed, controlled, governed, enslaved, humiliated, killed, or, if necessary, sent to war in order to massacre, injury, and plunder in the name of God, religion, patriotism, national defense, national security, or democracy according to circumstances. State

violence certainly concerns nature as well, since the States are imposing directly or indirectly suffering upon flora and fauna.

We should also keep in mind that it is very hard to know the exact scale and intensity of extreme luxury and violence of the States. They are secrecy, manipulation, and intimidation related naturally to political life, on the one side, the complicity of the scholars whose existence depends on preserving the status quo and continued State power, on the other side. The current information about State extremity indeed constitutes only the tip of the iceberg of Governmental pleasure, corruption, and crime. As a matter of fact, all statistics and studies about this type of political benefits and crimes would basically remain uncertain – contrary to those about so-called “street crime” whose ruthless repression is a Governmental business –, when every objection would be systematically regarded as “communist”, “Marxist”, or, worst of all, “anarchist”. Moreover, technology has come to help the politicians to maximally enjoy existence and to abominably impose pains over their fellows and nature on both national and international scales, mostly in the name of law and order order, while considerably improving their lifestyle.

### 2.6.1 Extreme Happiness: The Luxury of “Civil Servants”

All States have historically provided unlimited and generous social, economic, political, and sexual benefits not only for their so-called “civil servants”, but also for the unknown number of their family (especially in the framework of *the First Lady Syndrome*),<sup>147</sup> clan members, mistresses, lovers, flatters, friends, courtesans, and guards in a loyalist manner.<sup>148</sup> The best and extremely expensive incomes, hotels, palaces, houses, sexy staff and security, transportation (e.g., presidential aircrafts and cars),<sup>149</sup> food, cloth, healthcare, and vacation are typical examples in this case. Nevertheless, most of these benefits and advantages during life as well as after death have rarely been constitutional or legal.

Close to them, with their comfortable salaries, socio-economic prestige and advantages (e.g., indemnities, but really for what?),<sup>150</sup> the Judges are *legally* welcomed animals to submit us to the law according to their desires and own interpretations. The lifestyle of legal professionals, particularly the Judges, is too far from the reality of ordinary people: rent, housing, wage slavery, the cost of food and cloth, tuition fees, insurance, discrimination, and so on. As a result, they have scarcely any idea about how an ordinary individual must survive inside as well as outside the jungle of our societies. For instance, Judge Judy Sheindlin, a real judicial actress in a Hollywoodian manner and a wonderful businesswoman, makes \$123,000 per day, which means she is the highest paid TV personality, thanks to earning \$47,000,000 annually to rule her judicial kingdom. In short, she is one of the richest 20 women in entertainment,<sup>151</sup> and certainly number one in legal entertainment. The Federal Judicial Center, which is the education and



research agency of the US federal courts, reported in 2005 that the Chief Justice and Associate Justices of the Supreme Court received respectively \$223,500 and \$213,900 per year, while the district Judges annually received \$174,000.<sup>152</sup> As for the Ontario Judges, the Government of Ontario reported in 2010 that a Judge received \$250,149.81 as salary and \$3,708.44 as taxable benefits, while a Justice of the Peace respectively received more than \$100,000 and \$200.<sup>153</sup> However, who really knows the exact salary, benefits, and lifestyle (car, travel, sexual abuse, rape, and so on) of those Godlike people that we prestigiously call “Honorable Judge” or “Your Honor”? For example, the total bill for 33 permanent English judges’ residences between 2009 and 2013 “was a staggering £20,235,054.”<sup>154</sup>

In order not to make this thesis longer, legal anarchism only mentions some cases about the luxury existence of the heads of the States. It avoids thus giving other examples of royal families, the Members of Parliament, politicians, Judges, prosecutors, and police officers who enjoy a very comfortable life, thanks to the highly taxation of the citizens as well as corruption. For Professor Martel, this depicts how Statism and capitalism go hand in hand. These heads, their clans, gangs, and pets are freely living without paying any type of property tax, which their serfs have to pay, in the highly expensive castles and palaces that have become the tourist attractions for political and aesthetic pilgrimages: White House, 10 Downing Street, 24 Sussex Drive, Élysée Palace, Putin’s Palace,<sup>155</sup> Kremlin, etc. For example, Eric Bolling and Sean Hannity of Fox News offered to pay \$74,000 for at least one week of White House tours in March 2013.<sup>156</sup> There is unsurprisingly detailed information about the *US Presidential Pets* or the *First Pets à l’image des First Ladies*!<sup>157</sup> We ironically witness that certain politicians, especially the so-called socialists, are traditionally crying for the shortage as well as expensiveness of housing in their serfdoms!

In one case, Halchin, a specialist in American National Government, has provided some good examples. In 2012, Air Force showed that the cost per hour for the President’s 747 was \$179,750. First Lady and the Vice President use an aircraft different from the President’s 747 insofar as the former principally fly on a C-40 – the C-32 is an alternate – while the latter principally flies on a C-32. In 1999, the General Accounting Office estimated that the incremental costs, which include per diem and related expenses, of presidential trips in 1998 to China, Africa, and Chile were at least \$18,800,000, \$42,800,000, and \$10,500,000 respectively. In 2000, the Office estimated that the Department of Defense spent at a minimum \$292,000,000 to provide fixed-wing airlift and air-refueling support for 159 White House foreign trips from January 1, 1997 to March 31, 2000: 131 by the President, 20 by the First Lady, and 8 by the Vice President. These estimates did not however include per diem and other travel-related costs.<sup>158</sup>

In 2013, the President, First Lady, and their daughters traveled to Africa and Honolulu at taxpayer expense, while their flights on Air Force One cost \$15,888,585. The Obamas' trip to Africa cost over \$2,000,000 in lodging, entertainment, and security expenses alone, which was a part of the total cost of approximately \$100,000,000 taxpayers spent on the President's vacation. In 2014, the First lady, her daughters, and an entourage of 70 support staff arrived in China for a week-long visit, labeled part tourism and part soft diplomacy. The Obamas have been staying in the hotel's presidential suite carrying a price tag of about \$8,400 per night. The cost of President Obama's whirlwind trip to South Africa for the funeral of a Government Godfather, i.e. Mandela, exceeded \$11,000,000 without including the air fare.<sup>159</sup>

In fact, the American taxpayers are annually spending \$1,400,000,000 for *the pursuit of happiness* by President Obama, presented as an iconic personality of "progress", "hope", "change", and "socialism",<sup>160</sup> on everything. This means salary, housing, staffing (e.g., hundreds of Secret Service agents and a team of doctors), flying, family, "first dog" (Bo costs nearly US \$100,000 per year), etc. In comparison to the UK, the British taxpayers spent just \$57,800,000 on the royal family.<sup>161</sup> President Obama is certainly a big example among many other American politicians who cost a lot for the taxpayers.<sup>162</sup>

Former Prime Minister Harper and former French President Sarkozy can provide other costly examples of very generous Government support for the pursuit of happiness by the Statesmen and their clans.

The paint of the Polaris CC-150 military aircraft of Harper cost the taxpayers an additional \$50,000. However, sending his armored limo to India in November 2012 was much more expensive: \$1,061,448. In 2014, his January 18-25 trip – in which he and a delegation of more than 200 people made stops in Israel, Jordan, and the West Bank – totally cost \$2,117,432 for the taxpayers, and more than half the cost was for accommodation. His cost of RCMP personal security team has increased 122% between 2006 and 2014 to reach almost \$20,000,000 annually.<sup>163</sup> And we are waiting for the Canadian mass media to maybe estimate how much approximately Prime Minister Justin Trudeau, his seductive lifestyle, and big clan would cost for the Canadian taxpayers.<sup>164</sup>

According to Paris Match, the French State provided Sarkozy with 10 bodyguards costing over €720,000 annually. As a former head of State, he will also receive pensions and allowances reaching an estimated €22,150 per month after his 60<sup>th</sup> birthday. As a President, he was splashing out £10,000 daily on food and £200,000 yearly on flowers while keeping 121 cars under his Palace. His garage with insurance and fuel bills were annually costing £100,000 and £275,000 respectively. He was flying around in an Airbus A330 on which he lavished a £215,000,000 refit. He was spending £80,000 on day trips and £1000 daily on

newspapers. His second wife, Carla Bruni-Sarkozy, had a staff of eight at the Elysée Palace costing €36,448 monthly, i.e. more expensive than Socialist President Hollande's ex-partner, Valérie Trierweiler, who owned five workers at the Elysée Palace costing €19,742 a month. As for his eldest son, Pierre Sarkozy (known as DJ Mosey), President Sarkozy spent €39,200 of the French taxpayers' money to repatriate him from Ukraine on a Falcon 50 transport jet, part of a fleet dedicated to presidential and ministerial missions, after his food poisoning in January 2012. Sarkozy was serving guests a red wine bottle being worth £160. Keeping him in style costs still the French taxpayers €2,600,000 annually, while his successor, President Hollande, has dragged the French people through an unprecedented shrinking of the State budget.<sup>165</sup> Like their U.S. counterparts, Sarkozy, Chirac, and Valéry Giscard d'Estaing, the three living French ex-Presidents or political fossils, are each entitled to an office, staff, and a lifetime of security at the expense of the French taxpayers. Finally, is Sarkozy a criminal? Will the *Bettencourt affair* and illegal campaign funds (\$50,000,000) from Muammar Gaddafi reveal his corruption and criminality? Who knows more about his other affairs or crimes?<sup>166</sup> Like Chirac, his criminal predecessor, he is *constitutionally untouchable* according to the articles 67 and 68 of the French Constitution.

In spite of preaching democracy and pretending to live close to the ordinary people or the people who vote for them, the Statesmen/women live too much far from these people. They absolutely know nothing about poverty, except those who have unusually come from a poor background, although they are currently enjoying the extreme richness of a nation. Modesty has no meaning in political life at all, unless for propaganda in order to attire the poor while satisfying narcissist and authoritarian desires of some individuals to govern us. Khamenei who has never ever stopped to preach the ethos of simplicity and modesty to the world and of fighting against *nafs-e-ammara* (i.e. ego) is a simple example among others. They estimate that his criminal Empire values US \$95,000,000,000.<sup>167</sup> However, it seems that corruption is perfectly generalized in the so-called Third World, but mostly institutionalized at the top of the State in the so-called First World.

The politicians also cost too much in their majestic elections for conquering power under the pretext that the citizens exercise their right to vote, which is indeed the right to be enslaved. For example, Sarkozy's campaign for the Elysée cost \$28,000,000 in 2007, while Obama's quest for the White House cost more than \$650,000,000 in 2008.<sup>168</sup> According to the Center for Responsive Politics, the US elections cost \$3,643,942,915 and \$6,285,557,223 respectively in 2010 and 2012.<sup>169</sup> They reported that the cost of the Canadian election was \$279,700,000 in 2006, compared to \$277,800,000 in 2004 and \$200,600,000 in 2000.<sup>170</sup> As for the election expenses in 2008, Elections Canada reported \$286,200,000.<sup>171</sup> The 41<sup>st</sup>

General Election in May 2011 would later cost \$291,000,000.<sup>172</sup> As for the 41<sup>st</sup> Ontario General Election in June 2014, Elections Ontario has estimated that it would approximately cost \$90,000,000, in comparison to \$79,251,589 in 2011.<sup>173</sup>

As far as the total national campaign expenditure by all political parties across the UK is concerned, the Electoral Commission reported that it had been £31,500,000 in 2010, around £10,800,000 lower than in 2005, but £4,800,000 above the amount spent in 2001.<sup>174</sup> Beckford has estimated that the General Election of 2010 with its 29,700,000 voters cost £85,000,000 equating to just £2.86 a vote. He has also compared that the election of police commissioners was more expensive because only 5,340,000 people (one in six of the electorate) voted in the poll costing £75,000,000 to administer or £14 a vote.<sup>175</sup> Prime Minister David Cameron had already believed that police elections would cost £25,000,000!<sup>176</sup>

Moreover, the taxpayers have to pay heavily not only for the living life of the politicians including their mistresses and sex scandals – a term usually used to avoid speaking about *sex crimes* –,<sup>177</sup> but also for the salvation of their souls after death: *State funerals*, even for the war criminals.<sup>178</sup>

For example, William Jefferson Hague, the Foreign Secretary, declared in 2013 that British taxpayers could well afford the estimated £10,000,000 cost of Thatcher's funeral, which foresaw £3,750 to reimburse the cost of flying back for all members of parliament who wanted to attend her funeral but found themselves abroad. The former British Prime Minister's ceremonial funeral with full military honors would eventually cost around £4,000,000, which makes it cheaper than the funerals of Queen Elizabeth the Queen Mother (£7,500,000) in 2002 and Princess Diana (up to £7,700,000 in today's money) in 1997.<sup>179</sup>

The State funeral of her political soulmate, Ronald Reagan advocating less State in economic regulation but more in political and military adventures, more imperialism and militarism, cost much more. It was more than \$400,000,000 to purify his dirty soul for all evil acts that he had already done in the world: the wars and massacres in Nicaragua and Guatemala, and Irangate, among many other evils.<sup>180</sup> Parry has accordingly concluded: "*while fragile democracies in places like Argentina and Guatemala have sought some level of accountability for these crimes against humanity, the United States continues to honor the principal political leader who aided, abetted and rationalized these atrocities across the entire Western Hemisphere, the 40<sup>th</sup> President of the United States, Ronald Reagan.*"<sup>181</sup>

In 2013, Mandela's death has generated another mega and very expensive State funeral in which many political gangsters of the world have happily participated on the taxpayers' money, even though South Africa is seriously suffering from discrimination, poverty, corruption, and criminality deepened by a one-party State or Mandela's political fiefdom, i.e. the African National Congress.<sup>182</sup> A South African

official has affirmed that *“this mega funeral is set to be the biggest that the world has ever seen.”*<sup>183</sup> By the way, how much does this State mega funeral cost for the South African taxpayers? At this mega funeral, President Jacob Zuma came under fire for spending \$20,000,000 in taxpayer money on what he has claimed were security upgrades to his home in a country whose poverty line is set at \$43 monthly, and 47% of citizens live below it.<sup>184</sup>

The political and economic benefits and bonus are coming legally or illegally from the pocket of taxpayers, friends, criminal organizations, or private sectors that are looking for some benefits from the Statesmen/women that they support. These benefits and bonus are apparently justified (even for a prophet of spiritualism such as the 14<sup>th</sup> Dalai Lama),<sup>185</sup> because their superiority and job require it! The people do not really care about knowing that there is rarely any constitutional law or any other sacred law giving those amazing and too expensive benefits and bonus to the Statesmen/women, or even less to their clans. For instance, in his Second Inaugural Address on January 21, 2013, President Obama worshiped the American Constitution and democracy while emphasizing the inexistence of constitutional privileges: *“Each time we gather to inaugurate a President we bear witness to the enduring strength of our Constitution. We affirm the promise of our democracy. (...) freedom is a gift from God, it must be secured by His people here on Earth. The patriots of 1776 did not fight to replace the tyranny of a king with the privileges of a few or the rule of a mob. They gave to us a republic, a government of, and by, and for the people, entrusting each generation to keep safe our founding creed.”*<sup>186</sup> His inauguration cost around \$180,000,000, and private donations to President Obama’s Inaugural Committee paid the parties and balls totaling roughly \$45,000,000. The cost of the inaugural events has recently risen at roughly the same rate as inflation: \$158,000,000 in 2005 and \$173,000,000 in 2009, for example.<sup>187</sup> So, who has said that there are no constitutional privileges while affirming constitutional equality?

During all history, kings, queens, princes, princesses, presidents, prime ministers, and ministers, regardless of political ideologies and so-called “economic recession”, have enjoyed unlimited privileges and accumulated jobs (vs. the division of labour enforced upon the laypeople), i.e. the so-called *cumul des mandats*.<sup>188</sup> They are supposedly omniscient or polyvalent, contrary to an African proverb saying: *“A wise man never knows all, only fools know everything.”* Even their profits can be unconstitutional, mostly thanks to the capacity or stupidity of the masses that are eager to see and applaud them in any situation, such as snow, rain, and war. In reality, there are two things, i.e. militarism and the Statesmen/women’s luxury, for which no State has ever been poor enough, regardless of recession and austerity programs, while it pretends to have many structural problems in establishing adequate jobs, welfare system, equality, and prosperity among its citizens. For example, the disclosed wealth of the top ten US senators was

\$1,830,000,000 in 2001, compared to \$133,000,000 in 1977.<sup>189</sup> Due to the billion dollars attached to the lifestyle of politicians who are both money-hungry and power-hungry, can we expect them to identify with the real-world problems of their citizens such as unemployment? There is no way!

President Obama is a great example in legal begging in the pursuit of happiness for himself and his clan as well. The Guardian has investigated campaign finance trips in this case, done at more than twice the rate of the President's two-term predecessors. They have aimed at helping Democrats to win in 2014 midterm elections. Obama has made 30 separate visits to wealthy donors since April 2013. His travels have held mostly in luxury hotels and private mansions across 10 cities, and required him to clock up more than 20,000 miles on Air Force One, which have approximately cost more than \$6,000,000 for the US taxpayers. Donors have typically paid up to a legal limit of \$32,400 to attend drinks receptions and private dinners with Obama, usually in a wealthy benefactor's home. Although party officials declined to disclose totally money raised, ticket prices and numbers of attendees have revealed a maximum of \$41,000,000 gathered through Obama's presence. Among the wealthy donors that the President and First Lady have met, we find businessmen, film producers, actresses, actors, and lawyers: Jose Mas Santos, Harvey Weinstein, Justin Timberlake, Tommy Hilfiger, Bob Iger, Haim Saban, Jeffrey Jacob Abrams, Mike Lombardo, Katie McGrath, etc.<sup>190</sup>

Professor Martel has nevertheless argued that he is not sure if he would characterize the luxury of civil servants as extreme happiness. If it is extreme privilege and wealth, there is also a type of anxiety and alienation that stems from being one of the 1% too. For him, "*Rousseau is very good on the alienation of the rich, not that we should feel sorry for them or excuse them.*" Professor Martel has clarified that we cannot however find a place where Rousseau came out and said that the rich suffered too, but it is very clear in *Discourse on Inequality* and the *Social Contract* that we are all alienated under our modern conditions.<sup>191</sup> Because of amour-propre showing that we love ourselves only via the opinion of others, nobody is actually self-sufficient and the rich are accordingly "*even more removed from themselves because they are more dependent than anyone on others to mediate the world for them (Hegel says the same thing in his discussion of the Master/Slave relationship and Marx took this idea from both of them).*"

## 2.6.2 The Extreme Suffering: Organized and Unlimited Violence

Human as well as non-human pains become unlimited and intense when they are *legally* organized, systematically and technologically applied over the powerless people and the environment as well. However, the violence of the State can be *illegally* imposed. In summary, the scale and intensity of violent



activities attributed to or covered up by the State officers and their accomplices pass extensively all levels of individual, communal, regional, international, or existential brutality, since State violence is not limited to human existence at all, it affects non-human existence as well.

### 2.6.2.1 The Scale, Intensity, and Legitimacy of State Violence

First of all, there is no machine to measure the huge suffering of humans and non-humans stemming from the aggressiveness of State apparatus; let *la raison d'État* or *le secret d'État* work once again to destroy whole existence!

Then, the quantity and quality of political violence, i.e. brutal activities directly or indirectly attributed to or dissimulated by State organization, remain either unknown or poorly documented, thanks to State censorship and to the complicity of scholars. In other words, we are ignorant about the quality and quantity of the destruction and pollution of humanity and nature by the State officers. As a result, we do not know how many humans as well as non-humans have been or will be subject legally or illegally to State crimes. For instance, there are lethal or cruel test and training, pollution, genocide, political murder, extrajudicial killing, forced disappearance, death squad, intoxication by the chemical and nuclear weapons, genetic problems, rape, plunder, expropriation, taxation or organized robbery, slavery, *corvée*, deportation, forced displacement, labour camp, concentration camp, internment, kidnapping, hijacking, cruel and degrading punishment, and extrajudicial punishment. The State officers have committed these brutal activities in the name of God, national security, civilization, prosperity, peace, justice, democracy, public order, the law of war, or simply law.

For example, law Professors Banks and Raven-Hansen have stated, "*The September 11 terrorist attacks on the United States renewed calls for this country to adopt assassination as an instrument of national security policy.*"<sup>192</sup> As for Professors Laffey and Weldes, they have argued that the "*war on terrorism has been waged in the name of civilisation.*"<sup>193</sup> However, the States are perfectly able to help each other when it comes to terrorism and war. For instance, several Governments are conducting an extensive, expensive, and integrated effort either to keep President Bashar Al-Assad in power or to shut him down for the sake of another Government.<sup>194</sup>

The *scale* and *intensity* of pains become unlimited when they are *legally* and *systematically* organized and imposed upon the individuals, groups, communities, or the whole of society internally or internationally. In this regard, the State has undoubtedly passed all thresholds by its very organized and sophisticated violence, particularly war, invasion, or occupation. The element of "legitimacy" is thus



important, since the major difference between the State and another organized crime group (e.g., Cosa Nostra) stems from the fact that the power of imposing suffering is legalized in the former, contrary to the latter, but any criminal group may become legalized after any revolution or change in Government system. All States have hitherto enjoyed causing the worst pains with absolute impunity, except in the case of the loser or conquered State. These systematic pains are produced in the frame of the Constitution, international law, or even without any legitimacy at all.

In short, the Statesmen/women are subjecting us to these pains in the course of their legitimate activities, mostly reserved for the *Northbound* of the world ("*les Bons*"), or terroristic ones, usually used for the *Southbound* of the world ("*les Méchants*"). For instance, American and Israeli imperialism, occupation, and apartheid are called "democracy", when the Iranian Government's ambition to export the Islamic Revolution and to pursue missiles and weapons of mass destruction (WMD) are called "the axis of evil".<sup>195</sup> The State is nonetheless able to force brutality in all illegal manners, since there is really no independent and powerful institution to pursue, judge, and eventually punish State brutality.

Moreover, the intensity and generality of State crimes prevents us from focusing on demanding the punishment of all guilty politicians, since there are many white-collar gangsters around the world. They mushroom one after another.<sup>196</sup> We have neither power, nor money, nor time, nor energy to bring all of them to justice, and we know that the legal system, at both national and international levels, is itself one part of the problem. As for so-called "Islamic terrorism" supposedly targeting the Western world, it curiously attacks only the people rather than the politicians who protect themselves very well.<sup>197</sup>

The creation, continuation, and death of the States depend on systematic violence or State crimes.<sup>198</sup> Professor Agamben has accordingly argued that sovereign historically has the power of death and life.<sup>199</sup> As a result, "*State crime seems inevitable*," Professor Martin argues, "*as long as there are states*."<sup>200</sup> Professor Aydinli has nonetheless argued that violence and conflict do not clearly emerge with the creation of States, but in a pre-State environment. The main examples of violence and conflict are naturally more "transnational", since they largely appear at the individual as well as societal levels.<sup>201</sup>

In this case, legal anarchism takes a Weberian approach: "*the monopoly of the legitimate use of physical force*". The State has legitimately monopolized almost all uses of extreme violence not only inside, but also outside a specific territory on a small or large scale, on the one side. The technologists have come to magnify abominably political violence *tous azimuts*, on the other side. Thanks to technology, the State has consequently increased its evil power inside as well as outside its jurisdiction. For example, a so-called democratic State is struggling to crush *WikiLeaks* as a threat to its national security,<sup>202</sup> when a totalitarian

one (a so-called “Rogue State” or “Pariah State”)<sup>203</sup> has already created the *cyber-police* (“*Fata*”), also for preserving its national security.<sup>204</sup> In this type of repression, i.e. cyber or Internet repression, there is no line between the security of politicians and that of the people at all, when the “Internet police”, “cyber police”, “Web police”, or “Web censorship police” have been created to threaten, arrest, imprison, torture, or kill the *cyber-dissidents*. In other words, State repression has already reached the netizens or cybercitizens: *Political repression of cyber-dissidents*.<sup>205</sup> In spite of the extreme pains stemming from technology and enacted by the Statesmen/women and their accomplices, the technologists have not been punished yet, maybe because of the freedom of research in a world in which we are nothing better than laboratory mice! However, the good news is that we, all dissidents around the world, continue to fight against cyber repression as well as other aspects of State oppression. In this case, *hacktivism* is a type of resistance to or fight against overregulation and overcriminalization.<sup>206</sup>

### 2.6.2.2 The Overregulation and Overcriminalization of Individuality and Sociality

According to legal anarchism, the State society requires two increasing or unlimited elements: the extreme rules and the extreme sanctions. Legal anarchism recognizes that the phenomenon of extreme regulation and criminalization concerns also non-humans (e.g., the environmental laws) and their freedoms and rights consequently. This dissertation cannot unfortunately cope with this phenomenon, if it hopes to stay in a reasonable length.

All States actually rely on regulating all existence and nonexistence as well through all types of sanction. The criminal law certainly occupies an eminent place in this situation. Overregulation and overcriminalization appear not only in the individual, familial, communal, and national levels, but also at the regional and international levels through the inter-Governmental codes and institutions. For instance, some law Professors have recently argued that British regulatory law is increasingly shaped by a European perspective, which does not comfortably fit with the common law traditions while being slow to reply fresh demands.<sup>207</sup> The more a State supposedly becomes modern and plural, the more it tries to control and punish its subjects.<sup>208</sup> Professor Durkheim thus stated, “*severe punishments are found more frequently in relatively differentiated societies, while simple societies are more likely to be characterized by lenient forms.*”<sup>209</sup>

The overregulating and sanctioning of all existence generate the question about the place of freedoms and rights, or whether there is any existential liberty or right in an extremely regulated society.

### 2.6.2.2.1 The Extreme Rules

The legal system is the oldest and the most important Governmental institution that is carcinogenically enacting systematic pains against the individual and community in the frame of national law and recently international law. A modern or postmodern State without overregulation and overcriminalization of human as well as non-human lives does not make sense at all. Overregulation or overcriminalization is not however a new phenomenon. For instance, Constant pointed out well certain causes of overregulation of the society in 1815, which means that the proliferation of the laws adulates the lawgiver in connection with two naturally human inclinations: *“the need for him to act and the pleasure he gets from believing himself necessary.”*<sup>210</sup> In fact, he parcels *“out human existence, by right of conquest, like Alexander’s generals sharing the world.”*<sup>211</sup> In this sense, the Supreme Court of the USA long ago stated, *“The sovereignty of a State extends to everything which exists by its own authority or is introduced by its permission.”*<sup>212</sup>

The State, like divine power, is actually omnipresent in our lives and deaths; it even penetrates into our bedrooms and controls our sexual organs from childhood to seniorhood: *“surely I am with you always, to the very end of the age.”* (Matthew 28:20) *“Go and proclaim everywhere the kingdom of God.”* (Luke 9:60) The State is really God directing humanity as well as nature; all belongs to it, nothing less: *“The earth is the Lord’s, and everything in it, the world, and all who live in it.”* (Psalm 24:1) According to this approach, the State is definitively welcome to regulate our existence before birth (e.g., regulating mothers’ lives), during life (bank regulation, among many others), and after death (the regulation of wills and cemeteries, for example) for the sake of our salvation against ourselves!

It is not therefore by chance that the State regulates or prohibits even suicide (e.g., assisted suicide), which would be mostly an individual choice in the face of misfortune or existential suffering. Professor Szasz has accordingly argued that the traditional religious worldview regards God (i.e. the Creator) as the only legitimate power to decide about life and death, while the modern medical view regards the State as therapist. As a result, the law has enabled some professionals to lock people up if their behaviour is supposedly suicidal.<sup>213</sup> Any dissident attitude could equally be blasphemous for the State officers in our overregularized communities, which indeed symbolizes *“lèse-majesté against God”*.<sup>214</sup>

Professor Black’s approach to law as “a quantitative variable” in space and time is significant in our case. He argues that the quantity of law is observable throughout the scope and number of obligations, prohibitions, and other standards to which human beings are subject, on the one side, and the rate of legislation, adjudication, and litigation, on the other side.<sup>215</sup> Professors Williams and Arrigo have judiciously

found out that the State generally responds to social problems by adding more law, which makes the entire system more complex and chaotic. The better response is thus to have *less law*.<sup>216</sup>

For instance, Stossel has found out that shortly after President Obama' reelection, the "government has issued hundreds of new regulations. The bureaucrats never stop. There are now more than 170,000 pages of federal regulations."<sup>217</sup> The Israeli Government has already provided another example of the extreme regulation through a project called *Contraceptive Depo-Provera*. This project has indeed followed an experiment in the US State of Georgia between 1967 and 1978, during which 13,000 impoverished women were subject to the injections. Half of those American women were black. Many of them did not know that the injections constituted an experiment on their bodies. Some of them became sick and a few even died during the experiment.<sup>218</sup> Similar injections given to Ethiopian Jewish women have been a part of the Israeli State attitude vis-à-vis this group of immigrants. During the 1980s and 1990s, thousands of Ethiopian Jews spent several months or years in transit camps in Sudan and Ethiopia. Hundreds lost their lives en route to Israel, merely "because a country that is supposed to be a safe haven for Jews decided the time wasn't right, they couldn't all be absorbed together or they weren't Jewish enough – who had heard of black Jews?"<sup>219</sup> This policy of complete control over their lives, which started when they still lived in Ethiopia, "is unique to immigrants from that country and does not allow them to adjust to Israel."<sup>220</sup> Forced or coerced sterilization, a form of "genocide" perpetrated by the State, is unfortunately by no means an isolated case at all.<sup>221</sup>

Moreover, endless multiplication of norms (e.g., rights, principles, laws, codes, acts, decisions, recommendations, resolutions, covenants, and conventions) goes hand in hand with that of organizations, Governmental as well as so-called non-Governmental, responsible for enforcing or watching norms in every aspect of municipal, national, regional, and international existences.<sup>222</sup>

In short, there are endless norms regulating human and non-human lives, on the one hand, and institutions imposing these norms and dealing with them or playing "watchdog organizations", on the other hand.

#### **2.6.2.2 The Extreme Sanctions**

First of all, it is important to notice that extreme regulation, particularly in the CJS, has hitherto created a wealthy and effervescent terminology among the highbrows and elites when having blurred, on the one side, the lines among three Governmental powers, and, on the other side, the branches of law, such as the civil law and criminal law. For example, legal anarchism mentions *police State, regulatory State, judicialization, juridification, juridification of social spheres, juridification of the social world, legal explosion, flood of norms, post-interventionist law, overregulation, hypercriminalization, overcriminalization,*

*overcriminalization of conduct, overfederalization of criminal law, excessive punishment, overpunishment, overpunishing, and mass incarceration.*<sup>223</sup> In fact, the State is tirelessly criminalizing our existence and the environment as well. It hotly loves to penalise everything, and consequently punishes every type of violence from the parent's slap to rape.<sup>224</sup>

The criminal law positions itself at the top of painful institutions, since it increasingly functions by overcriminalization, which matches a gigantic arsenal of sanctions penetrating into all psychic and physical directions.<sup>225</sup> In other words, the State is deeply and brutally criminalizing all aspects of individuality, communality, and sociality, or all existential phenomena. State overregulation, which needs overpunishment, really invades all aspects of existence and nonexistence as well. For example, it concerns blood, flesh, body, mind, sexuality, nudity, textile, family, marriage, neighbourhood, death, suicide, religion, sport, housing, wearing, eating, smoking, drinking, pissing, shitting, farting,<sup>226</sup> ..., educating, teaching, cheating, googling, speaking, writing, publishing, working, transporting, traveling, immigrating, communicating, constructing, vacation, property, healthcare, washroom, pets, animals, plants, moon, and sun. Despite our dissatisfaction or revolt, the State abandons absolutely nothing, because it wants all, absolutely all, nothing less.

Professor Black has noticed that the subject of *"criminal law is especially unrespectable, and the more serious the crime, the more unrespectable it is."*<sup>227</sup> Nonetheless, his notice should be hardly applicable to the white-collar criminals (particularly the lawyers, industrialists, and Statesmen/women) who enjoy legal, political, social, or economic respect, in spite of their extremely harmful crimes. In the middle of the twentieth century, Professor Sutherland, one of the pioneers of studying white-collar crime, said accordingly that these criminals are oriented to respectable and legitimate careers. Due to their social status, they have the specific power to determine *"what goes into the statutes and how the criminal law as it affects themselves is implemented and administered."*<sup>228</sup>

As far as the criminal justice is concerned, the State remains omnipresent in repressing and preventing offences in all programs that the criminologists and lawyers are proudly presenting as community policing, community-oriented approaches, or community justice alternatives. These programs rely indeed on Governmental ideology and police power, while turning the citizens into cops and spies in the name of fighting crime.<sup>229</sup> If we categorize crime according to the crimes against the State, public order, family, individual, and property, all crimes would be, as Professor Jareborg implies, against the State because it has monopolized the definition and administration of crime.<sup>230</sup> *"Political theory reminds us that,"*

Professor Burger has accordingly argued, “*punishment is a fundamentally political action, an exercise of political power.*”<sup>231</sup>

Furthermore, if we analyze the State from a classical and liberal point of view (particularly throughout Hobbes, Locke, Adam Smith, Hayek, and Nozick), it has a monopolizing power to ensure “social order” through protecting individuals and property internally (i.e. inside a nation-State) as well as externally (i.e. outside a nation-State). It means the night-watchman State or minimal State using the police and army whose costs are paid by taxation matching *the invisible hand of the market*.<sup>232</sup> On the one hand, nobody knows whether such a State with its protective and repressive institutions (i.e. police, army, courts, and prisons) remains benign and refrains itself from all misadventures in despotism, militarism, imperialism, or high regularism when becoming a “busy State”.<sup>233</sup> On the other hand, the invisible mechanism may not actually be so invisible, as the minimalists believe, insofar as few people who own the most part of means of production, thanks to their background or network and talent, decide about the legal system assuring well their own interests. In short, the minimum State or minarchism is not a kind of libertarian alternative, because the State still functions as an important protagonist by monopolizing not only the legal system, but also the police and the army together.

Regarding the harmful effects of extreme criminalization, Professor Duff has truly noticed that the CJS too harshly and destructively punishes too many people. Much of this undue toughness flows from what happens to criminals after conviction and leaves aside the harms perpetrated by the criminal process itself: too many offenders submit to modes of punishment that are, if not actually by design, oppressive, unduly severe, and inhuman.<sup>234</sup> Nonetheless, such an extreme punitive system puts the white-collar offenders, which undoubtedly includes the politicians and lawyers as well, aside too often.

In fact, the State resembles a Big Brother that is permanently watching us everywhere! Such a watch is certainly lucrative for some people, i.e. those whose jobs need those normative and organizational multiplications, and painful for others. The overregulation based on over-sanctions has certainly created many big businesses relying on our flesh and blood, or on our suffering. For instance, Gelderloos and Lincoln argued that a Drug War prisoner had told them that the US economy would crash, if the Government legalized drugs. He said them that we should think about all the cops, prosecutors, defense attorneys, Judges, private contractors, and prison guards whose livelihoods depended on locking people up for drugs, and what would happen to the American economy, if all these legal professionals lost their jobs. They thought that he was right, since after the Great Depression, the elite realized that capitalism crashes unless the State permanently sponsors business.<sup>235</sup>

In spite of our over-criminalized societies in which the Judges love to appeal to imprisonment, the legal professionals know almost nothing about prison and its conditions. Bonanno, a famous theorist of contemporary insurrectionary anarchism, has judiciously found out that apart from exceptional cases in which “a superintendent from the court comes into the wing (but he only comes into the wing, not the cells), lawyers and judges don’t normally know what a prison is.”<sup>236</sup> As a result, the legal professionals are ignorant about the fate of those who they have legally helped to find a place in the prison.

Besides the practical critiques of overcriminalization, in *Legitimate Punishment in Liberal Democracy*, Professor Dolovich has challenged punitive legitimacy by concluding that to identify the principles that State punishment must respect to be legitimate does not certainly guarantee the legitimacy of all punishments. On the contrary, these principles of legitimate punishment provide the basis for putting into question the legitimacy of a range of criminal policies in the US, including California’s three strikes law, mandatory minimums, the underfunding of indigent defense, and the widespread sexual violence and overcrowding in the prisons. She has ambiguously referred to “legitimate punishment” as “*punishment imposed consistently with the principles that all would agree to be just and fair when considered from the impartial conditions of the original position.*”<sup>237</sup> She has actually followed “a Rawlsian approach to the problem of punishment” (i.e. *A Theory of Justice*) implying the public justification of punishment, which Professor Chambers has criticized as the “democratization of humility”.<sup>238</sup>

The overregulation of all aspects of humanity undoubtedly goes hand in hand with overcriminalization, which is indeed one of the most stigmatizing elements in social control. After the martial law, the criminal law is extremely violent because of its scope and intensity of pains imposed over the individuals or groups. Some scholars have already analyzed the concept of *law’s violence* or legal violence.<sup>239</sup> Professor Martel has truly noticed that Benjamin’s *Critique of Violence* fitting in perfectly here, because “*the task of a critique of violence can be summarized as that of expounding its relation to law and justice.*”<sup>240</sup> Under the guise of monopolizing violence, by which the State has supposedly legitimized itself, the law normalizes violence instead of eliminating it.<sup>241</sup>

According to such an approach, domestic violence has a relationship with warfare abroad. For instance, the *War on Crime* in the national criminal justice goes hand in hand with the *War on Terror* in international law.<sup>242</sup> In other words, a violent system of the criminal law, nationally imposed, requires a brutal law among the nations through war and conquest, such as the normalization or banalization of torturing the prisoners in Guantanamo Bay and Abu Ghraib. As for the relationship between two paradigms, i.e. the criminal justice and war, in the US, law Professors Huq and Muller have found out certain



substantial similarities. According to them, the connections exist between the political dynamics and the political responses to the perception of increasing crime in the 1960s and 1970s, and to that of “domestic terrorist sleeper cells” after September 11, 2001.<sup>243</sup> Other scholars argue that about 2,200,000 persons were locked up in American prisons in 2005, a rate of 737 inmates per 100,000 residents or 1 in every 138 residents. 1 in 20 American children born is approximately destined to be incarcerated at some point in his life. Minorities are disproportionately imprisoned: 12.6% of all black men between 25 to 29 years old are in prisons, compared to 1.7% of similarly aged whites.<sup>244</sup> Marmer however thinks that the carceral situation is much more problematic inasmuch as the criminal justice goes even further: for every prisoner, the USA has two more people on probation, parole, or some related form of control by the criminal justice. Over 7,000,000 people are totally behind bars or subject to some type of control that can place them behind bars.<sup>245</sup>

Regarding the victimization costs of crime in the US, Professors Delisi and Gatling have found out that victims miss an average of 3.4 days of work per crime, which annually totals \$876,000,000 in lost workdays. More than 1,400,000 patients are annually treated in hospital emergency rooms for nonfatal injuries caused by interpersonal violence. They have also noticed that according to the National Crime Victimization Survey, more than 28,000,000 offences were reported in 1999 that totally cost \$15,600,000,000.<sup>246</sup> When it comes to the cost of repressive policy, the USA spends more than \$146,000,000,000 on the CJS each year. The prison-industrial complex is a machine absorbing the vast profits: job creation, private and public supply and construction contracts, cheap labour, continued media profits from exaggerated crime reporting, crime/punishment as entertainment, and so on.<sup>247</sup> Such a complex system also reveals an intricate web of relations among the politicians, State penal institutions, and prison corporations in neo-liberal globalization.<sup>248</sup> The corporatization of prison goes hand in hand with the degradation of conditions in prison, especially violence and torture. As a result, thousands of California inmates launched a hunger strike against “State-sanctioned torture”.<sup>249</sup> As sociologist Gordon has noticed, torture, degradation, humiliation, sexual assault, assault with weapons and dogs, extortion, and blood sport have always been part of American prison behaviour and culture.<sup>250</sup>

The democratic States have also increased punitiveness for the impoverished and marginal criminals through imprisonment: mass incarceration or the *Carceral State*.<sup>251</sup> Hence, the less a State is welfaristic, the more it relies on the panoply of sanctions. For instance, Professors Beckett and Western have shown, in their study of American incarceration rates between 1975 and 1995, that there exists a relationship between decrease of social welfare and increase of punitive policy. They have therefore rejected the neo-

liberalist claim that reducing welfare expenditures is an indicative of a shift toward reducing State intervention in social life, but rather a shift toward a more punitive and exclusionary approach to the social regulation of marginality.<sup>252</sup> In *Punishment and Welfare: Paternal Incarceration and Families' Receipt of Public Assistance*, Professor Sugie has argued that due to the fact that the criminal justice and welfare systems constitute two crucial Government institutions in the lives of the American poor, we should consider incarceration as a key institution for shaping broader patterns of racial inequality and poverty among American families.<sup>253</sup> In fact, if the States are unable or do not want to destroy economic inequality, they are wonderful to destroy the lives of poor people through endlessly sophisticated case law, codes, and regulations, indoctrinated in the law schools whose Professors are the masters of rhetoric, verbiage, and brainwashing.

The huge quantity and quality of law simply makes the principle of *ignorance of the law does not excuse*, which the honorable law Professors and Judges traditionally preach and teach,<sup>254</sup> impossible in the realm of the law's Empire in which these professionals are themselves Emperors.<sup>255</sup> Although our Majestic legalists and politicians have not solved the problems of the law's Empire on the earth yet, they have already started to speak about the *Corpus Juris Spatialis* in "the golden age of space law", which means another legal Empire matched with "the weaponization of space". Thanks to our scientists, the legalists have also started to add the issues of "military robot" or "robot war" to those of the law's Empire on the earth and over it as well: personality, responsibility, ethics, just war, robot soldiers, war crimes, and so on.<sup>256</sup> For instance, Professor Sharkey noticed in 2008 that there were more US ground robots in Iraq than British soldiers, ranged from 4,000 to 6,000, and there were even more in Afghanistan.<sup>257</sup> The earth has really become so small for the destructive ambition of our Majestic Governors and their scientist and legalistic acolytes as well.

On the one side, the intrusion of the State into all existential aspects makes the Governor both ridiculous and busybody together. On the other side, no State can or really wants to respond to all social problems and crimes in the frame of constitutional cases, civil cases, criminal cases, administrative cases, environmental cases, etc. In other words, it is unable to cope with all problems occurring in our highly sanctioned society. As far as the criminal law is concerned, "the tip of the iceberg of crime" proves that the legal system is very far behind the punishment of all criminals, especially the white-collar ones.<sup>258</sup> For example, any collective statistics about violence against women show "*only a portion of the impact of violence, as most acts and effects of violence are kept private.*"<sup>259</sup> Even if the legal system detected all crimes, it would

not have enough police officers, prosecutors, Judges, lawyers, social workers, criminologists, psychologists, jailors, and so on, to act according to the rule of law and due process.<sup>260</sup>

That problematic aspect of the criminal justice coexists with so-called *miscarriage of justice* or wrongful criminal conviction whose exact qualitative and quantitative effects are unknown, as they are in the tip of the iceberg of crimes and criminals.<sup>261</sup> There are really individuals who heavily pay humanly as well as materially for the sake of some legal professionals' crimes, hidden behind an embellished term: miscarriage of justice.<sup>262</sup> This is actually a type of *judicial murder* for those who must endure the dysfunction or corruption of the legal system in an extremely criminalized society, which is nonetheless too proud of the rule of law and due process applied by the so-called democratic State.<sup>263</sup> Nobody knows how many men, women, and children have been coldly executed, mutilated, tortured, imprisoned, fined, deported, or expropriated in the framework of miscarriage of justice, while dehumanized according to certain legal and judicial languages and ceremonies that are reducing them to nonexistent, absolutely nobody. Besides, the more the State criminalizes, the more occurs such dysfunction or corruption. Nonetheless, let the lawyers say that these harmful effects of the legal system have simply been the results of some Judges' errors, ill wills, misunderstandings, or misinterpretations. Let them legally conceal the extreme pains behind some words, when the legal victims endlessly suffer; the suffering of the latter makes the former really happy by providing them the lucrative legalistic jobs and verbal opportunity: "*Le malheur des uns fait le bonheur des autres.*"

Due to overregulation, the legal system has become so slow. Is *justice delayed* a type of *justice denied*?<sup>264</sup> Lawyers Milenkovski and Diemer accordingly ask: "*Is justice denied a shortcut to anarchy?*"<sup>265</sup> In this case, Professors Latzer and Cauthen studied the time taken in the direct appeals of capital sentences in fourteen US States, which "*took a median 966 days to complete direct appeal. Petitioning the U.S. Supreme Court added 188 days where certiorari was denied, and a median 250 days where certiorari was granted and the issues were decided on the merits.*"<sup>266</sup> Because their study concerns only appeal cases, if we take into account the time before appeal, the judicial process is longer, with horrible effects that we generally know as "death row phenomenon" in State murder.<sup>267</sup>

### 1.6.2.2.3 The Place of Freedoms and Rights

Following those political, social, legal, and judicial problems, we can ask are there any existential liberties or rights in a society submerged in the laws, codes, and rules? In a short answer according to Professor Wolff, as mentioned above, there is neither autonomy nor liberty in a society governed by a State. Let legal anarchism deepen other possible answers a bit more.

In a highly regulated and sanctioned society, we are somehow in disorder and chaos over which the Statists have ironically founded their theories legitimizing the State. In fact, the extreme legalized society discriminatively imposing all types of sophisticated pain on its citizens is far from order and justice. In other words, there is a harsh CJS for the poor and the outsiders, and a lenient or powerless one for the rich and politicians. In this case, where are our freedoms and rights about which the highbrows and politicians are talking too much? They can actually exist in certain sacredly legal and philosophical writings, such as the Constitution and the Bill of Rights whose decipherment justifies the parasitic existence of some academicians.

When it comes to the relationship between rights and the State, George Carlin judiciously and sarcastically said, *“Rights aren’t rights if someone can take them away. They’re privileges. That’s all we’ve ever had in this country, is a bill of temporary privileges. And if you read the news even badly, you know that every year the list gets shorter and shorter. You see all, sooner or later. Sooner or later, the people in this country are gonna realize the government does not give a fuck about them! The government doesn’t care about you, or your children, or your rights, or your welfare or your safety. It simply does not give a fuck about you! It’s interested in its own power. That’s the only thing. Keeping it and expanding it wherever possible.”*<sup>268</sup>

Nonetheless, we shall apparently enjoy some rights, such as rights to blab and to protest as the State tolerates, in the West whose democracy is a comedy in order to satisfy the legal professionals, politicians, highbrows, and journalists together, when putting our heads under the boots of Governors. We are undoubtedly proud of our bill of rights while paying our bills: rent, telephone, tuition fees, insurance, etc.

The State is the only institution controlling all individuals and groups, and directing all social organizations and institutions, because of its overregulation based on so-called “positivism”, when ironically promoting “the bill of rights”. Such a man-made law appearing under State control goes against natural laws or natural rights, as the libertarians have already analyzed.<sup>269</sup> Professors Williams and Arrigo have accordingly noticed that although the anarchists defend the possibility of a spontaneous order without punitive mechanisms of institutional control, they do not prove that how this order can appear in complex social systems. As a result, even if we accept anarchism as “a positive vision of a future humanity”, there are still questions to know how this vision is realizable throughout the social world.<sup>270</sup> Can we eventually find some universal laws in nature? Natural laws seem to be problematic *per se* to constitute the foundation of a spontaneous order, since nature has rarely had any sense of fairness or justice when implying “the right of the strongest” in a *jungle* that we know as *the world*, in which many of us have to face an existential nightmare throughout the unjust or cruel sanctions. Rollins has analyzed natural law as a myth, since it is misleading to contrast man-made law with natural law that is “as surely man-made as any Governmental

law". Their difference comes from the fact that the Governmental laws "are enforced by the punishment of detected violators by the government while natural laws are not enforced by the punishment of violators by nature."<sup>271</sup> In other words, God or nature has supposedly created natural laws, when man, who is lover of legitimizing his ideas through something supernatural or infallible that eventually justifies his ruler, himself actually makes or interprets natural laws. Lum has thus argued that the "natural rights" are evolving and not fixed.<sup>272</sup>

The anarchists have therefore stood against the Godlike institutions coldly struggling to criminalize all existence, nothing less. For instance, they have criticized Governmental and religious interventions in our sexuality while having proposed "free love", which I will later explain. In its *Anarchist Manifesto*, London Anarchist Communist Alliance proclaimed: "*propaganda cannot be diversified enough if we want to touch all. (...) Organisation arises from the conciousness that, for a certain purpose, the co-operation of several forces is necessary. When this purpose is achieved the necessity for co-operation has ceased, and each force reassumes its previous independence, ready for other co-operation and combination if necessary. This is organisation in the Anarchist sense – ever varying, or, if necessary, continuous combinations of the elements that are considered to be the most suitable for the particular purpose on hand, and refers not only to the economical and industrial relations between man and man, but also to the sexual relations between man and woman, without which a harmonious social life is impossible.*"<sup>273</sup> In fact, certain anarchist attitudes against overcriminalization are necessarily "illegalist" (especially in the frame of crimes against property),<sup>274</sup> since the State has left almost no ground on which the radical dissidents are able to play.

There remain three notices. Firstly, social control is larger than State control, because it concerns quasi-official and unofficial institutions, such as family and friends. In a liberal State, these institutions may enjoy some degrees of autonomy and liberty. In this sense, State control is not absolute. Secondly, due to the problems relating to overcriminalization (particularly the cost and overloading of the legal system), the Governmental institutions are forced to either decriminalize (either *de facto* or *de jure*) or to legalize some criminal behaviours, such as the decriminalization of cannabis in certain US States and Prime Minister Trudeau's campaign advertising of legalizing marijuana.<sup>275</sup> Thirdly, overregulation has already created a certain new legal and wealthy caste, very particularly the legislators, prosecutors, Judges, police officers, and lawyers, to make, interpret, and apply the law against our will. In other words, overregulation means over-lawyering, over-professionalizing, or over-legal robbery and prostitution. According to anarchism, the law has been created and interpreted in the same manner that Christian dogma has developed. The laypeople to whom the law applies are forbidden to interpret it for themselves. They must turn to the lawyers who are the priests of law interpretation. The law industry is actually a lucrative industry,

architected to make billions for the State (e.g., financial punishment) and the lawyers, and often to perpetuate the wealth of the corporate world, as the laws are tailor made for them. In summary, the overabundance and vagueness of laws paralyze the people through making them fearful of becoming lawbreakers, and they keep the lawyers in expensive business.<sup>276</sup>

### 2.6.2.3 State Violence Against Nature

State violence does not stop at human existence at all, because it affects non-human existence as well, which takes part in “environmental crime”.<sup>277</sup> All societies are unfortunately oppressing humans as well as non-humans.<sup>278</sup> In this sense, we can partially speak of *the criminology of Empire*, since it analyzes the “crimes resulting from the environmental destruction and resultant ecocide of indigenous populations in Africa, South America and Asia.”<sup>279</sup> Legal anarchism gives an insight into political violence, through some examples, imposing suffering not only upon animals, but also upon the entire environment.

#### 2.6.2.3.1 From Political Violence Against Animals

Political violence against animals is not really a new phenomenon. For instance, in *The Capture of Animals by the Roman Military*, Professor Epplert has argued that the early beast-hunts (*venationes*) of the later Republic appeared to be relatively impromptu affairs, with little of the infrastructure behind the subsequent imperial beast-hunts. Republican magistrates exhibited the animals that were predominantly supplied by their powerful “contacts” overseas as need required, rather than by regular and established exporters.<sup>280</sup> In *Animal Spectacula of the Roman Empire*, he has stated that like gladiatorial games, the organization of animal spectacle was considered important enough to be trusted to a variety of personnel and officials in a centralized State bureaucracy administering all various types of spectacle. Even the Governors might exact funds from their provincials to pay the *venationes*. Because of prevailing attitudes in both Roman and Greek societies, most spectators had no qualms about watching the slaughter of animals in the arena. They indeed regarded that animals existed only for man and had no rights of their own. Animal slaughter symbolized and asserted Roman control over the hazardous natural world. They justified the killing of harmless animals (e.g., deer) at the *venationes* insofar as they potentially threatened crops in the predominantly agrarian Roman society.<sup>281</sup>

As the largest animal rights organization in the world, “People for the Ethical Treatment of Animals” has reported that the US army invented a lethal poisoning test circa the time of the First World War, in which animals were force-fed increasing doses of a chemical until they died. This animal research still constitutes the single most common animal test. Government regulations demand chemical industries to



squirt burning chemicals into the eyes of rabbits and onto their skin. *“Some government-mandated tests kill more than 2,000 animals every time they are conducted. And not a single one of these animal tests has ever been formally proved to be relevant to or able to accurately predict human health effects.”*<sup>282</sup>

That animal rights organization has also found out that the non-human victims of warfare are rarely recognized, and their suffering is rarely publicized on a universal scale.<sup>283</sup> They are animals who are shot, poisoned, burned, and otherwise tormented in military training and experiments. These experiments and training are painful, repetitive, costly, and unreliable. Published experiments and internal documents coming from the armed forces expose to view that US military agencies test all types of weaponry on animals, from bombs to chemical, biological, and nuclear agents.<sup>284</sup> According to Freeman, the US military spends millions on killing, stabbing, and dismembering more than 10,000 live animals in cruelly medical training drills, although more human, effective, and economical training techniques exist.<sup>285</sup>

The histories of human warfare and political repression have certainly a tight relationship with animals in general and military and police animals in particular, such as pack animals, military horses, animal-borne bomb attacks, war dogs, anti-tank dogs, MWD, and police dogs (known also as K-9), which constitute violence against animals and humans because of imposing pains upon them.<sup>286</sup> Some scholars have accordingly linked, as we will later see in the GP, the treatment of animals to the Holocaust, which is by no means without some paradoxes such as prejudice and anti-Semitism. By the way, are not we, so-called human beings, animals, especially genocidal ones? Besides, since many police officers are acting worse than wild dogs, do they need any dog? They do not, to my knowledge!

Professor Shukin has recently stated that in the theatre of the unconditional War on Terror after the 9/11 attacks, dogs have visibly become embedded in the groundwork and fantasy of State security, which is today universal in its means and effects. Other MWDs besides Cairo, a Belgian Malinois whose tracking sense proved vital in the deadliest manhunt of the early twenty-first century, have prominently appeared in a post-9/11 order of security. Most notorious are perhaps those German shepherds seen with their human handlers in trophy photographs taken by the US soldiers at Abu Ghraib, poised to discharge their powers of physical and psychic terror on Iraqi prisoners. Nowadays, police dogs and MWDs routinely symbolize in the idiom of security as K9s, an abbreviated homophone for dogs placing them in technological series with other weapons, such as the M-16 family of combat rifles or the UH-60 series of Black Hawk helicopters used in the raid on bin Laden’s compound. Security dogs are indeed fetishized as optimally efficient fighting machines whose performance is increased by the sleek layers of combat gear that military outfitters like K9 Storm supply. A Canadian-based company is in the business of cladding the new canines of war.<sup>287</sup> In their



study about the twenty-nine cases of gunshot wounds in MWDs in Operation Enduring Freedom and Operation Iraqi Freedom between 2003 and 2009, some scholars have found out of the twenty-nine injured dogs, eleven survived the injuries and eighteen died: 38% survival rate. Of the death dogs, all but one perished from catastrophic non-survivable injuries before treatment or evacuation.<sup>288</sup>

Professor Johnston has noticed that *“Millions of animals have been killed in the name of country – not despite the patriotic love professed for them, but precisely because of it.”*<sup>289</sup> Their suffering however remains forgotten or unseen. If animals neither drop bombs nor produce any chemical weapons or killer viruses as human beings perfectly do, *“why should they suffer?”*<sup>290</sup> Does it mean that we are *the most dangerous animal?*<sup>291</sup> Do we have an excellent gift to exploit others without thinking about their pains?<sup>292</sup> Can I invoke “terror management theory” arguing that human beings *“are motivated to elevate themselves above other animals as a way of denying their creatureliness and mortality?”*<sup>293</sup> Is not political authority that either encourages or facilitates such motivation? Does not my misanthropism find once again its full significance?

In this sense, Berry has analyzed how the War on Terrorism, pursued by the right-wing Bush Administration, has devolved both human and non-human rights, since there is “interlocking oppression” referring to the relative powerlessness of both human minorities and non-humans. This devolution stems most notably from the USA Patriot Act. As a result, the American citizens have less voice in the environmentally disastrous events (such as the feared destruction of Alaska National Wildlife Reserve), while non-human rights organizations have been redefined as terrorist organizations. Public protest has been affected by not only Governmental monitoring, but also the fear of being labeled “unpatriotic”, “terrorist”, “ecoterrorist”, or “green scare”. In other words, since 9/11, the Administration is destroying human rights and the environment that is habitat for humans and non-humans, while using the present state of crisis, fear, and confusion to subdue social protest and progress.<sup>294</sup> Moreover, the Animal Enterprise Terrorism Act, passed by the Congress and signed into law by President Bush in 2006, prohibits any individual from engaging to damage or interfere with the operations of an animal enterprise.<sup>295</sup> The nearly identical process of criminalization and repression of animal rights activists has occurred in the Irish Republic where they regard these activists as “animal rights terrorists”.<sup>296</sup> A recent research nonetheless shows that the attacks committed by the radical environmental and animal rights groups have caused very few injuries or deaths.<sup>297</sup> Professor Sorenson has therefore argued that “terrorism” is a misapplied term for the non-violent actions of animal rights groups insofar as the Government, police, mass media, and corporate lobbyists are using it to destroy opposition to animal exploitation industries.<sup>298</sup>

### 2.6.2.3.2 To Political Violence Against the Entire Environment

In *Green Criminology*, Professors South and Beirne have emphasized the link between interhuman violence and animal abuse, on the one hand, and the flouting of State rules aiming at protecting the environment against damage and disaster, on the other hand. Governments even go further by dismissing both human and environmental rights.<sup>299</sup> These flouting and dismissal are actually rooted in neo-liberalism preaching minimal State intervention in trade and the free markets, since State protectionism supposedly prevents economic growth and international trade, and generates inefficiencies and waste.<sup>300</sup> In reality, capitalist technology requires State mutism or complicity in order to provide corporations with laissez-faire policy regarding the environment. *Section E (What do Anarchists Think Causes Ecological Problems?)* of *An Anarchist FAQ*, published by an international working group of social anarchists, has already analyzed the problem with a remarkable insight. The eco-anarchists argue that universal competition between the nation-States is responsible for not only devouring nature, but also causing international military tensions, because they are seeking to dominate each other by armed force or the threat thereof. Although the politicians and corporations are keen to announce their “green credentials”, the State and capitalism are principal causes for the environmental issues that we are facing. The green anarchists also argue if the oppression of people is the first reason for our ecological problems, so the State cannot logically create and manage an ecological society.<sup>301</sup> Professor Reich has accordingly spoken of “toxic politics”, since the States are implicated in first and second victimization in chemical disasters because of missing firstly to provide a safe environment, and secondly to punish corporate offenders or the victimizers.<sup>302</sup> The chemical and atomic disasters of Bhopal, Chernobyl, Texas City Refinery, Deepwater Horizon, Fukushima Daiichi, and Lac-Mégantic are only few examples showing State-corporate crimes, which not only cost many human and non-human lives when largely polluting and destroying the environment, but also cause first and second victimization.<sup>303</sup>

Many researchers have proved that the US nuclear and army facilities violate the environmental laws by the pollution and destruction of the environment at home and abroad as well. This means the *nuclear terrorist State* relating to “State-corporate crimes” or to “Government as polluter”, mingled with corporate crimes or the crimes of the economy in a world in which corporate liability and eventual punishment are still too uncertain and debatable among unlimited highbrows, legalists, politicians, and economists as well.<sup>304</sup>

For instance, described as *la Guerre Invisible* and *le Scandale Étouffé*, DU in the weapons used during the Persian Gulf and Iraq wars has caused many ecological and human catastrophes, while the Pentagon has systematically concealed, denied, or misled information about the quantities, characteristics,

and the areas in which these weapons have been used. Many scientists have explained its extremely harmful effects on the civilians, the soldiers, and the environment, such as the long-term contamination of water, soil, air, alterations in plants and animals, cancer cluster, high mortality rate due to leukemia, breast cancer, brain tumors, and lymphoma. Iraq has also witnessed birth disorders, such as the increasing number of babies born grotesquely deformed, with no head, two heads, extra fingers and toes, a single eye in their foreheads, scaly bodies, or missing limbs. They have estimated that US military forces used between 1,100 and 2,200 tonnes of DU when attacking Iraq. The amount exceeded the 300 tonnes of DU used in the Persian Gulf War in 1991 and the 10 tonnes used by NATO forces during the bombing of Serbia in 1999. In other words, during the second Gulf War in 2003, British and US troops reportedly used more than 5 times as many DU shells and bombs as the total number used during the first Gulf War in 1991 for invading and occupying Iraq. The US has approximately stockpiled 450,000 tons of DU.<sup>305</sup>

As for the crimes against the environment committed by the Iraqi Government, Professor Zilinskas has found out that few days before the Operation Desert Storm, the Iraqi forces set on fire about 150 Kuwaiti oil wells, opened oil pipelines, sabotaged petroleum and natural gas processing facilities, and discharged stored petroleum into the Persian Gulf and onto land. They intensified their destructive activities after the Operation Desert Storm started. Although these activities did not actually affect the battlefield, they damaged the terrestrial, marine, and atmospheric environments. They estimate that between 35,000,000 and 150,000,000 barrels spilled onto land. In the ocean, the oil slick was 8 kilometers wide and 50 kilometers long, which generated the largest oil slick ever seen. Iraqi destructive activities have had long lasting and severe effects on the ecosystem, such as acid rain, killing an unknown number of sea snakes, turtles, and wading birds, while threatening thousands of dolphins, whales, and dugongs.<sup>306</sup> Over 10,000,000 cubic metres of land was contaminated until 1998. A principal groundwater aquifer, two fifths of Kuwait's entire freshwater reserve, stays contaminated. To clean up 10,000,000 barrels, released into the Gulf affecting coastline along 1500 kilometers, cost more than \$700,000,000.<sup>307</sup> Who said or heard anything about these crimes during the trial of Saddam Hussein?

Professor Simon has provided other examples about State role in pollution. The industrialized countries export a large number of toxic wastes to other countries, many of which are done by bribing the officials of foreign Governments. They annually produce about 400,000,000 tons of toxic waste, 60% belongs to the US. A ship containing toxic waste leaves the US every 5 minutes per day. Multinational corporations provide handsome financial rewards for the recipient countries. For instance, Guinea-Bissau, which has a gross national product of \$150,000,000, makes \$150,000,000 to \$600,000,000 over 5 years

in a deal to accept toxic waste from three European countries. Bribes are typically paid to the Third World Government officials in order to establish toxic waste dumps in their nations. Third World participation in the waste dumping of industrialized nations has caused a host of scandals.<sup>308</sup> For example, the Nigerian Government has asked a ship containing toxic waste docking in Lagos in 2013 to return immediately its cargo to London from where it came. The toxic waste was hidden among used fridges, television sets, and microwave ovens. This is not the first attempt to dump toxic wastes in Nigeria insofar as the Nigerian Government has detained several ships laden with toxic waste since 1988.<sup>309</sup> These would apparently be the cases in which the advanced States have not been able to bribe the Nigerian State well! According to the European Environment Agency, between 250,000 tonnes and 1,300,000 tonnes of used electrical products are annually shipped out of the EU, mostly to West Africa and Asia.<sup>310</sup>

Professors Truscello and Gordon have judiciously found out another aspect of State environmental crime. There since exist between 200,000 and 300,000 tonnes of nuclear waste in the world, and they will remain about 100,000 years. Nearly 1,000,000 cubic metres of radioactive waste have been discharged into the oceans. Nearly 90% of the waste in the ocean is plastic, spread over millions of square miles, and may need a century to biodegrade. The stuff biodegrading faster than that discharges toxic chemicals, which interferes with reproductive systems. A study conducted by the International Programme on the State of Ocean in 2011 proved that ocean life will likely experience the worst mass extinctions in millions of years.<sup>311</sup>

In summary, militarism and corporatism are killing and polluting nature on a massive and planetary scale. State power thus brutalizes the entire environment. In this case, Professor Bookchin has judiciously detected a historical link between the degradation of nature and that of international relationships, such as acid rain and nuclear power plants.<sup>312</sup>

As a reaction to State pollution, a group, led by 16-year old Alec Looz who is the founder of *Kids vs. Global Warming* and the *iMatter Campaign*, filed a legal action against the US in 2011. It is seeking to force the Government to reduce greenhouse gas pollution to levels demanded necessary by the best available science.<sup>313</sup> As far as I am concerned, I do not unfortunately think that such an action will embrace success, thanks to endless skills and ruses of the Government lawyers and to the complicity of Honorable Judges who will discuss at their pleasure legal responsibility, *mens rea*, *actus reus*, causation, the burden of proof, strict liability, tort law, and so on. Our planet is really burning while these honorable legalists are making love with each other and chatting about the possibility of State responsibility for pollution.

Like the case of violence against the people, endless multiplication of norms about the environment goes hand in hand with that of organizations, Governmental as well as so-called non-Governmental, which are responsible for enforcing or watching the environmental norms in every aspect of municipal, national, regional, and international existences.<sup>314</sup>

Who is eventually responsible for State extreme violence against nature? The legal professionals are apparently searching for the *possible responsible* for State brutality against wildlife and domesticated animals as well, as they are doing regarding State extreme violence against humanity.

## 2.7 Conclusion

When it comes to the total economic cost of luxury and benefits of so-called civil servants around the world, we can ask how much we must pay for the extreme happiness of all Statesmen/women, politicians, their families, lovers, gangs, and political parties even *en pleine récession*<sup>315</sup> matched with supposedly *austerity measures*?<sup>316</sup> In this case, it is interesting when some people minimize this cost by comparing it with the total number of people. For example, they have told us that the 41<sup>st</sup> General Election cost each Canadian elector exactly \$12.00!<sup>317</sup> It is no less interesting yet when they say that Queen Elizabeth II and her clan cost the British taxpayers nearly US \$1.14 each! They would say the same for the Canadian taxpayers.<sup>318</sup> Firstly, some people, including me, have never exercised their famous right to vote. In fact, they cannot calculate us in such comparison. Secondly, who really knows the real cost of her clan's extreme happiness? Thirdly, if this Queen (also constitutionally Canada's Head of State), her corrupt family, Governor General, Lieutenant Governors, and Commissioners are supposed to have only certain "ceremonial power" in the Commonwealth of Nations,<sup>319</sup> why must we pay for them? Fourthly, can an individual cheat an amount of \$30,000,000 in Canada and then says that it costs each Canadian taxpayer only less than \$1? Is there any Canadian Judge who will believe her?

Moreover, the extreme happiness enjoyed and the unlimited violence imposed by the Statesmen/women over us and nature depict how much the life of the majority, animals, and plants are too cheap and valueless, contrary to that of the elite minority. This political happiness depends really on the "extreme suffering" that the State brutally enforces on existence under the pretext of law and order, since existence is rarely anything better than a simple gadget played by the Governors at their pleasure. In this sense, Mark Twain or Gideon John Tucker truly said, "*No man's life, liberty, or property are safe while the legislature is in session,*"<sup>320</sup> to which legal anarchism can also add "non-human life".

Unlike their counterparts in the West, the Southern Statesmen/women may sometimes face the judicial process, managed by either a national or an international tribunal (e.g., the Supreme Iraqi Criminal Tribunal and the International Criminal Tribunal for Rwanda) for committing organized crimes, crimes against humanity, war crimes, or genocide in the case of failure or revolution. This process is nonetheless highly problematic because of two phenomena. On the one side, ICL is extremely discriminatory or selective inasmuch as they apply it against some Southern criminals while taking a *laissez-faire* policy toward the Western ones. On the other side, there are many practical, political, and legal obstacles to judge a political criminal, such as the competence of the court (the ratification of international conventions, treaties, and so on), extradition, testimony, the interpretations of legal texts, legalistic and political verbiage among the lawyers and politicians as well. In fact, the job of governing is funnier and more secure in the West than in the South.

The best job (i.e. excellent salary, tax free, respect, unlimited paid vacations, sex, travel, and so on) for an extremely corrupt, cynical, or dangerous person is really politics. It since enables him to satisfy his extreme needs and desires, undoubtedly on the back of taxpayers through political verbiage and deception. The words of democracy, democratization, popular Government (“*hokumate mardomi*” or “*hokumate mardomsalari*” in the reformist Mullahs’ jargon in Iran, among many other examples), participatory Government, representative Government, popular sovereignty, nation-State, civil society, civilization, the rule of law, freedom, and justice are very typical examples in this case.<sup>321</sup> In short, the most profitable and secured profession in a “stable democracy” is politics, since there is neither revolution nor any serious political danger.

The unlimited privileges of political life are very seductive for certain people to commit all types of evils, from mass torture and murder to the destruction of the environment. There exist still several questions about how these people are able to impose their desires and decisions upon the rest of society and nature becoming a slave to carry out their policies, how the masses obey the desire of a power-hungry minority, and so on. In this sense, there are not only dictators and their clans that are responsible for State violence – as this is a common belief among the anarchists who make a fundamental difference between the State and nation –, but also a nation that is voluntarily subject to them, even in a so-called democratic State.

Hence, the psycho-sociological studies of dictatorship have a long way to go in order to analyze the personality of State criminals as well as that of the ordinary people who accept or obey them. If an army of criminologists, psychologists, and psychoanalysts have already examined and reported painstakingly all

mental aspects of ordinary criminals (especially young offenders), we need them to start to do the same regarding the Statesmen/women and officers, including the Judges and prosecutors. The latter send us to war, massacre, torture, or plunder, when punishing us without any sense of regret or shame and with almost absolute impunity, thanks to endless legal, political, and economic obstacles on both national and international scales. They also brutalize extremely non-humans. The scientists should furthermore analyze the corrupting and destructive aspects of authority throughout the narcissistic and psychopathic characteristics of political elites and their economic accomplices (i.e. *political and economic personalities* or a type of dominant personality) with the same relentlessness that it uses against the so-called street criminals. In short, they should examine both scale and intensity of State violence to which all ordinary citizens, animals, and plants are legally or illegally subjugated. However, the State criminals, unlike the street ones, are inaccessible to the researchers; even they absolutely deny their criminality, if there is any question or trial! We know not so much about the “personality” of tyrant so that we really need a new science that I would call “tyrantology”, which should study not only this type of criminal personality, but also State crimes as an institution enforcing its own authority inside as well as outside its jurisdiction.

Will we arrive at a time when we describe State violence against animals as “crimes against animality” as we have already started to recognize crimes against humanity? Will we arrive at a time when we recognize State violence against nature as “crimes against the environment”? Will we arrive at a time when State criminology will be as promoting as street criminology? Such a time is still critical, since the legalistic highbrows are submerged in their beautiful doubts about “State wrongdoing”, as legal anarchism is going to analyze later. Besides, the depth of State violence should lead us to think about Professor Liebsch’s question: “*When violence, even in its most subtle forms, pervades everything, when it contaminates everything with no prospect for a state beyond violence, does this then not result in a theoretical normalization and extension of violence?*”<sup>322</sup> Is not State existence itself a crime against existence? Will we arrive at a time when there is no State and consequently no need for State criminology?

Finally, we must have centralized authorities, if we love extreme and omnipresent violence and luxury. Must we really love these authorities whose powers constructed on corruption, organized robbery, arms industry and trafficking needing permanent wars and conflicts around the world, mass murder, political repression, economic exploitation, segregation and racism depending on nationality and frontiers, propaganda, brainwashing, systematic lies and deception, eventually the pollution and destruction of the ecosystems? Has not really the State become a modern God regulating and sanctioning all existence before birth as well as after death by extreme violence, luxury, and bureaucracy? The extreme violence and



expensiveness of the State, including its legal violence and cost, should lead us to think seriously about the libertarian alternatives that would be more human, peaceful, ecological, and cheaper. To understand these alternatives requires giving an insight into the anarchist analysis and critique of the law and punishment, connected to power and authority.

# Chapter 3: The Anarchist Analysis and Critique of the Law and Punishment

## 3.1 Synopsis

The Chapter concerns some introductive notices and critiques of State law and punishment, constructed on absolute obedience and independency. Through certain materialistic, psychological, and professional critiques, legal anarchism analyzes the division of State law into the substantive and procedural laws.

Firstly, legal anarchism expresses some primary critiques, which show that challenging the legal system is neither new nor limited to anarchism. For instance, the Daode Jing, the Kerner Commission, and Selladurai Premakumaran and Nesamalar Premakumaran v. the Queen called State law into question because of its inhumanity and racism. Legal anarchism indeed reveals the discriminatory nature of legal system: too long, bureaucratic, expensive, degrading, and repressive for the impoverished, but human and tolerant for the wealthy.

Secondly, legal anarchism emphasizes a mutual relation between capital and Government, proved by Bastiat, Proudhon, the Oakland Seven Trial, Barker, and Heilbroner. Hudis and Blakeley have accordingly analyzed the global financial crisis in which the States have supported the faulty billionaires by violating the market rule of the minimal State. According to Lease, Churchill, Fallon, Perry, and Hutchinson, this relation hides the subjectivity of governance, because Government does not rely on the rule of law as, for example, stated by Chief Justice Marshall, but on few wealthy people.

Thirdly, legal anarchism argues that both God and Government ask for absolute faith and obedience resulting in legal addiction. According to Tucker, Fox, and Black, Government has become a scared industry to solve all problems. It however destroys individuality and sociality by making their confidence, liberty, autonomy, and mutuality needless. By examining Stirner, Landstreicher, Scheingold, Sheehan, and Marchak, legal anarchism observes "State mentality". This means that the State is simultaneously a concrete and mythical institution, i.e. governance is rooted in divinity and natural law. Landauer, Comfort, and Humble have accordingly estimated that any alternative to State mentality needs a deep change in human and institutional relationships by developing the spontaneous, individual, creative, and positive values focusing on love, liberty, and equality. Due to the materialistic and psychological critiques of the legal system, some thinkers have challenged the duty to obey State law. For example, Godwin, Proudhon,

Raz, Richards, Wolff, Smith, and McBride believe that there is no absolute obligation to respect State law, which opposes the teaching of the law schools.

Fourthly, legal anarchism examines the idea developed by Kennedy in *The Whorehouse Theory of Law*, which concerns the professional critiques of State law.<sup>1</sup> Kennedy argues that the legal system – including at the core, the law schools – is a racist, expensive, and corporatist institution, in which particularly the law students, teachers, lawyers, prosecutors, and Judges are indoctrinating, manipulating, robbing, and governing. The legal professionals are also specialists in justifying or legitimizing, *de facto* or *de jure*, any authority, law, or punishment, on condition of receiving money. As the necessary element of the judiciary, they are shamelessly selling their knowledge and experience to anyone who can afford their expensive fees and costs, regardless of truth and justice.

On the one side, legal anarchism cops with the issues of the law school: indoctrinating legal prostitution and robbery, obedience to State law, secrecy, dictatorship, boycotting or punishing the dissidents. The first task of the law faculty consists in producing the rhetorical Governors of justice. Due to its exorbitant cost and racism, it is a white industry depending on hierarchy and capital came from the public and private sectors. Its teachers fabricate the students to defend any case in any legal system, at any price pleasing them and paying their scholarly debt off. Rooted in sophistry or legal charlatanism, lawyering works by the ethos of discussing anything, regardless of ethical issues, as Mandel defended. For Bankowski, Mungham, and Kolko, the law school indoctrinates obedience to State law, because it depends on State interest and support. Furthermore, the law school is a conservative and secret institution resisting any democratic process and public debate. It is also able to exclude or to destroy any dissident opinion by its sophisticated sanctions, such as dissertation unexaminability and academic watchdogs or peer reviews. The law faculty justifies its secrecy and sanction by making a claim for academic integrity and liberty!

On the other side, legal anarchism proves that the lawyers truly enjoy a very bad reputation in both societal and academic environments, because they rarely abide by any moral value, but by corruption and money-hunger. For examples, Judge Frankel, Hutchinson, Barnhizer, Lerman, Hartley, and Petrucci recognize the unpopularity of lawyers, or even a societal hate toward them. Their bad reputation cannot simply be a popular imagination, since lawyering is a very expensive job without any real regulation. The lawyers do not really accept any legal rule and wage law. In contrast to the overregulation and wage system of blue-collar workers, lawyers enjoy wagelessness and self-governance in their legal robbery and criminality. Several legal scholars (e.g., Lerman, Turriff, and Hutchinson) have defended these economic and legal privileges, basically in the name of the independence of lawyers imposed by the rule of law!

According to Frooman and White, the authority of lawyers and Judges depends on an indecipherable language. Concerning the Judges, legal anarchism proves by many references that they are traditionally undemocratic, conservative, and white men from Christian or Jewish background, with a symbiotic relationship with the lawyers. Like prophets, they are sacred, because they decide about their customers' death and life. Besides their very comfortable salary (e.g., so-called Judge Judy) and advantages (e.g., judicial immunity), they profit from contempt of court, i.e. an arbitrary punishment, to conserve their authority. Their judgment is often racist and conservative, as documented by the Premakumarans, Jobard, and Névané, among others.

Overall, democracy and accountability have no existence in the judiciary, law faculty, and lawyering, all governed by certain invisible hands in the name of justice and democracy!

Fifthly, legal anarchism proves that equality before the law and the POI are mythical principles. The wealthy people, corporatists, and politicians enjoy these principles in an unequal trial, which is the continuation of the class society. Similar to the Marxists, the anarchists criticize the principle of legal equality as a capitalist fetish. For example, Kropotkin calls it a lie because of external inequality, while Horn argues that the State breaches it by the Governors' privileges and immunities. Proudhon and Johnson therefore defend the equality of conditions as the foundation of formal equality before the law. For instance, Borloo, Mohammad, and Conway prove legal inequality in Belgium and Pakistan. Stevenson, Lewis, Williams, and Sadat find out a presumption of guilt for the poor and the so-called unlawful combatants in the American justice. McFarlane and Hunt argue that the POI focuses on whiteness and white innocence. Glasbeek and Husak reveal the problems of proving corporate criminality, since corporations profit from the POI and their harmful crimes for humanity and nature remain unpunished. Dauvé, Milaj, and Bonnici believe that the presumption of guilt has replaced the POI in the age of mass control, surveillance, and regulation. Legal anarchism concludes that equality before the law and the POI are fictive, since they rely on legal or judicial discrimination, rooted in economic and political inequality as well as racism.

## 3.2 The Introductory Notices

In legal anarchism, State law means a set of norms showing what behaviours are forbidden or permitted, and how they must be respected through a sophisticated system of sanctions (e.g., imprisonment) and institutions (e.g., the police). There exist substantive and procedural laws in this anarchist approach. State law relies on violence inasmuch as its application depends on imposing pains, psychological and physical as well, over citizens, non-citizens, and non-humans. In this case, the cruelest

branches of law are certainly the martial law and the criminal law. They reveal the most virulent aspects of Governmentality that the anarchists are justly criticizing. The critique of the law and punishment is not certainly a new Western phenomenon. For example, the Daode Jing opposed the legalists, such as Confucius, who appreciated a uniform and strict code of rewards and sanctions in the world, while suggesting that the harshest punishment, i.e. the death penalty, would not work, because of the worse destruction and death caused by the State itself.<sup>2</sup>

It should be important to notice that the critiques or the approval of a phenomenon would mostly depend on which side of this phenomenon we place ourselves. It is therefore essential to know who speaks about the legal system: sociologist, criminologist, philosopher, policewoman/man, prosecutor, Judge, lawyer, prostitute, activist, marginal, offender, victim, law Professor, self-knowledge man, Dean, pimp, charlatan, politician, gangster, businessperson, banker, corporatist, poet, teacher, journalist, anarchist, demagogue, and so on.<sup>3</sup> In this sense, Professors Fernandez and Huey's statement finds its significance: *"justice is delivered more efficiently to some folks and injustice to others."*<sup>4</sup> Some people thus profit from the legal system, while other must suffer from the length, cost, corruption, uncertainty, and fetishist ceremonies of legal workers.<sup>5</sup> In other words, the rich people enjoy a human justice, while the poor people have to endure a dehumanized justice managed by a band of legal professionals whose wealth and fame founded on the flesh and blood of the second group. Such a critique of the legal system makes evident the necessity of alternatives to existing legal structures.

It would not however be worthless to state that the critiques of the legal system and the proposition of alternatives do not come exclusively from the libertarians and the radical criminologists,<sup>6</sup> but also from other scholars and politicians as well. Legal anarchism provides two examples concerning the 1960s and 2000s. The National Advisory Commission on Civil Disorders (known as the Kerner Commission), appointed by President Johnson to investigate the causes of the ghetto riots in 1967, reported the *"discriminatory administration of justice"* and *"a double standard of justice and protection"*, one for whites and another for Negroes.<sup>7</sup> The report of the US Department of Justice in 2001 concluded that due to multilateralization and supranationalization within and among countries, *"policing is no longer being constructed and provided exclusively by nation-states. It is quite unclear how these forces will play out in the next few years. The possibilities are worthy of a millennium."*<sup>8</sup> The authors of this report suggested a private justice that would be close to the anarcho-capitalist or liberal system, which means *"private companies on a commercial basis and by communities on a volunteer basis."*<sup>9</sup>

Moreover, the Canadian legal system has perfectly shown its racist tendency toward the non-white and non-Canadian born citizens in *Selladurai Premakumaran and Nesamalar Premakumaran v. Her Majesty the Queen* in 2006. The Supreme Court of Canada dismissed action against the Canadian Government for fraud and negligent misrepresentation in skilled worker immigration after the dismissal of the Federal Court of Appeal on the ground that there was no genuine issue for trial pursuant to Federal Courts Rules.<sup>10</sup> Such a judicial decision should not be surprising or irrational, if we look at the legal system in Canada in two sides. On the one side, historically the Christian white men and currently the Jews make and govern the legal system. In this case, we can ask is there any separation of the university, as the principal provider of legal professionals, and the legal system from the Church and the Synagogue? As a result, the minority people or the so-called people of colour have rarely had any place in this segregating justice better than exclusion, marginality, or punishment: legalized racism.<sup>11</sup> On the other side, the Canadian legal system has its own political agenda that principally aims at protecting the white Canadians in the frame of so-called constitutional law, when it avoids the fundamental issues in the Canadian society, such as the wage slavery, poverty, and racism. For example, the Supreme Court of Canada has recently ruled that anti-prostitution laws are unconstitutional.<sup>12</sup>

The most virulent critiques of the legal system come certainly from the anarchists, regardless of the fact that they are themselves lawyers or not. Hence, the analysis and critique of the law exist in many libertarian works and propaganda as well. For example, Proudhon, Kropotkin, Spooner, Rothbard, and David Friedman have studied law according to many historical, psychological, sociological, economic, philosophical, religious, legal, and criminological approaches. Their writings concerning the essence and form of law are extremely deep, critical, and challenging. In this sense, the anarchist critiques of the legal system share a common ground with radical or critical criminology.

### 3.3 The Critiques of the Law

*"How noble the law, in its majestic equality, that both the rich and poor are equally prohibited from peeing in the streets, sleeping under bridges, and stealing bread!"*

Anatole France<sup>13</sup>

Legal anarchism criticizes State law from two basic and formal perspectives. When it comes to the basic critiques of the law, legal anarchism critically examines the legal system in its materialistic and psychological aspects, realized particularly through the nature of lawyering as a skill for sale. The law schools and legal systems are corporate institutions where the professionals learn, teach, preach, and

practice their robbery, which we recognize as the principles of legal education and lawyering. These principles take part indeed in the metaphysical and physical foundation of the law and its sanctioning mechanism. They work as justifier or generator of the legal system, in spite of the fact that many lawyers are seductively speaking of “legal ethics” in the age of “modern lawyering” in “law shows”<sup>14</sup> aiming to pickpocket more clients in the crowded justice in which they defend whoever and whatever on condition of being paid by buck or crowned by fame.

The physical aspects focus mostly on capital, which are hence close to the Marxist ideas about the relation between the legal system and the means of production in the national as well as international laws.<sup>15</sup> Professor Cain has marxistically argued that to understand the society needs “*to study rich man’s law and the ways in which he uses it; to change society, however, it may be necessary to work in the area of poor man’s law. The sociology of law must necessarily encompass both.*”<sup>16</sup> As far as the psychological aspects are concerned, legal anarchism explains why and how the legal professionals and their accomplices (e.g., the teachers and clergies) indoctrinate obedience to the law.

As for the formal critiques of the law, legal anarchism argues against the form and ritual of the law in which the legal professionals enforce State norms. The formality of the legal system focuses mostly on pretending there is neutral application of State law. On the one side, the legal system claims to treat everyone equally without any social, economic, legal, or political prejudice and consideration. On the other side, it claims that everyone is presumably “*innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal*”, as ruled, for example, by the CCRF (sec. 11-d). Legal anarchism rejects these claims by proving that the economic, political, or ethnic condition of an individual is determinant in her trial.

To avoid making the dissertation longer, I work on the substantive aspects of anarchist critiques more than the procedural aspects, without trying to minimize the importance of the form in which the law and punishment function in a society.

### **3.3.1 The Substantive Critiques of the Law**

Legal anarchism’s substantive critiques of the law go in three directions. They first show the important place of property and money in State law in which the sacred rule of law is not eventually objective, but subjective, because there are the men who decide for and manage the legal system. They then analyze why and how some institutions legitimize State authority and propagate the ethos of obeying



the law resulting in legal addiction. They finally criticize the way in which the law school and lawyering work hand in hand to protect the status quo.

### 3.3.1.1 The Materialistic Critiques

Property relationships are very important to all aspects of legal anarchism insofar as parallel to the division of labour, *“the state and law expand with the market.”*<sup>17</sup> As Professor Heilbroner explains, there is a symbiotic relationship between Government and capital. On the one hand, the State relies on a strong economy for the revenues ensuring its expensive goals. On the other hand, capital needs State support to perform its accumulation.<sup>18</sup> For instance, during the Oakland Seven Trial in the 1960s, Judge Phillips affirmed that the trial was about the rights of property and those of demonstrators.<sup>19</sup> However, even when the State abundantly possesses natural resources – as it is the case of the Kingdom of Saudi Arabia and the Islamic Republic of Iran, for example –, it forces its citizens as well as foreigners to pay tax.<sup>20</sup> In this regard, Frédéric Bastiat, a classical liberal theorist, political economist, and member of the French Assembly, said nearly two centuries ago, *“When plunder becomes a way of life for a group of men living together in society, they create for themselves in the course of time a legal system that authorizes it and a moral code that glorifies it.”*<sup>21</sup> He indeed described taxation as a kind of “legal plunder”.<sup>22</sup>

Proudhon has emphasized the contradictory nature of property, which means the negative and positive sides of ownership. On the one side, the proprietors use property to exploit the propertyless people. On the other side, the ownership of means of production and life (e.g., land and housing) is central to autonomy and freedom.<sup>23</sup> The tight relationship between the State and capital has led Professor Barker to regard *“the State as capital”* inasmuch as its institutions are able to act as *“conscious bearer” of the capital-relation.*<sup>24</sup> The arms industry is certainly a salient example in this case. In addition, *“If war is an industry,”* as we read on the Internet, *“how can there be peace in a capitalist world?”*

The issues related to money are also important from the point of view that the State is supposedly responsible to issue and distribute currency in a given territory. The State is nonetheless relying on private sector (i.e. banks, credit institutions, and corporations) that lives on interests and profits, thanks to the complicity of Statesmen/women, lawgivers, and Judges who provide a legalistic and judicialistic frame for capital to exploit us maximally. For example, since the financial crisis in 2007, which has been partly attributed to the State because of its deregulation of economic system and its willing inactivity against financial crimes (such as fraud and escaping tax), the capitalist States have helped the private sectors that are billionaires owning a band of extremely expensive and seasoned lobbyists and lawyers as well. Through “the Emergency Economic Stabilization Act of 2008”, the US Government accordingly spent up to

\$700,000,000,000 in order to purchase distressed assets, particularly mortgage-backed securities, and supply cash directly to banks.<sup>25</sup> Next to the political repression of the social movements against austerity policies, as Professor Hudis has argued, most Western States “*now have little to offer except demands that those people most in need tighten their belts through austerity measures not just for years but for decades to come.*”<sup>26</sup> The help of private property by public property, i.e. the money of taxpayers, is obviously at odds with the capitalist ideology of free market and less Government intervention advocated by the liberal thinkers for our salvation. Professor Blakeley has truly found out that in 2008, “*the massive injection of capital by numerous states to prop up failing banks and other financial institutions*” is “*far removed from the minimal state principle at the heart of neoliberalism.*”<sup>27</sup>

The States no longer print up and spend the money that they need to operate, but borrow it at interest from the private central banks, which means more tax and debt for citizens and no regulation for banks, credit institutions, insurance companies, and big corporations.<sup>28</sup> Such a process of irresponsibilization of financial masters goes completely in the opposite of the overcriminalization of individuals and communities at both national and international levels. Lecturer Lease judiciously warned Americans against this form of Government at the end of nineteenth century: “*Wall Street owns the country. It is no longer a government of the people, by the people, and for the people, but a government of Wall Street, by Wall Street, and for Wall Street. The great common people of this country are slaves, and monopoly is the master. The West and South are bound and prostrate before the manufacturing East. Money rules, and our Vice-President is a London banker. Our laws are the output of a system which clothes rascals in robes and honesty in rags.*”<sup>29</sup> You are welcome to the Government of Wall Street!<sup>30</sup>

The libertarians have also criticized the rule of law, i.e. “*a Government of laws, and not of men*” that Chief Justice John Marshall marked in the opinion for the Supreme Court in *Marbury v. Madison* in 1803. Professor Churchill has challenged this mark in *Perversions of Justice: Indigenous Peoples and Anglo-American Law*. Since, the US has consistently used a corrupt form of legalism as a means of organizing colonial control and empire, when the “*nation of laws*” has totally subverted the law of nations in a manner diametrically opposed to the ideals of liberty and democracy that the American Government has historically professed to embrace.<sup>31</sup> According to law Professor Fallon, although some scholars have equated the rule of law with “*the natural law*” and in contrast to “*the rule of men*”, we have the very “*rule of men*”, which the rule of law supposedly opposes, inasmuch as the Judges or other officials make law under the guise of applying it. He has hence recognized that because all American constitutional debates about the rule of law “*have discernible kernels of meaning,*” we should try to clarify its invocations.<sup>32</sup> The faith in Government and its laws goes hand in hand with the dream of the objectivity and righteousness of the legal system itself.

Professor Hutchinson has accordingly found out that the American legalistic dreamers believe that the laws and not men govern the US, and it is, as Perry, an American legal scholar, has put,<sup>33</sup> “a nation standing under transcendent judgment” or “an American Israel”.<sup>34</sup>

### 3.3.1.2 The Psychological Critiques

The State needs some institutions to indoctrinate its legitimacy and ideology, and to internalize or institutionalize repression from the nursery to the grave:<sup>35</sup> the mass media, Church, school, university, sport (especially football as a new *gladiator fight* in the new age of mass manipulation, stupidization, and corruption),<sup>36</sup> and so on.<sup>37</sup> The law school obviously plays an important role among these institutions, because it legitimizes authorities, propagates the ethos of obeying the law, and scatters the fear of punishment. In this approach, the law Professors and lawyers are a type of “Speakers of Government” in State addiction. Several scholars have accordingly analyzed the people’s addiction to the legal system for solving all problems.<sup>38</sup> This legal addiction or opium is observable throughout both substantive and procedural laws, since it constitutes a type of legalized and judicialized dependency on a bunch of political and legal professionals (particularly legislators, Judges, cops, lawyers, and social workers) who are actually working as businesspeople and corporatists. Legal opium indeed means that the citizens are increasingly soliciting Government to solve all existential problems by passing more and more laws that cause overregulation and overcriminalization.

The individuals have consequently lost their sense of compassion, solidarity, comprehension, mediation, restoration, or community problem solving in the age of overregulation in which “jurismania” shows that the legal system is “so eager to bring every variety of social interaction within its ever-expanding gaze.”<sup>39</sup> Professor Fox has accordingly argued, “even if modern legal systems provide certain benefits to large portions of the population, dependence on state-enforced solutions brings a host of negative outcomes as well, often related to the inhibition of individual autonomy and psychological sense of community.”<sup>40</sup> In other words, the individuals believe that ever more law will be able to solve ever more personal and social problems.<sup>41</sup>

In this case, Professor Black thinks that the law makes confidence needless, even outdated. When it is wholly in command, morality itself loses pertinence. The question of right and wrong has become a specialty of professionals such as police, lawyers, and Judges. Justice has thus become an industry.<sup>42</sup> He also explains that the law inversely varies with other types of social control such as family, friend, neighbour, village, tribe, and organization. The latter decreases while the quantity of the former increases.<sup>43</sup> In this case, State power to solve all existential problems has really become a religion or belief according to which lawgivers, constables, sheriffs, and Judges can direct other men righteously.<sup>44</sup> Anthropologist

Rappaport has therefore argued that neither history nor anthropology shows any society from which religion has been completely absent. Even a modern State that has attempted to abolish religion has replaced it with beliefs and practices which seem to be religious themselves.<sup>45</sup> For instance, it would make sense that “God Bless”, “God Bless You”, or “God Bless America” is indispensably a leitmotif in the US Presidents’ speeches,<sup>46</sup> since “criticizing religion is political suicide” in America.<sup>47</sup> In October 2001, the US House of Representatives voted in favour of a resolution to encourage public schools to display signs proclaiming “God Bless America”.<sup>48</sup>

Nonetheless, the masses obviously have the freedom of religion, which actually means the right to be stupid or slave, defended by those who preach the ethos of “religious diversity and pluralism” to us.<sup>49</sup> Their faith in certain imaginative or irrational creatures has actually some anesthetic effects on their misery imposed by either themselves (e.g., violence) or the Stateswomen/men (e.g., taxation, militarism, and apartheid).<sup>50</sup> Along with religious ideas, sport, art, and music can function as a weapon by not only propagating and enforcing the legitimacy of authority in a passive or aggressive manner, but also simmering all revolts down in an aesthetic manner since diverting the attention of the people from their misery and exploitation imposed by few elites.<sup>51</sup> In reality, the majority of artistic, athletic, and cultural icons take perfectly part in the current system and profit consequently from its privileges when making some of us happy awhile.

On the contrary, Benjamin Tucker noticed, “Government is to be transferred from the State to the Individual. This is the new faith; faith no more in the gods over man, but in the God within him,”<sup>52</sup> which secularly reminds us of Tolstoy’s *Kingdom of God is within You*. His notice depicts the historical belief in Government as a sacred source of social control. The law and the State are thus sacred, even though they should be more concrete and realistic than God.<sup>53</sup>

In this sense, this would not be accidentally or grammatically wrong that I write the State or Government with capital “S” or “G”. Since it, like God (if He, She, or It exists), has a very particular and powerful existence founded on power and capital, much further than its subjects or more exactly its slaves, which means the ordinary or unknown people whose existence relies on misery. Who cares about them except when the State is looking forward to vote, exhibition, or propaganda? Furthermore, the State and religion are mutually strengthening while demanding absolute faith in and consequently submission to a supernatural and abstract ideal, such as democracy and God/Goddess: “Trust in the Lord with all your heart and lean not on your own understanding. In all your ways submit to him, and he will make your paths straight.” (Proverbs 3:5-6) The same capital rule could be applied to the Judges and the Professors who have already

scared us off criticizing them, thanks to their powerful tools of punishing us: “Whosoever he be that shall rebel against thy commandment, and shall not hearken unto thy words in all that thou commandest him, he shall be put to death.” (Joshua 1:18) It should not accordingly be by chance that they use capital “J” for the Judges of the Supreme Court: Justices. This is why I sarcastically use the Tanakh, Bible, and Quran in legal anarchism or in my other writings. On the contrary, I write the society or the masses with small “s” or “m”, since they are still either unknown or unimportant, except when the State needs firstly to be legitimized and selected (e.g., Elections Canada), then to impose suffering over its slaves and to award happiness to its elite workers or the Stateswomen/men.

Professor Scheingold believes that the law is not only real, but also imaginative inasmuch as like all social institutions, “it casts a shadow of popular belief that may ultimately be more significant, albeit more difficult to comprehend, than the authorities, rules, and penalties that we ordinarily associate with law. What we believe reflects our values; it also colors our perceptions.”<sup>54</sup> Sociologist Marchak finds out the close ties between what the people believe about political governance in the world and what they believe about the meaning of Gods and human existence.<sup>55</sup> Seabrook, a journalist and author, accordingly states that ruling castes justify their right to rule by a mystical appeal to antiquity, lineage and divine sanction.<sup>56</sup> According to Sheehan, Marx has claimed that “bourgeois relationships are smuggled into our consciousness as natural laws.”<sup>57</sup> Stirner thinks that State power is ideological and relies on “the successful indoctrination of its subjects.”<sup>58</sup> Landstreicher thus starts his *Against the Logic of Submission* by arguing: “Submission to domination is enforced not solely, nor even most significantly, through blatant repression, but rather through subtle manipulations worked into the fabric of everyday social relationships.”<sup>59</sup>

In fact, the State is a network of ideologies and institutions historically rooted in all aspects of human and non-human existence: *State mentality*. As Landauer put, because certain relationships among human beings make the State, we are able to destroy it only by creating new relationships and institutions that will replace the current ones.<sup>60</sup> Professor Comfort has likewise argued, “it may be a long time yet before the work of the majority of the people can be made to be a spontaneous, creative experience. Since the technological difficulties are less, love would seem offer a field for an earlier and speedier development of spontaneity, of positive, individualized values, and inner freedom.”<sup>61</sup> Humble finds that after a lifetime of being taught to obey authority and its hierarchies, it is not easy to suddenly interact with all individuals as equals.<sup>62</sup>

The moral obligation to the law unavoidably constitutes one part of all law schools around the world, regardless of the legal system: civil law, common law, Islamic law, Jewish law, Christian law, Marxist law, and so on.<sup>63</sup> The arguments for such an obligation are diverse: fear of chaos and disorder or the state of nature, the divine right of the ruler, social contract (a real Faustian bargain), democracy, public welfare,

general will, psychological and material interests, the correlative relationship between rights and duties, and so on. In this case, even there is an archaic martyr: Socrates who “*peacefully drank the poison as required by the laws of Athens.*”<sup>64</sup> Such a legal obligation depends essentially on the legitimacy of authority. If we hence put into question State legitimacy, all moral values of State laws will collapse along with Weber’s universal adage of legitimate violence perpetrated by the State. In this sense, Professor Smith starts his article by questioning about the existence of “a *prima facie* obligation to obey the law”, and he is going to finish it by two questions: “*What governments enjoy legitimate authority?*” and “*Have the citizens of any government a prima facie obligation to obey the law?*”<sup>65</sup> He has thus left us with more doubts and questions than certitude and answers.

Constant already accepted the duty of obedience to the law, which is relative and not absolute. According to him, the ideology of boundless obedience to the law has perhaps caused more evil than all other mistakes that have led humankind astray.<sup>66</sup> Raz, a legal philosopher, would later assume that even in a just society, we are not generally obliged to obey the law.<sup>67</sup> After examining the moral and legal obligation to obey the law, Richards, Professor at New York University School of Law, concludes that the anarchist literature, such as Godwin’s *Enquiry Concerning Political Justice*<sup>68</sup> and Wolff’s *In Defense of Anarchism*, has truly challenged such an obligation. He thinks that the anarchists reject the requirements that the sovereignty of the people or the moral ideal of democracy imposes on Governmental moral claim to our obedience. This claim is actually fragile and constantly threatened insomuch as no previous political theory and practice have proved it yet. A coherent meaning of obedience in democracy requires this obedience to be earned and permanently tested in order that “*when citizens obey, their obedience expresses the moral sovereignty of each person to the greatest extent feasible in a political order.*”<sup>69</sup>

Professor McBride has similarly concluded that punishment apart, the legal systems are not able to appeal to any legal obedience as such, they only “*inspire obedience in “the old-fashioned way;” they must earn it.*”<sup>70</sup> Professor Barnett would later rely on identical argument regarding the US Constitution by arguing that intellectual honesty acknowledges that no constitution lacking unanimous consent produces any laws that are conscientiously abiding.<sup>71</sup> In short, the anarchists reject “*the existence of a prima facie obligation to obey the law.*”<sup>72</sup> For example, Proudhon might contrast “unconditional obedience” to the law, forced by sanction, with “conditional obedience”, which means an individual respects the law as long as it guarantees her security and interest as well.<sup>73</sup>



### 3.3.1.3 The Legal System

Legal anarchism recognizes two pieces that have a tight relation: the education of obedience to the law and the practice of the law. Racism and despotism are omnipresent in both parts, since so-called Caucasian race, Christianity, and Judaism constitute the old and new foundation of the Western legal system.

After many years of contacting, personally or through my classmates and friends, and feeling the legal system as a student, researcher, intern, GA, TA, and RA, I have noticed the extreme indoctrination, dehumanization, immorality, corruption, and criminality of the law school and legal system. Although I have not practiced hopefully any type of law, I should be able to acknowledge the seductions of wealth, fame, power, or authority provided by legal profession.

Moreover, the lawyers are specialists in “legal pickpocketing”, which means to empty the pocket of clients, thanks to the State that has recognized and legalized these white-collar criminals.

Legal anarchism is by no means against those who sell their body because of their poverty in our unequal societies governed by some gangsters, but undoubtedly against the “intellectual prostitutes”<sup>74</sup> including the legal professionals. It indeed opposes those who are too active in selling themselves to whomever by making our world full of injustice, inequality, violence, and pollution. There is no shame on the first group but on the second, even though our intellectual prostitutes, like the Governors, have no sense of shame at all. We should also keep in mind that legal anarchism is not sexist, and does not try to stigmatize or insult women, but it advocates “gender equality” and “gender liberation”, especially through the principle of free love. Moreover, legal anarchism does defend neither female nor male prostitution, because in an anarchist society, relied on justice and equality, prostitution is not a serious problem as it is in our very unequal and sexist society.

#### 3.3.1.3.1 The Law School

The law schools are traditionally the white corporate centers in which the law Professors are indoctrinating legal prostitution and robbery, on the one hand, and obedience to the law, on the other hand. These legalistic indoctrination and obedience need despotism, enforced by the Masters of the law schools who govern their fiefdom as it pleases them. They are ironically preaching the ethos of transparency, accountability, and democracy to us, while these concepts have obviously no existence in their kingdom.



### 3.3.1.3.1.1 The Corporate Center of Indoctrinating Future Lawyers

*“If you judge the law, you are not a doer of the law but a judge.” “Your job is to obey the law, not to judge whether it applies to you.”*

(James 4:11)

By the corporate center of indoctrinating legal prostitution and robbery, legal anarchism means that the law schools and the law Professors are acting in accordance with the interests of corporation and academia as well. The law schools actually constitute academic corporations, hierarchically managed by some wealthy, influential, and networking people in both political and economic authorities. The wealth of law schools comes from the pocket of students, the public and private sectors: tuition fees, taxpayers,<sup>75</sup> and donors. In this sense, the Professors are businesspeople who, as intellectual saddles, live over the back of the society that plays the role of a horse, without producing any real good but only providing some types of service, mostly through rhetorical verbiage and nonsense! There are not only human progress and political cancer (i.e. Government) making complex the relations among human beings, but also the law teachers whose business depends on making these relations for our own salvation too difficult. These teachers are actually the great-grandsons of the Sophists who were supposedly the first generation of lawyers incarnating destructive rhetoric, unscrupulousness, intellectual charlatanism, fallacious reasoning, and money-hunger.<sup>76</sup>

For example, Professor Mandel mixed sophistry and lawyering: *“Law is not a thing, but a way of arguing about things.”*<sup>77</sup> His simple statement implies that we are able to do everything we want to do, but we should only argue artistically like a lawyer. His legalistic reasoning indeed relies upon sophistry rather than ethics, since charlatanism is highly appreciated and determinative in legal verbiage, which eventually implies that *might is right* to make any law, regardless of any ethical principle (e.g., capital punishment and genocide). In other words, State law is a matter of “power”, rather than “ethics”.

When it comes to the cost of this learning, first year Osgoodian students paid \$20,564.28 in tuition and \$890.68 in ancillary fees, for a total cost of \$21,454.96 in 2012. As for annual tuition fees and ancillary fees in the 2013-2014 academic year, they were respectively \$21,593 and \$909. Tuition has annually increased 8% since the 2006-2007 academic year, while the Government of Ontario has fixed a tuition framework capping all increases at 5% per year on March 28, 2013. In this case, Professors Easton and Rockerbie argue that although the majority of Canadian university programs still function under a tuition

ceiling, certain specialty programs, such as law schools and the Master of Business Administration, “have been deregulated.”<sup>78</sup>

In *Are We Paying too Much for Law School?*, Wong, an Osgoode JD student, has found out that “the total cost of a three-year Osgoode JD easily exceeds \$120,000.”<sup>79</sup> On the one side, such an expensive education could be a good motivation for the law students, stemming from wealthy families, to offer legal service to anybody who can afford their fees under the pretext of “higher-paying options in order to pay off their debt loads,” as Wong has already beautified their eventual role in the profession.<sup>80</sup> In short, they would make law firms or law plunderers in order to cover their law school debts. In this sense, lawyering could be a form of “money laundering”. On the other side, OHLS is a very profitable legal business for its wealthy Deans and Professors with total revenue of \$25,070,950 in 2012-2013.<sup>81</sup> Wong has accordingly noticed that Osgoode’s annual operating expenses are \$23,000,000, of which 81.67% goes to salaries and benefits while the remaining percentage is spent on operating costs, utilities, scholarships, and bursaries. Full-time faculty members receive \$10,700,000 of this pie, while support staff receives \$6,000,000.<sup>82</sup>

Thornton, Professor of law at the Australian National University, has already provided other examples of corporatization and marketization in several law schools in which the Professors enjoy high salaries depending on the Dean’s discretion.<sup>83</sup> Shall legal anarchism also remind, for instance, that the Ohio State University paid its President, a lawyer by training, more than \$6,000,000 per year between 2010 and 2013?<sup>84</sup>

As far as the University of Toronto is concerned, tuition for the 2013-2014 GPLLM was \$29,257 (domestic students) or \$42,004 (international students) for a one-year course of study. This amount included neither most program materials, meals, and other Faculty of Law fees, nor the University of Toronto and School of Graduate Studies fees of approximately \$1,200, nor the cost of textbooks for courses designed to meet National Committee on Accreditation requirements. There were eventually no scholarships and bursaries available at the Faculty of Law for the GPLLM program! Domestic and international JD program fees for the 2014-2015 academic year are respectively \$31,535.96 and \$42,483.96 for the first year students.<sup>85</sup> In this case, Goldberg has found out that law, medicine, and dentistry are the most expensive programs, while tuition fees at professional schools have even quadrupled in some Canadian provinces. This has therefore raised fears that lawyering will be accessible only to certain rich people.<sup>86</sup> As for me, I seriously doubt that access to legal education has ever been available to the poor, since the middle or upper class has traditionally monopolized the law schools and, consequently, lawyering. Besides, Professors Marcucci and Johnstone have stated that even though “the presumably

*higher unit costs of the classical university may be true for medicine, it is probably not true for certain other professional programmes, such as law or business, which are highly sought after and which bring considerable private benefits, but which can be rather inexpensively delivered, particularly at the first-degree level.”<sup>87</sup>*

While US couples spend almost \$30,000 on their weddings, one year at a top-tier law school and a Columbia JD cost respectively around \$60,000 and \$263,694.<sup>88</sup> Law Professor Thomson has pointed out that between 1992 and 2003, the cost of living in the US increased 28%, while tuition at public law schools rose 100% for non-residents and 134% for residents, and tuition at private law schools rose 76%. As a result, 20% of law students expect to owe more than \$120,000 in law school debt, and more than 50% expect to owe more than \$60,000.<sup>89</sup> The increasing tuition fees in the corporate universities, particularly in the law schools, affect more the international students from the poor countries, on the one side, and go on an international scale, on the other side.<sup>90</sup> However, many parents are dreaming of sending their children to the law school, and many young people are dreaming of going.<sup>91</sup> Furthermore, the payback-money demands “*une carte blanche*” for the future legal professionals to obtain their fees by any means, since law school debt justifies all means.

Nonetheless, the increase of tuition does not necessary guarantee a good job after graduation, thanks to the law schools’ manipulation of postgraduate employment numbers in order to attract more applicants. As a result, several unemployed American lawyers have recently sued their law schools because of “false hope”, “false advertising”, “fraud”, “negligent misrepresentation”, “legerdemain”, and “violations of business law” in the “nationwide lawyer glut” while legal employment opportunities have decreased.<sup>92</sup> On the contrary, the law schools are perfectly rich to legally provide the academic and spoiled personalities with the *cumul des mandats*, even in so-called *hard times*: Deanship, Professorship, editorship, researchship, scholarship, member of parliament, and so on. Our Honorable Professors, like the politicians, must enjoy accumulated jobs, because they merit! This professional accumulation appears in an academic market that has never stopped to say us that there is extreme competition for few jobs strengthened by deficit, which actually conceals academic elitism, corruption, and criminality backed by verminous connection or networking. For instance, drawing on data from Germany, the UK, and the US, Professor Afonso examined “*how the academic job market is structured in many respects like a drug gang, with an expanding mass of outsiders and a shrinking core of insiders.*”<sup>93</sup>

### 3.3.1.3.1.2 Racist Obedience to the Law

*“Any school system and authoritarian culture that encourages blind obedience and punishes the questioning of authority will lead to fascism and dictatorship.”*

Jørgen Johansen<sup>94</sup>

The State has certainly unlimited interest to manage the quality and quantity of legal education and legal profession through reducing, as Professor Zinn implies, “*many of the complex requirements of modern society to a simple rule*”: “*Obey the law.*”<sup>95</sup> Professors Bankowski and Mungham have accordingly found out “*an increasing State interest in how and where solicitors practice; in what they practice and in the content of legal education programmes in law schools.*”<sup>96</sup> To guarantee such an interest, Government needs to propagate the indoctrination of obedience to the law, one essential part of the educational and legal systems. For instance, the academics, jurists, members of the bar, and Judges were crucial participants in creating and upholding “the apartheid legal order” under “the rule of law” (i.e. “the apartheid rule of law” or “the colonial rule of law”) in South Africa, as they are now when it comes to Israeli apartheid.<sup>97</sup> In this case, Mandela was a phenomenal lawyer who became a wealthy cult in and a profiteer of, along with his clan, the very unequal, corrupt, and violent system in the so-called post-apartheid era.<sup>98</sup>

According to an instrumentalist approach to education, the university is unavoidably one essential element of teaching obedience to the law and hierarchy. In this regard, Professor Kolko has argued that the university focuses on commitments making its relationship to any State “*inherently tense and potentially subversive, no less in the United States than in Peru.*”<sup>99</sup> Nevertheless, Professors Lipset and Basu state that they historically regard the American highbrows as a source of unrest. They also find out that, as the Weimar intellectuals demonstrate, the intellectuals rarely defend the status quo.<sup>100</sup> Despite its propaganda of “diversity” and “plurality”, the law schools have failed to recognize different ideologies, because it imposes a specific ideology, currently liberalism, over others. In spite of its beautiful façade, it is ugly inside inasmuch as the Professors as well as students have practically made “human dignity”, “human rights”, and “democracy” meaningless, all meaningless because existence has become a “matter of money” through legal rhetoric and reasoning when they are simply “*arguing about things*”.

The law school with its curricula is historically a hierarchical cradle of preaching and preserving the status quo through mastering the methods of lawyering. As a future lawyer, an Osgoodian student has incarnated this mastery when rhetorically arguing: “*Recall our Ethical Lawyering discussions on role morality and creativity. Lawyering does not have to be about being a hired gun or playing the role of the heartless professional. If we worked at incorporating ourselves into the profession, we could come up with creative solutions to making the*

*world a slightly better place.*"<sup>101</sup> How are these creative solutions ("making the world a slightly better place", but obviously not "a just place") possible in one of the most unethical jobs whose actors are entitled to defend anybody regardless of justice?

The law school is indeed beautifying conservatism by preaching "slight change" or "progressive change" to us as the best solution for all evils of the legal systems, including white male supremacy and inequality. It is not perhaps a revolutionary place for the Professors to play the role of revolutionaries; rather a basin of comforting middle or upper castes whose business is the law, regardless of its fairness. A law Professor is a type of rational animal who has no feeling of doubt or shame when she/he is proudly teaching a racist law among her/his students. For example, she/he is serenely teaching the Canadian *Employment Equity Act* of 1995 whose article 3 says who are visible minorities: "*persons, other than aboriginal peoples, who are non-Caucasian in race or non-white in color,*" which means black, South Asian, Chinese, Korean, Japanese, Filipino, Arab, Latin American, and so on.<sup>102</sup> As for me, I have permanently to answer whether I take part in these racialized minorities, particularly in Canadian academia that has never stopped to preach human dignity and equality to us.

Simply by putting money in their pocket and giving them some academic or political position, you can expect the erudite Professors and seasoned lawyers to defend anything, anytime, anywhere. They have really come into existence to say us, i.e. ignorant people, what is good and what is wrong for us: "*Exalted are You; we have no knowledge except what You have taught us. Indeed, it is You who are the Knowing, the Wise.*" (Al Baqarah 2:32) As far as the legal system is concerned, they are the Emperors whose Empires are the law: "*Obey me, and I will be your God, and you will be my people. Do everything as I say, and all will be well.*" (Jeremiah 7:23)

It seems that the Canadian universities generally and the law schools particularly have failed to provide any "critical pedagogy" against "white supremacy", which is symbolized throughout the so-called visible minorities who are excluded from Professorship, scholarship, fellowship, award, conference, and publication for the sake of a bunch of white American as well as European Professors. They are also aggrandizing any fellowship or Professorship for those who are supposedly belonging to the visible minorities, through manipulated photos, interviews, statistics, researches, and so on.<sup>103</sup> If the university is sacredly a competitive environment, its few positions are reserved for the whitest and the most connected and spoiled people, except when it accepts from some so-called people of color or disable people for the sake of its propaganda of equality and multiculturalism. In this case, may I twist Dante's *Divine Comedy*? *Abandon all hope ye who want to enter academia, if you are not from white race.*

As the top of law schools, the Deans, and law Professors, participate in protecting the status quo and State power by teaching every type of law, regardless of its injustice, discrimination, racism, or sexism, and being, as a vegetable, blind, deaf, and mute vis-à-vis academic and social injustice. In this sense, they are white-collar criminals who help other criminals to escape from justice. For preparing this escape, the law Professors are teaching *the right of defense*, which indeed aims at making money, regardless of innocence or guilt. If they say something about our miseries and injustice, they are mostly doing this in accordance with a frame that the Papa State has already designed for them.<sup>104</sup> They are also fabricating the students who must be as fearful and obedient as possible. As a result, the law students could place among the most impotent, conservative, or alienated people when it comes to fighting against, for instance, environmental destruction, poverty, starvation, exploitation, war, tyranny, mass murder, torture, police brutality, and robber barons for whom they, as future barristers or solicitors, will do certain great services with all their energy, knowledge, and experience. Like their Masters, the law students criticize these issues as long as their interests permit. In summary, a law school is a propagandist institution that functions in all conditions for all political regimes, since it fills the pockets of law Professors and students, including modestly but discriminatively myself, in all seasons!

As for the “evidence” about my critiques of the law schools and its Professors, I have formerly given several examples, and provided many references in this thesis as well as in my other writings explaining the structural problems of legal education. Moreover, thanks to the lack of research on racism, discrimination, and Jewish lobby, the law teachers, like many other elites, are perfectly able to either discredit or mock these problems on the basis that they are simply the “paranoiac” or “fictive” questions by some frustrated, sensational, wrecked, or marginal individuals who are not academic in any proper sense! As for their acolytes, their lovely docile students are too fearful to speak freely, despite the fact that these issues concern some of them; this fearfulness is really the foundation of all law schools. As a result, “university crimes” are secret and, consequently, unpunished. The lack of studies has already strengthened these secrecy and impunity, because the academicians have a good reason to be silent vis-à-vis their crimes and their colleagues’. Is not the university a Christian-Jewish version of “Madrasa” because they all share the common principle of brainwashing? We can also ask what is the matter of Christianity, Judaism, Islam, Buddhism, Hinduism, or whatever religion in managing a legal system? The answer would depend on the questions of transparency and democracy in the law schools.

### 3.3.1.3.1.3 The Lack of Transparency and Democracy

The Masters of the law schools rule their kingdom with an iron fist, while any action against their rule is punished through various academic and legal sanctions.

#### 3.3.1.3.1.3.1 Academic and Legal Dictatorship

Despite their worship of democracy and transparency, the Godfathers/mothers in the law schools are undemocratically and hierarchically selected by certain invisible hands, and consequently *inaccessible* to the students and society, as well as *irresponsible* for their behaviours, except when their pocket and prestige need quite the opposite. How many times have you participated in electing a Dean? The difference between a dictator and a Dean comes from the fact that the former may be sometimes selected, while the invisible hands select the latter in a place that is supposedly the cradle of propagating the democratic ideologies. We have been actually conditioned to see a political dictator and an academic despot respectively as “tough” and “soft”: one may be selected and another is selected upon our heads to play the role of an Almighty God or Goddess. Both Dean and dictator diabolically share an identical desire: the power to control and to punish.

The universities and especially the law schools are traditionally a political machine to sell honorary doctorates and degrees to the dictators, political gangsters, their clans, or cronies. Let legal anarchism give some examples of scholarly-awarded dictators. *Elena Ceausescu* received honorary doctorates awarded by the University of Teheran, Jordan University, and the University of Manila. *Mugabe* has more than 50 honorary degrees and doctorates from the international universities, including the law degrees awarded by Edinburgh University, the University of Massachusetts, and Michigan State University. *Suzanne Mubarak* has obtained honorary doctorates from several academic institutions, including Cairo University, Azerbaijan State Economic University, Westminster College, and Iwa University. *Muammar Gaddafi* had several honorary degrees from Megatrend University, the Belarusian State University of Informatics and Radioelectronics, and so on.<sup>105</sup>

All universities and colleges in general and law schools in particular rely on secrecy and despotism, transparency and democracy are consequently nonexistent in academia whose God people decide for everybody and everything. At the top of these hierarchical institutions place the Presidents and their associates who, like the State officers, are irresponsible for their actions or inactions. Some invisible hands actually select and promote them. When there is neither transparency nor democracy, certainly corruption and discrimination govern. The universities are really left at the mercy of the academic Masters who do



what they desire in the name of the “freedom of speech” or the “freedom of research”. Professor Baez argues, “Confidentiality is linked rhetorically and in institutional and legal practices with academic freedom, privacy, and honesty. The effect of such linking appears to be that the academy can further its institutional and corporate interests, couch those interests in individualistic language, and thereby insulate itself from any significant kind of accountability or resistance. (...) Academic and legal practices, in particular, maintain confidentiality as a given in the academy, a given that ensures but disguises the mechanisms of power that determine what should be spoken and who should speak it.”<sup>106</sup>

Our Honorable Professors, like the lawyers and politicians, are almost irresponsible for their crimes (such as plagiarism, sexual harassment, nepotism, bribery, and blackmail), since there are really no specific law and court fighting against their criminality. We are just accustomed to seeing some special laws and jurisdictions for repressing miserable criminals (e.g., young offenders) or tyrannical losers (e.g., the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991). Our Honorable law Professors are crowned with teaching these laws and courts as the theoretical role, when Our Honorable lawyers are entrusted to say us who is guilty and who is not as the practical role. In both roles, we must obey them.

Nevertheless, very few organizations or individuals are fighting against corruption and criminality in the law schools, while absolutely forgetting the issues of hierarchy and tyranny in legal education itself. For instance, *Law School Transparency*, as a legal watchdog, is touching so timidly and too gently the problem when being going *à la chasse aux sorcières* by dedicating to improve consumer information and to reform the traditional law school model.<sup>107</sup>

Arthurs is a law Professor who severely criticized legal fundamentalists in his seminar on “*Valour rather than Prudence*”: *Hard Times and Hard Choices for Canada’s Legal Academy* on January 16, 2013.<sup>108</sup> He said nothing about racism, discrimination, corruption, or despotism in the law school during so-called “hard times”! In spite of his crusade against legal fundamentalists, this Professor could *per se* be himself a legal fundamentalist who believed that the robust dialogue between fundamentalists and anti-fundamentalists is the fief of academia in which the outsiders are not actually welcome.<sup>109</sup> He thus implies the death of transparency and democracy taught by our honorable law teachers. How can he be an “anti-fundamentalist” when he has successfully reached the top of the institutions founded upon inertia and Statism as well? Contrary to his belief that the worldwide recession has deteriorated faculty salaries and working conditions, the law Professors are still very well paid,<sup>110</sup> and only the students and their families

must pay the price of the so-called economic crisis, as Professor Arthurs himself mentioned.<sup>111</sup> He does not certainly like to hear that increasing tuition makes the Professors richer and happier forever.

In short, Professor Arthurs manipulated the truth about the wealth, corruption, and racism of law schools, when he perfectly reduced these issues to the purely “financial factors”. He claimed: “As rising numbers of law graduates are unable to find articling positions or entry-level professional jobs, students will be less and less likely to enrol in academic programs which are not seen to be professionally negotiable.”<sup>112</sup> Nonetheless, “hard times in economy” do not likely “provoke painful revision of the progressive view of law in which the intellectual DNA of the Canadian legal academy has long been secreted,”<sup>113</sup> as he believed. I would ask him, have these hard times reduced his comfortable wealth and salary as a Professor Emeritus? Coates, another famous Professor, has thus stated, “Canadian universities have gained substantial federal and provincial financial support, and faculty enjoy the second-highest average salaries in the world and enviable working conditions on most campuses.”<sup>114</sup>

It seems that the law school is a secret institution abandoned to itself in order to manage its knowledge and wealth while regarding any serious critique as a fictive conspiracy or pure paranoia. All wrongdoers therefore exist outside the law school, and all law teachers are saints: “I am pure and without sin, I am clean and free from guilt.” (Job 33:9) There are certainly some limits for its abandonment, because the law teachers are working for *improving* the law school as well as the legal system and not destroying them. In fact, they can easily indoctrinate the students, thanks to the hidden curricula of law schools that are far from any outsider’s critique. How many books and articles about the corruption of law schools have we ever found? What type of commodity or good the law Professors produce better than verbalistic and senseless service?

Furthermore, the law schools are not only speechless vis-à-vis their own problems, but also coward toward other social problems. For example, Professor Arthurs said that although *the Task Force on the Canadian Common law Degree*,<sup>115</sup> which exemplifies a fundamentalist approach, has imposed common curriculum and admission standards over law faculties, “no law faculty or university has so far challenged the new regime by declaring its intention not to comply or by seeking legal recourse against it.”<sup>116</sup> What can we expect the law faculties, the great providers of Governors and technocrats<sup>117</sup> who enslave the masses by their art of rhetoric and brainwashing, to do something against their own slavery? How can they go against their own system?

As a matter of fact, it should be necessary to study despotism, corruption, and crimes in academia according to several aspects: the selection and promotion of Deans, directors, Professors, and students,

the economic and political management of law school (especially research grants, scholarship, bursary, award, and travel funding), publication in so-called academic publishing, and credential journal or review. Of course, the Professors and their Masters will resist, in the name of academic freedom and integrity, any attempt to clarify or democratize their fiefdoms. As the eternal gatekeepers of knowledge and progress, they do neither allow nor tolerate any serious study about their delinquency and the attitude of their spoiled acolytes.

### 3.3.1.3.1.3.2 The Academic and Legal Sanctions Against the Outsiders

The dictator and the Dean have the sufficient tools to impose their desires and ideologies. Moreover, they manage their serfdom and choose everybody that they love, such as minister, associate, and student. There is really no opponent to the scholastic Godfathers/mothers, because the academic elites select the Professors, staffs, and students who must ensure their hegemony and obey their rules. For example, I seriously doubt that neither Osgoode nor any other law school would have accepted me, if it had realized that I would later become so radical against State law. Transparency and plurality have scarcely found any place in the university from which democracy is already excluded. The dissidents are tolerable as long as they remain powerless or speechless and do not consequently destroy the foundation of academia by committing any type of scholastic *lèse-majesté*. The academics have only time and energy for propagating their ideologies and making their own business as profitable as possible.

During the process of election in their hierarchical systems relied on and strengthened by State power, the academic Masters own *les armes redoutables* against their adversaries, offenders, and voiceless dissidents as well. For instance, there are GPA, disciplinary sanctions, suspension, probation, expulsion, retirement, funding cuts, the rejection of scholarship or bursary, thesis unexaminability, peer review, censorship, espionage, and academic boycott (refusing to accept an outsider's application or to publish a dissident's research).<sup>118</sup> These sanctions are powerful enough to silence or to crush down any student or academician who dares to think outside the box. Radicalism has rarely found any great place in academia, because academia is traditionally a reactionary environment and a safeguard against any fundamental change of the status quo.

The legal Godfathers/mothers are struggling to not only ensure their authority and domination, but also protect their clans against any invasion. Such a struggle has hitherto been a success, because neither students nor ordinary people have any control or supervision over the election, promotion, and function of the Deans. In summary, democracy, justice, and transparency have no place in any law school, directed by the iron fist of legal Masters who mercilessly destroy all outsiders and dissidents as well.

### 3.3.1.3.2 Lawyering

Before getting into our debate on lawyering, legal anarchism expresses three notices. Firstly, lawyering is a “violent business”, because it takes part in Weber’s legitimate violence or in law’s violence against humanity and nature, by either justifying this form of violence or facilitating sanction. In this case, if we put State legitimacy into question, lawyering is *a fortiori* delegitimized.

Secondly, in a Manichaeistic approach to legal power, it seems that there are two groups of people in the world. On the one side, there are ignorant individuals who are majority. On the other side, there are legal savants, divided into two parts in turn: one does not steal the first group, and another does it throughout a complex and highly hierarchical system with its extremely codified language and rituals, which means the legal system. In fact, the existence of legal robbers (particularly attorneys, prosecutors, Judges, and experts) depends on monopolizing legal and practical knowledge. In spite of its importance in legal anarchism, the anarchist analysis of all these robbers will certainly go outside the capacity of my thesis. Therefore, I only analyze the situation of lawyers and Judges who are not only the result of the legal system, but also its leaders.

Thirdly, I use “the lawyers”, instead of “all lawyers”, to avoid an absolute generalization of anarchist analysis and critique of lawyering. I indeed recognize that there can be “few lawyers” who exercise their profession in accordance with the ethical principles relying on justice and liberty.<sup>119</sup>

#### 3.3.1.3.2.1 The Lawyers

As a traditionally corporatist and propagandist institution of obedience to the law, the lawyers are truly subject to a very bad reputation in their moral bankruptcy. According to Wickman, the lawyers have historically come from noble and wealthy backgrounds.<sup>120</sup>

##### 3.3.1.3.2.1.1 The Very Bad Reputation and Moral Bankruptcy

The very bad reputation of lawyers is not something limited only to public opinion, since it also reflects in some scholars’ writings. They historically see the lawyers as dull, vile, pompous asses, businesspeople, money-grubbers, thieves, crooks, necessary evils (“*Nobody Likes a Lawyer until They Need One*”), fat cats, aloof, arrogant, expensive, unethical, and so on:<sup>121</sup> “*Woe to you lawyers, because you have taken away the key to knowledge. You yourselves have not entered, and you have hindered those who were entering.*” (Luke 11:52) The bad reputation of legal professional has created certain “anti-lawyer feeling” as

well as “movement”,<sup>122</sup> which may eventually result in outdating the lawyers and abolishing the art of lawyering together.

Even a top of the legal profession, Federal Judge Marvin Frankel, told an audience of the Association of the Bar of the City of New York in 1974: “*our adversary system rates truth too low among the values that institutions of justice are meant to serve.*”<sup>123</sup> Professor Hutchinson is perfectly aware of the lawyers’ low level of respect in the society, while he is struggling to save them simply by some ethical advices:

*“The legal profession has never been much loved. From Plato through Charles Dickens to Tom Wolfe, literature attests eloquently to its impugned status. As much envied as reviled, the reputation and prestige of lawyers is now considered by many to be at an all-time low. Its image as a noble and honourable profession is in tatters. Society tends to view lawyers as a rich and elite profession that is more interested in its own pocketbook than the public interest. The number of savage jokes about lawyers would be funny if they did not touch a raw nerve: after all, humour is not so much an escape from reality as from despair. In receipt of a professional monopoly, lawyers are considered self-interested and undeserving of their privileged right to govern themselves. (...) Having become too much a corporate business than a public vocation, it is urged that the legal profession must revert to this traditional esprit de corps if it is to regain its respectability and stature: lawyers must reclaim the ethical legacy of noble lawyers past.”*<sup>124</sup>

As for some academic examples about the bad reputation of lawyer, Barnhizer, Professor Emeritus of law at Cleveland State University, said, “*Several years ago a UK blog posted a question about whether lawyers are liars. The best answer was voted to be one offered by someone listed as Eartha W. It stated, “Lawyers do not lie. They bend the truth. They avoid the truth. They never let the facts get in the way of a good defence ... but they do not lie. They get taught how to do this at University. [I]t’s in a subject called Legal Ethics. An oxymoron if ever there was one!!”*

<sup>125”</sup><sup>126</sup>

In *Lying to Clients*, Lerman, Professor of law at the Catholic University of America, started to say that the lawyers do not supposedly lie to their clients, while the disciplinary rules forbid all conduct of dishonesty, fraud, misrepresentation, or deceit. She then finished by observing that many lawyers continue to deceive their customers, while many customers continue not to trust their lawyers either. The lawyers, unlike other corporations, are indeed abandoned to themselves in the name of their independence and in order to manage their own fraud, manipulation, deception, lie, money-hunger, and criminality.<sup>127</sup> Professor Lerman accordingly argued, “*New disciplinary rules alone will not correct the institutional problems that erode lawyers’ ability to value truthfulness, but they can initiate the process and set the standards. Law firms need to reevaluate the work environments that they create for their lawyers, and to decide how much deception they wish to tolerate or tacitly encourage.*”<sup>128</sup>

When it comes to comparing the lawyers' ethical standards and ratings of honesty to other professions, Professors Hartley and Petrucci have found out that the lawyers score 11<sup>th</sup> out of 13<sup>th</sup> possible rankings, which means only higher than business executives, insurance salespeople, people in advertising, and car salespeople.<sup>129</sup> In short, they, like politicians, are unpopular while occupying the lowest place in supposedly the most trusted profession.

In the wake of Professor Lerman, Menkel-Meadow, law Professor at University of California, advised "a golden rule": "*The lawyer should be as truthful to the client as she expects the client to be with her.*"<sup>130</sup> Is this rule applicable in an extremely deceptive and propagandist environment that we know as the legal system? Any person is looking forward to committing a perfect crime needs to pay a lawyer who will teach him how doing it in the best way possible.

When it comes to the ethics of legalistic thinking or thinking-like-a-lawyer, moral or ethical concerns have rarely had any value in legal arguments, since legal thinking is fundamentally depersonalized and desensitized toward human as well as natural pains.<sup>131</sup> As their predecessors (i.e. the ancient Sophists), the lawyers are infallibly accustomed to defending any topic, regardless of rightness or wrongness, as far as their buck is guaranteed. It should not consequently be irrational that they have traditionally defended the value of white male supremacy and capitalism, while rejecting or mocking morality as legally irrelevant because of its "emotional" or "sentimental" considerations that have no place in any *good normative framework*, which is supposedly founded on reason, objectivity, neutrality, and impartiality. In this case, the legalistic defense of the property rights of masters over their slaves in the Fugitive Slave Laws of 1793 and 1850 is a classic example.<sup>132</sup> The lawyers are actually looking at us as "the clients" and not as "human beings", as the psychologists are looking at the rats.<sup>133</sup>

In fact, the legal profession is a business in which all means are very welcome as long as they fill the pocket of lawyers up by sophistry and manipulation. Legal professionals have scarcely had any ideology outside the dominant ideology. They are perfectly able to adapt themselves to any type of political regime: communist, socialist, capitalist, Stalinist, fascist, nazist, Islamist, Judaist, Christian, racist, colonialist, imperialist, anarchist, etc. They are really legalist animals for all legal seasons! The deontological considerations are weak among them. In this sense, legal morality seems to be like a fiction or bad reputation. Some scholars have thus examined why the people believe that a good lawyer is a dead lawyer,<sup>134</sup> and why Shakespeare said "*let's kill all the lawyers*" in *Henry VI*.<sup>135</sup> Does any good lawyer really exist? Cannot a dead lawyer be dangerous yet because of his/her harmful ideological heritage on humanity and nature?

Every corporation certainly has its own quacks and gangsters, but the big problem with the legal corporation or the Bar is that the time of “private justice” or “revenge” has long gone. As a result, we have rarely had any other option than paying a lawyer to claim our rights, when he/she does not really care about our rights, but our money. In judicial jungles, those who have both capital and expensively seasoned attorneys, strengthened with the mass media’s support, would have much more chance to win than those who are poor, but have only right. So, what would you like to call a profession that mostly makes money by deceiving the legal system or our legitimate rampart against injustice? For instance, White, one of the nation’s preeminent authorities on capital punishment and longtime law Professor at the University of Pittsburgh,<sup>136</sup> argued that although “a new band of dedicated lawyers has vigorously rerepresented capital defendants,” less dedicated lawyers have shockingly defended in an inadequate manner.<sup>137</sup>

To practice law thus requires the fabrication of a special personality founded on immorality and deception, which is identical to the profession of politics. Due to the complexity of the legal system and to the intelligence and rhetorical capacities of attorneys, those who practice lawyering are white-collar criminals *per se*. May the people call a “lawyer” a “liar” or “crook” in the future? There are historically some terminological similarities among the concepts of “liar”, “shyster”, and “lawyer”.<sup>138</sup> There are certain big and expensive lawyers behind or in front of all big evils, such as war, torture, and financial fraud.<sup>139</sup> Of course, the people are not all angels, but the problem with the lawyers could be that their business is mostly to dirty, mystify, or cheat on justice in the name of justice or “the adversarial system” (vs. “the inquisitorial system”), which supposedly guarantees “the values of individual autonomy, equality, and diversity”.<sup>140</sup> Thus, an army of criminologists, psychologists, and psychoanalysts should carefully examine the personality of lawyers constituted in legal robbery: “legal personality” that is very dangerous.

### 3.3.1.3.2.1.2 A Corporatist and Propagandist Institution of Obedience

As corporatist institutions, law firms are vastly overpaid and little taxed. It means that lawyering constitutes “much more a profit-making business than an honorable profession.”<sup>141</sup> It also supports political and economic powers, including the lawyers themselves, against any pursuit or punishment: the Watergate scandal in which about 22 defendants were lawyers, Orenthal James Simpson’s defense teams, Bertrand Russell’s high-powered team of lawyers, etc.<sup>142</sup>

The lawyers’ income is mostly dirty or bloody, because it stems from the blood and pocket, or, in summary, from the life of customers. Forced by the law or the Judge, who would probably receive money from the lawyers for the clients that he/she presents to the lawyers, the laypeople have to hire a lawyer while legal aid is too limited or too ridiculous. In this judicial environment, the Judges treat the self-



represented or lawyerless litigants (SRL) with contempt.<sup>143</sup> In addition to this “forced lawyering” (vs. *pro se*), Clients must sell their property or loan money in order to afford the exorbitant cost of the lawyers, regardless of the chance of success in the legally chaotic jungle.

Legal anarchism can give three examples about the lawyers’ bloody money. The Rasoulis “*ran out of money about a third of the way through the first trial. Since then, their lawyer has donated hours of his time and the family has started a website to raise funds, so far without much success.*”<sup>144</sup> The Supreme Court of Canada eventually dismissed their “*appeal that would have permitted doctors to end life support for a severely brain-damaged man without the consent of his family or a substitute decision maker.*”<sup>145</sup> Another example comes from Mary McCarthy who had to sell her house because of Lillian Hellman’s suit for \$2,225,000 in damages in the 1980s. The legal fees literally bankrupted McCarthy.<sup>146</sup> A British Columbia woman would stand to lose her home to her attorney being moving to foreclose on her to pay his six-figure bill.<sup>147</sup> In this sense, Arnold Gingrich, publisher of *Esquire*, truly noticed: “*We simply felt that under the adversary system, nobody wins but the lawyers. This agrees to call off the mutual spending of money.*”<sup>148</sup>

In *Lawyers Are Too Expensive for Most Canadians*, Prince and Gills report that the legal system lives in crisis, because 65% of individuals involved in family court proceedings in Ontario cannot afford an attorney.<sup>149</sup> With more than 90,000 lawyers,<sup>150</sup> Canadian “*legal fees average \$338 per hour,*”<sup>151</sup> which is too high in comparison to the minimum wage slavery in Canada, i.e. around \$11 an hour. As far as the British biggest law firms are concerned, their fees reach at record levels of £850 an hour, while the rates of leading legal practices have doubled in ten years.<sup>152</sup> Some American lawyers are charging \$1,000 an hour.<sup>153</sup> Regarding the American legal market, law Professor Barton has found out that the proportion of gross national product spent on legal services between 1967 and 1992 tripled, and the number of attorneys increased from 250,000 to nearly 850,000. Lawyer earnings annually grew at 6.6% between 1975 and 1990, rising nearly every year and generally outrunning inflation.<sup>154</sup> Professors Maheshri and Winston have accordingly stated that the American firms and consumers spend annually some \$200,000,000,000 on legal services, while attorneys “*are free to charge any price for their services.*”<sup>155</sup> Joe Jamail and Wichai Thongthan are hence the wealthiest lawyers or the Kings of legal robbers with respectively \$1,600,000,000 and \$1,100,000,000 net worth,<sup>156</sup> thanks to very expensive and lawless legal robbery, i.e. wagelessness.

As far as *legal aid* is concerned, the lawyers are accustomed to saying too many nonsense things, but rarely freely or cheaply. For instance, Mossallanejad has found out that legal aid inadequately pays the lawyers who work for refugee claimants in Canada, and we cannot expect them to work on a *pro bono* basis.<sup>157</sup> About the beautiful legal myth of *pro bono*, McLeay has argued that the empirical reality coming at

least from the common law histories of England and the US shows that “*pro bono has been an ideal that some, many or most lawyers have failed to live up to.*”<sup>158</sup> Professors Granfield and Koenig have argued that when “*many students enter law school planning to help the downtrodden, few actually pursue altruistic careers after graduation.*”<sup>159</sup> Professor Sandefur has accordingly stated that in the US, when an indigent person faces a problem of the civil law and can benefit from a lawyer’s advocacy, she/he “*has no guarantee of counsel.*”<sup>160</sup>

It seems that charity is nonsense for the lawyers and law Professors. No money, no lawyer, no law Professor! Furthermore, a just society does not, as I heard from an Iranian Professor, need charity or begging the rich for the poor, since it provides a decent life for everybody without generating any accumulated power and wealth among the hands of some people.

The Canadian Bar Association enumerates the issues of Canadian legal aid: underfunding, discrepancies in coverage among jurisdictions, fragmentation in coverage within a legal aid program, disproportionate impact, and finally social costs of inadequate legal aid services.<sup>161</sup> The Canadian Bar Association’s cry is actually for neither its clients, nor the society, nor justice, but the economic benefits of its own members through State aid. Other lawyers and legalistic scholars continue to take this cry over elsewhere, even for the wealthy international criminals and their defense teams, in the name of access to justice.<sup>162</sup> If the lawyers are too eager to beg money from the State (i.e. the taxpayers’ money or State plunder), they have never ironically stopped to claim the self-governance of their legal fiefdom against Government intervention.

The indoctrination of obedience to the law and the justification of the absolute necessity of lawyering constitute two parts of the legal profession.

On the one side, the legal professionals struggle to justify any law, even immoral duty such as military service, anywhere when their interests require it. This is deeply rooted in legal mentality or personality. In this sense, Dworkin, an Excellent law Professor in rhetoric, finds out that the “*lawyers and judges make statements of legal right and duty, even when they know these are not demonstrable, and support them with arguments even when they know that these arguments will not appeal to everyone. They make these arguments to one another, in the professional journals, in the classroom, and in the courts.*”<sup>163</sup> The law schools are shamelessly teaching “legal pickpocketing” much better than so-called “legal ethics”, which is, like “judicial activism”,<sup>164</sup> actually a legalistic propaganda presented by the legal robbers. The lawyers are currently claiming legal ethics not only on the communal and national scales, but also on the international one, which must frame or devour mass murder, plunder, and forced displacement, among many other international problems on which the lawyers are traditionally expert.<sup>165</sup> As for the morality of the institution of law itself,

legal morality is mystified and left at the benevolence of the lawyers who decide what is good and what is bad for their niche market, as they decide what is legally reasonable or not for their business.

In this case, legal anarchism invokes Professors Turriff and Hutchinson as two typical examples. Professor Turriff, a preeminent Canadian lawyer, has posited, "*lawyer independence can only be protected if lawyers govern lawyers.*"<sup>166</sup> As for Professor Hutchinson, a famous legal ethicist, he provides another classic or maybe revolutionary example of self-governance of lawyer, which somehow corroborates Professor Lerman and Turriff's approaches to the self-management of lawyering. He believes that "*Owing to the power vested in lawyers as officers of the court and as representatives of ordinary people who may not know their rights or how to defend them, lawyers should have a corresponding degree of (moral) responsibility to their clients and to the institution of law. As these responsibilities are complex and often in conflict, it is imperative that "good judgment" or "moral reasoning" be given more consideration within the curriculum of the law school.*"<sup>167</sup> On the contrary, Professor Hutchinson is less optimist vis-à-vis the *Government lawyers* that he presents as the "orphans of legal ethics" who have to be subservient to political officials and elected leaders. He thinks that the concise democratic inquiry into the theoretical role and responsibilities of State lawyers reveals anything, while those of private lawyers need more serious revision and evaluation.<sup>168</sup>

As far as I am concerned, I think that both groups of lawyers, private and public, work for two elements: money and the preservation of the status quo, without assuming any responsibility and consequently facing any punishment. Like God, they are supposed to be too good and innocent.

On the other side, the lawyers really love to show that their job is so important for all existence. Law Professor Howarth has accordingly recognized that the unpopularity of lawyers stems partly from the intuition that the laypeople shall be able to do without them, since social structures shall produce through spontaneous interaction rather than conscious design.<sup>169</sup> As a result, the lawyers as well as other legal professionals would not really like to welcome the phenomena of SRL and "barefoot lawyer" to their kingdom.<sup>170</sup> In their case, a mystified and bombastic language, mingled with certain sacred rituals and costumes dehumanizing existence, is undoubtedly necessary to exclude all adversaries.<sup>171</sup> Frooman has accordingly found out three reasons for the lawyers' unreadable language. Firstly, the attorneys do not think that many of their terms are useless legal jargon. Secondly, they enjoy a particular camaraderie, because only they are able to interpret this jargon. Thirdly, they generate "*a constant need for their own services by making it impossible for lay people to handle even the simplest legal matter themselves.*"<sup>172</sup> As a result, the lawyers, as legislators, have filled the statute books with miles of superfluous verbiage.<sup>173</sup> In this case,

White, an American law Professor, believes that the authority of Judges and lawyers “*depends upon that of the texts they interpret.*”<sup>174</sup>

The lawyers have also the “exclusive right to defend” *whoever* (a war criminal, dictator, corrupt politician, corporate criminal, violent policeman, murderer, torturer, rapist, child abuser, and so on) by *whatever* (e.g., lie, cheat, falsification, blackmail, bribery, and sleeping with their clients), under the pretext of the “*right of defense*” and the “*right to counsel*”, regardless of culpability or innocence. The national and international laws have hotly advocated these rights, which actually mean the right to have a legal robber or a team of legal robbers, according to capital and circumstances.<sup>175</sup> Should we recognize the lawyers’ right of defense, right to counsel, and the Judges’ right of judgment according to Matthew 22:21? Thus, in *Ignatian Spirituality and the Life of the Lawyer: Finding God in All Things – Even in the Ordinary Practice of the Law*, Kalscheur, Professor at Boston College Law School, has catholically concluded, “*The light shed by the life of Ignatius illuminates an extraordinary openness to finding God in everyday life. This is an extraordinary way of living in which all of us can participate in our ordinary practice of the law.*”<sup>176</sup> The sacred law certainly needs the sacred lawyer, vice versa, and both cases blessedly guarantee capital.<sup>177</sup> A dilemma however exists so that if we do not recognize those rights, dictatorship, certainly with the necessary help of the Government and non-Government lawyers, will destroy existence from A to Z. Do we hence place in front of two options: the fierce snake or the dragon?

The so-called right to legal representative is not perhaps accessible to all, especially to the poor. Moreover, Gelderloos and Lincoln have found out that the legal system would be mathematically impossible to function, if the people claimed all of their rights. The CJS has a number of coercive measures to make sure that the people give their rights up. For example, the public defense lawyers, who are the only legal option for the poor majority who must face trial and imprisonment, simply do not have the resources to prepare for a trial in even a part of their cases, so their advice for their clients is nearly always to plead guilty.<sup>178</sup>

As for *the mastery of lawyering*, the lawyers are undoubtedly too talented to invent new terminology in order to justify their parasitic or criminal existence and to be attractive. Is “progressive lawyering” a new type of mystification and propaganda in this case? According to my knowledge about and experience with the legal system and the law school as well, it seems that new or modern lawyering is still conservative by nature, on the one side, and this could be true for all legal professionals including our admirable law Professors, on the other side, since both sides depend on the current order. The so-called most radical legalists really stay “conservative” or “reactionary” in comparison to other radicals such as the anarchists.

However, as the indisputable masters of rhetoric who are fervently working side-by-side with other legal professionals and the political-economic elites, the lawyers are perfectly able to seduce the clients for the sake of buck by new words and argots. They are doing this in the framework of euphemistically called “attorney sexual misconduct” violating so-called “no-sex-with-client rule”, since they are ethically working below zero when excellently knowing how to escape from the punishment of rape and sexual abuse.<sup>179</sup> There are however certain examples of legal propaganda aiming to escape permanently from the label of “Government lawyering”<sup>180</sup> or “the most serviceable instrument of authority”:<sup>181</sup>

defense of human rights, activist lawyers, human rights lawyers, political lawyers, radical alwyers, Catholic Lawyers, practicing law for poor people, poverty lawyering, civil rights lawyering, creative lawyering, rebellious lawyering, revolutionary lawyering, anti-apartheid lawyering, Rebellious Lawyering Conference, political lawyering, progressive lawyering, cause lawyering, community lawyering, Ethical Lawyering in a Global Community (ELGC) as a mandatory course at Osgoode, etc.<sup>182</sup>

By this Hollywoodian style of legal professionalism and propaganda, certain legal professionals are sensationally solicited and paid well or even very well in order to earn fame and become *héros médiatiques* in the so-called “globalization of human rights and markets”<sup>183</sup> in the age of “virtual law firm”, e-lawyering, e-justice, or e-government, which is itself controversial.<sup>184</sup> The terms of revolt, revolution, justice, and fairness are *per se* irreconcilable with lawyering, which is eventually the art of flattery, immorality, and unscrupulous business, done by the monsters with human faces in the name of human rights!

However, there are some activist lawyers of whom few are persecuted (e.g., certain Chinese lawyers and Nasrin Sotoudeh), while the others are apparently enjoying their lives (e.g., Mehrangiz Kar, Shirin Ebadi, and Shadi Sadr) mostly in the Western countries where they are heavily awarded, particularly because of their feminism.<sup>185</sup> For instance, Madam Ebadi is always struggling to prove the excellent relationships among Islam, democracy, and gender equality, which should be a controversial version of so-called “Islamic feminism”, grouped into the Islamic State feminists and Islamic non-State feminists,<sup>186</sup> through falsifying Islam that is undemocratic, slavlike, and sexist *per se*. She is rhetorically working and shamelessly lying to save either Islamism or the Islamic Republic of Iran from bankruptcy, butchery, and barbarism, backed by the Western States.<sup>187</sup> For example, Ayatollah Mesbah Yazdi affirms that the concepts of human rights, elections, and freedom of political parties are “un-Islamic”.<sup>188</sup> As a member of Iran’s Assembly of Experts being responsible for choosing the Supreme Leader, he is islamically recognizing the rape and torture of the prisoners!<sup>189</sup>

Let legal anarchism just invoke some terrorist rules in Islam and the brutality of the Iranian State that is proclaiming to apply “the pure Mohammadian Islam”, which the Islamist attorneys are proudly defending.

We find in the Quran, for example, these bloody and violent instructions: Al Mujadilah 58:5; Al Anfal 8:12; At Tawbah 9:29, 9:123. Let nevertheless the Islamists and their admirable lawyers, undoubtedly including Madam Ebadi herself, present some so-called peaceful Surahs in the Noble Quran! Under the direct orders of Khomeini who struggled to return the Iranian society to the Golden Age of the Prophet Mohammed's kingdom, nearly 30,000 political prisoners, among them children as young as 13, were executed. A crime against humanity, known as *the 1988 Iran Massacre*, thus appeared which may provide another opportunity for some admirable legalistic Professors in their hesitant crusade to theorize "State legal wrongdoing" vs. "Street crime".<sup>190</sup>

Even the meaning of Islam is significant in itself to be dangerous for liberties: "*absolute submission to the one God*" or "*Allah*" (i.e. previous Chief Idol in the Kaaba).<sup>191</sup> "Moderation" and "reformism" in too dear Islam, enthusiastically defended also by the Western mass media and many highbrows as well, are therefore equivalent to "moderate" or "reformist" "fascism"! "Islamic democracy" is therefore as obscure as "fascist democracy"!<sup>192</sup>

The above arguments would prove that any individual or communal emancipation through lawyering is merely an illusion, because the job of lawyers is full of immoralities, lies, deceptions, cruelties, and crimes against humanity and nature as well. There is rarely any sense of shame or guilt among the lawyers, rather that of money, power, manipulation, or sexual abuse.

### 3.3.1.3.2.2 The Judges

It is important to notice that for avoiding to repeat or to make longer my thesis, I think that the prosecutors can place in the category of Judges, because they belong to the judiciary, the executive, or both, according to circumstances. In fact, they work in the ideological frame of the State in order to ensure its existence as long as it is possible. Furthermore, the Judges, especially in the common law, have potential power to make the law through interpreting or applying a norm. Is there any separation of powers in this case yet?

In the Western legal systems, the Judges are traditionally white, sacred, legal, and political men that, as dictators, force us to obey them without any question in the framework of the rule of law by the ethos of judicial independence.

### 3.3.1.3.2.2.1 The State Sacred and White Men

The Judges traditionally come from Caucasian race, either Jewish or Christian men,<sup>193</sup> acting as the prophets,<sup>194</sup> because they "*convey the message that sin always meets with punishment, and that salvation comes*



only from God.”<sup>195</sup> The prophets were not only divine messengers, but also Judges. The *Sunnah* and *Sharia* of Muhammad are a typical example in this case.<sup>196</sup> Professor Lucien has hence stated that “*the judge, as the representative of God,*” “*used to represent the divine and this representation is set in the imagination through rites, symbols etc.*”<sup>197</sup> “*I charge you in the presence of God and of Christ Jesus, who is to judge the living and the dead, and by his appearing and his kingdom.*” (2 Timothy 4:1)

The Western countries, in which the Judges are traditionally selected white men, have unsurprisingly led to judicial discrimination. For instance, Jobard and Névanen studied penal and civil discrimination based on origin starting with the total accused of offences against the law enforcement agents that a Parisian *tribunal de grande instance* had judged from 1965 to 2005. They affirmed that the Moroccan and Black accused were imprisoned nearly two times more than the European ones for a longer time, when they also faced more risk to see the police officers filing a lawsuit.<sup>198</sup> As for Edith Jones, the former Chief Judge of the US Court of Appeals for the Fifth Circuit, she is openly racist and sexist. A group of legal ethicists and civil rights organizations filed a complaint of judicial misconduct against her in 2013, because of her racist judgment about minority groups and astonishingly religious belief in the death penalty. At a speech at the University of Pennsylvania Law School, she said that racial groups, like Hispanics and Blacks, were more predisposed than others to delinquency and violent acts, capital punishment was therefore good for them, because it permitted them to make peace with God.<sup>199</sup> As for her sexist judgment, I would only mention that this Honorable Judge suggested that sexual harassment was fine as long as the victim was not raped! Should legal anarchism remind that President Reagan nominated her in 1985 to the Circuit Court, in which she worked as Chief Judge from 2006 to 2012, and President George Herbert Walker Bush mentioned her as a possible Supreme Court nominee in 1990?<sup>200</sup> Do you think that she and those Parisian Judges are marginally legal racists or sexists?<sup>201</sup> Are the Judges, like the Deans, accountable for their crimes?

I do not believe unfortunately the accountability of Judges as public officers at all. It is very difficult to see a Judge as an accused, because she/he enjoys so-called “judicial immunity”, which constitutes, with “political immunity” (or executive immunity) and “legislative immunity” (or parliamentary immunity), the Governmental triplet of immunity or “impunity”. We can ask: immunity from what? These privileges for some *untouchables*, i.e. the States,<sup>202</sup> really mean immunity from prosecution and punishment.<sup>203</sup> Thus, how can an individual go against these sacred privileges or immunities in a very long, uncertain, and expensive process of which the State officers are masters? How many times have we seen a punished Judge? In



reality, the legal plunderers and other State officers are almost perfectly immunized from punishment either *de facto* or *de jure*, but certainly selected to punish others.

On the one hand, although racism and sexism exist unfortunately in all social castes, but the problem with the judiciary is that the Judges are supposedly responsible to punish racists and sexists when they are themselves guilty of these practices. Who knows how many racists, sexists, or even rapists govern the judiciary?

On the other hand, the Judges are comfortably living in an ivory tower, thanks to their white Christian or Jewish middle or upper background fortified by the great salaries and advantages, since they hardly know our poverty and exploitation. They are not actually in the court to solve our problems, but obliging us to obey the rule when earning money. In this case, Bonanno has truly argued that the Judge “*is our enemy because he considers life in a different way to the way we consider it, because for him life is another kind of life, is not our life, because for him we are extraterrestrials and I don’t see why we should consider him to be an inhabitant of our planet either.*”<sup>204</sup> The anarchists indeed regard the Judges as oppressors governing their vindictory trials in the capitalist States, and they do not thus recognize their authority.<sup>205</sup> As we will later see in *Judicial Legitimacy: The Anarchists vs. the State Criminals*, such an anarchist rejection of judicial authority is somehow at odds with the big anarchists who have found an inestimably political as well as economic opportunity in the courtroom to defend and propagate their ideologies concerning State oppression.

### 3.3.1.3.2.2 The Selected Dictators

To my knowledge, there is no Judge whose election and promotion stem from the citizens and not the State, which looks like a prophet, formerly chosen by God for a nation or even for entire humanity, as it is nowadays the case of the national or international Judge. How many times have you yourselves participated in the election of a legal professional? Is the Judge free from Government ideology as well as interest? Shall we believe the independence of the judiciary whereby “*most states seek to conform to the international demand for independence is by a constitutional provision for a separate and independent judicial branch of government*”?<sup>206</sup> I do not really think so, because, as mentioned above, the Judge remains a Government man, mostly selected and promoted by the hands of Government, especially by the Presidents, Governors, or legislature at the national, regional, and international levels: State Judge.<sup>207</sup> Several works have thus analyzed the degree of ideological concordance between an appointing President and a Judge.<sup>208</sup>

As two massively worshiped and propagated concepts in Western culture, “democracy” and “accountability” have no existence in either the law school or the legal system, actually managed and governed by certain invisible hands. Whether we recognize the Judge or not, we have to obey her/him,

because she/he is omniscient: “Slaves, obey your earthly masters with respect and fear, and with sincerity of heart, just as you would obey Christ.” (Ephesians 6:5) Is judicial authority eventually as unfounded as State authority?

Guaranteeing that the Judges, the scholars have argued, “are accountable to the people is essential to maintaining the legitimacy of the judiciary.”<sup>209</sup> However, like the academic and Godlike personalities, there is no democratic process in the election of the Judges, because the invisible hands or the Government officers select them. So, are they really impartial and independent? According to the national and international standards, the Judges must be independent and impartial.<sup>210</sup> Doreen D. Dodson, Chair of the ABA Standing Committee on Judicial Independence, has rapidly reacted to “unfair and unjust criticism of Judges”: “The Bar has a special responsibility to ensure that judges remain highly respected leaders of our legal system and communities.”<sup>211</sup> How do the lawyers ensure this? We may understand why she and other lawyers are hotly defending “the cult of Judge”. They, at least some of them, hope to become a Judge one or another day, a hope that is common in the common law in which the Judges, as untouchables, enjoy great prestige and capital through political and legal power altogether, on the one hand. They, as fearful and calculative men, are resistant to say anything against the Judges with whom they do business, on the other hand.

Let legal anarchism now examine judicial independence and impartiality in practice, supported also by the so-called principle of separation of powers in theory.

The Leveller argues “If we cannot rely on the courts, it is equally absurd to rely on the politicians who appoint the judges.”<sup>212</sup> In this case, the executive or political appointment of the sacred Justices of the Supreme Court in the US and Canada is a banal example. The US President appoints the Justices through the advice and consent of the Senate, when the Canadian Constitution empowers the Governor in Council, a British colonial role, to appoint the Justices, but appointments are practically made on the advice of the Prime Minister.<sup>213</sup> Since the presidency of Reagan, appointments to the Supreme Court have actually been a string of reactionary policies. The legal system logically constitutes the most reactionary element of the State (outside the military).<sup>214</sup>

When it comes to the partiality of the Judges, Sugako, an anarcho-feminist and journalist, said before being hanged as the first female political prisoner in the history of modern Japan, “You poor pitiful judges. All you wanted to do was protect your positions. To safeguard them, you handed down these verdicts even though you knew they were unlawful and arbitrary. You went against your consciences. You poor judges, poor slaves

of the government.”<sup>215</sup> During his defence in the court, Lèveillé declared: “No more Codes! No more judges! No more police! No more soldiers! No more priests! No more leaders!”<sup>216</sup>

Nevertheless, we must obey the Judges, even though we have not elected them or are not sure at all about their knowledge, impartiality, or independence, since they have absolute power to force us to obey them by the power of law, articulated in the name of law and order as well as in contempt of court, which means an arbitrary sanction without any formal hearing.<sup>217</sup> In this sense, Buono finds out that the earthly Judge becomes the immortal Judge whose law and commandments are the cardinal point of punishment.<sup>218</sup> Black has already noticed that many people consider the law as a malignant and mysterious power manipulated by a wicked priesthood of Judges and lawyers.<sup>219</sup> We therefore have to obey the Judge, even when we are not legal believers at all. Who can stand against the sacred judicial power?

Natapoff, Professor at Loyola Law School, has accordingly argued that the American “*criminal justice system is shaped by a fundamental absence: Criminal defendants rarely speak. From the first Miranda warnings through trial until sentencing, defendants are constantly encouraged to be quiet and to let their lawyers do the talking. And most do. (...) In our democracy, individual speech has historically been seen as an antidote to governmental overreaching. (...) Yet silent defendants rarely express themselves directly to the government official deciding their fate, be it judge or prosecutor, and are often punished more harshly when they do.*”<sup>220</sup>

It is so interesting to realize that we are accustomed to calling the people by their first names in a culture in which we must respect too much the Judges, by not only ceremony but also speech throughout several strict protocols, even more than those reserved for a mythical animal called “God”: Your Worship, Your Lordship/Your Ladyship, My Lord, Your Honour, standing whenever the depositions clerk calls “all rise” when the Judge enters or leaves the courtroom, bowing our head to acknowledge the Judge every time we enter or leave the courtroom, etc.<sup>221</sup> When it comes to “*address strategies in a politeness framework*” and “*address forms in courtroom discourse*”, Professor Cecconi has affirmed that non-reciprocal “title last name” (TLN) and other honorifics (sir, madam, and gentlemen) achieve and express vertical status distance (power imbalance), while reciprocal deference, as when strangers exchange honorifics or TLN, creates horizontal distance. The non-solidarity dimension actually governs the common nominal forms of address: TLN, occupational titles (“Your Honour”, counsel, and usher), and honorifics.<sup>222</sup> In short, we are *judicially polite slaves*, while supposedly eased or so cool with each other!

Thanks to their authority and judicial immunity, the Judges are able to commit many crimes with nearly absolute impunity. There are accordingly some works concerning crimes committed by certain Judges: racketeering, sexual offences, sending thousands of juveniles to two private detention centers in exchange for \$2,600,000 in kickbacks (“kids-for-cash corruption scandal”), and so on.<sup>223</sup> Several

researchers have also found out that judicial corruption is pervasive and widely observable in many countries including Taiwan, the Philippines, Vietnam, China, Russia, and Peru, and it has seriously damaged the credibility of the judiciary.<sup>224</sup> Such a public perception may nonetheless be questionable, at least regarding many American people who still regard their public servants with respect. For example, Warren, Harold and Dorie Merilees Professor for the Study of Democracy, has invoked an American poll:<sup>225</sup> “majorities indicated that they trust clergymen or priests (90%), teachers (88%), doctors (84%), police officers (78%), professors (77%), scientists (76%), judges (75%), civil servants (71%), and senior military officers (67%) to tell the truth.”<sup>226</sup>

They have rarely criticized the Judges, unlike the politicians, in a violent manner, because the mass media and highbrows are scared of accusation for contempt of court, obstacles to justice, or defamation. In summary, to be or not to be a Judge is to be or not to be a white, male, sacred, scary, conservative, State, or dictator man, in both substantive and procedural laws.

### 3.3.2 The Procedural Critiques of the Law

Legal anarchism analyzes the formality and the ceremonies of the legal system, which are greedily keeping a mystified language and carefully ensuring the unequal situations in which a rich man has more power than a poor or marginal man does. The rich people indeed enjoy the perseverance of a gang of skilled lawyers as well as the sympathy of public, journalists, police officers, prosecutors, and Judges, when the poor people would wait or die for the clemency of the legal system. Legal language or legal verbiage needs extremely technical decodification, because it is too complicated and expensive for the uninitiated people, certain jobs therefore granted to the police officers, prosecutors, attorneys, and eventually Judges who should say us what is good and what is bad for our legal salvation.

Although the anarchists have criticized many procedural aspects of the law, let legal anarchism only analyze briefly two myths of procedural laws that closely relate to each other: *equality before the law* and *the presumption of innocence*. As two mantras, they function differently according to the different classes, ethnicities, or races.

#### 3.3.2.1 The Myth of Equality before the Law

“All animals are equal, but some animals are more equal than others.”

George Orwell<sup>227</sup>

The Marxists have judiciously criticized the myth of formal legal equality so that it is a central concept in defining the bourgeois-judicial form based on class inequality.<sup>228</sup> We should observe the same challenge

in international law.<sup>229</sup> Equality before the law is indeed the ethos of capitalism preaching “legal equality” when denying the practical differences between two individuals in a legal process. The legal and judicial gaps between a poor person and a rich man are actually huge. For example, how is Bill Gates, who profits from enormous fame and wealth, *legally equal* to a marginal man? The rich man is perfectly able to either buy or affect many journalists, police officers, lawyers, prosecutors, and Judges, while the poor must mostly hope the mercy of the Judge and legal aid whose selection, ideology, function, and perseverance are all suspicious, if not ridiculous. In reality, legal equality takes part in “the equality of rights” or “equal rights” in liberalism, communism, or anarchism, when conservatism preaches it under the disguise of “the equality of opportunity”.<sup>230</sup> Kropotkin thus argued that the equality of rich and poor before the Judge was merely a lie because of external inequality.<sup>231</sup> The “*individuals may be,*” the anarchists argue, “equal” in rights and before the law, “*but they may not be free due to the influence of social inequality, the relationships it creates and how it affects the law and the ability of the oppressed to use it.*”<sup>232</sup> In order to ensure real equality, the anarchists go beyond the conservative and liberal concepts of equality of rights and opportunity by arguing that the basic needs of all individuals must be satisfied.<sup>233</sup>

For example, Proudhon thought about equality before the law as a corollary to the equality of races, conditions, and wealth as well.<sup>234</sup> Professor Johnson does not certainly suggest that freedom depends conceptually on economic equality of opportunity, outcome, or socio-cultural status. For him, equality is much more substantive than the formal “equality of rights” or “equality before the law” suggested by certain libertarians and classical liberals, and rightly criticised by the leftists as an abominably thin glove over a very heavy fist. Formal equality within a Statist regime, pervaded with petty tyranny and pillage, is scarcely a value for fighting, but a challenge to the regime. He believes that the conception of equality has a history of leftism and revolution, which means the equality that the French revolutionaries wanted when claiming *égalité*, and the American revolutionaries did when believing that all human beings created equal and endowed by God with some unalienable rights such as life, freedom, and the pursuit of happiness.<sup>235</sup> In the same sense, Horn argues that the principle of equality of all before the law signifies that both content and procedures of law shall apply equally to all. The State however functions in violation of this principle because of its special privileges and immunities. The Statesmen claim for themselves the unique privilege of using violence to force others to comply with their demands, creating arbitrary debts owed to them (taxes), rewriting every law as they see fit, and eventually creating and operating courts. This privilege qualifies as the only arbitrary rule, regardless of the type of procedures used to select the rulers. Cut to its

essentials, Government is solely a privileged caste set above the rest of us and exonerated from the rules of civilized behaviour.<sup>236</sup>

When it comes to evaluating the quality and quantity of inequality before the law, it should be comprehensible that there are some doubts about the existence of such inequality among the Government highbrows who belong to the white middle or upper class, mingled with the complicity or interest of academia to conceal the truth or to shut it down. For example, Professor Melchers has attributed a section to fight against racial profiling in his research published by the RCMP, itself accused of and condemned for corruption, racist and sexual crimes.<sup>237</sup> He is however staying skeptical about the real existence of such profiling, since in spite of *“legal prohibitions, official statements and the absence of any evidence of widespread bias and discriminatory practice in policing, police denial that “racial profiling” is officially-sanctioned practice has been met with only scoffing from advocates.*”<sup>238</sup> Professors Mohammad and Conway have nevertheless highlighted inequality before the law in the CJS in Pakistan. For instance, they have documented the testimony of a Police Station Head Officer:

*“We arrest poor people if they make a slight mistake ... We have different codes, depending on your class position. If you are a notable you do not need to be afraid of the law and the police. Poor people have no access to the corridor of power and nobody is going to intervene on their behalf and so, automatically, they cannot escape the grip of the law. In my twenty-two years of service in the police department, I have not seen a rich man in police lock-up and I have never seen a rich man handcuffed. There was a warrant against the Vice Chancellor of the University of Peshawar, Dr. Anwar Khan, the Provost, Ajmal Khan, Administrative Officer, Sikandar Khan, and the Chief Proctor, Dr. Hidayat Ullah, and according to the laws I should have arrested them because they illegally trespassed the women’s center using force. They also committed contempt of court, because there was a stay order from the court. I could not arrest them because there was pressure from the CJS bureaucracy. The rich, the police and the magistracy will always be in one camp.”*<sup>239</sup>

As for the Belgian legal system, Borloo has provided several examples of inequality before the law.<sup>240</sup> How is the situation of Canada? How many times have you seen the Canadian criminal justice has punished a wealthy man or a Statesman/woman? Let legal anarchism only mention the financial scandal of Mulroney (the “Airbus Affair”), a labour lawyer, businessperson, and the 18<sup>th</sup> Prime Minister of Canada, which is always unpunished or maybe forgotten as usual! Despite receiving \$300,000 from a secret Swiss bank account controlled by Schreiber, a German-Canadian businessman, in order to lobby the Canadian Government to buy light-armoured vehicles in the 1990s, Mulroney received not only a Government apology, but also a \$2,000,000 settlement after suing for accepting kickbacks!<sup>241</sup>



### 3.3.2.2 The Myth of the Presumption of Innocence

The questions of equality before the law also relate to those of the POI, since this presumption exists for the politicians and wealthy people, while the ordinary or poor people are supposedly guilty until they prove their innocence. The burden of proof weights upon the poor's shoulder, when a rich guy is perfectly innocent until some legal professionals find him guilty in a legal struggle. A look at the news may show such a legal discrimination. For instance, when it comes to India, the so-called "world's largest democracy",<sup>242</sup> Vajpeyi has noticed that although the doctrine of POI is perfectly accepted in criminal jurisprudence in civilised countries, "*the sickening frequency with which it is being used by those holding important positions in public life to cling to power has given it a sinister twist.*"<sup>243</sup> Most of Mexican defendants are presumably guilty, since the Mexican prosecutors and Judges are keen on appraising a growing public outcry over high crime rates and rising violence from the war on illicit drug gangs.<sup>244</sup>

Moreover, any legal system, Statist or not, founded upon or submerged in corruption, criminality, or violence is always struggling to legitimize its unjustifiable existence throughout the so-called "law of evidence", mostly confession snatched by torture or bargaining. The so-called "civilized man" has indeed no existence without the propaganda of legitimacy, including the POI, even in the case of torture.

Stevenson, Executive Director of the Equal Justice Initiative, has noticed that America burdens too many people with a presumption of guilt, because of their race, ethnicity, religion, nationality, and sometimes poverty, which mark them as someone to be feared and closely monitored.<sup>245</sup> Lewis and Stevenson have accordingly invoked *The Innocent Defendant's Dilemma* describing how it is an almost impossible burden for the indigents to prove their innocence.<sup>246</sup> Because of few resources for defense, they are trapped by a system presuming their guilt. Due to the fact that "*the odds seem hopelessly stacked against them, many innocent individuals reluctantly plead guilty to avoid the longest prison terms or even death. Innocent victims lose years in prison, face rejection because of criminal records, and many never reach their potential.*"<sup>247</sup> Such a burden is much more complicated or devastating in the so-called Global War on Terror.<sup>248</sup> Law Professor Sadat has accordingly argued that because the US Government calls the terrorists "unlawful enemy combatants", they are not entitled to the protections of the laws of war concerning their detention and treatment, on the one hand. The Government applies a presumption of guilt to anyone accused of terrorist acts – that the enemy combatant has to rebut in order to defeat her/his detention – under circumstances that difficulty result in the equality of treatment demanded by international law and US Constitutional principles, on the other hand.<sup>249</sup>



On the contrary, as Glasbeek, a Professor Emeritus and Senior Scholar at Osgoode has argued, entrepreneurs, their companies, and choices enjoy the POI. Asbestos, mercury, lead, iso-cyanates, vinyl chloride, DDT, thalidomide, fracking, off-shore oil drilling, nuclear power plants, unsupervised coal mining by hopeless people in Africa, peddling infant formula in poor countries without proper precautions, etc., are all presumably innocent. Assumptions about *“the virtuous nature of our private wealth generation regime and the attendant presumption of innocence mean that the regulatory balancing and bargaining takes place on a tilted field, tilted in favour of the so-called virtuous producers, guaranteeing that we will suffer more Westrays and Lac-Mégantic and thousands and thousands of unkind, hurtful, atomized cuts and harms. What is wrong with the assumed framework is that it assumes capitalism away.”*<sup>250</sup>

In reality, the corporate elites perfectly enjoy the POI, and consequently their crimes are largely unpunished or even unnoticed at all. In this case, law Professor Amai has truly emphasized a general perception about the powerlessness of the domestic jurisdictions as far as the control of multinational corporations is concerned.<sup>251</sup> In other words, the corporations, like the States, are supposedly innocent, and there are the legal professionals who must prove their criminality through unlimited debates and processes talking about social responsibility, individual responsibility, leader responsibility, the competence of jurisdiction, and so on. Professor Husak has accordingly examined how deferred-prosecution agreements (DPAs) used against suspected corporate criminality amount to a form of social engineering infringing the POI. He has concluded that this presumption widely *“construing it to oppose the imposition of penal sanctions on entities (natural or corporate) the state has not proven to be guilty of crime beyond a reasonable doubt. If this wide characterization is accepted, it should be clear that quite a few procedures in criminal justice infringe this presumption – in particular, the use of DPAs against corporate criminality.”*<sup>252</sup>

Law Professor McFarlane has argued that the POI relies implicitly on whiteness, which constitutes the category of people in the US entitled to privilege in accordance with white supremacy.<sup>253</sup> Hunt, another law Professor, has accordingly discussed that the US Supreme Court uses the rhetoric of *white innocence* (vs. *black guilt*),<sup>254</sup> which generates and perpetuates the myth of a racially “innocence of law” considering the legal landscape to be free of systemically racial biases.<sup>255</sup> It should thus be rational that Williams, Professor of law at Columbia University, has found out that thousands of presumptively innocent-until-proved guilty people are languishing in the stinking conditions of Riker’s Island, one of the largest penal colonies in New York capturing a daily population between 13,000 and 14,000. In other words, the inmates at this prison are not mostly convicts insofar as they are waiting for trial. They are actually poor people who cannot afford bail, and averagely spend 51 days there.<sup>256</sup>

Those myths are indeed struggling to either justify the legal system or declare it innocent in our unequal societies producing the different classes: underclass, middle class, and upper class.<sup>257</sup> As Dauvé put, the definition of politics relies on social inequality alongside the equality of rights.<sup>258</sup> Daily life in our unequal societies increasingly resembles the prisons, “*where they take the fingerprints of everyone born, where you walk through numberless metal detectors, where you are observed by electronic eyes, where the presumption of innocence has given way to the presumption of guilt.*”<sup>259</sup> Professors Milaj and Bonnici have currently stated that mass surveillance and data retention programmes in our society are challenging the classical understanding and safeguards of the principle of the POI. These forms of interference with the individuals’ private life question the fundamentals of a democratic society, undermine the role of this principle at the stages of a criminal process, and eventually compromise the very effectiveness of the legal system itself.<sup>260</sup> Based on the division of labour, the different classes have produced not only inequality before the law, but also the presumption of guilt for the poor in a world in which there are unlimited competitions for certain limited social, economic, political, or academic opportunities.

### 3.4 Conclusion

In its substance and form, the law is shamelessly devouring the poor and minorities while allowing the academic, political, legal, economic, and corporate elites to commit any type of crime against us, from robbing and imprisoning to murdering, destroying, and polluting the environment massively (e.g., Monsanto).<sup>261</sup> In our stratified societies, the legal system, as an essential part of State apparatus, works to educate and propagate obedience to the law and legal addiction, on the one side, and to oppress those who stand against capitalism and inequality, on the other side. Legal anarchism has therefore criticized both materialistic and psychological aspects of the law in our societies where, contrary to my law Professors’ eternal faith, the principles of fairness and independence of “public justice” are actually mythical. The legal system is proudly called “justice”, partly because human beings are too accustomed to hiding their injustice and corruption throughout certain beautiful words such as justice, democracy, freedom, and right that have almost no existence in humanity, governed by systematically devastating powers and lies.

Like the scale and intensity of State brutality, nobody will ever realize how many times the legal professionals have unjustly executed, punished, or plundered the people, groups, or nations. Nobody will ever realize how many guilty people have remained absolutely untouched or unpunished, thanks to their corrupt or ignorant attorneys, prosecutors, or Judges. Who knows about the quantity and quality of legal

professionals' monstrosity? Who cares about the pains of legal victims? Are the legal professionals and their teachers actually legitimate? Is their power legal when taking into account the despotism and secrecy of the law schools and the legal system altogether? Their legitimacy should be *per se* as unfounded as political authority to which we have to submit by either indoctrination or force.

The States have fabricated the law schools as well as lawyers to be good for all seasons so that they will work under any political and economic regime. They are able to work from the bloodiest regimes to the most swindler ones, such as USSR, Islamic Republic of Iran, Kingdom of Saudi Arabia, China, North Korea, Syria, Israel, US, UK, France, and Canada with its genocidal policies against the Indigenous Nations as well as its mystified and alienated immigration system. It seems that they have no sense of shame at all, and their so-called "legal ethics" is rarely anything better than verbiage or propaganda disguised by a pompous and sacred language.

Both law schools and lawyers seriously suffer from the "self-governance syndrome", since they fiercely resist any control or supervision from outside under the disguise of academic freedom and the autonomy of the Bar. There exists therefore no principle of checks and balances in legal education and lawyering, while other social organizations (e.g., labour unions) are doomed to meticulous control or severe punishment, according to circumstances, imposed by the public officers in the name of law and order. Nonetheless, the State preciously keeps its regal right to control or to manipulate legal education and lawyering for its own sake. Legal history has hitherto shown certain symbiotic relationships among the State, law schools, and lawyers, since one cannot exist without another one at all.

As a micro-social organization, the law school hierarchically reflects our Governmental society in which we have no right to decide about the subjects that directly concern us, because some initiated elites, selected by some invisible hands, decide about all things: Professorship, fellowship, scholarship, studentship, award, courses, conferences, etc. This despotic organization cannot really arrive at any democratic and fair point without its structural change, since its construction, governance, management, and education rely on inequality and hierarchy paralyzing mind to be free or to revolt against injustice. Legal anarchism may summarize the result of brainwashing the students with obedience to the law in these twisted biblical praise (Psalm 31:6) and American monetary motto: *In the Law and in the Lawyers we trust*. In spite of the attitude of few activist lawyers, the legal professionals are still struggling to rationalize or to legalize every type of evil like racism and sexism, since they are educated, instructed, lived, and paid for this purpose.<sup>262</sup> In fact, the legal profession has historically "*operated as an exclusive club of white middle-class men*"<sup>263</sup> who share the identical racist and sexist values.

On the contrary, one task of legal anarchism is to demystify legal indoctrination and to denounce legal slavery on both ideological and practical grounds. In this case, as Landstreicher argued, we need a type of “*critical thinking as an anarchist weapon*” whereby we examine the legal system, its arguments, assess, strengths, and weaknesses in order to be capable of grasping “*it and turn it to one’s own ends. This involves the capacity for recognizing fallacious reasoning and methods of manipulating language, facts and emotions.*”<sup>264</sup> God save us from the legal professionals!<sup>265</sup>

We are to revolt against colonial and hierarchical mentality in the educational system, which certainly includes the law schools, propagating “intellectual colonialism” or “white supremacy”.<sup>266</sup> In this regard, the educational system shall function as an instrument for liberating the oppressed people (such as the visible minorities and indigenous people) to become fully human.<sup>267</sup> Our revolt should start with a universal movement against the lawyers and lawyering, since they have reduced existence to either tragedy or theatre. This will be possible, if we think seriously about managing our lives and nature as well by our own powers and capacities without any Godfather/mother’s legalistic intervention. We should find our dignity against all lawyers, prosecutors, and Judges who decide for whole nature and us together.

In short, the movements of “anti-legal system” and “anti-lawyering” shall focus on our awareness of natural rights to exist and to live freely, autonomously, and harmoniously with each other and nature as well, without the legal professionals’ intervention, corruption, and criminality. Can the educational system and legal system arrive at this point peacefully? Is it possible to see a smooth passage from their dictatorship to real democracy without the dictatorship of highbrows? Finally, is it possible *to improve* the current legal system, law school, and lawyering? Your question seems like that: can we *improve fascism*? We cannot perhaps! As Legal anarchism is furthermore going to analyze, the stigmatization and repression of the radical movements by the State has proved that the system, including its powerfully legal system, does not tolerate any protest demanding a fundamental change.

## Chapter 4: State Stigmatization and Repression

*“As a military tribunal, this Tribunal is a continuation of the war effort of the Allied nations.”*

Robert Jackson, the Chief United States Prosecutor at the Nuremberg Trials<sup>1</sup>

### 4.1 Synopsis

Firstly, legal anarchism shows that Government violates its own democratic, legal, or judicial rules, particularly due process, and the freedoms of expression and assembly. Government also goes much further in its unlimited repression of dissidents (e.g., the environmental activists) by stigmatizing them as “anarchist” or “terrorist”. Relied on certain anarchists’ theories, especially Amster and Gordon, legal anarchism argues that three Government powers delegitimize and dehumanize themselves by persecuting and punishing all social protests that they label terrorism or a threat to national security. Government therefore becomes tyrannical and criminal, and denies or maximally reduces the opponents’ rights to protest against its authority and to have an independent and fair trial in a so-called liberal democracy. In this case, the State has “power” and not “authority”, because its power of repression does not rely on so-called legitimate violence, as theorized by Weber. Meliá, Capellan, and Porter suggest that State delegitimization constitutes an offence against democracy or extrajudicial punishment, because it erodes the democratic or judicial aspects of governance like the rule of law. Rocker, Shantz, Ellul, Goldstein, Goodell, and Bennett imply that delegitimization has historically increased parallel to the increase of State power to shut all political dissidents down. The cases of Haymarket, Gitlow, Abrams, USA Patriot Act, Rainbow Family, Critical Mass, and G20 Toronto Summit are classic and modern examples that prove State crime going hand in hand with State impunity.

Secondly, legal anarchism confirms that the State uses many types of street and underground repression: infiltration, agent provocateur, undercover police/informants, creative use of old laws, zoning restrictions, etc. It has also absolute power regarding the protest permit, matched with academic repression. For instance, Martin, Mitchell, Staeheli, the American Civil Liberties Union, and the National Lawyers Guild believe that the State arbitrarily defines “the acceptable protest”, and strictly controls or simply denies the protest permit, when academia enforces its own repressive rules against the dissidents (e.g., censorship, legal actions, and reprimands). Titarenko, McCarthy, McPhail, Augustyn, Fernandez, and Toronto’s Demonstrations and Rallies provide some American, Belarusian, and Canadian cases in which the States control and repress not only the permitted protesters, but also the non-permitted ones, including

the anarchists. These mechanisms of stigmatizing and repressing have resulted in police violence with almost absolute impunity, contrary to the principle of checks and balances that Rothbard calls an American fraud. Legal anarchism accordingly invokes the Leveller, Turk, Gelderloos, Lincoln, and Dupuis-Déri who demonstrate the partiality and dependence of the legal system, which also opposes the principle of checks and balances.

Thirdly, legal anarchism emphasizes that, contrary to certain highbrows' faith, the new age of liberalism has not decreased State authority, but increased it. Guess, Gondek, Wilson, Martin, and Rummel could consider the modern State as a criminal and exterritorial institution. The phenomenon of globalization of State conduct means that the modern State has both worldwide power and technology to criminalize, repress, attack, or kill like a terrorist organization in the War on Terror. Mathiesen gives some examples of State repression in the framework of the Schengen Convention, as the beginning of growing State power, especially after 9/11. In contrast to State violence against the dissidents that dramatically grows and is, according to Roots, profitable for the bureaucrats, anarchist violence remains either futile or non-lethal, as demonstrated by Dupuis-Déri, Futrell, Brents, and Graeber, among other scholars.

Fourthly, legal anarchism analyzes the issue of judicial legitimacy by comparing the iconic anarchists (e.g., Kropotkin and Goldman) with the State criminals (e.g., Saddam Hussein, Milosevic, and Karadzic). Unlike the State offenders, the criminal libertarians do not really put into question judicial authority depending on political authority. They simply remain too critical in their propaganda by the words, inflammatory speeches, or publications, but too silent in their propaganda by the deed during their trials. The famous anarchists would nonetheless enjoy judicial or legal tolerance, contrary to the unknown anarchists or to the ordinary people. Despite the extreme harmful effects of State crime on humanity and nature, which Rothe calls "the crime of all crimes", the State criminals profit ironically from impunity or lenient punishment. If there is any exceptional trial of the State losers, they enjoy certain legal, judicial, or political advantages, such as luxury prisons and free legal aid covering the cost of their expensive lawyers.

Fifthly, legal anarchism examines the issues of State responsibility. Contrary to the forced tribunals for the libertarians (e.g., Koch and Plante), the "criminal wrongdoers" – a beautified concept used by Tanguay-Renaud – or criminal Governors have rarely been subject to judgment. Many legalists, including Crawford, confirm that State law can difficultly prove State responsibility! In other words, the Governors enjoy impunity in committing any form of criminality, because neither national law nor international law is willing or able to persecute, judge, and eventually punish them, except in the case of the State losers or the small States. The Bush family, Blair, and Obama constitute some typical examples in this case, because

they have *illegally* attacked and occupied other countries resulting especially in mass murder and torture. In addition, the State criminals profit absolutely from the knowledge and experience of the best and the most prestigious and expensive law Professors and lawyers (e.g., Bassiouni, Vergès, Ramsey Clark, and Al-Nuaimi), empowered by the economic, political, legal, or judicial obstacles of punishing State crime: *actus reus*, *mens rea*, just war theory, international arrest warrant, extradition, etc.

Sixthly, legal anarchism concludes that State repression and hegemony are not hopefully infallible. As Beggan and Shantz suggest, the dissidents and anarchists are incessantly adapting their strategies to or challenging State violence. For instance, they use the new tactics and the new modes of communication like the Internet. Endless resistance, revolt, and revolution continue consequently coming into existence: the temporary autonomous zone (TAZ), squatting, Occupy Movements, Whistleblower Movement, Arab Spring, etc.<sup>2</sup>

## **4.2 The Mechanisms of State Control: State Repression v. Protest Permission**

On the one side, the State enjoys stigmatizing, criminalizing, and repressing its opponents in the name of sovereign authority, State security, or even democracy, without actually limiting itself to any law. In this case, there is no State accountability or reliability at all, contrary to what some legalists are preaching to us. On the other side, the opponents need State permission to protest against State crime! This permission can either strengthen State repression itself or, at least, allow it to function properly. In other words, the State permits or tolerates any protest as long as its Governors' life and interest is not in jeopardy. As a result, the eventual protesters can only beg State permission as long as they will remain on the Papa State's playground.

Ironically, the Governors who pretend to fight against terrorism or anarchism are themselves criminals against humanity and nature or war criminals. At the same time, the ordinary people must be suspected, controlled, watched, spied, insulted, humiliated, beaten, raped, tortured, massacred, plundered, taxed, prosecuted, judged, punished, or expropriated according to circumstances, but certainly according to the rule of law! Nevertheless, these suspects must legally obtain the Papa State's permission to protest! This is really a shameful act for those, especially the legal professionals, who either justify or apply such a terrible rule.



## 4.2.1 Absolute Power to Repress

Firstly, legal anarchism is aware that the concepts of “stigmatization”, “repression”, and “criminalization” are broad, interconnected, and paradoxical aspects of “social control”,<sup>3</sup> even though there are, as mentioned in the Chapter 2 by the anarchists, some differences between the State and the society.

Secondly, stigmatization and repression are larger than criminalization, because they can apply without any legislative or judicial intervention, but by the executive or the army. According to this interpretation, the State has absolute power to repress, because it needs neither judicial nor legal restriction so that it delegitimizes its own authority.

Thirdly, legal anarchism regards those concepts as an act of dehumanizing, isolating, or marginalizing an individual, group, or organization by giving it social, political, or legal labels, such as conspirator, terrorist, hooligan, deviant, anarchist, urban guerrilla, and devil.<sup>4</sup> State apparatus consequently becomes able to crush any protest down through a very complex process. In this case, moral panic, propaganda, systematic lies and falsification, the prohibition of association and mobilization, the restrictions of movement, protest permit, harassment, police violence, murder, arrest, detainment, imprisonment, and fine are routine. At the same time, all State apparatuses (intelligence and espionage agencies, among others) enjoy unlimited powers, from torture to murder, in order to stigmatize and control any dissident movement outside Governmental ideology and interest. The State also has the power of putting into practice “preventive repression” to perform this task when it comes to oppressing social movements. This certainly includes the anarchists’ activities, even though their violence remains much less intense in comparison to other political activities (e.g., the anti-abortion organizations and the extremist groups) and State violence itself.<sup>5</sup>

If legal anarchism principally gives some Western examples in this case, we should keep in mind that “*all states are repressive*”<sup>6</sup> by nature. If we accept that humanity is naturally violent, its fabricated institution, i.e. so-called Government, would equally be repressive. Moreover, the coercive States tolerate no rivals because they respond to all threats through political repression at all levels.<sup>7</sup> As a result, criminal prosecutions and trials normally await protesters.<sup>8</sup> Furthermore, as Professor Beggan has implied, the different types of State repression impact various forms of violence differently, hence varied outcomes to repression may result not only in the nature and type of repression, but also in the form of tactics or violence adopted by the dissidents to combat them.<sup>9</sup> State criminalization, as an instrument of governance, works crudely and expensively, since it relies on deploying the police, army, and legal system against the

citizens.<sup>10</sup> The States consequently violate human rights in order to keep power and control their populations.<sup>11</sup>

Despite the fact that some scholars believe that State power has reduced in the age of neo-liberal globalization of capital, people,<sup>12</sup> culture, human rights, and social protest (e.g., anti-globalization movements or alter-globalization),<sup>13</sup> the States have still kept their non-lethal as well as lethal powers (i.e. the legal system, police, and army).<sup>14</sup> Professor Geuss has accordingly noticed that the modern States have become an object of fear insomuch as their powers seem to grow so dramatically, when Professor Gondek has analyzed “extraterritorial State conduct” in “the worldwide fight against terrorism”.<sup>15</sup> As for Professor Martin, he has truly argued that the best teachers of terrorists are the States: attacking without any declaration of war, attacking civilians, indoctrinating intense loyalty and a willingness to die for the cause, etc.<sup>16</sup>

Johansen has judiciously argued that the punishment of opponents of the State constitutes one form of State violence.<sup>17</sup> What Professor Wilson says about the criminal justice’s reaction to “social protest” is likewise applicable to the Governmental stigmatization (particularly by the term “terrorism”) and repression of the anarchists: “social control is the process of labelling and treating dissenters as deviants. This process will be referred to as criminalization. (...) Criminalization is a denial of the political status of acts and affirmation of their deviant character.”<sup>18</sup> Such a political denial enables the legal system not only to repress the libertarian ideas and movements, but also to refuse them the enjoyment of freedoms and rights (particularly the freedom of speech, the freedom of movement, and the right to a fair trial), which are traditionally written in a sacred code: the Constitution. As a result, the stigmatization and repression of libertarianism goes hand in hand with the delegitimization of the State itself. On this oppressive path, political authorities have monopolized legal powers, because they decide what is crime, who is criminal, and the quality and quantity of control and punishment.<sup>19</sup>

For instance, the Schengen Convention of 1990 created the “Schengen Information System” (SIS), which is a search-and-control database in Strasbourg with identical national databases in all of the participating States. The article 99 of this Convention has established discreet surveillance of political behaviour, while the article 93 has specified the purpose of the SIS: “to maintain public order and security, including State security, and to apply the provisions of this Convention relating to the movement of persons, in the territories of the Contracting Parties, using information transmitted by, the system.” As the largest border control and police information system in the world aiming to repress the criminals actively as well as proactively, the SIS has become *biometric*. The political results of such a Governmental control in the emergence of

European governance are chilling.<sup>20</sup> Legal anarchism can here invoke Professor Mathiesen's two examples of the State control of political movements in the EU:

*"In September 1998 it was reported that a Greenpeace activist who had protested against the French nuclear armament tests in 1995 was declared unwanted in France. For that reason she was barred entry into Schengen territory at Schiphol Airport in Amsterdam. The decision was made pursuant to Article 96 in the Schengen Convention, concerning unwanted aliens.*

*Several Norwegian demonstrators who were arrested and deported during or after the EU summit in Gothenburg, Sweden, in June 2001 (and who had done nothing wrong except be there), were addressed by Swedish police officers with a gleeful "Welcome to Schengen!" Whether they were actually entered in the system is uncertain; at least, Schengen was used as a serious threat."*<sup>21</sup>

Professor Mathiesen has also argued that his examples are *"from the recent past, and they are only the beginning. The September 11, 2001 onslaught on the World Trade Center and the Pentagon in the United States spurred a feverish activity the world over in designing new systems, rules, and regulations for the prevention of terrorism, and in investing existing systems, such as the ones I have described, with new powers."*<sup>22</sup>

Border controls such as these are often justified as necessary because of the nature of the protests. For instance, Blair, former British Prime Minister, perfectly stigmatized the anarchists during the protests of the EU Summit in Gothenburg in 2001: *"This effectively is an anarchists' travelling circus that goes from summit to summit with the sole purpose of causing as much mayhem as possible."*<sup>23</sup> In spite of his own war crimes, he believes that the people have no right to engage in "undemocratic anarchy", but in "peaceful protest" that he describes as an essential part of democracy, violent protest therefore has no place in democracy.<sup>24</sup> I put Blair's belief into question for three reasons.

Firstly, as Professor Martin has already argued, challenging the status quo is not an easy business, since the dominant groups possess various tools to limit the effectiveness of challengers: promoting a narrow concept of "acceptable protest" and using Governmental repression. Moreover, the usual discussions of "peaceful protest" do not acknowledge the vital role of such a repression. The awareness of this repression highlights the narrowness of limiting the actions of protesters to the immediate moral and legal context in which they occur. Instead of analyzing protest only in terms of rights, we should take into account the social context in which all legitimacy, action, non-action, violence, and non-violence are at stake.<sup>25</sup>

Secondly, what does Blair mean by "undemocratic anarchy"? What would "democratic anarchy" be? Does Blair eventually accept a type of anarchism (i.e. democratic anarchy)?

Thirdly, democracy is not proof of innocence. Two extremely democratic States preaching peaceful protest have attacked and occupied Iraq with propaganda and false documents. Archbishop Desmond Tutu, a Nobel Peace Prize Winner, has thus called for judging Blair and Bush at the ICC for lying about the WMD of the Iraqi Government. The invasion has left the world more divided and destabilized than any other conflict.<sup>26</sup> In short, they accuse these Statesmen of committing several offences according to ICL, including *the crime of aggression, the crime against peace, the crime against humanity, and torture*.<sup>27</sup> As far as legal anarchism is concerned, it doubts that the ICC will prosecute, judge, and eventually punish these Governmental criminals, because of many legal and political obstacles: the USA does not recognize the authority of the ICC, the UK's capacity to investigate the allegations itself, and so on.<sup>28</sup> In reality, the ICC has hitherto become a Western tool of neo-colonialism and an eagerly hunter to judge and to punish the African war criminals rather than the Western ones who are declaring to bring "*freedom and democracy to the Middle East*" in order to "*be a crushing blow to the forces of terror and the terrorists*".<sup>29</sup> In this sense, Professor Comfort's statement in 1946 should remain very significant:

*"Few people can remember what it was like to be sane, to live in a world where one could not earn a decoration for butchering a few thousand civilians, where a good many national heroes would have qualified for the gallows and the mental hospital, and where a single news bulletin of the present time would not have produced nationwide nausea and vomiting."*<sup>30</sup>

As for President Obama, Nobel Peace Prize Winner in 2009, his administration won another battle in fighting the War on Terror through detaining indefinitely, without a trial, foreigners and US citizens suspected of terrorism under the National Defense Authorization Act (NDAA). Indeed, the American Congress annually authorizes the budget of the Department of Defense by a NDAA. As far as the NDAA of 2013 is concerned, Senator Rand Paul has argued that the NDAA violates the constitutional right to habeas corpus.<sup>31</sup> Moreover, many people criticize Obama's Nobel Peace Prize because, especially, of his defense of "Just War" as a "Wartime President", attacking and invading Libya, bringing total war to Syria, paying Kenya and Ethiopia to attack Somalia, supplying bombs to Saudi Arabia to use on Yemenis, drone war, and the escalation of the wars in Afghanistan and Iraq killing plenty of civilians.<sup>32</sup> As mentioned in his Nobel speech, he is an excellent War President, not an anti-war one: "*Perhaps the most profound issue surrounding my receipt of this prize is the fact that I am the commander-in-chief of the military of a nation in the midst of two wars*".<sup>33</sup> He is obviously the military king of a highly bellicose nation with the perpetual wars that would violate its own holy rights and freedoms.<sup>34</sup>

In the wars against terrorism and anarchism, State authority, power, or security does not recognize any limit in controlling and repressing physical as well as psychological spheres, while it is permanently evolving parallel to the progress of control technology, lethal as well as non-lethal, and militarization. For example, we can observe temporary ordinances, fire codes, creative use of old laws, zoning restrictions, closing public space, police preparation and planning, infiltration, agent provocateur, undercover police/informants, spy, police riots, mounted police, military police, militarization of policing, kettling, police dash-cams, body worn video, rubber bullets, Taser, tear gas, gas mask, riot protection helmet, pepper spray, long range acoustic device, water cannon, police dogs, attack dogs, helicopter, armored fighting vehicle, moral panics made by the mass media, and isolating dissident movements.<sup>35</sup>

Besides those types of street and underground repression, there are other types of repression as Professor Martin has explained, many of which relate to academia as usual. They constitute the censorship of writing, blocking of publications, appointments, promotions, withdrawal of research grants, denial of research opportunities, forced job transfers, reprimands, legal actions, ostracism, harassment, dismissal, blacklisting, and spreading of rumors.<sup>36</sup> Other researchers have found academic oppression, the militarization of higher education, policing the campus, in-class arrests, metal detectors, random locker searches, drug-sniffing police dogs, and security guards at every major entrance in the Age of 9/11 and Occupy.<sup>37</sup>

In spite of the sophisticatedly brutal mechanisms of State control, technology has paradoxically helped the individuals, groups, organizations, as well as social and political movements, which include the anarchists, to spread their messages throughout the world, thanks to its nearly cheap, accessible, decentralized, and non-hierarchical characteristics. Nevertheless, running with technological gallop, the States are targeting mercilessly and increasingly the Internet and telephone through control, censorship, spy, and repression, mostly under the pretext of fighting against terrorism in their crusade for the Global War on Terror. These targets concern not only the governed but also the Governors or the States themselves: State-eat-State.<sup>38</sup> For instance, Citizenship and Immigration Canada, a gigantic organization of manipulation and propaganda, crushed down a non-Governmental and peaceful website ([www.NotCanada.com](http://www.NotCanada.com)) denouncing the terrible condition of non-white immigrants in Canada, accompanied with the perfect mutism of the mass media. It was actually guilty of truly denouncing the lies, fraud (such as *brain drain* and cheap workers), corruption, and racism of the Canadian Government as well as the Canadian society vis-à-vis the non-white immigrants who must become simple workers or dependents on social welfare despite their knowledge and experience.<sup>39</sup>

In contrast to the libertarians who want to free the Internet from State intervention, the lawyers are struggling to put it among the hands of lawmakers, Governors, Judges, or cops. In this case, David Post, a Professor at Temple University Beasley School of Law, is too scared about the state of nature in cyberspace (i.e. *cyberanarchy* with its consequences such as cyberterrorism and cyberwar) in his crusade for preserving Internet governance.<sup>40</sup> He is thus writing abundantly about the regulation of cyberspace in his crusade against cyberanarchy.<sup>41</sup>

Finally, legal anarchism can point to the ways that the States themselves generate cyberanarchy by becoming cybercriminals in so-called cyberwarfare when doggedly preserving their so-called authority and security. For example, the Iranian State blamed the USA and Israel for creating and executing the Stuxnet computer virus attacking Iran's nuclear program in 2010. The Mullahs' regime would later mount a series of disruptive computer attacks against the principal U.S. banks and other companies in apparent retaliation.<sup>42</sup> The US and North Korean Governments have recently played another scenario in this case.<sup>43</sup>

## 4.2.2 Begging Permission to Protest Against State Violence

Contrary to unlimitedly State oppression, the citizens must beg permission to contest against State violence. Demonstrating in the District of Columbia in the USA is a significant example in this case. In 1982, the American Civil Liberties Union reported that a variety of rules, which depend on whether the location is under the control of the D.C. Government, the Capitol Police, the National Park Service, or some other federal agency, govern the demonstrations. The District also controls who issues the permit, if necessary, who provides police protection, whose set of rules controls, and where the demonstrator is taken if arrested.<sup>44</sup> The National Lawyers Guild has found a difference between what the police on a specific occasion are permitting a demonstrator to do, and what she/he is legally allowed to do in a theoretical sense.<sup>45</sup> Professors Mitchell and Staeheli, two specialists in political geography, argue that the city's permit denials have become quite normal, and take part in "*a changing legal geography of dissent that has developed – through struggles on the street and in the courtroom – over more than half a century.*"<sup>46</sup>

Looking at public protests and State repression in Minsk during the 1990-1995 periods showing a part of the transition from communism to capitalism, Professors Titarenko, McCarthy, McPhail, and Augustyn have found out a new State mechanism of prohibiting and channelling public protests, especially by permits for protest events requiring many days in advance. It also gave the right to arrest the non-permitted or illegal protesters to the police. The State actually found a new weapon in controlling and repressing public protest through the institutionalization of the permitting system. Refusing permits for

protest, stalling in issuing permits, and imposing serious restrictions on time, place, and manner generate a far subtler mechanism for oppressing public protest than physical oppression.<sup>47</sup>

As far as *Demonstrations and Rallies* in the City of Toronto are concerned, we see, on the website of this City, the following instructions:

*"If you are planning on holding a Demonstration, March or Rally you should fill out a Notice of Demonstration form and submit it to the Toronto Police Services for review. (...)*

*Checklist:*

*If you are planning on using a City of Toronto property such as a Civic Square or Park you will need to speak to the Division that permits that particular space.*

*If using a Private venue you must have approval from the Property Owner.*

*Contact Toronto Police services and complete a Notice of Demonstration form. Please note this form is to ensure public safety.*

*Provide insurance certificate from your organization as required by the property owner.*

*Suggested Timelines/Deadlines:*

*2-3 weeks prior to Demonstration."<sup>48</sup>*

It seems that the Canadian protest permit and social protest are, at least theoretically, more conservative or restricted than the American ones, because, as Danyliuk notices, the Canadian Constitution relies on "*peace, order and good Government*" (POGG), while the American Constitution recognizes "*life, liberty, and the pursuit of happiness*" (LLPH).<sup>49</sup> As a result, Danyliuk coolly explains, the Governments and police officers are able to restrict our right of assembly, if it is not naturally peaceful. Moreover, the police services have wide discretionary powers at our assembly or protest, because our rights are limited, subject to restrictions, and must be reasonable. We can only disagree and see a Judge in order to decide.<sup>50</sup> In other words, we must go to a judicial battle in which a good Judge, who takes part in good Government, will say us what is our fate in protesting during our pursuit of happiness! Does the Judge, which could imply the Bible (Titus 2:12), teach us to say "no" to protest and street passions, and to live self-controlled, upright, and governmentally lives in the status quo? Is not Passamani right to say that the freedom of speech "*is a lie*" because it only reinforces "*the power of those who have the authority to grant it or recognize it*"?<sup>51</sup>

A "protest permit" or "parade permit" not only highly recognizes property rights by demanding the property owners' permission, but also strengthens police power by giving a *right* to the police officers to crush down any demonstration while imposing an *obligation to obey* over all protesters.<sup>52</sup> In spite of our supposedly "constitutional", "regional", and "international" freedoms of assembly and expression taking part



in the so-called right to protest,<sup>53</sup> worshiped by the legalists but ... by the cops and Governors as well, every protester is possibly a terrorist so that we are all potentially criminals according to Governmental politics.<sup>54</sup> As a result, the unarmed and peaceful protesters against capitalism and Governmentalism must face a wild band of law enforcement agencies. Another seasoned band of prosecutors, Judges, and lawyers support these agencies armed to the teeth. They are working either to prove that the police have *democratically* and *constitutionally* repressed a group of so-called anarchists or terrorists, or to undermine the truthiness and sincerity of the plaintiffs. In other words, the second band is responsible for covering up or to justifying the brutality of the first band according to law and order through so-called legal reasoning, which really provides a POI for the police officers and a presumption of guilt for the demonstrators. In this case, I would invoke Camus' statement in *The Rebel*: "Through a curious reversal peculiar to our age, it is innocence that is called on to justify itself."<sup>55</sup>

Police violence is systematically permitted or practically tolerated, while the legal professionals are real specialists in proving that the cops have *legally* acted and, therefore, their repression has been done in the frame of the law, nothing outside the law, but all inside the State's Bible, Tanakh, or Quran that we are accustomed to calling the Constitution: "It is You we worship and You we ask for help." (Al Fatihah 1:5) In fact, the protesters have supposedly committed mischief, trespassing, jaywalking, disobeying a lawful order, failure to disperse, property destruction, etc. In other words, the protesters are criminalized, while the State officers and the police-industrial complex purified.

Professor Fernandez has judiciously found out that *Crowd Management and Civil Disobedience Guidelines*<sup>56</sup> provides nearly 150 possible offences for the police officers to arrest the protesters, including the anarchists.<sup>57</sup> In *POST Guidelines: Crowd Management, Intervention, and Control*, California Commission on Peace Officer Standards and Training has largely and too negatively defined an anarchist: "a person who uses unlawful, violent means to cause disorder or upheaval."<sup>58</sup> The academicians would call this phenomenon "overcriminalization". As a result, no officer is reliable for any crime during any public demonstration, even the murder of an innocent person, Ian Tomlinson, killed on his way home from work by a police officer during the 2009 G-20 summit protests in London.<sup>59</sup> This really constitutes a form of "*la violence gratuite*", as the French describe it, most often performed by the cops against ordinary citizens.<sup>60</sup> The cops, heavily equipped and militarized, have absolutely proved to be able to kill the non-violent or unarmed people while profiting from almost absolute impunity, as, for example, they have recently done in the USA where they repress protests and prosecute the War on Crime in a racist and bloody manner.<sup>61</sup>

Unlike the dominant ideologies matching the permitting system, the anarchist ideologies have scarcely found any comfortable opportunity for expression, thanks to Governmental and even societal repression and censorship coming from the criminalization of anarchism and the very bad reputation of the anarchists itself. The history of anarchism is indeed a history of systematic stigmatization and oppression through propaganda, deception, police brutality, biased and corrupt justice, execution, murder, torture, jail, deportation, fine, and recently Internet censorship and repression, regardless of real or fictive anarchist violence and threat to law and order. The Black Blocs have accordingly become one of the best anarchist targets for the State and the mass media to describe, for example, breaking windows and plundering shops during demonstrations. On the contrary, they are usually a minority of the rioters (*casseurs*) committing non-lethal violence,<sup>62</sup> which is absolutely the opposite of the police and army. In this case, one member of the Black Blocs said: *“the Black Bloc is the one telling the states, you don’t have the monopoly of force anymore, because the people have the power. You can have the guns, but we have the power.”*<sup>63</sup> Sociologists Futrell and Brents accordingly argue that contemporary social movements with close ties to the American left have almost unanimously condemned violence against both people and property as terrorism.<sup>64</sup> About the corporate media’s presentation of violent protest, Professor Graeber has believed that the American media is probably the biggest criminal, because two years of increasingly militant direct action show that *“it is still impossible to produce a single example of anyone to whom a US activist has caused physical injury.”*<sup>65</sup>

Nevertheless, the fear of that anarchist minority is enough for the law enforcement agencies or even the army to brutalize or criminalize indiscriminately those who demand liberty, justice, equality, a clean environment, and animal rights. The State consequently violates its own rules to the detriment of the so-called fundamental “right to security”.<sup>66</sup>

### 4.3 Delegitimization: The State Against Its Own Rules

*“We have entered a period in which it must finally be recognized and admitted that criminal justice systems in Western liberal democracies are neither, in any real or meaningful way, about justice nor, even, about crime.”*

Jeffrey Shantz<sup>67</sup>

As far as the concept of *delegitimization* is concerned, Professor Amster has inspired legal anarchism. He uses “delegitimation” by which the anarchists weaken the legitimacy of the State and capitalism insofar as the latter do not respect their own rules while unjustly imposing their power.<sup>68</sup> For instance, when it comes to the legitimacy of State intervention, the UNODC has noticed that *“An effective and prevention-focused response to terrorism should include a strong criminal justice element: one that is guided by*

a normative legal framework and embedded in the core principles of the rule of law, due process and respect for human rights.”<sup>69</sup> Professor Gordon describes delegitimation as “anarchist interventions in public discourse, verbal or symbolic, whose message is to deny the basic legitimacy of dominant social institutions and eat away at the premises of representative politics, class society, patriarchy and so on.”<sup>70</sup> It takes in a part of other myriad projects and actions that the anarchists undertake, which are direct action, both creative and destructive, and networking.<sup>71</sup> Professors Capellan and Porter have accordingly argued, because the States coerce, we shall see State repression as “an extrajudicial type of coercion for the purpose of deterring specific activities and/or beliefs perceived to be challenging to government’s legitimacy.”<sup>72</sup>

It nevertheless seems that “delegitimization” is a paradoxical concept in accordance with an anarchist approach. On the one hand, a libertarian thinks that political authority cannot be legitimate because of either the lack of common consensus, or political propaganda and indoctrination. The State is therefore an illegitimate institution governing by enforcing the laws. In this sense, there is no question of delegitimization, because there is no legitimacy on which political authority has supposedly relied. Such an approach may however be relative, since the State has itself “the monopolized authority to define justice,”<sup>73</sup> and by which it represses its dissidents. On the other hand, if a libertarian recognizes the concept of delegitimization, she/he implies the legitimacy of the State and its legal system (especially the Constitution) as well. We will later find such a dilemma in *Judicial Legitimacy: The Anarchists vs. the State Criminals*.

Delegitimization goes hand in hand with political and judicial repression. In *Terrorism and Criminal Law: The Dream of Prevention, the Nightmare of the Rule of Law*, Meliá, Professor of criminal law, has argued that in many despotic States, there is a coexistence of a formal criminal law to fight crime with intelligence and the law enforcement agencies engaging in illegal activities as well. As for the democratic States, “the logic of enemy criminal law” has already led to undermine the rule of law.<sup>74</sup> In this case, the anarchists have become both “scapegoat” and “suitable target” insomuch as they are demonized, numerically weak, mostly unorganized, and at odds not only with each other but also with other political movements.<sup>75</sup> Delegitimization can take part in a large process of State crimes against democracy (SCADs), since it undermines the democratic institutions.<sup>76</sup> In this sense, is not the State itself criminal or even “anarchist” because of rejecting its own regalian rule?

In fact, the States violate their own legislation that are supposed to protect individuals and groups against tyranny and repression. The Statists or legalists ironically consider any attempt to define State terrorism in accordance with domestic law as counterproductive. As a result, the Statesmen/women easily violate their own laws, enhance “temporary measures”, or imply “emergency” in order to justify the

suspension of their laws, while international law has not codified the terrorist activities of Statesmen/women as “illegal acts” yet!<sup>77</sup> In this case, all anarchist or radical claims for justice, equality, or the clean environment are *de facto* or *de jure* crimes and consequently punished throughout the securitization of public claims. Professor Shantz has accordingly noticed that the criminalization of dissidents includes not only a legal crackdown on activists and their groups, but also “*the use of the repressive legal apparatus to keep disparate possible forces of dissident from ever joining together in common cause: classic divide and conquer tactics.*”<sup>78</sup>

As a result, we must obey the Governors, since the State, as the Bible could imply (Psalm 94-1), acts like a God avenging.

Professor Ellul argued that “*the more organized the state becomes, the more its institutions become streamlined and its economy planned, the more it becomes necessary to eliminate the politically mature citizen who is independent and thoughtful and acts on his own.*”<sup>79</sup> Rocker had accordingly noticed that every political power struggles to subjugate all social groups to its control and, when it seems advisable, to suppress totally them.<sup>80</sup> In this sense, Professor Goldstein has found out that the State grossly discriminates against organizations or individuals who are supposed to be a fundamental challenge to Governmental policies, because of their political beliefs.<sup>81</sup> Professor Bennett has thus noticed that the wide range of definitions of political prisoners depicts the history of the USA as “*a history of political trials and imprisonment.*”<sup>82</sup> Goodell, a lawyer and lobbyist, had argued that “*civil disobedients and victims of repression are political prisoners, even in America.*”<sup>83</sup> If civil disobedience is essential to democracy, as Goodell believed,<sup>84</sup> the American legal system is hardly better than an authoritarian legal system. For instance, Goodell described the 1968 Federal Anti-Riot Act as an unconstitutional law.<sup>85</sup> It punished those who encouraged or even talked about civil disobedience, and consequently led federal and local authorities to violate the rights to privacy, free speech, assembly and association, equal protection of the laws, reasonable bail, and fair trial.<sup>86</sup>

Several anarchist events (such as the *Haymarket* and *Abrams* cases) have accordingly shown how a State, i.e. a self-proclaimed and exclusive but too aggressive provider of liberty and democracy around the world, ignores its own legal and judicial rules (particularly the right to protest and due process) when it comes to repressing its opponents. It stigmatizes them as dangerous and violent people in order to survey, control, spy, infiltrate, provoke, execute, insult, beat, rape, torture, imprison, fine, or deport according to circumstances. Ironically, the more a so-called democratic State becomes criminal, the more it enforces repressive laws, and the less it consequently respects its legal rights and freedoms. The repression of

anarchists has accordingly proved the increase of State power against dissidents, such as labour movements, in both historical and modern delegitimization.<sup>87</sup>

### 4.3.1 Historical Delegitimization

Bennett had truly stated that “*the political heretic is treated just as intolerantly as the religiously orthodox had treated the religious heretic, individuals have historically tried to advance justice and democracy by violating laws, or by advocating the violation of laws, or even by being perceived as violating laws, and always by questioning orthodoxy.*”<sup>88</sup> America’s first Alien Act, passed by magistrates in 1637, is a typical example. As the “spiritual relative” to the Alien Act of 1903 targeting the anarchists, the Act of 1637 forbade the entrance of immigrants “*who might be dangerous to the Commonwealth.*”<sup>89</sup> The Act of 1903 would criminalize the believers and advocates of anarchism, which meant the forceful and violent overthrow of the US Governments or all Governments. In the wake of this Anarchist Exclusion Act, John Turner, an anarcho-communist, was arrested, denied a lawyer, held in a nine by six foot cage as a wild animal, and eventually deported to England. The US Supreme Court regarded him as an undesirable person, and therefore declared his trial had been constitutional, because his opinions were so dangerous to the American people.<sup>90</sup> By certainly the help of the scientists, will the States arrive at detecting our revolted thought in order to repress us in our Big Brother Watching society in which thought is potentially criminal and consequently punishable (i.e. “thought crime” or “crime Ideology”)?<sup>91</sup>

In *Global Anti Anarchism: The Origins of Ideological Deportation and Suppression of Expression*, Professor Kraut has explained the root of the Immigration Act of 1903. Enforced after President William McKinley’s assassination, the anti-anarchist regulations of the Act not only took part in the reactionary measures in the wake of a national tragedy, but also echoed the xenophobic nature of antiradicalism in the USA as well as the failure to make a difference between ideology and action. The Act supplied a blueprint for ideological deportation and exclusion throughout the twentieth century. Each new additional deportation or exclusion category of foreigners corresponds to the ideological conflicts and internal suppression during the Cold War as well as the War on Terror, and reveals a deep and persistent fear of freedom of speech and foreigners in America. These regulations have also transformed the identity of anarchists from violent criminals to free speech defenders,<sup>92</sup> which could signify certain public demonstrations or endlessly academic and political verbiage in *les cafés bourgeois* and the classrooms looking more like sex shops than rebellious places. It should not be useless to remind that Teachout, Professor in Fordham University School of Law, explains how some American anarchists (such as Emma Goldman and Abrams) and academics have accidentally created “Corporate Speech Rights”.<sup>93</sup>

The *Haymarket* affair in 1886 is another salient example of the paradoxes and shameful sides of a so-called democratic system. The system reacted against anarchist through police brutality and a biased Judge, Joseph E. Gary whose verdict was upheld by both the Illinois State Supreme Court and the US Supreme Court, which is really a sacred legal institution in the USA or even in the world. The prosecutor, Attorney Julius S. Grinnell, declared: “*Law is on trial. Anarchy is on trial. These men have been selected, picked out by the Grand Jury, and indicted because they were leaders. There are no more guilty than the thousands who follow them. Gentlemen of the jury; convict these men, make examples of them, hang them and you save our institutions, our society.*”<sup>94</sup>

There is a popular and academic consensus to regard eight Chicago anarchists as the innocents and the victims of a corrupt justice containing numerous irregularities. Firstly, the legal system did not try separately the accused anarchists as they asked. Secondly, the partial Judge hated libertarian ideas. Thirdly, the selection of the jury was both unconventional and biased. Fourthly, evidence came from dubious sources without warrant. Fifthly, the witnesses were coerced, bribed, or inconsistent. Finally, the legal system judged words and not deeds insomuch as it could not prove the identity of bomber.<sup>95</sup> Judge Gary indeed condemned the anarchists on the grounds of their propaganda by the words or “*inflammatory speeches and publications*” encouraging the bomber, rather than their propaganda by the deed.<sup>96</sup> As a matter of fact, the Haymarket Memorial recognizes that “*In the aftermath, those who organized and spoke at the meeting – and others who held unpopular political viewpoints – were arrested, unfairly tried and, in some cases, sentenced to death even though none could be tied to the bombing itself.*”

In spite of those elements of State repression presented by many scholars, Messer-Kruse, Professor in the School of Cultural and Critical Studies at Bowling Green State University, argues that those anarchists took part in an international terrorist network and hatched a conspiracy to attack police with guns and bombs on May 4, 1886. That tragic event was not the product of the legal system hanging four anarchists (George Engel, Adolph Fischer, Albert Parsons, and August Spies)<sup>97</sup> and imprisoning three others (Oscar Neebe, Michael Schwab, and Samuel Fielden). It was largely due to the incompetence of the defendants’ lawyers who did use the trial to vindicate anarchism, rather than saving the lives of their clients.<sup>98</sup> Professor Messer-Kruse nevertheless implies that the trial was absurd in accordance with current due process. Since, according to the standards of the Gilded Age (i.e. the seating of jurors who openly disliked anarchists, the use of undocumented provenance and of evidence seized without warrant, the inflammatory display of anarchist placards and flags), the trial and the jury were fair and representative, while the evidence overwhelmingly established most of the defendants’ guilt.<sup>99</sup> He may thus imply that the



Governmental repression of opinion is irreproachable in time, but not necessarily fair according to the future standards! In other words, delegitimization is relative according to time! This relativity is however masquerading insofar as John Peter Altgeld, the Governor of Illinois, would pardon three anarchist survivors in 1893, while assailing Judge Gary “for conducting the trial with “malicious ferocity”.”<sup>100</sup>

The American justice would later match the *Red Scare*, supplemented recently by the *Green Scare*,<sup>101</sup> which continued to ravage after hanging the anarchists of Chicago and to mingle with *the international campaign against anarchist terrorism*.<sup>102</sup> For example, *Abrams v. United States* depicts not only a biased justice fighting against the freedom of speech guaranteed by the First Amendment to the Constitution, but also the torture and murder of Jacob Schwartz by the police under the wartime Sedition Act of 1918. The legal system convicted the defendants on the basis of two leaflets printed and distributed in New York City in 1918: *The Hypocrisy of the United States and Her Allies, Workers: Wake Up*. The first leaflet denounced the sending of American troops to Revolutionary Russia. The second leaflet, written in Yiddish, denounced the war as well as American efforts to impede the Russian Revolution of 1917, and encouraged the cessation of producing weapons used against Soviet Russia. Judged by the Federal Court House in New York and the Supreme Court, the Abrams case has once again shown the Governmental repression of ideas rather than actions, which the criminalists traditionally worship under the principle of “‘mere thought’ should not be criminalized”<sup>103</sup> (*criminalis legem non punit cogitatio*) contradicting thought crime.

Following the jurors who had found all defendants, except Prober, guilty, Judge Henry D. Clayton fined and imprisoned the defendants from 3 to 20 years, which was the maximum penalty. The Abrams case was really a theater in which a conservative, sexist (anti-women’s suffrage), American patriot, and somehow anti-immigrant Judge and politician, which *per se* meant the anti-defendants who were Russian immigrants, directed the trial against the young anarchists: Jacob Abrams, Mollie Steimer, Hyman Lachowsky, Samuel Lipman, and Schwartz.<sup>104</sup> Judge Clayton had already argued in 1916, even naturalized citizens that *unfairly* criticized the State “should get off the face of the earth, or at least go back to the country they left. (...) I have no sympathy with any naturalized citizen who is given to carping criticism of this Government or who cannot say that he loves America first, last, and forever.”<sup>105</sup> He would disrespectfully reply to Abrams invoking the “forefathers of the American Revolution” as his ancestors, “Do you mean to refer to the fathers of this nation as your forefathers?”<sup>106</sup>

As for the Supreme Court, it stated that the leaflets were unlawful on the basis that they were disloyal and scurrilous, and expressed with abusive language about the American Government in order to bring it into contempt, scorn, contumely, and disrepute, and to incite, provoke, and encourage resistance to



American war policy. Nevertheless, Justice Oliver Wendell Holme's famous dissenting opinion is very significant. He believed that *"the defendants had as much right to publish as the Government has to publish the Constitution of the United States now vainly invoked by them."* Steimer, Abrams, Lachowsky, and Lipman were eventually deported to the Soviet Empire as Goldman, Berkman, and other anarchists had been already deported under the Immigration Act of 1918, which is known as *the Anarchist Exclusion Act*,<sup>107</sup> because of their opinions against militarism and war in which the American Government has been historically rooted.

*Gitlow v. New York* came into existence in the wake of the Red Scare of 1919-1920. As a prominent member of the Socialist Party of America during the 1920s, Benjamin Gitlow was arrested and convicted for violating "the New York Criminal Anarchy Law of 1902", because of having published in July 1919 the *Left Wing Manifesto* in *The Revolutionary Age*, which was a radical newspaper. In 1920, Gitlow would be eventually sentenced to 5 to 10 years in prison, of which he served over 2 years. Modeled on Marx and Engels' *The Communist Manifesto*, the *Left Wing Manifesto* advocated the violent overthrow of the American Government in spite of Gitlow's opposite argument at trial. This Manifesto stated, *"Revolutionary Socialism, accordingly, recognizes that the supreme form of proletarian political action is the political mass strike. (...) The power of the proletariat lies fundamentally in its control of the industrial process. The mobilization of this control in action against the bourgeois state and Capitalism means the end of Capitalism, the initial form of the revolutionary mass action that will conquer the power of the state. (...) Proletarian dictatorship is a recognition of the necessity for a revolutionary state to coerce and suppress the bourgeoisie; it is equally a recognition of the fact that, in the Communist reconstruction of society, the proletariat as a class alone counts. (...) The old machinery of the state cannot be used by the revolutionary proletariat. It must be destroyed."*

Following the assassination of President McKinley by a professed anarchist, Leon Frank Czolgosz, the Criminal Anarchy Act criminalized revolution and anarchism altogether by repressing any attempt to foster the violent overthrow of Government. According to this Act, *"Criminal anarchy is the doctrine that organized government should be overthrown by force or violence, or by assassination of the executive head or of any of the executive officials of government, or by any unlawful means. The advocacy of such doctrine either by word of mouth or writing is a felony."* (Sec. 160) And a criminal anarchist is *"any person who by word of mouth or writing advocates, advises or teaches the duty, necessity or propriety of overthrowing or overturning organized government by force or violence, or by assassination of the executive head or of any of the executive officials of government, or by any unlawful means; or, prints, publishes, edits, issues or knowingly circulates, sells, distributes or publicly displays any book, paper, document, or written or printed matter in any form, containing or advocating, advising or teaching the doctrine that organized government should be overthrown by force, violence or any unlawful means."*

(Sec. 161)

*The Joint Legislative Committee to Investigate Seditious Activities*, known as the Lusk Committee, came to strengthen that dreadful law against anarchism. The Lusk Committee possessed broad power to investigate organizations and individuals in New York who were suspected of promoting the overthrow of American Government by violating criminal anarchy statutes in the New York Penal Code. Among the organizations raided during the Lusk Committee investigations were the Rand School of Social Science, the left wing section of the Socialist Party, the Russian Soviet Bureau, the Industrial Workers of the World that were all located in New York City, and 73 branches of the Communist Party. Thousands of documents were seized including membership lists and financial records.

William MacAdoo, presiding Judge at Gitlow's arraignment, proclaimed: *"This statute is a preventive measure. It is intended to head off these mad and cruel men at the beginning of their careers. It is intended to put out a fire with a bucket of water which might not later on yield to the contents of the reservoir."*<sup>108</sup> The Supreme Court upheld Gitlow's conviction while ironically expanding free speech protections for individuals, since it stated that the First Amendment was applicable to the State through the due process clause of the Fourteenth Amendment. According to the Court, the New York State law was constitutional. Since, the State *"cannot reasonably be required to defer the adoption of measures for its own peace and safety until the revolutionary utterances lead to actual disturbances of the public peace or imminent and immediate danger of its own destruction; but it may, in the exercise of its judgment, suppress the threatened danger in its incipiency."* Nonetheless, Justices Holmes and Louis Brandeis challenged the dangerousness of the *Left Wing Manifesto* in their dissenting opinion in which they argued:

*"there was no present danger of an attempt to overthrow the government by force on the part of the admittedly small minority who shared the defendant's views. It is said that this manifesto was more than a theory, that it was an incitement. Every idea is an incitement. It offers itself for belief and if believed it is acted on unless some other belief outweighs it or some failure of energy stifles the movement at its birth. The only difference between the expression of an opinion and an incitement in the narrower sense is the speaker's enthusiasm for the result. Eloquence may set fire to reason. But whatever may be thought of the redundant discourse before us it had no chance of starting a present conflagration. If in the long run the beliefs expressed in proletarian dictatorship are destined to be accepted by the dominant forces of the community, the only meaning of free speech is that they should be given their chance and have their way."*<sup>109</sup>

### 4.3.2 Modern Delegitimization

The Western States have nowadays increased their repressive apparatuses, particularly in their universal crusade against terrorism after the violent events of September 9, 2001. In this crusade, they

equate “the anti-globalization movement” with “terrorism”, “civil disobedience” with “domestic terrorism”, or generally “dissidence” with “crime”, and consequently violate their own rule of law, which their constitutionalists have sacralized everywhere they can find us in order to preach the legalistic ethos of due process.<sup>110</sup> In fact, the legalistic thinkers biblically believe that the only solution to State evil is to respect the rule of law. Violating or restricting our rights and freedoms goes hand in hand with increasing the level of anti-terror spending by Governments.<sup>111</sup> Professor Roots has accordingly analyzed the world’s Governmental security bureaucracies and concluded that they are the primary beneficiaries of terrorism, because they “benefit from their increased jurisdiction over domestic affairs in the wake of terrorist incidents.”<sup>112</sup>

The Governmental stigmatization and repression of the so-called anarchists have actually become more obvious after 9/11, which some observers regard as “a new era of McCarthyism”,<sup>113</sup> in the framework of State crime. The State has thus furthered its own delegitimization by ramping up criminalization, punishment mechanisms, and violence against citizens through its actors. In its process of delegitimization, the State presents the interests of its officers and economic elites as public order or national security, while disregarding its opponents as national or international enemies that it must severely punish. Some scholars have argued that since 9/11 and the subsequent militarization of the police by the Department of Homeland Security, US police officers have killed about 5,000 Americans. In fact, Americans are between 8 and 55 times more likely to be murdered by a police officer than by a terrorist so that the cops are more dangerous to the people than the criminals or even the ISIS.<sup>114</sup>

In our case, the USA Patriot Act, passed by President George Walker Bush, is a salient example. In this paranoiac War on Terrorism, the lawyers are, as usual, looking forward to the so-called principle of “checks and balances” in order to guarantee our legal salvation in democracy.<sup>115</sup>

For instance, Chang, senior litigation attorney at the Center for Constitutional Rights in New York City, has said, calling upon the judiciary serves as a check against legislative and executive measures violating the Constitution. In addition, calling upon Congress plays an oversight role over the executive by passing the corrective laws where needed, and appointing the Judges who are careful about the Bill of Rights.<sup>116</sup> She has actually joined other great attorneys and scientists who are apparently under deep anesthesia not to see that the principle of checks and balances has traditionally denied the rights of so-called people of color, women, children, and libertarians, among many other excluded people. As for Abrams, distinguished Professor of Law Emeritus, his thesis relies on developments in US anti-terrorism law since 9/11. He has argued that the system of checks and balances among the several branches of the US Government, executive, legislative, and judicial, “has been undermined by the deferral and avoidance of key

*decisions by each of the branches and the withdrawal of authority by one branch from another.*"<sup>117</sup> Haas, Professor Emeritus of political science at the University of Hawaii, has fervently shared the same sacred belief in the principle: "*the Bush presidency may be viewed as a watershed in which the White House attempted to reinvent the Constitution in order to eliminate the checks and balances so carefully crafted by James Madison and others in Philadelphia during 1787.*"<sup>118</sup>

Legal anarchism should nonetheless remind those legalists of the fact that a State is perfectly able to commit all crimes, *de facto* or *de jure*, under the name of Constitution and under the supervision of Judges as well. In this case, political history is full of examples from the so-called tyrannical States to the so-called democratic States: Soviet State, Nazi State, Jewish State, Islamic State, American State, British State, etc. Professor Rothbard has thus called the principle "a fraud" in the USA.<sup>119</sup> According to another libertarian perspective, Professor Long has believed, "*the problem with the minarchist version of checks and balances is that it does not go far enough; the opposing parts are too few in number, and too closely linked together in a single overarching institution.*"<sup>120</sup>

Those legalists are indeed looking forward to worshipping the principle from which they are obviously profiting as seasoned lawyer or Professor. As a result, Chang has written about and acted against the constitutional violations perpetrated by the Bush Administration (e.g., *Turkmen v. Ashcroft*),<sup>121</sup> when Bush and his friends are always free from all constitutional, criminal, and international offences that they massively committed. The Bush Administration committed the following crimes:

scaring, harassing, silencing, and punishing dissidents; interrogating without suspicion; arresting without charge; detaining without justification (extrajudicial detention); preventive detention; barring the press and public from the terrorist trials; forcing detainees to waive rights to counsel, to notify consular officials from their countries of origin under the Vienna Convention, to contest the immigration charges filed against them, and to seek release on bond; blocking access between detainees and the outside world; monitoring the attorney-client communications; charging with terrorism the lawyers who represent the so-called terrorist suspects; authorizing warrantless electronic surveillance of U.S. citizens; Government secrecy and manipulation; illegally spending public dollars on a secret propaganda program to manufacture a false cause for the war against Iraq; invading Iraq in violation of U.S. law, the UN Charter, and ICL while failing to obtain a declaration of war; torturing; kidnapping and transporting individuals to countries known to practice torture; authorizing the arrest and detention of at least 2,500 children as enemy combatants in violation of the Geneva Convention; etc.

Those are only some examples of a so-called democratic State that has systematically violated not only its own laws, supposedly strengthened by the principle of checks and balances, but also international laws. They also show how aggressive and furious the States become when their interests are threatened

fictively or really, as happened during the Japanese-American internment, the Japanese-Canadian internment, and the McCarthy era, for instance. In all these examples, a group of cunning lawyers have really gotten fame and made a lot of money by either defending State crimes or accusing them in the framework of three legal fetishes: Constitution, criminal law, and International law.

No State has ever stopped its brutality and illegality at the level of political dissidence. It also reacts ridiculously against non-violent individuals and groups. For instance, *the Rainbow Family of Living Light*, as a form of the TAZ, contains non-violent, non-hierarchical, and egalitarian societies in remote forests around the world during its four decades of existence.<sup>122</sup> In spite of its pacifist nature, avowed even by a Federal Judge,<sup>123</sup> the police systematically harass the people attending Rainbow Family gatherings on public lands, and try to prevent them from these gatherings. In this case, firing pepper balls, rubber bullets, arrests without reason, searching, and ticketing on the narrowest of pretexts are routine examples.<sup>124</sup>

*Critical Mass*, started in September 1992 by a group of San Franciscans gathering to ride bikes after work,<sup>125</sup> is another example proving State repression. In *Buffalo Cops Wage War on Pedal Pushers*, Professor Jackson explained how a Critical Mass bicycling in Buffalo on May 30, 2003 had faced police repression. During this event, a dozen police officers attacked a peaceful group of bicyclists, arrested, and charged some of them with a type of trumped-up felony. Other cyclists passed a hat and raised enough money to pay the two \$75 tickets. The police then arrested a bicyclist who had crossed Elmwood to find out what was happening, charged him with jaywalking, and eventually put him into a police car. “Some cops bent a woman over the truck of a police car and one of them hit her with a nightstick. Sibhohan McCollum, a student at Buff State and one of the cyclists, said to a police lieutenant, “Please, you have to stop hitting people,” whereupon she was bent over a police car, handcuffed and taken away. A woman with two children in her car stopped and asked the police to stop beating a bicyclist. They arrested her and took her away. In all, four women were arrested, every one of them because she was pleading with police to stop clubbing someone who wasn’t doing anything except standing or lying there getting clubbed.”<sup>126</sup>

If those repressive and ridiculous attitudes come from one of Bush’s *axis of evil*, the criminal lawyers and constitutionalists may hotly criticize or justify according to who feeds them, but how they can legally do that when those attitudes have come from a highly democratic State? They may be satisfied with the fact that police brutality against the peaceful cyclists, as “a new mode of protest”, has become a universal problem, since the cyclists take to the streets once a month in more than 400 cities worldwide, as it has occurred in Poland, Belarus, London, San Francisco, New York, Miami, and Houston, for example!<sup>127</sup>

As far as the Canadian police are concerned, a video recorded during the 2010 G20 Toronto Summit shows police officer Adam Josephs, better known as “Officer Bubbles”, stood with his arms crossed while

saying a protester, Courtney Winkels, blowing bubbles: *"If the bubble touches me, you're going to be arrested for assault. Do you understand me?"* Winkels was eventually arrested and detained more than 50 hours in police custody for conspiracy to commit an indictable offence, a charge that was fortunately thrown out at her first court appearance. She would later sue the Toronto police for \$100,000 for false arrest and a violation of her Charter rights. As for Officer Bubbles, he launched a \$1,250,000 defamation lawsuit against YouTube!<sup>128</sup> Besides, the syndrome of Officer Bubbles, legal repression may be ridiculous vis-à-vis the futile offenders, such as the unimportant robbers. For example, because of her "serious crime" (*grande criminalité*) a 67-year-old French woman risked deportation to her country of origin (France) 40 years after her departure. She was condemned to a nine month suspended prison term for a robbery of \$87 in a supermarket in Montreal!<sup>129</sup>

The G20 Toronto Summit, which reminds us of the "mechanisms of biopolitical governance",<sup>130</sup> is a modern case of State violence through police brutality and the agony of justice to punish the cops who beat and imprisoned the demonstrators without any charge. During this Summit of political and economic elites who were undemocratically deciding for all citizens of the world, the Canadian Government criminalized all politically organized resistance.<sup>131</sup> For instance, Stockwell Day, a former Conservative Cabinet Minister, *"promised a 'security crackdown' on anarchists who were also blamed for travel disruption."*<sup>132</sup>

In spite of many documented reports on the violence and irregularity of Torontonians police (beating, kettling, illegal arrests and detentions, for example) violating civil and political rights of citizens, which Ontario Ombudsman André Marin called *"the most massive compromise of civil liberties in Canadian history"*,<sup>133</sup> there has been only one case of smooth sanction against a policeman in December 2013. Constable Babak Andalib-Goortani was sentenced to 45 days prison and suspended from the police force without pay for assaulting a protester during the G20 Summit, as Crown attorney Philip Perlmutter had demanded a *"short, sharp sentence of imprisonment"* to show that the cops abusing *"their positions of public trust and authority will be dealt with severely"*!<sup>134</sup> He also faced his second G20 assault trial in which he was acquitted. He eventually came back to work on the Toronto police force, but lost 5 days' pay!<sup>135</sup>

As for Constable Vincent Wong, he was the first police officer to be found guilty of misconduct for a G20-related offence under the Police Services Act in 2013, but his penalty stays a one-day suspension without pay!<sup>136</sup>

On August 15, 2015, a disciplinary hearing would however find Mark Fenton, a senior Toronto Police Service officer ordering to kettle the G20 protesters, guilty of two charges of unlawful arrest and one charge of discreditable conduct, but not guilty of one charge each of discreditable conduct and unlawful exercise of



authority.<sup>137</sup> As for Ontario Superior Court Justice Frederick Myers, he ruled that the Toronto police had respected the Charter rights of a protester when demanding to search his backpack during the G20 weekend. According to this Judge, that intrusion “*was measured, reasonable, warranted and amounted to a typical and minimal inconvenience of the same type that we put up with on a daily basis in other circumstances where authorities have far less basis for concern.*”<sup>138</sup> However, one of 30 cops, who are awaiting trial for charges under the Police Services Act stemming from civilian complaints, had regarded “G20 tribunals” as “a Farce”!<sup>139</sup>

Professors Monaghan and Walby have stated that because of the mass arrests, lack of civil protections, and poor detention conditions, the victims of police brutality launched a 600-member class action lawsuit.<sup>140</sup> In the wake of the G20 Summit generating numerous individual lawsuits, this class action has gone hand in hand with another one, and both have claimed respectively \$45,000,000 and \$115,000,000 in damages at the heart of an agonizing legal system with its sacred Judges.<sup>141</sup> As for three G20 protesters, they settled their lawsuits out of court after receiving unspecified payments.<sup>142</sup> All these events have happened in a country too proud of its holy CCRF, a country worshipping the right to life, liberty, and security, freedom from unreasonable search, seizure, arbitrary detention and imprisonment, right to legal counsel and habeas corpus, and rights in criminal matters (e.g., the POI) (CCRF, sec. 7-11), among other *fetishist rights and freedoms*.

Due to mutuality and cooperation among the States, the Canadian Government was working with and receiving information from the US National Security Agency and British Government Communications Headquarters. They were therefore monitoring and infiltrating phone calls, emails, Internet activity of diplomats and leaders, Canadians’ Internet and Facebook messages, particularly those of activists and dissident groups, during the G20 in Toronto.<sup>143</sup>

The protective as well as aggressive attitude of the Canadian Government in order to cover up or to justify police spy and brutality during the G20 Toronto strengthens the conclusion of an American study based on group interviews conducted in 2006, which contained 71 social justice organizations. According to this study, the US Government has provided no administrative mechanisms of accountability for erroneous surveillance, false accusations, and improper or unwarranted investigations. Its findings prove that the harm suffered by individuals and political organizations, because of widespread surveillance, infiltration, and documentation, “*is legally cognizable and not at all speculative.*”<sup>144</sup>

The anarchists are able to show that the impartiality and independence of the judiciary as well as the principle of checks and balances are mythical or fictive. In this case, Gelderloos and Lincoln have



judiciously pointed out that most US Judges are reluctant to punish police wrongdoing infringing on the rights of people. Over the years, the Supreme Court has drastically crashed down the protections guaranteed by the Bill of Rights in criminal cases, when the presumption of guilt, search and seizure without warrants, and trials without juries are commonplace. The system actually works to ensure that the people will not exercise their rights. If every individual charged with an offence took it to trial, *“the current case load would backlog the courts for over a decade.”*<sup>145</sup> Furthermore, Professor Turk has argued that the Judges and bureaucrats can expect the police officers’ support, if needed, as the police officers can count on the military forces, if resistance is more than they are able to handle.<sup>146</sup>

The Leveller has truly argued that the lawyers claim in the capitalist press that the US Supreme Court will not stop them from filing “civil rights” lawsuits in order to reply to police abuse and brutality. Nonetheless, relying on the courts, increasingly mastered by the Judges chosen from the ranks of prosecutors and business lawyers, never frees us from the growing of the Police State around us. How many police brutality lawsuits have actually succeeded? What will happen when they take the police officers into the courts? Their lawsuit seems much like a rape trial. The victims are presented as immorally and politically incorrect and troublemakers. The jurors are mostly selected from the lower middle or middle class employees of the Government and Big Business, since the ordinary people must work for a living and do not consequently get time off from their boss to be on a jury. They are told fairy tales about how noble the police officers are and how they protect us against the “bad elements” in the society. They are also told that the police officers only apply force when they “have to”, and then asked to believe that police murder, terrorism, and mayhem have occurred in accordance with this thin definition of “necessity”.<sup>147</sup> They are ironically few condemnations of those that the police have arrested, mostly less than 5% as Professor Dupuis-Déri has shown in some cases about public demonstration in Seattle (1999), Philadelphia (2000), Miami (2003), Toronto (2010), and Montreal on March 15 every year.<sup>148</sup> Regarding the 2010 G20, Professors Monaghan and Walby have argued that the police arrested more than 1100 individuals and charged 330 individuals, while only 32 cases would result in guilty convictions.<sup>149</sup>

These State actions during the G20 should prepare us for a culture of impunity in which the Honorable Vic Toews, then Minister of Public Safety, recognized the value of torture in his directive to the Canadian Security Intelligence Service (CSIS) instructing *“the agency to use information that may have been extracted through torture when public safety is at stake.”*<sup>150</sup> In his response to opposition questions in the House of Commons on February 7, 2012, he replied, *“Our government expects CSIS and security agencies to make the protection of life and property the overriding priority.”*<sup>151</sup> His homologue, the Honorable Stockwell Day,

former Minister of Public Safety, had already followed the same strategy. He was warned that some of the information in a national security certificate used to arrest accused terrorist Mohamed Mahjoub may have been extracted through torture. The legal system has imprisoned and kept the accused man under house arrest since 2000 in Canada. Despite the lack of charge for any crime because of secret information, the Federal Government deems him as “a threat to national security” yet.<sup>152</sup> In 2008, although the Supreme Court of Canada confirmed the unconstitutionality of the security-certificate regime, “the Government amended the law, and reimposed one on him and four other Muslim foreigners. Mahjoub was finally released in November 2009, again under rigid bail conditions. Since then, the courts have eased the restrictions substantially but he remains far from free.”<sup>153</sup> Federal Court Judge Edmond Blanchard eventually confirmed the federal Government’s branding of him as a threat to Canada because of the evidence, including “trusted” by Osama bin Laden, supporting Ottawa’s assertion about his involvement in the terrorist groups.<sup>154</sup>

In short, the Canadian State has honorably recognized the practical ethos of torturing for the sake of so-called “public safety”, even though its Biblical laws (such as the CCRF) as well as international obligations (such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) forbid hotly torture.<sup>155</sup> However, let our honorable scholars, particularly legalists and lawyers, talk about it, because they apparently regard it as their own business!

As for England, the City of Westminster police’s “counter terrorist focus desk” asked for anti-anarchist whistleblowers and presented anarchism as a political philosophy considering “*the state undesirable, unnecessary, and harmful, and instead promotes a stateless society, or anarchy. Any information relating to anarchists should be reported to your local police.*”<sup>156</sup> The English Government has thus not only criminalized anarchist philosophy (i.e. the dangerous ideas to its own survival), but also made the whole of society “Governmental spy”. West Midlands Police have recently offered £200 to anyone that reports someone for drinking and driving who is subsequently convicted.<sup>157</sup> As for the British friend or sister, the US Government is too eager in its *chasse aux sorcières* or so-called spies and traitors (*War on Whistleblowers*).<sup>158</sup> As a result, everybody must be scared of State power realized throughout all communication tools, an Orwellian surveillance made by the USA. This could remind us of the power of Allah: “*But do they not know that Allah knows what they conceal and what they declare?*” (Al Baqarah 2:77)

In reality, Governmental repression during the meetings of G8, G20, and other political-economic demonstrations (e.g., social protests against the policies of the Free Trade Area of the Americas, the World Trade Organization, the International Monetary Fund, and the World Bank) is targeting *systematically* and *massively* the anti-globalization protesters. These protesters are mostly peaceful individuals and groups

fighting for equality, freedom, justice, peace, and the environment in our unequal, repressive, unjust, sexist, bellicose, and polluting societies ravaged by corporate and political corruption and delinquency.<sup>159</sup>

In their defence of the environment, the social movements did nevertheless force a British jury to decide that Greenpeace activists, which had damaged a coal-fired power station in Kent, had a “lawful excuse” to destroy property in order to prevent the greater harm of the ecosystem. We know this decision as “the doctrine of necessity”.<sup>160</sup> Professor Oleson has accordingly concluded that the justification of this type of *imperfect necessity* (a type of civil disobedience) may, on the one hand, permit some defendants to avoid punishment, and, on the other hand, allow their message to reach the jury to know why their conduct should not be criminal.<sup>161</sup> The veganarchists are nonetheless subject to brutal police and legal repression<sup>162</sup> in a world where the State is exclusively responsible to ensure the inviolability of every commodity, including the ecosystems!

Moreover, it is difficult to accuse the anarchists of committing crime when the police act provocatively or violently against any demonstration, even peaceful one.<sup>163</sup> If the police brutalized, there would scarcely remain any option for the demonstrators better than self-defense, which should be “unintentional violence” or “legitimate defense” against police brutality or police riot. In this sense, a law that gives extreme and unlimited power to Governmental officers to criminalize and therefore to crush the opponents down is unjust and criminal *per se*. The laws against terrorism after 9/11 are typical examples in this case. The Bush Administration has been the subject of many political and legal debates about its criminal behaviour, including efforts to impeach George Walker Bush and his officers because of invasion (war without a declaration), murders, torture, and illegal wiretapping, among other. President Obama, a Nobel Peace Prize Winner and “the commander-in-chief of the military of a nation”, has recently experienced the same treatment.<sup>164</sup> There are eventually professional legalists and politicians who may decide about these crimes by judging one of their own old colleagues, that is to say Bush whose father has already become “legally untouchable”, despite his crimes against peace, crimes against humanity, and war crimes, among others.<sup>165</sup>

Furthermore, the poor or unknown criminals are left at the mercy of legal aid and judicial juggling, when the famous, rich, or big criminals, and iconic anarchists are enjoying the support of the best law Professors and the most skilled lawyers.

It also seems that the big anarchists could profit from a lenient penitentiary in comparison to the ordinary offenders. Goldman is a salient example in this case, since, “*Like most other anarchists we have met,*” Professor Ferguson has stated, “*Goldman did a great deal of her reading in prison. (...) While Goldman often*

scorned her correspondents for suggesting that prison was a good place to get some reading done, in fact a substantial portion of her education took place within prison walls!"<sup>166</sup> Certain big anarchists, unlike small or unknown ones, have historically profited from non-punishment (especially in the case of academic and activist anarchists such as Professors Chomsky and Churchill who are preaching violence),<sup>167</sup> lenient punishment (e.g., Gelderloos),<sup>168</sup> or deportation to a less authoritarian country (e.g., Fleshin and Steimer were deported from the Soviet Union to Germany).<sup>169</sup> Moreover, in the case of iconic anarchists or famous activists more punishment might actually provide more opportunities or jobs for them!

Contrary to the libertarian cases which are well known and documented, who knows the fate of unknown dissidents who oppose tyranny and fight for freedom in front of the gigantic political and legal machines, i.e. the States, which crush all sense of individuality and sociality down together? In this sense, the State delegitimizes its political foundation, i.e. so-called democracy, as well as its legal system, which is supposedly legitimate, but ironically challenged by the State criminals rather than the anarchists.

## **4.4 Judicial Legitimacy: The Anarchists vs. the State Criminals**

Firstly, the anarchists would accept judicial legitimacy as a rule, when the war criminals or the commanders of crimes against humanity stringently deny the existence of any legitimate court to judge their crimes, or ridicule the court by calling it political conspiracy or diplomatic theater. Secondly, the legal system forces its rules upon citizens, when preventing them from doing anything against judicial authority. In fact, the libertarians have no right to resist the tyranny of Judges, thanks to the label of judicial or civil contempt. Thirdly, the big criminals or political white-collar criminals own dreadful means of repression and destruction in the frame of State crimes, which enable them not only to kill, torture, rape, imprison, spy, control, and humiliate us, but also to destroy and pollute the environment. The State criminals enjoy either impunity or lenient punishment in this case. In summary, according to the acceptance or the rejection of the CJS, there is a double standard: a forced justice for the dissidents, anarchists, or petty criminals, an impotent or lenient justice for the State criminals or the big criminals.

### **4.4.1 Accepting vs. Denying Judicial Legitimacy**

According to legal anarchism, the libertarians actually admit the legitimacy of their court as an opportunity to propagate and sell their ideas, but the State criminals categorically reject it as a political complot made by an illegal court from a point of view of national or international law.

#### 4.4.1.1 An Accepted Court

When it comes to challenging or denying the legitimacy of State court, the anarchists place themselves in opposition to the war criminals or criminals against humanity, since, to my knowledge, no anarchist has really put into question or challenged the legitimacy of the prosecutor and the Judge who have prosecuted and judged her/him. She/he does not actually like to ask how they have become prosecutor and Judge, how they arrived at the zenith of legal power, when she/he is theoretically critical of the legal system. The anarchists do not ironically reject judicial legitimacy, but they are simply critical vis-à-vis the legal system throughout their abstract critiques of the State and its organizations, including the prosecutors and the Judges. In other words, they are satisfied with abstractly denouncing the corruption of legal professionals and their relation to the economic and political elites. Their critiques remain confusing, rhetorical, or sensualist in their discourses, interviews, pamphlets, articles, or books. They are also too fearful in their experience of the judicial process in which they perfectly respect their prosecutors and Judges, even solicit the aid of a lawyer who could be neither less corrupt than a prosecutor or Judge, nor far from legal ideology framed by Government. In reality, their propaganda by the words and the deed rarely reaches their docile attitude towards those who mercilessly prosecute, judge, and punish them. Like many intellectuals (such as Engels and Marx) and politicians, they show a huge gap between theory and practice when they face the brute force of law and order. In this case, they are mute or “*sage comme une image*”! Even they or their families would be eager to go until the top of the legal system or to exhaust all domestic remedies in a State (i.e. the Supreme Court) before calling on an inter-Governmental organization, which means a regional or international Court, symbolizing political authority in its powerfully hierarchical aspects of capitalism and exploitation together.<sup>170</sup>

May it be so naïve to expect them to jeopardize their liberty or property in front of an Almighty Power called the Judge? How can they nevertheless exhort their fans to revolt against the legal system in its court as well as prison they stay themselves good boys/girls? Could we be in search of an “honest anarchist” in broad daylight with a lantern on the legal streets? Do the anarchists imply that their Judges are “democratic” and therefore “legitimate”? Do they dance with a legal music that the Papa State has already composed for them? Do they play the same role that the public officers (i.e. police, prosecutor, and Judge) expect them as “good” or “wise” “dissidents”? Eventually, by its mediatization, does not ironically legal repression provide fame and opportunity for the anarchists to sell their products (pamphlets, articles, and books, for example)?

Certain anarchists (e.g., the Non-Resistants in the USA and Rudolf Rocker) have nevertheless refused to go to the court for redressing injury or defending themselves.<sup>171</sup> Moreover, the use of State courts, which are traditionally foes of anarchism, for winning an anarchist cause would be an uncertain way devouring time, money, and energy altogether.<sup>172</sup> Chang has already explained the cost of civil disobedience. This means rough treatment at the hands of arresting officers, lengthy detainment under unsafe and harsh conditions, the psychological and financial drain of defending themselves against criminal charges, the stigma of a criminal conviction, long prison sentences, hefty fines, the loss of earnings, and a very long judicial battle to prove the unconstitutionality of a law.<sup>173</sup> In this regard, the work of so-called “legal observers” is so fragile, because these activists want to discourage the police from attacking demonstrators or to report police brutality and misbehaviour by their watching and reporting with recording devices such as camera.<sup>174</sup> How can they prevent the enforcement agencies from violence for which the State has meticulously trained and prepared them? How can these watchdog activists, themselves subject to police brutality, keep the cops accountable for their brutal actions in the courts in which the Judges share their ideology and unavoidably defend their brutality in the name of, particularly, law and order, self-defense, or legitimate defense?

In fact, the anarchists have hitherto used their trials as an opportunity for propagating their libertarian doctrines, rather than discrediting the authority of the legal system *per se*.<sup>175</sup> The more the State brutalizes through its criminal law, the more the dissidents publicize and distribute their ideas and actions around the world. In this case, Kropotkin, Emma Goldman, and the dissidents of the Republican National Convention (known as the RNC 8) are typical examples. Legal anarchism should now explain them briefly.

During the mediatized Trial of Lyon in 1883, the defendants did their best to turn the Trial into an opportunity to express their libertarian ideas. For instance, Kropotkin developed the principles that they all accepted. Those principles denounced the States and capitalism, while they demanded equality as a fundamental condition of freedom and substitution of a free contract for public administration, legal tutelage, and imposed discipline. He therefore declared: “*scoundrels that we are, we demand bread for all; for all equally independence and justice;*” and called “*on his judges not to perpetuate class hatred, but to join with all just men in establishing a society where the absence of want would remove the causes of strife.*”<sup>176</sup>

As far as Goldman is concerned, she recognized in 1916 that the trial gave her an opportunity “*to deliver in open court a defence of birth-control.*”<sup>177</sup> Her trials were indeed the public spectacles in which she played a leading role, thanks to her personality, notoriety, and the publicity surrounding her trials as well.<sup>178</sup> Once asked about the Judges and their profession, she answered: “*I confess I did it with glee, without remorse*



*or pity for the predicament of the gentlemen who had to listen without being able to punish me even for contempt of court.*"<sup>179</sup>

Reminding of the repression of demonstrators during the Democratic National Convention in Chicago in 1968,<sup>180</sup> the RNC 8 concerns the criminalization of some dissents in Minneapolis and Saint Paul during the Republican National Convention in 2008. The young dissidents (Luce Guillén-Givins, Max Specktor, Nathanael Secor, Eryn Trimmer, Monica Bicking, Erik Oseland, Robert Czernik, and Garrett Fitzgerald) were preemptively arrested prior to the 2008 RNC because of their political organizing. They were falsely charged with Conspiracy to Riot in Furtherance of Terrorism under the Minnesota Patriot Act. The prosecutors later added charges of Conspiracy to Commit Criminal Damage to Property in Furtherance of Terrorism, both charges with the terrorism enhancement,<sup>181</sup> for totally four felony charges per defendant. In early 2009, the prosecutors removed, under political pressure, the terrorism enhancements and left each defendant with two felony charges. In August 2010, Oseland pleaded guilty to a single gross misdemeanor charge, and was eventually sentenced to 91 days in the workhouse and a \$100 fine. In September 2010, all charges against Trimmer, Bicking, and Guillén-Givins were dropped, and four defendants faced trial beginning on October 25, 2010. As Eley states, this irregular case (e.g., police infiltration and preemptive arrest) has provided *"the opportunity for a trial run of large-scale repression against the mass opposition to war and social immiseration that will inevitably emerge in the coming months and years."*<sup>182</sup>

Nevertheless, like Sugako, Maziotis, a Greek anarchist, denied the legitimacy of the legal system during his trial taking place in Athens in 1999. He bravely said:

*"You must keep in mind that although you are judges and sitting higher than me, many times the revolutionaries, and myself specifically, have judged you long before you judge me. We are in opposite camps, hostile camps. The revolutionaries and revolutionary justice because I don't believe that this court is justice, it's the word justice in quotation marks – many times judge their enemies more mercilessly, when they get the chance to impose justice. I will begin from many years ago. We don't have any crime of mine to judge here. On the contrary, we will talk about crimes, but not mine. We will talk about the crimes of the State, of its mechanisms, of justice and police crimes."*<sup>183</sup>

It seems that her comrade, Roupa, took a less revolutionary tactic in her *Oral Declaration to the Court*. She declared that Maziotis, Gournas, and she stood trial as "leaders" of Revolutionary Struggle (*Epanastatikos Agonas*), and they would be convicted in the end. They had claimed political responsibility for their participation in Revolutionary Struggle. They had also declared that they were proud of their participation, and would repeat it as many times as necessary. Still, there was no evidence whatsoever tying them to any particular actions.<sup>184</sup>



#### 4.4.1.2 A Denied Court

The State criminals (such as Klaus Barbie, Saddam Hussein, Slobodan Milosevic, Omar Hassan Ahmad Al-Bashir, Kenyatta, Ruto, and Radovan Karadzic) have hitherto either denied both national as well as international legitimacy of any court to judge their crimes, or regarded their accusation as “an utterly corrupt and dishonest case” and “politically motivated”.<sup>185</sup> For example, Milosevic, who himself had studied the law, announced on the second day of his trial, “*I challenge the very legality of this tribunal.*”<sup>186</sup> Of course, there are other “legitimate war criminals” (such as the Bush family, Blair, and Putin) remaining outside ICL for the sake of sacrificing the less popular or loved gagsters, war criminals, or criminals against humanity.

Moreover, certain bands of extremely seasoned, expensive, and famous lawyers (Jacques Vergès, Ramsey Clark, Steven Kay, Gillian Higgins, and Najib Al-Nuaimi, among others), and of the biggest Professors of ICL (such as Mahmoud Cherif Bassiouni, often called “the Godfather of International Criminal Law”,<sup>187</sup> and Michael Wahid Hanna) are teaching and encouraging the State criminals to put into question judicial legitimacy. Indeed, these honorable attorneys and Professors, i.e. professional human rights watchdogs belonging to the Legalist Brotherhood and Sisterhood, are purely interpreting ICL inasmuch as there is no legitimate system to prosecute, judge, and eventually punish any State criminal, unless she/he has formerly accepted the competence of a regional or international criminal court! This could be a pure theory of ICL reminding of Kelsenian *Pure Theory of Law*, rooted in an archaic principle regarding the ruling monarch as the exclusive and legitimate authority within his territory without any interference from other monarchs.<sup>188</sup> The punishment of a big criminal really remains utopic *dans l'état actuel des choses*, a utopia which still exists among some legalists who believe in “the concept of universal jurisdiction”. In this case, let us observe shortly the attitude of three criminal defence lawyers who are tremendously famous for their paradoxical defenses: Ramsey Clark, Al-Nuaimi, and Vergès.

Clark, former US Attorney General and a defender of famous criminals, has been one of the initiators of charges against Bush and his son. He is also too eager to defend many bloody dictators who must enjoy “the right of defense” directed by a team of prestigious lawyers. Among his clients, we can find Bernard Coard (political murderer), Elizaphan Ntakirutimana (Rwandan mass murderer), Karadzic (Bosnian Serbian war criminal), Charles McArthur Ghankay Taylor, Saddam Hussein, and Milosevic. As the *Center of Controversies* and the *War Criminal's Best Friend*, this so-called activist and controversial lawyer really loves to enforce *the rule of law*, including the persecution of the activists during the 1960s as an Attorney General, and to present *individuals labeled by the public as indefensible*.<sup>189</sup>

As for Al-Nuaimi, this former Justice Minister of Qatar “*is ready to defend Syrian President Bashar al-Assad if the leader was summoned to stand in trial,*”<sup>190</sup> as he did with Saddam’s defense team.<sup>191</sup> As a member of this team, he rejected “the legitimacy of the Iraqi court and its right to try his client” by declaring that “*I will tackle the mandate of this court in exercising the duty it was assigned for. We reserve the right not to hear any witnesses or see any matter until the court resolves the question of its legal mandate, as based on local and international law.*”<sup>192</sup> Shall legal anarchism remind that Al-Nuaimi, like the majority of Qataris, sympathizes with Islamic fundamentalist movements and recalls a Qatari man who fired a Kalashnikov at a US base and was then killed in 2001 “a martyr” who would go to heaven?<sup>193</sup>

During his long life of lying and lawyering: Barbie (known as the Butcher of Lyon), Djamilia Bouhired, Ilich Ramírez Sánchez (better known as Carlos the Jackal), Khieu Samphan, Tariq Aziz, Milosevic, etc., Vergès was nicknamed *l’Avocat de la Terreur, le Maître de l’Ombre, the Devil’s Advocate, and Salaud Lumineux* for defending from cafe-bombings, plane hijackings, and hostage-taking to mass murder. He was also ready to defend Muammar Gaddafi, if necessary. As an iconoclastically anti-colonialist, communist, Maoist, Muslim, and Catholic fighting lawyer, he famously fabricated the strategy of “rupture defence” whereby he broke down the cases against his clients when undermining judicial authority.<sup>194</sup> He has already become an idol in a job requiring perfect immorality, deep dirtiness, and rhetoric mingled with strong manipulation and sophistry. For instance, Nathan de Arriba-Sellier, a law student, believed that Vergès “*could be a model for students in terms of his exceptional journey: a past as a Resistance fighter, anti-colonialist convictions and his attachment to the fundamental principles of defence.*”<sup>195</sup> Could Vergès do his honorable *stratégie de rupture* for the poor criminals whose cases owning neither money nor media coverage? How did he fight for France against Nazi Germany when he would later defend one of its notorious criminals known as the Butcher of Lyon? How did he challenge the authority of French Judges by his so-called *stratégie de rupture* when he perfectly profited from his French rights and liberties to say any nonsense and to do whatever he loved? I think that he was a provocative lawyer who knew very well how to use or to abuse any opportunity that life could put among his hands everytime he pretended to “*stand alone against the establishment*”,<sup>196</sup> which ironically fed him too graciously. In summary, he was ready to defend all notorious criminals (such as Hitler and George Walker Bush) through the strategy of rupture inspiring some terrorists (e.g., Prospero Gallinari),<sup>197</sup> as long as his clients’ pocket as well as the mass media ensured his interest.

Those examples of extremely skilled lawyers have merely shown that legal immorality *defends the ethically indefensible*, which indeed generates more wealth and celebrity for the Legalist Brotherhood and

Sisterhood: *"The believing men and believing women are allies of one another."* (Al Tawbah 9:71) We however need to analyze why and how a top criminal uses the right of defense when undermining judicial authority, which should be contrary to an anarchist's attitude.

On the one side, no supposedly ordinary criminal, including "the anarchist criminal",<sup>198</sup> has ever been able to deny seriously the competence of the Judges at the national level. On the other side, the so-called "universal jurisdiction" or "universality principle" in international law remains at the mercy of State criminals and several Statesmen/women who technically reject it as "partial", "Victor's Justice", "anti-Sovereignty", or "anti-National Security". The International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, the International Criminal Tribunal for Rwanda, the International Court for Cambodia, and the ICC are typical examples in this case.<sup>199</sup> These technical jargons against the jurisdiction of these courts come apparently and mostly from a bunch of internationalist lawyers who are seriously thinking about wealth and fame that some famous clients, whose business is to massacre and plunder, bring to their business. Moreover, the universality principle is as relative as human rights themselves.<sup>200</sup>

Besides the mutism of the legal system toward the traditionally so-called "political" and "economic" "scandals",<sup>201</sup> the dictators or State criminals have a regal right to attenuating circumstances (e.g., old age and ill health), legal protection (e.g., appointment to Government shielding them from prosecution as a form of political cover-up),<sup>202</sup> as well as national and international compassion. They enable the big criminals to profit from legal benefits (such as free legal aid and travel subsidies for family) as well as ridiculous sanctions (such as the suspension of pay, community service, house arrest, and first class prison in The Hague or 'The Hague Hilton') during their long legal and judicial saga and battle.<sup>203</sup> On the contrary, these legal bonuses rarely exist for the petty criminals who must suffer or perish at the core of the CJS. Who cares? The State is also accustomed to declaring amnesty for some political offenders,<sup>204</sup> and to having a kind of Alzheimer's regarding the large crimes of its own big officers. Bonanno has stated that instead of continuing a painful fight against the State, some dissidents want firstly to secure a collective amnesty from the State, then to start new cycles of revolutionary struggle. The insurrectionary anarchists however have no obligation to demand an amnesty for the political prisoners, but they impose the annulation of prison for all, which definitively ends the concept of "prisoner".<sup>205</sup>

In summary, the criminal justice places itself with the big criminals to the detriment of petty ones. The protection of the big criminals by the CJS would remind us of the Bible: *"So do not fear, for I am with you; do*

*not be dismayed, for I am your God. I will strengthen you and help you; I will uphold you with my righteous right hand.” (Isaiah 41:10)*

#### **4.4.2 A Forced Justice for the Libertarians**

The severe punishment of anarchists may cause a *boomerang effect* inasmuch as it displays the show trials in which certain biased and corrupt officers match up State ideology and interest with democracy and justice. In this Governmental system, *the political trial* owns the weapons of perjury, defamation, and contempt that are targeting to bring the political foes into disrepute.<sup>206</sup> We should not accordingly underestimate the value of so-called “*contempt of court*” or “*obstruction of justice*”, which means the power of Judge to punish a defendant through a crime predicted by the penal code or case law. Legal anarchism gives a historically significant example concerning the *William Penn case* in 1670. The indictment contained that Penn, William Mead, and several other persons had tumultuously assembled together with force and arms at Gracechurch Street, Penn had preached there, and caused a great concourse and tumult of the grassroots. Penn was imprisoned for contempt of the Judge (the Lord Mayor of London), even though the jurors had acquitted him. The Lord Mayor not only fined Penn, Mead, and the twelve jurors on a charge of contempt of court (forty marks for each one), but also ordered that they be jailed until their fines were paid.

*“The Recorder: Sir, will you plead to your indictment?”*

*Penn: Shall I plead to an Indictment that hath no foundation in law? If it contain that law you say I have broken, why should you decline to produce that law, since it will be impossible for the jury to determine, or agree to bring in their verdict, who have not the law produced, by which they should measure the truth of this indictment, and the guilt, or contrary of my fact?*

*The Recorder: You are a saucy fellow, speak to the Indictment.*

*Penn: I say, it is my place to speak to matter of law; I am arraigned a prisoner; my liberty, which is next to life itself, is now concerned: you are many mouths and ears against me, and if I must not be allowed to make the best of my case, it is hard, I say again, unless you shew me, and the people, the law you ground your indictment upon, I shall take it for granted your proceedings are merely arbitrary.*

*The Recorder: The question is, whether you are guilty of this indictment?*

*Penn: The question is not, whether I am guilty of this indictment, but whether this indictment be legal. It is too general and imperfect an answer, to say it is the common-law, unless we knew both where and what it is. For where there is no law, there is no transgression; and that law which is not in being, is so far from being common, that it is no law at all.*

*The Recorder: You are an impertinent fellow, will you teach the court what law is? It is 'Lex non scripta,' that which many have studied 30 or 40 years to know, and would you have me to tell you in a moment?*

*Penn: Certainly, if the common law be so hard to be understood, it is far from being very common. (...)*

*The Recorder: Sir, you are a troublesome fellow, and it is not for the honour of the court to suffer you to go on.*

*Penn: I have asked but one question, and you have not answered me; though the rights and privileges of every Englishman be concerned in it.*

*The Recorder: If I should suffer you to ask questions till to-morrow morning, you would be never the wiser.*

*Penn: That is according as the answers are.*

*The Recorder: Sir, we must not stand to hear you talk all night.*

*Penn: I design no affront to the court, but to be heard in my just plea: and I must plainly tell you, that if you will deny me oyer of that law, which you suggest I have broken, you do at once deny me an acknowledged right, and evidence to the whole world your resolution to sacrifice the privileges of Englishmen to your sinister and arbitrary designs.*

*The Recorder: Take him away. My lord, if you take not some course with this pestilent fellow, to stop his mouth, we shall not be able to do any thing to night.*

*The Lord Mayor: Take him away, take him away, turn him into the bale-dock.*

*(...)*

*Penn: I demand my liberty, being freed by the Jury.*

*The Lord Mayor: No, you are in for your fines.*

*Penn: Fines, for what?*

*The Lord Mayor: For contempt of the Court."<sup>207</sup>*

Law Professor Kennedy has explained how the hierarchy of the judicial system goes hand in hand with the complicity of the lawyers. On the one side, the Judges are often free to treat those who come in their courtrooms with a degree of arrogance and a sense of arbitrariness. On the other side, the lawyers expect this attitude and even enjoy the absolute submission during the legal game. Both sides focus on the extreme specialization and hierarchy of function in order to make justice inaccessible to ordinary human understanding and practice.<sup>208</sup>

As a result, every contact with justice must exclusively pass through those condescending and hierarchical actors who are deliberately mystifying legal language to exclude all laypeople by showing their ignorance of legal reasoning, the context and process of law as well. The Judges and the lawyers are traditionally proclaiming their right to judge and to solve all problems, because they have graduated from the prestigious and secret clubs, which mean those law schools providing firms and the legal systems with the sacred jurists whose principal task is to empty our pockets by their fame and rhetorical charming. This blessed caste has an unsatisfiable desire to increase permanently its power by developing contempt of

court against the dissidents, particularly against the “*grand jury resisters*” and the animal rights activists as well.

For instance, Gerald Koch, a young anarchist and legal activist from New York City, was subpoenaed to a federal grand jury in New York regarding the Times Square Military Recruitment Center bombing in 2008. This was his second subpoena concerning this matter after June 2009. He has refused to testify based on the assertion of his First, Fourth, Fifth, and Sixth Amendment rights, as he would be doing again for the duration of this grand jury. Federal District Court Judge John Fontaine Keenan held him in contempt of court, and jailed him Brooklyn’s Metropolitan Correctional Center for “an indefinite period of time”, before releasing him.<sup>209</sup>

Along with two others, Leah-Lynn Plante, a young anarchist, was sent into federal custody for refusing to provide a federal grand jury testimony about activists in the Pacific Northwest in 2012. Although she was not charged with or convicted of any crime, she was imprisoned for her silence. She was eventually released after spending a week in solitary confinement. Judge Richard Jones reminded her that she could stay in custody until the expiration of the grand jury’s term, which meant until March 2014. Because non-cooperation is supposedly “*civil contempt*”, the legal system is able to jail non-cooperators for up to 18 months.<sup>210</sup> Judge Jones also jailed Katherine Olejnik and Matt Duran, two other grand jury resisters, for more than five months in the SeaTac Federal Detention Center, in a McCarthyesque manner because of refusing to testify to a grand jury about their ties to the anarchists.<sup>211</sup> The grand jury is actually a “political weapon” in the hands of Government against some brave individuals and groups fighting grandly against authority.<sup>212</sup>

It seems that contempt of court, which is historically rooted in strengthening the monarchic totalitarianism under the common law,<sup>213</sup> has metamorphosed into civil contempt in order to protect the political and economic elites. The environmentalist cases or the so-called Green Scare (such as Carrie Feldman and Scott DeMuth, two animal rights activists) has proved that the situation of Plante is far from being marginal in the American legal system, when it comes to refusing self-incrimination, a right protected by the Fifth Amendment.<sup>214</sup> Several incidents have indeed proved that the American Government and industry harass systematically the eco-animal movement.<sup>215</sup> For example, in August 2003, “a three year-old lawsuit charging that environmentalist groups were religious extremists comparable to some of the more violent, intolerant, ultra-orthodox Islamic sects collapsed when the attorney failed to meet a re-filing deadline with the U.S. Supreme Court.”<sup>216</sup>

Osama Awadallah would somehow provide another example in this case. Although he was not accused of any crime, federal officials detained him under the federal “material witness statute” for twenty days, much of that in solitary confinement. The US Government wanted him to testify before a grand jury in New York City, in which he was questioned about whether he knew two of the suspected of involvement in the September 11 hijacking. He was eventually acquitted.<sup>217</sup> It should not therefore be surprising that Bill C-309, known as the “Mask Legislation”, has criminalized, by amending the Section 65 of the Canadian Criminal Code, protesters who cover their face during “a riot” or “an unlawful assembly”. According to this law, those who wear a mask at tumultuous demonstrations may face a maximum sentence of ten years.<sup>218</sup> The good news is that to wear a mask in a “lawful assembly” is legal, but there are the cops and Judges who will decide what is lawfulness in this case! The criminalization of masked protesters by the Canadian Government could indeed imply divine authority: “*For God shall bring every work into judgment, with every secret thing, whether it be good, or whether it be evil.*” (Ecclesiastes 12:14)

In reality, nobody can be unknown to the State’s intelligence and repressive agencies. The State has now everything in its hands to criminalize and repress all protests against its authority under the name of law and order or that of national security. In this regard, its powers are not only *unlimited* and *unbalanced*, but also *legitimate*, and any opposition cannot therefore be legal. As mentioned above, the USA has accordingly provided some examples throughout its laws against so-called anarchists and terrorists that paradoxically undermine its legal Bible, which is to say the Constitution and the Bill of Rights. However, the problem is much deeper and more destructive than the violation of constitutional rights and liberties, since the State criminals subjugate humanity and nature to absolute humiliation and destruction, while they enjoy themselves impunity.

#### **4.4.3 An Impotent Justice for the State Criminals**

The political white-collar criminals enjoy committing all types of serious offences against humanity and nature, as we have already observed, thanks to either their legal status or the leniency of the Judges. On the contrary, the dissidents, anarchists or not, must endure Governmental violence because, as Weber too famously articulated, the State has *legitimately and successfully monopolized the use of force!* Nonetheless, there is neither definition of successful claim to use violence, nor practically any limit for this monopolization. In this regard, the history of anarchism is full of State corruption and crimes, even against peaceful dissidents, insofar as the legitimacy and successfulness of Government depend upon the State itself.



Furthermore, it is very important to notice that “State crimes” would be *oxymoronic*, at least according to a classic, pure, or legalistic band of philosophers or scholars, and imply the impunity of State for its crimes of violence. They are hotly talking about Government and its potential responsibility (e.g., so-called *State wrongdoing*) that they are traditionally regarding as their own scholastic kingdom, gifted by the Papa State itself. For them, the State is the absolute source that specifies what crime is and what sanctions are. In summary, the State is an organization with ultimate power upon death and life, and ultimate authority to decide about its own criminality. As mentioned above, State brutality is therefore legitimate in the frame of law’s violence, such as corporal punishment and the death penalty or State killing as practiced in the USA, Iran, and Saudi Arabia.<sup>219</sup> Regarding State murder, Professor Baker found out China, Saudi Arabia, Iran, and the USA “account for 94% of all executions worldwide,”<sup>220</sup> when they are defending the Mandarin, Islamic, and democratic values of killing mixed with State secrets.

State crimes have also justified the need for political authority to establish law and order, particularly when it comes to fighting against so-called terrorism! In *On Terrorism and the State*, Sanguinetti, a writer and member of the Situationist International, argues that the people are hostile to terrorism, on the one side. They admit that they need the State in order to delegate to it the broadest possible powers so that it is able to assume the task of defending them against an enemy who is merciless, mysterious, obscure, treacherous, and, in short, phantasmal, on the other side.<sup>221</sup> For instance, fear is absolutely justified in the War on Terror, which is really an endlessly fake battle for democracy.<sup>222</sup>

Despite their propaganda of fighting against terrorism and insecurity, all States have hitherto been themselves terrorist and criminal. They are sponsoring terrorist groups and committing legal or illegal violence with impunity or with ridiculous punishment reserved for the white-collar criminals.<sup>223</sup> In this case, legal anarchism can mention corvée, taxation, kidnapping, murdering, drug trafficking, money laundering, using child soldiers, and so on. We should also never forget their bloody, dirty, and extremely profitable business that is the arms industry, i.e. a part of “State-corporate crime”, requiring permanent wars or armed conflicts around the world.<sup>224</sup> Professor Casey has thus spoken of “*the Criminal State*”.<sup>225</sup> As Professor Rothe has analyzed well, *State criminality is the crime of all crimes*, due to its dreadful quality and quantity.<sup>226</sup>

At the same time, all States are feigning to fight against the criminals, which mean the miserable offenders or poor people, but rarely against the white-collar criminals including the Statesmen/women and lawyers. They are ironically accustomed to calling each other or some organizations as “Rogue State”, “terrorist State”, “State sponsor of terrorism”, or “terrorist organization”. They are however all terrorists *per*

se.<sup>227</sup> In *Death by Government*, Professor Rummel has judiciously acknowledged that “*absolute power kills absolutely,*” and “*the more power a government has, the more it can act arbitrarily according to the whims and desires of the elite, and the more it will make war on others and murder its foreign and domestic subjects.*”<sup>228</sup>

On the contrary, State subjects must accept lesser evils among politicians as the counterpart of law, order, justice, and democracy. The latter are not really the priority for the Statesmen/women who are thinking about filling their pockets up firstly, and enjoying all political and social advantages secondly. For example, Cooley argues that Afghans accepted the Taliban for peace, order, and Islamic law before realizing that those extremists would violate human rights (e.g., women’s right to attend school and to work) so deeply.<sup>229</sup> Does this example also fit the so-called democratic States whose citizens have to endure all political and economic misadventures of their Governors for the sake of welfare and peace?

On the one hand, the State mercilessly oppresses its dissidents, unless they merely undertake the *reformist strategies* that the State accepts. On the other hand, Governmental control, censorship, repression, and immunity can bear scarcely anything better than violence, terrorism, underground activities, militia, or civil war, since the State has closed the doors of discussion and bargaining, except what situates inside its ideology and interest. When political authority breaks *la plume*, gun will most probably appear. Terrorism, perpetrated by some individuals or groups, is what the Statesmen/women are really wishing or looking forward to. What do you expect a dissident to do when there is no opportunity for demonstration or protest? Public demonstration may be a type of discharging social, political, or economic anger and frustration. In this sense, *anarchist personality*, in opposition to *obedient personality*, is a reaction to political injustice strengthened by economic exploitation. As long as repression aiming to produce obedient personality exists, there will be anarchist personality; one cannot exist without another. If Buckman is right to consider that humankind “*is animated by discontent,*”<sup>230</sup> we are potentially anarchists!

Despite all repression and crimes attributed to or covered up by the Statesmen/women, their clans, accomplices, or acolytes, the legalistic thinkers are still in a situation of beautiful doubts and questions about and wait for whether theorizing and criminalizing State violence! In reality, they are impotent to overcome their doubtful position and to see State violence as a real crime, which is much more problematic than any ordinary crime committed by the laypeople.

For example, it seems that Professor Tanguay-Renaud has beautified State crimes as well as the “*possible punishment*” of State criminals by explaining “State legal wrongdoing” with legal rhetoric.<sup>231</sup> A SSHRC Insight Development Grant has already rewarded him “*for his research project entitled “The State as Criminal Wrongdoer: An Inquiry into the Intelligibility and Legitimacy of Criminalizing the State.”*”<sup>232</sup> He has

concluded his paper by arguing: “Only time will tell if state crimes, explicitly identified as such, ever come to form a normal part of the domestic and international norms of state accountability. Only experience will show if justified criminal, or criminal-like, processes and punishments can steadily emerge and reliably stand up to politics and other social pressures in response to state wrongdoing. While we wait and watch, though, we can make sure we get the theory right.”<sup>233</sup> Would he want to construct a “right theory” upon the flesh, blood, and cadavers of victims of State violence? Would he thus follow Grotius, known as the father of international law, who regarded sovereignty as “that power whose acts are not subject to the control of another, so that they may be made void by the act of any other human will”?<sup>234</sup>

It is possible to observe a *double standard of criminal terminology*: the stigmatizing terms for the so-called blue-collar criminals or the governed (e.g., criminal street gang as defined and severely repressed by 18 US Code § 521), the quiet or neutral terms for the white-collar criminals or the Governors (e.g., political scandal, economic scandal, impeachment,<sup>235</sup> and State wrongdoing). This also shows a double standard of justice when it comes to punishing: the tough sanctions for the petty criminals (e.g., capital punishment), the smooth sanctions for the big criminals (*The Hague Hilton* and house arrest, among others). This furthermore reveals not only the CJS’s structural problems but also its hypocrisy, because it rarely stigmatizes and punishes those who commit the most dangerous offences against humanity and nature, while it brutally acts vis-à-vis those who commit much less dangerous offences.

In addition, a bunch of international legalists is euphemistically talking about the “*responsibility of States for internationally wrongful acts*” or the “Wrongdoing State” in international law,<sup>236</sup> in which there are still a lot of ambiguity and verbiage about State’s moral obligation to obey international norms.<sup>237</sup> For instance, Professor Crawford, an internationalist Godfather at the University of Cambridge, has so wisely defended, “*The criminalization of state conduct itself raises very difficult questions, because the state is essentially a mechanism for the transfer or the transmission of rights and obligations created by governments over time, and after the demise of those governments. So the state, although we think of the state as some sort of community – and in a certain sense it is – it’s a community to which legal personality is attributed as a method of dealing with legal relations over time, whether they’re debts, or entitlements to territory, or other forms of entitlement or other forms of obligation.*”<sup>238</sup> Should we therefore talk about a bunch of “Wrongdoing Professors” because they have destroyed existence by minimizing or even undermining State crimes? It means that this type of Professors has facilitated the destruction of the world or even the cosmos (particularly in the future) by minimizing State responsibility, or putting it into question. We actually have a world in which State crimes are everywhere, on the one side, and they are some Professors who are trying to minimize or even to defend State crimes through their doubts or so-called “realpolitik”, on the other side.

As Professor Comfort has judiciously argued, only a centralized power can *legally* enable a bunch of psychopaths to satisfy their wild tendencies on a large scale (such as blitzkrieg, mass murder, and torture) without any remorse or any sense of humanity.<sup>239</sup> At the same time, the great legalists and scholastics are honourably crowned to chat or really to fight against each other about “*State immunity*” or “*crown immunity*”. In other words, this is an impotent justice for the State criminals throughout endless technical, philosophist, legalistic, economic, or political jargons: functional immunity, immunity from jurisdiction, immunity from execution, immunity defences, foreign jurisdiction, national court, international crimes, individual responsibility, personal responsibility, non-personal responsibility of State officials, etc. Napolitano, a former Judge of the Superior Court of New Jersey and senior judicial analyst at Fox News Channel, has shown that the States and their officers easily break the law (such as robbery, bribery, drug dealing, torture, preventing free speech, and violating due process), while they have already rendered themselves immune by so-called “sovereign immunity”.<sup>240</sup> Who has therefore said anything about *Government liability* or the *responsibility of the State* as a whole in national as well as regional or international law?<sup>241</sup> Apparently nobody, because “*the King can do no wrong*”!<sup>242</sup> So, let the legalistic thinkers dream of the possible punishment of State criminals in their right theory of State wrongdoer.

## 4.5 Conclusion: The Hopeful Revolts or Revolutions

In spite of those repression and censorship mentioned above, the anarchists have expressed their ideologies through pamphlets, journals, articles, books, interviews, and blogs. They are now able to articulate their opinions on an international scale, thanks to the Internet, i.e. *crypto-anarchism*<sup>243</sup> or a form of TAZ, to which legal anarchism will later return.

When it comes to developing and distributing the anarchist ideologies, even in their extreme radical manifestation, it seems that the USA and particularly England have historically been more tolerant than other countries.<sup>244</sup> Switzerland nonetheless remained the center of radical anarchism (such as Bakuninism) and anarchist syndicalism (especially the Jura Federation) for few decades.<sup>245</sup> These countries have accordingly shown their capacity to absorb the anarchist ideologies at the core of the mainstream ideologies, commercialize them, or marginalize them in a somehow pacific manner. In other words, they are able to defuse the so-called revolutionary or insurrectionary anarchists through implicating them in conservatism, possibilism, commercialism, academicism (e.g., professorship and lecturer), or verbalism in a dominant culture of business and Statism. I should also add that my notice is *relative*, because I compare them with other Western countries (e.g., France – despite its motto *liberté, égalité, and fraternité* –,

Germany, Italy, and Spain) in which historically the Governments have severely controlled and reacted against the anarchists. It may not be surprising that the USA and England have become the modern cradle of anarchist think-tankers and anarchist industries as well: advertising, films, books, articles, colleges, universities, research institutes, etc. Even neo-Marxism and deconstructionism have nowadays become stronger in America and Britain than in France and Germany.<sup>246</sup>

As analyzed above, the British and American States have nonetheless proved their fervent tenacity to repress not only anarchist attitude, but also anarchist thought in their anti-libertarian crusade. In fact, both libertarian ideas and libertarian people are subject to brutality and discrimination in all countries. As for Canadian anarchism, it would hardly be original or revolutionary, because Canada, its Governments, and people are deeply rooted in racism and conservatism, on the one hand, and in “Britishism” and “Americanism”, on the other hand.<sup>247</sup> In short, it would scarcely have any specific identity more than a Crown colony mixed with Yankeeism in nearly all existential fields (culture, science, law, State repression, spy,<sup>248</sup> economics, politics, etc.).

However, several revolts or revolutions have called State repression into question around the world. For instance, the Whistleblower Movement, Arab Spring, and Occupy Movements (e.g., Occupy Wall Street, Occupy Gezi, and Nuit Debout) have depicted the spontaneous revolutions or revolts against the tyrants and oppression, which stake a claim for justice, peace, democracy, and ecology, in spite of State violence and oppression.<sup>249</sup> I wonder if they will eventually end or not in enduring the status quo or in changing the masters or despots, instead of destroying authority, hierarchy, and oppression. Have some highbrows had a right to speak about “oriental despotism”?<sup>250</sup> It unfortunately seems that the Arab Spring has provided a positive answer. It shows that the seasoned politicians have eventually become winners through presidentialism, electoralism, or parliamentarism, which have actually strengthened the political position of the Islamists in a process of supposedly “democratization” consequently bringing barbaric Islamist laws or *Sharia* back.<sup>251</sup> It constitutes a big mistake, for instance, that the Iranian people have formerly paid the price by choosing the Mullahs whose heart and mind are too stony, dark, and aggressive.<sup>252</sup> The Arab revolutions could remind us of some anarchistic uprisings ending unfortunately in Governmentalism and despotism, such as the Spanish Civil War. The worst despotic Governments are religious, because they are mythically legitimizing themselves as God’s representative on the earth, and mercilessly repressing any dissidence as apostasy, blasphemy, or a crime against divine authority.

Frederick Douglass, an African American abolitionist, stated that “*Find out just what any people will quietly submit to and you have found out the exact measure of injustice and wrong which will be imposed upon them,*

and these will continue till they are resisted with either words or blows, or both. The limits of tyrants are prescribed by the endurance of those whom they oppress.”<sup>253</sup> In other words, as long as State stigmatization and repression exist, resistance and fight will continue everywhere through endless means, non-violent as well as violent, and the greater social movements will emerge.<sup>254</sup> Professor Shantz has accordingly affirmed, if State “power is exercised everywhere, it might give rise to resistance everywhere.”<sup>255</sup> As for us, ordinary individuals, we should not put into silence the victims of victims of despotism and injustice around the world. In other words, we must not forget the blood and pains of our jailed and killed friends (such as Sattar Beheshti and Hossein Ronaghi-Maleki),<sup>256</sup> segregated or racialized immigrants and individuals, among others. If they have bravely paid for State violence and censorship with their lives and properties, we must not shut down, because our silence constitutes complicity with politicians and tyrants as well. Our fight against tyranny and for liberty, justice, peace, and the clean and safe environment has just started.

In our fight, the Internet has hopefully changed the political game, as we witness the growth of independent, non-corporate and non-Governmental media, weblogs, Facebook, Twitter, and other means of mass communication.<sup>257</sup> They struggle to denounce State violence and to escape from State censorship and oppression, while promoting the spirit of resistance to Government and capitalism together, and that of revolution, as happened during the Arab Spring and throughout anti-globalization movements, through *cyberactivism* or *Internet activism*.<sup>258</sup> If the libertarians and political dissidents have been historically subject to the dangers of smuggling their periodicals, pamphlets, manifestos, and books into certain countries, they would nowadays be able to distribute them on a global scale. Parallel to technological progress and the Digital Revolution, the Internet and other communication tools will progressively be more accessible and less apt to State control and repression. The dissidents and the libertarians use them more and more in order to fight against despotism and the exploitation of humankind and nature around the world.

The Internet would also break down the monopoly of academicians and their clans, such as academic referee and peer review (scholastic gatekeeper or watchdog).<sup>259</sup> As the scholastic gatekeepers, they are accustomed to stigmatizing any outsider study as “irrational”, “sensational”, “unscientific”, “journalistic”, “romantic”, “narcissistic”, “populist”, “opportunist”, “anarchist”, “frustrated”, “angry”, “weak”, “bad”, etc. Nonetheless, they still own an abominable power over publication through so-called academic credentials and evaluations, which arbitrarily recognize what is scientifically acceptable and what is not, what constitutes evidence and what does not. Neither they nor politicians are hopefully so strong to kill a dissident idea, particularly thanks to the Internet!

Finally, the anarchists are by no means innocent children. On the one hand, a look at the anarchist journals, reviews, publishers, websites, organizations, and movements would imply that their leftist and rightist circles have withdrawn into themselves while being guarding against any outsider. May the Quran (Al Hujurat 49:10) imply the establishment of an anarchist caste? (*The anarchists are nothing else than brothers and sisters. So make reconciliation between your brothers and sisters, and fear the Anarchist Godfathers/Godmothers that you may receive mercy.*) On the other hand, it seems that there is a different attitude of the legal system toward unknown opponents and famous activists. If the police, prosecutors, and Judges are particularly harsh vis-à-vis the ordinary dissidents, they are often lenient and cool when it comes to responding to the well-known activist anarchists, because the latter, as the middle or upper class, enjoy huge mass media coverage as well as the seasoned lawyers' advices and defenses. Do you therefore think that the famous anarchists are repressed in the same way as the poor are? Is not it a type of "justice à deux vitesses" that the anarchists have hotly rejected when proposing an equal justice?<sup>260</sup> As for legal anarchism, it is going to analyze the elements of this anarchist proposition in the next Chapter.



# Chapter 5: The Anarchist Alternatives

## 5.1 Synopsis

This Chapter examines the realization of libertarian communities at the individual, familial, communal, national, international, and environmental levels according to the problems (1), principles (2), and anarchist alternatives or models (3). It finishes by my alternatives and final notices (4). It actually reveals five anarchist approaches to the legal system: egoism or individualism, socialism, capitalism, environmentalism, and synthesisism. It also discloses the internal difficulties and controversies of anarchists to answer some of the most important issues of existence related to their models, such as property and punishment.

1) The problems of the anarchist alternatives concern utopianism, organization, labour, natural resources and technology, money and taxation.

The mainstream thinkers traditionally regard anarchism as a utopian or romantic concept, because it cannot be feasible. Nonetheless, Goodman, Ward, Bookchin, McElroy, and Rothbard emphasize that it is realizable, since the anarchists try to theorize, organize, and practice their models (e.g., DIY, direct action, the free market, and the workers' organizations). Moreover, the libertarians consider that Somalia successfully experienced a decentralized system.

Organization occupies a different place among the anarchists. The capitalists accept it by advocating the private organizations. The individualists consider it synonymous with Government, but the socialists recommend it as a necessary element of creating an anarchist model. Merlino believes that the disagreement has weakened the anarchist movements. The socialists therefore advocate and practice the affinity groups taking three libertarian and revolutionary forms: platformism, synthesisism, and class struggle anarchism, which show the structural feasibility of anarchist models.

The anarchists criticize the current workforce and workplace relying on State monopoly and regulation. They have however different approaches about dividing and organizing labour. Unlike Strangers In A Tangled and Price admitting the division of labour, Kropotkin advocates a holistic system of labour combining manual work with brain work. In his system, all workers enjoy education, creativity, art, and equality in producing and consuming. Certain social anarchists take an anti-workist and revolutionary approach. Tucker, Black, Dauvé, and Bonanno accordingly confirm that capitalism and its work values are destructive: drudgery, exploitation, hyper-consumption, hyper-specialization, and hyper-technology. The leftists try indeed to solve the issues of specialized labour, and to revolutionize the work environment by

establishing an equitable and human system. On the contrary, the rightists think about maximizing productivity and consumption according to property rights and the market's invisible hand, i.e. a laissez-faire system of work. For Spangler, this system is rooted in mutualism, individualism, and capitalism. In this case, Molinari, Rothbard, Hoppe, Caplan, Stringham, and Konkin III recognize the working values of property: private labour markets, specialized labour, wage system, competition, and non-regulation (e.g., child labour and prostitution). An Anarchist FAQ criticizes these values, because they generate inequality, exploitation, oppression, and hierarchy when struggling to look like anarchism. They are simply similar to State economy.

Concerning the natural and technological problems, legal anarchism invokes Rousseau, Babeuf, and Bahá'u'lláh, and considers the GP's spirit. It therefore confirms that natural resources are neither private property, nor permanent to be subject to war, conquest, or exploitation by technology. The anarchists however disagree with each other about its confirmation.

On the one side, the rightists reject the public ownership of natural resources. For instance, Rothbard, Hoppe, Johnson, and Chartier advocate the privatization and decentralization of resources, according to the principle of first ownership to first user or transformer without any interference (the homestead principle). The rightist approach to the technological issues is also excessive: technological libertarianism. Rothbard, Hoppe, Gordon, and Carson believe that we cannot fix technology, and only the market, self-regulation, decentralization, and capital investment can advance the technological methods of maximal production and consumption. Jones accordingly believes that technology is an autonomous identity with its own existence. Martel criticizes the capitalist approach to natural resources by describing it a form of commodity fetishism. However, both rightist and leftist anarchists share some ideas about technology. For instance, Carson and Landstreicher emphasize the role of technology in increasing State surveillance and control, as, for example, proved by Snowden's disclosure. Rothbard and Bookchin affirm that computer and television help humanity to practice direct democracy.

On the other side, the leftist approach to natural resources has shifted from environmental ownership, which could be close to the capitalist approach, to environmental liberation. Relied on anthropocentrism, Proudhon, Reclus, Bookchin, and Peet have accordingly implied the colonization and communization of resources. The green radicals (e.g., Katz and Zerzan) have however resisted this colonialist implication by advancing an ecocentric and ethical approach. They argue that civilization has no right to pollute or destroy nature by dominating, enslaving, or domesticating non-humans. Like the Neo-Luddites, the radicals also criticize the harmful effects of modern technology on both humanity and nature,

such as capitalism, urbanism, militarism, State control, and State-sponsored science. Zerzan, Porcu, Landstreicher, Marszalek, and Kaczynski accordingly challenge technology, and consequently advocate a green community. Nonetheless, Flood and Bookchin criticize the radical approach, because it weakens anarchism by attacking civilization and technology, rather than directly attacking capitalism and its mechanisms of control, including the State. A moderate approach (e.g., Flood, Bookchin, Wilson, and Kleiner) recognizes the technological problems, but it believes that technology (e.g., cyberspace, cybernetic anarchism, and green technology) can be also liberating and help humanity to create a libertarian life.

Like technology, money and tax divide anarchism, and prove that they can be simultaneously enslaving and liberating. As a result, the libertarians want to abolish State money or centralized currency. For example, Warren and Proudhon advocated a form of local currency depending on the amount of labour (labour money), while the Spanish anarchists would later abolish money during their revolution. Although Kropotkin appreciates Proudhon's Bank of the People and his fight against usury, he wants to abolish all forms of money, including labour money. As for Malatesta, he considers money as a double tool of dominating and liberating. On the contrary, Rothbard, Bagus, Howden, Stringham, Zywicki, and Edwards confirm that a free market society is able to create a currency depending on the gold or silver standard, which functions in accordance with self-regulation, competition, and decentralization. As for taxation, although the anarchists regard Government taxation synonymous with coercion and organized robbery, they would agree that a libertarian community can cover some of its costs by its members' voluntary contributions.

2) As the pillars of a libertarian society, the principles of the anarchist alternatives concern endless alternatives, agreement and contract, federative decentralization and autonomy, non-aggression, respecting non-humanity or the GP, and free love. They indeed constitute an "anarchist archetype" showing the spirit of anarchist alternatives. They have however caused certain disagreements about their existence and application.

Endless alternatives depict "anarchist trial and error", i.e. the anarchists apply or revolutionize different models according to existential changes, including governance. As Taylor and Godesky suggest, existence is by no means fixed, but evolving. Strangers In A Tangled believes that the anarchist strategies are plural. Most of anarchists do not however present any detailed alternative. Bookchin thus implies that they cannot explain the details of their models for the future by the current standards. Price and Goodman recognize the flexibility of anarchist strategies according to time and space, while McElroy provides different examples of anarchist tactics like establishing free schools and civil disobedience.

It seems that contract in anarchism is as sacred as the Constitution in archism. As a functional and shared concept among all schools of anarchist thought, anarchist contract is nonetheless much less detailed than the Constitution. Despite its Godlike existence, its quality and quantity are ambiguous. For instance, we do not exactly know how would be the substance and form of anarchist law. The sacred and enigmatic place of contract has thus led to the creation of certain controversial, if not absurd, concepts by the egoist and capitalist anarchists, such as self-ownness, self-ownership, child as non-contracting individual, the class struggle between parent and child, and the baby market. Contract and agreement are however conditional, because the libertarians (e.g., Proudhon, Bakunin, Tucker, Dolgoff, Mises, Tiebout, and Buchanan) recognize the right to leave a contractual or federative society without coercion.

Federation apparently occupies a secondary place in anarcho-capitalism. On the contrary, the socialist scholars (e.g., Proudhon, Bakunin, Eltzbacher, and Clark) confirm that the anarchist communities would arrange their life in a decentralized and federative manner, which would facilitate liberty, autonomy, democracy, and cooperation. Other scholars (e.g., Danzig, Elliot, and Williams III) prove that decentralization can improve the legal system.

It seems that the principles of non-violence, respecting non-humanity, and free love are connected to each other, since they present a holistic approach to humanity and nature. This implies Bookchin's wholeness mixing anthropocentricity and ecocentricity, as explained in the green justice. The principles constitute the fundamental rights to exist and to enjoy existence without any discrimination, which I call the "principle of existence" (PE) in my alternatives. Despite their practical problems, legal anarchism remains humanist and environmentalist, and opposes their violation (e.g., racism, androcentrism, the death penalty, and torture), except in some cases (e.g., self-defence) and under certain conditions.

Anarcho-capitalism has created and developed the non-aggression principle (NAP). It relies on respecting individual dignity inasmuch as nobody has the right to aggress individual physique, psychic, or property. In the case of aggression, the aggressed individual has the right to self-defense. As detailed in the anarchist models, the case of defending against aggression is problematic, because some libertarians (e.g., Tucker and Rothbard) advise a criminal justice close to State law, which can even impose torture and capital punishment, among other cruel treatments of criminal. Kinsella, Block, Long, Stringham, Rothbard, Hoppe, and Chartier emphasize the economic aspect of the NAP: private property. The leftists (especially An Anarchist FAQ) challenge the principle by arguing that it enables capitalism to legalize oppression and exploitation. Legal anarchism however thinks that the NAP includes humanity and its relation with nature in the cosmos. The NAP therefore concerns not only property, but also all existence: non-aggressing any

woman, man, child, LGBT, transgender, animal, and plant. In this sense, it includes the GP and free love: liberating, equalizing, and respecting sexuality, gender, and the earth. The individualist, feminist, and green anarchists (e.g., Bookchin, Zerzan, Goldman, De Cleyre, and Home) have played an important role in this case.

3) Legal anarchism analyzes the anarchist alternatives in the contexts of nation (3.1) and internation (3.2). They depict the attitude of libertarian societies with their members, others, and non-humanity as well.

3.1) The anarchist alternatives are individualist, socialist, and capitalist. The individualist models are either *pure* (e.g., Stirner, Spooner, Tucker, Yarros, and Walker) or *synthesist* (Nettlau, Armand, and Home), while the socialist models include *mutualism* (e.g., Proudhon, Carson, Johnson, and Chartier), *collectivism* (e.g., Bakunin and Guillaume), *communism* (e.g., Kropotkin, Mühsam, Malatesta, Berkman, and Herod), *syndicalism* (e.g., Proudhon, Maximoff, and Chomsky), and *environmentalism* (e.g., Bookchin). As for the capitalist models, they recommend the privatization of the legal system by either a pure approach (e.g., Rothbard, Hoppe, Benson, Friedman, and Stringham), or a leftist approach (e.g., Konkin III, Carson, Johnson, and Chartier). The leftist approach is close to Proudhonism and balanced among individualism, socialism, and capitalism.

They are indeed pure individualists and capitalists who advocate certain orthodox or puritan models, which obviously sacralize individuality and private property. For instance, they normalize some severe penalties (e.g., corporal punishment and experimentation on the prisoners) to protect the individual and her property. Some anarchists however try to moderate or synthesize those models by adding socialism or communism to them. Moreover, the issues of property and organization are important in analyzing the anarchist models. They actually describe some disagreements between the anarchists about the management of an anarchist society by certain norms, which regulate humans and their relation with nature as either a property, or an autonomous identity.

The egoistic model apparently worships self, even though it criticizes State law as a sacred law! In this pure model, only the individual and private property can design and govern the legal system. For instance, Tucker and Yarros recommend jail, torture, or capital punishment in the case of violation of individuality and property. In contrast to this absolute model, the synthesist model mixes individualism and socialism, which recognizes the individual and her property as the important elements in a free and communitarian life. Kropotkin, Malatesta, and Bookchin however disregard the individualist models as marginal, idealist, bourgeois, or life-stylist.

Before analyzing the socialist alternatives, legal anarchism explains some key concepts playing an important role in social anarchism and its normativity. They are public opinion, participatory justice, the TAZ, and squatting that show some communitarian and revolutionary elements of social anarchism. For instance, legal anarchism invokes Scott of the Insurgency Culture Collective, Black, and Herod who provide some theoretical aspects of public effect on crime and public role in dispute resolution. It also analyzes certain practical aspects of anarchism, i.e. the TAZ and movements of occupying and squatting that rely on spontaneity and direct action.

Inspired by Proudhon's ideas, the mutualist model recommends a system based on the free market and voluntary exchange among the autonomous individuals and free associations. For instance, the model of Chartier depends on a form of restorative justice replacing the criminal law with the civil law. This model aims at correcting human and environmental injuries, on the one hand, and applying the law, on the other hand.

The collectivist model advocates the collectivization of the means of production and the privatization of workers' goods and services, as practiced by the Spanish anarchists. The mutualist and collectivist alternatives are not apparently different from State mechanisms, because they embrace representative governance and the wage system, both criticized by Kropotkin. In addition, although a collectivist society tries to abolish State law, it allows, as Bakunin and Guillaume recognize, murder and confinement in the case of violent crime.

By opposing to each according to his labour advocated by collectivism, the communist model demands to each according to his need. The anarchist communists believe that a communist and libertarian society would produce less criminality, because its human and egalitarian characteristics undermine the main causes of criminality, i.e. poverty and exploitation. For example, Herod's *Democratic Autonomous Neighborhoods* and the Rainbow community promote direct democracy and humanistic reaction to antisocial attitudes. They do not however seem to explain well their mechanisms coping with the criminals, especially the dangerous criminals.

Legal anarchism reveals the identical issues in the syndicalist and eco-anarchist models, which respectively depend on the federation of workers and the environmental institutions. Nonetheless, Maximoff argues that a syndicalist society would establish the voluntary and arbitral tribunals for the normal cases, and a temporary, special, and communal tribunal for the serious crimes. As for the green justice, it presents a better model by incorporating non-humans into its normative system. For instance, Bookchin's libertarian

municipalism embraces several anarchist elements: direct democracy, communism, deprofessionalism, and environmentalism.

As for the market alternatives, the anarcho-capitalists regard the legal system as “a good and service” focusing on the NAP. They consequently recommend its marketization by some private mechanisms, especially tort and the private companies. Legal anarchism tries to examine their detailed recommendation according two factors: the marketization of law and punishment, and the marketization of enforcement workers. These factors concern principally the crimes against property, and modestly the crimes against nature. Concerning the capitalist law and punishment, Molinari, Friedman, Smith, and Benson argue that the free market is rooted in natural law, and able to provide the customers with the law, security, and punishment of offender. Rothbard, Stringham, Konkin III, Lee, Wollan, and the Tannehills affirm that a libertarian code can handle the aggression of individuality and property. For instance, the code includes the homestead principle, restitution, capital punishment, murder in self-defence, commercialized prisons, and testing on the criminals to cover their cost. As for the crimes against nature, Rothbard, Friedman, and Chartier minimize them by simply reducing them to certain commodity market problems, which demand tort and compensation. Concerning the laissez-faire enforcement agencies, Rothbard and Stringham believe that the free market can supply the better protection of individuals and property rights by the private police and court, paid principally by their customers, or by the volunteers in the case of the poor. This commercialized protection means, according to Stringham, “*different services for different preferences*”.

Some thinkers nonetheless reject the capitalist alternatives for several reasons. For example, Neal and Kuhn confirm that anarcho-capitalism has methodologically and terminologically undermined anarchism’s essence, i.e. justice and equality. Wieck, Barry, Chua, Minati, and Taylor state that the protection agencies have a tendency to act like Government by becoming authoritarian, monopolist, protector of a group against another, or fabricator of consensus.

3.2) Legal anarchism examines the international alternatives, proposed by the rightist and leftist anarchists. First, it rejects the mainstream idea about international anarchy, because the States traditionally struggle to dominate each other, which results in nationalism, imperialism, colonialism, or war. Then, it reminds that an anarchist model should consider the diverse, interconnected, and universal aspects of the anarchist movements, on the one hand, and face the Hobbesian fear of international anarchy, on the other hand. The anarchist model should also respect the NAP and the GP on a universal scale, which means no adventure in militarism and war (e.g., the WMD). Regarding the rightist approach, Rothbard believes that



contrary to the State society, a libertarian and universal society would be moral, peaceful, efficient, and practicable, and solve its legal issues without any centralized system. Rothbard, Long, Chartier, Stromberg, Hoppe, and Hülsmann believe that a market society can supply the different forms of national defense, which vary from guerrilla warfare, collective defense, cooperative defense, and charity defense, to the insurance companies and private defense companies. The leftist anarchists are traditionally internationalists, because they believe in fraternity and universality in their struggle against capitalism. In addition, as Herod emphasizes, anarchism has no territorial boundaries. For example, Godwin, Proudhon, Bakunin, Rocker, Landauer, and Falk imply a universal order based on the federation of small and decentralized communities that would function according to the diverse norms and contracts. Proudhon, Bakunin, and Rocker look at Europe and the USA as a federative model. The leftist alternatives aim also at solving the international issues like global democracy, global warming, and militarism.

4) Legal anarchism concludes with my own alternatives and notices, which concern my severe criticisms of libertarians and the discipline of legal anarchism as well as my possible contribution to this discipline.

My alternatives depend on the national and international principles, in which green anarchy and green technology play an important role. They are interconnected, humanist, and environmentalist. The national principles are the *principle of existence* and the *principle of freedom to choose* or the *principle of freedom of choice*. The first principle is a holistic approach to existence, since it relies on the NAP and the GP to recognize the right to life for all humans and non-humans. The second principle means the individuals are free to choose any libertarian model whereby they freely manage their life and relate to each other and nature in the cosmos. I divide the PFC into the general elements and the legal elements that are important to the establishment and continuation of a libertarian community. The general elements contain, for example, equality (especially gender equality), education, plurality, property, and direct democracy. The legal elements design some principles that the anarchist community can use to solve some issues like legal education and criminality. The international principles focus on respect, peace, cooperation, decentralization, federation, defence, and ecology.

I particularly criticize the anarchists because of their jargons, internal fights, cult of personality, closeness, oldness, and incoherence. I thus endeavor to contribute to legal anarchism by evolving it from a relatively old, marginal, romantic, or even hated discipline to an open, modern, respected, effective, and academic one. It accordingly needs a clear language, some positive ideas, and reliable models about establishing a society based on justice, liberty, equality, prosperity, peace, green ecology and technology.

Besides my endeavor of modernizing legal anarchism, I have tried to write a thesis that have, for first time to the best of my belief, analyzed and synthesized the diverse anarchist ideas about State necessity and legitimacy through the legal system. However, have I been successful in my contribution to scholasticism and anarchism when both scholars and anarchists have excluded me from any scholastic and libertarian publication and job despite my long thesis, other writings, and experience? Are they able to use the dissident or external ideas when they are hostile vis-à-vis any dissident like me?

## 5.2 The Problems and Principles

Before getting into my debate on the problems and principles of libertarian alternatives, I should specify that I could not analyze the religious alternatives. For four reasons, I should indeed avoid making longer and more complex my thesis by analyzing the alternatives presented by the religious libertarians.

Firstly, we should not forget the highly critical and controversial value of religion or spirituality among the anarchists (such as “No Gods, No Masters”, “God is Evil,” “God is a Pig”),<sup>1</sup> and that of religious alternatives.<sup>2</sup> Due to the paradoxical nature of anarchism including the use of both peaceful and violent means, some intellectuals, journalists, and politicians have even found out a relationship among anarchism, Al-Qaeda, the ISIS, or Islamist terrorism!<sup>3</sup> In this regard, Professor Martel’s notice is controversially significant: “Anarchy is the one form of politics that resists idolatry.”<sup>4</sup> Although most anarchists oppose religion and God as anti-human as well as a justification for mundane authority and slavery, a few believers use religion in their anarchist conclusions.<sup>5</sup> Anarchism has not however been able to prevent itself from becoming a type of religion yet, since, as Professor Payne judiciously notices, it has created its own cultic anti-religious forms (normally anti-Catholic), such as ceremonies and liturgies, a salvation myth, saints and martyrs, a spiritual and cultural revolution designed to fabricate a new man with messianic and expansionist purposes.<sup>6</sup> For instance, Professor Dunbar-Ortiz has believed in anarchist cult and martyrdom: “Our task as anarcha-feminists can be nothing less than changing the world and to do that we need to consult our heroic predecessors.”<sup>7</sup> In short, as O’Keefe has stated, “Libertarianism is a religion, with human nature its God, and natural rights its commanders.”<sup>8</sup> Is it thus possible to undermine the cult of personality, mingled with charisma and religion, in a libertarian society while we have witnessed the deep roots of religiosity in our existence as well as in the anarchist ideas?<sup>9</sup>

Secondly, I do not deny my very anti-religious tendencies, mostly because of my awful experience with and knowledge of religion, especially Islam, and its institutionalized violence against humans and non-humans as well: propagating superstition and stupidity, sexism, intolerance, tyranny, torture, rape, murder,

whipping, stoning, jail, the treatment of nature as God's gift to human beings, and so on. The situation has never been better when, for example, Judaism, Christianity, Buddhism, and Hinduism have governed humanity through their irrationality and corruption. I honestly dislike religion, because it, as a form of WMD, is the root of many human and non-human catastrophes and tragedies during existence.

Thirdly, religion is a type of very dangerous virus that unfortunately never dies, but survives or immunizes itself against all critiques and attacks, even though Professor Mises has truly argued that the Jewish and Islamic "*religions are dead. They offer their adherents nothing more than a ritual. They know how to prescribe prayers and fasts, certain foods, circumcision and the rest; but that is all. They offer nothing to the mind. Completely de-spiritualized, all they teach and preach are legal forms and external rule. They lock their follower into a cage of traditional usages, in which he is often hardly able to breathe; but for his inner soul they have no message. They suppress the soul, instead of elevating and saving it.*"<sup>10</sup> In other words, Judaism, Christianity, and Islam (or really *three axes of evil*) have astonishingly survived, despite their crimes against humanity and nature as well. They have actually supported all types of regime, and committed all types of crime during their dark and bloody existence: the Middle Ages, the Vatican City State, Zionism, the Islamic Revolution of Iran, Al-Qaeda, Boko Haram, the ISIS, etc. Zionism and, recently, the ISIS are merely the examples of two perfectly surviving and extremely harmful religions.<sup>11</sup>

What Sherlock has accordingly said about Christianity is equally true for other major religions: "*Christianity did not become a major religion by the quality of its truth, but by the quantity of its violence.*"<sup>12</sup> So-called anarchist religion is another example in this case, since it struggles to establish a religious community based on certain archaic religions that are too far from our modern reason and society. The survival, mutation, or immunity of religious beliefs shows the irrationality and obedience of populace and intelligentsia as well, as humanity has experienced the emergence and permanent mutation of State apparatus. In this case, I would like to share Fyodor Dostoevsky's idea: "*Man cannot exist without bowing before something ... Let him reject God, and he will bow before an idol.*"<sup>13</sup> Furthermore, as Robert Green Ingersoll put, "*There can be but little liberty on earth while men worship a tyrant in heaven.*"<sup>14</sup> Contrary to Professor Martel's notice, is not anarchism, at least in its religious aspect, a form of idolatry? Is not "anarchist religion" an existential paradox or mistake? As a result, anarchist secularism has still a long way to cross in front of anarchist mysticism, affected by "*The God Virus*" and faced by "*God: The Failed Hypothesis*".<sup>15</sup>

Fourthly, many of human and non-human liberties and rights have started to appear when humanity has started to revolt against God, Gods, Goddesses, and their sacredness and divine rules: freedom of

speech, freedom of thought, freedom of religion (!), right to life, right to revolt, sexual liberty, women's rights, children's rights, animal rights, secularism, and so on. Even according to a religious myth, God punished Adam and Eve because they revolted by breaking a God's rule. May we wish that if we "*could experimentally educate children in critical thinking and break the cycle for one generation, religion would be dead*"?<sup>16</sup>

## 5.2.1 The Problems

The anarchists are aware of certain problems related to the destruction of the status quo, State power, and their replacement by some libertarian programs. However, the scholars usually charge the libertarian programs with utopianism in a damned world submerged, among many other problems, in the existential pains caused by realpolitik – which is fervently condemning any try to change fundamentally the status quo of being purely utopic –, structural organization, labour, natural scarcity, unbridled technology, money, and tax. It seems that if these issues are particularly critical among the individualist as well as leftist anarchists, the rightist ones are a little worried about them. In fact, the rightist libertarians and somehow the mutualists have some detailed programs recognizing the private organizations, the division of labour, especially regarding the legal system, income inequality, modern technology, the exploitation of natural resources, the cult of money, or even disguised taxation. They advocate these programs in the framework of the free market relying on their eternal faith in the economically invisible hands, omnipresent competition, good reputation, and charity, all directed by so-called natural laws. Could it constitute a form of "capitalist religion" realized throughout anarcho-capitalism?

### 5.2.1.1 The Problems of Utopianism

They suppose that anarchism mostly relates to *utopianism* or somehow *romanticism*<sup>17</sup> – the opposite of dystopianism matching nightmarish archism –,<sup>18</sup> since it, unlike Marxist historical determinacy, requires some actions in the present embodying their goals for the future.<sup>19</sup> According to Professor Honeywell, a utopian theme deployed among certain twentieth century anarchists, specifically Goodman and Ward, concerns the relationship between society, material environments, and their effects on planning urban environments. Based on immediate temporal and spatial contexts, their ideas have influenced the theories of "direct action" and "DIY" promoting the utopian spirit in political ideas.<sup>20</sup> (The American State did ironically advocate a DIY activity!)<sup>21</sup> Despite such a utopian and autonomous spirit, the libertarians refrain themselves from imposing the future alternatives, because they respect future reasoning and freedom in accordance with their belief in "open-ended progress".<sup>22</sup> Professor Bookchin has thus affirmed that even

though “We live today under the tyranny of a present that is often more oppressive than the past,” “the libertarian utopians of the past did not provide “blueprints” for the future that we can regard as acceptable today.”<sup>23</sup>

The realist people have however ridiculed and undermined utopianism, rooted deeply in anarchist culture or cultural resistance to *realpolitik*,<sup>24</sup> as an unrealistic idea and an effort to change the status quo. Professor James accordingly notices that theorists like Rancière and Fisher have argued that neo-liberalism makes impossible to even imagine some alternatives to the status quo.<sup>25</sup> On the contrary, without dreams, utopias, and visions that go beyond the death marches of our society, war, industrialism, pollution, and boredom, we are unable to destroy what has doomed us to a passive, stressful, and ambulant numbness.<sup>26</sup> In this case, we need “a culture of antiauthoritarian struggle”.<sup>27</sup> Moreover, utopianism is relative. On the one hand, what is today “utopic” would tomorrow become “real”.<sup>28</sup> On the other hand, as *An Anarchist FAQ* put, if human beings are naturally so bad, “then giving some people power over others and hoping this will lead to justice and freedom is hopelessly utopian.”<sup>29</sup>

In fact, the people dismiss anarchism because they believe that it means “utopia”. Some libertarians nonetheless argue that anarchism “is anti-utopia” or “utopia’s antithesis.”<sup>30</sup> They do not want a perfect world, but a genuine and free world, since humanity has realized time and time again that perfection does not exist. They want a world in which they are free to experience and embrace their imperfections, their true selves.<sup>31</sup> In other words, they have a belief in human ability to improve with unlimited knowledge, while avoiding the specious accusation of utopianism.<sup>32</sup> For example, in the period from the 1890’s to the outbreak of the World War I, hundreds of thousands of workers around the world proved that anarchy was no utopian dream, but a practical method of organizing on a wide scale inasmuch as they were daily applying anarchist ideas.<sup>33</sup>

When it comes to the nineteenth-century anarchists, Professor McElroy argues that they were not merely utopists or believers in the millennium. In this case, she invokes Yarros, an anarchist lawyer who believed that the libertarians “work directly, not for a perfect social state, but for a perfect political system. A perfect social state is a state totally free from sin or crime or folly; a perfect political system is merely a system in which justice is observed, in which nothing is punished but crime and nobody coerced but invader.”<sup>34</sup> Yarros’ belief would actually imply that it is difficult to observe the anarchist alternatives to State law with a pure legalistic lens, because the anarchists are mostly writing their alternatives in a general manner, e.g., the legal systems in anarcho-individualism and anarcho-syndicalism. In this regard, anarcho-capitalism should be an exception inasmuch as the libertarian capitalists have developed a relatively coherent legal system.

Some people, especially the free market anarchists, have nowadays traced an anarchist model in Somalia, in spite of the problems related to violence and to the conquest of power in this country, before embracing the new Governors.<sup>35</sup> In this case, Professor Rothbard has argued that although there is no absolute guarantee for a purely market society not to fall prey to organized crime, this concept is far more functionable than the correctly utopian idea of a strictly limited Government, an idea which has never historically functioned.<sup>36</sup>

Albeit we usually think that legal anarchism is utopic, it can be a gradual discipline without falling into the trap of conservatism, which is, for example, observable throughout the possibilist movement occurred in France at the end of the nineteenth century.<sup>37</sup> In this sense, Read argues that the anarchists' *"practical activity may be a gradual approximation towards the ideal, or it may be a sudden revolutionary realization of that ideal, but it must never be a compromise."*<sup>38</sup>

Professor Taylor, inspired by the Weberian definition of the State, has nonetheless argued that "pure anarchy", i.e. the equal distribution of the means of force and the absence of political specialization, can exist neither in the past nor in the future. In this sense, all primitive societies are by no means anarchic, because they, like the States, have the means of maintaining order by specific individuals (e.g., chefs and warriors), which are indeed political specialists or political workers. He has nevertheless found out that humanity has mostly lived in Stateless communities. Furthermore, he has ambiguously analyzed the role of the chief in a primitive society, a type of society adored particularly by the anarcho-primitivists. On the one side, the chief has no more power than another individual does, and no control of concentrated force. On the other side, most often his prestige depends largely on his generosity. He is thus under a strong obligation to use his wealth in the service of his people, such as gifts. Professor Taylor has concluded that a remarkable inequality of prestige and participation relies *"on a generosity which periodically levels the distribution of economic resources."* In short, an "acephalous society" is fundamentally egalitarian, certainly more egalitarian than any other type of society.<sup>39</sup> In fact, this scholar has implied some degrees of hierarchy or inequality, realized throughout a chieftaindom in which democracy has actually no place.<sup>40</sup>

A legal system based on anarchist principles could not really be utopic, because human beings have long experienced "small communities", in contrast to "mass societies" with their ethos of "mass consumption",<sup>41</sup> without centralized and professional politicians to enforce law and order.<sup>42</sup> Technology, such as communicating and voting through the Internet, has nowadays enabled them to function more democratic.<sup>43</sup>

We should also regard the problem of utopianism in legal anarchism in relation not only to State repression preventing the realization of any libertarian project, but also to the marginal position of libertarians in the society. Professor Boyer has accordingly noticed that until recently, anarchism “*has only been able to eke out an existence in abandoned places.*”<sup>44</sup> The realization of a utopic society, i.e. an anarchist community, reveals also the problems of organization.

### **5.2.1.2 The Problems of Organization**

The problems of organization stem from the unbalanced relationship between individuality and sociality in an anarchist organization, especially in the frame of an affinity group, which mainly contains platformist anarchism, synthesist anarchism, and class struggle anarchism on both national and international scales. These libertarian organizations share some common traits (such as direct action), when they have their own ideologies and tactics facing the problems of equalizing individuality and solidarity in their structural struggle against the State, capitalism, legal system, and other forms of exploitation.

#### **5.2.1.2.1 Unbalanced Organization between Individualism and Socialism**

How can we apply an anarchist alternative coexisting with the problem of organization in the anarchist ideologies and strategies? In fact, the “concept” and the “application” of libertarian organization seem to be paradoxical, very particularly in individual anarchism that would violently resist many types of organization, advocated by the social anarchists, because of its oppression, hierarchy, leadership, dogmatism, and finally reformism instead of insurrection.<sup>45</sup> For example, Stirner believes that as long as an institution exists and he cannot dissolve it, his self-appurtenance and ownness will be very remote. The fall of grassroots will thus invite him to his rise. As far as “social duties” are generally concerned, neither God nor humanity prescribes his relation to men, but he gives himself this position. Thus, he has no duty to others, as he has a duty even to himself (such as self-preservation, and therefore not suicide) only so long as he distinguishes himself from himself (his immortal soul from his earthly existence, etc.).<sup>46</sup>

However, the anti-organizational ideas do not actually limit to the individual libertarians. For example, Ciancabilla, one of the important socialist figures of the anarchist movement in the nineteenth century, argued that the anarchists do not establish fixed dogmas to follow. Since the general lines of tactics manifest in a hundred various forms of applications with a thousand varying particulars. The anarchists do not therefore want tactical programs, and they do not consequently want organization. They nonetheless come together spontaneously, without any permanent criteria, according to the momentary affinity groups



for a specific goal. They permanently change these groups as soon as the goal for which they had associated finishes, and new needs and aims push them to seek new collaborators.<sup>47</sup>

As a result, Galleani invoked Merlino who had observed the decomposition and agony of the anarchist movements stemming from the conflict between the individualist anarchists and the anarchist organizers. The individualists miss the concept of retaliation as the spirit of anarchist action, and cannot find a better way to act and to sustain an organization that they reject. On the contrary, the organizers are unable to find a type of organization compatible with the anarchist principles.<sup>48</sup> Galleani himself incarnated such a libertarian dilemma. He argued that the anarchists should enroll in a labour organization whenever they think it is useful to their struggle and possible to do under well-defined pledges and reservations. Pledge number one: as they are anarchists outside the organization, they should remain anarchists inside it. First reservation: they should never be a part of the leadership, but always in the opposition without assuming any responsibility in running the union. This is an elementary position of coherence for them.<sup>49</sup> Guillaume had accordingly stated that the anarchist organizational forms and procedures greatly vary in relation to the preferences of the associated workers, as long as they conform to the principles of equality and justice, the administration of the community and election by all members, entrusted either to an individual or to a commission of many members.<sup>50</sup>

On the one side, the anarchists reject an organized authority. For example, Professor Comfort has argued that “every appeal to organized force” is a retroactive or counter-revolutionary process, and tends to generate tyranny because of its inevitable deterioration of individual responsibility.<sup>51</sup> On the other side, all anarchists have highlighted “cooperation” and “mutuality” among individuals and groups in their social, political, and economic views and practices,<sup>52</sup> which signifies “the principle of agreement and contract” that I will later analyze. Contrary to some Marxists, Professor Bankowski has stated, there is no distinction between “organization” and the “control of production”. However, the anarchists, like the Marxists, believe that the principal problem stems from the fact that the few owns the means of production as established by the rights of “private ownership” guaranteeing domination.<sup>53</sup>

McQuinn has detailed the problems of anarchist organization according to leftist anarchism. The left mainstream has been explicitly hierarchical, authoritarian, and Statist since the French Revolution and the Jacobins. Even the anarchists or, at least, the leftist libertarians have not been immune to organizational fetishism. Because of their genuine concern for helping to create the conditions for their world, the leftist organizational imperative is too often mistaken for a healthy underlying strategy that the unethical or power-hungry authoritarian leftists have unfortunately undermined and discredited. All various forms of left

anarchism attempt to synthesize the aspects of left organizationalism with the aspects of anarchist organization, and all these synthesis aspects require some degree of sacrificing anarchist theory, practice, and values in exchange for an anticipated increase in either ideological appeal or practical power. In order to prevent further defeats, the leftist anarchists can consciously construct their practice on consistent principles of “self-organization”, always with as few compromises as possible, and with a clear eye on their goals.<sup>54</sup>

The problems related to organization are not certainly new among the anarchists. For example, the International Anarchist Congress of 1907 concerned particularly the organization of the anarchist movement and syndicalism. During the Congress, Dunois argued the anarchist comrades were almost unanimously hostile to any idea of organization since a long time ago. Many anarchists came back to idealism and individualism. There was renewed interest in the old themes of justice, liberty, brotherhood, and the emancipatory omnipotence of the idea of the world occurred in 1848. At the same time, the individual was exalted, in an English manner, against the State and every form of organization viewed as a form of oppression and mental exploitation. The goal of an organization is both thought and action. Although the individualists are obstinately and systematically hostile to any type of organization, anarchism was historically born through the development of socialism and federalism, which signifies a society “organized” without political authority. Finally, anarchism can exist in more or less every sphere of action: in anti-militarist movement, workers’ unions, popular universities, among anti-clericalist freethinkers, etc. These specifically anarchist movements will spontaneously arise from libertarian groups and their federation. The anarchist organization should group together, around a programme of concrete and practical action, all comrades who accept anarchist principles and want to work with each other according to anarchist methods.<sup>55</sup>

Malatesta, Goldman, and Baginski expressed the similar ideas by emphasizing the value of a revolutionary and libertarian organization that particularly needs conscious and energetic individuals.<sup>56</sup> The affinity groups would actually go in this direction.

#### **5.2.1.2.2 The Affinity Groups**

In the organization of anarchist alternatives, there is a generic concept: the “affinity group”, a Spanish term (*grupo de afinidad*) coming from the Iberian Anarchist Federation and referring to the organizational form, applied by the Spanish anarchists in their struggles during the late nineteenth and early twentieth centuries. This has also developed since the social movements of the 1970s and the

movement for global justice through certain militant organizations and street actions. The anarchists actually create the affinity groups as the basic organization to spread the anarchist idea at all levels of community, nation, and inter-nations as well.

The affinity groups are revolutionary, libertarian, autonomous, propagandist, political, educational, communal, and directly democratic groupings aiming to conciliate the individuals and the community through encouraging individuality and solidarity according to specific activities and interests. The decision-making process in an affinity group, a militant unit of about 5-to-20 individuals, is egalitarian, participatory, deliberative, and consensual. In fact, the *modus operandi* of these groups relies on encouraging the people to act autonomously and directly with a sense of responsibility towards organizations and demonstrates. They do not reduce the complex issues of political organization and ideas into one organization, but they recognize that different threads within anarchism will realize in different political organizations or even within the same organization. They thus take three main forms, “platformism”, “synthesist anarchism”, and “class struggle anarchism”, in a flexible and interchangeable manner.<sup>57</sup>

#### **5.2.1.2.2.1 Platformist Anarchism**

Platformism is a tendency within libertarian communism specifying the nature that an anarchist organization or anarchist party should take. It is rooted in the Russian anarchist movement, especially Makhnoism, during the Russian Revolution and the resulting civil war. It attempted to push the anarchists toward a more organized and class struggle direction, and to regroup or organize the revolutionary workers and peasants on an economic base of producing and consuming.<sup>58</sup>

Several Russian Platformists emphasized the importance and role of organization, and argued that the Platform sought to establish a centralized organization or a party aiming at creating a tactical and political line for the anarchist movement. They thus accepted a centralized and mechanical system with the simple corrective of election. They however disagreed with the idea of a “synthesis”, and took a critical and more or less negative position toward individualist anarchists and anarcho-syndicalists, since they regarded anarchist-communism as the only valid theory. Even though they believed that the thesis of the Platform relied on directing the masses, the anarchist organizations (i.e. groups, federations, and confederations) could only offer ideological assistance rather than leadership. As far as the organization of production was concerned, they specified that it would be carried out by the organizations created by the workers, soviets, and factory committees that would direct and organize production in the cities, the regions, and the nations. These organizations would closely relate to the masses electing and controlling them, and having the

power of recall at any time. In the defence of the revolution, the Platformists argued that the local formations of workers and peasants would understand that their action was not isolated, but coordinated in a common campaign. When the situation required larger armed formations, the command would be decentralized inasmuch as there would be joint combat when necessary, able to adapt easily to changing situations, and take advantage of unexpected conditions.

The Platformists also analyzed three questions about the creation of an anarchist organization: the aim and essence of an organization, the method of establishing an organization, and its form. They suggested that the first step toward achieving unity in the anarchist movement, which could lead to a serious organization, was collective ideological work on a series of important problems seeking the clearest possible collective solution. They hoped that the anarchists' role would only be ideological collaboration, as participants and helpers would fulfill a platformist social role in a modest manner. The nature of a platformist organization consisted in writing and speaking, revolutionary propaganda, cultural work, concrete living example, and so on. The Platformists finally outlined a perfectly centralized organization with an "Executive Committee" having the responsibility to give an ideological and organizational direction to the different anarchist organizations, which in turn would direct the professional organizations of the workers.<sup>59</sup>

In summary, the Platform relies on three parts. The *general part* affirms and reaffirms the basic principles of libertarian communism, i.e. the class struggle, the necessity of a violent social revolution, the repudiation of democracy, the negation of the State and authority, the role of the anarchists and the masses in the social struggle and social revolution, the transitional period and trade unionism. The *constructive part* deals with the matters of industrial and agrarian production, consumption, and the defense of the revolution. Finally, the *concluding part* concerns the principles of anarchist organization, dependent upon ideological and tactical unity or collective methods of action, collective responsibility, federalism, and the powers of the Executive Committee of the General Union of Anarchists.<sup>60</sup>

However, Voline detected in the organizational principles of platformism a Bolshevik deviation, which meant a party with the policy line and direction of the masses.<sup>61</sup> Voline and the majority of famous anarchists (e.g., Berkman, Emma Goldman, Maximoff, Fabbri, Camilo Berneri, and Malatesta) rejected the Platform, because it wanted to establish "Bolshevist anarchism" or wished the success of the Bolsheviks in Russia.<sup>62</sup> Nonetheless, an anarchist organization in its platformist style still seems to be attractive for certain anarchist leftists: neo-platformism, such as Especificismo in South America.<sup>63</sup>

#### 5.2.1.2.2 Synthesist Anarchism

Synthesist federation, synthesist anarchism, or simply synthesisism tries to synthesize the different schools of libertarian thought, which has divided anarchist movement into several somewhat mutually hostile tendencies, around the principles of “anarchism without adjectives”. However, anarchism without adjectives is more pluralistic than synthesisism, limited only to three anarchist main tendencies.<sup>64</sup> Synthesist anarchism has apparently either forgotten or denied the variety of anarchist schools, such as anarcho-collectivism, anarcho-capitalism, spiritual anarchism, and eco-anarchism. *An Anarchist FAQ* has explained that Faure and Voline proposed the anarchist synthesis organizing different anarchist schools around the principles of a common federation. The idea behind the synthesis relied on the fact that anarchism in most countries, including France in the 1920s and Russia during its Revolution, was divided into three main tendencies: communist anarchism, anarcho-syndicalism, and individualist anarchism. It suggested that these schools had to cooperate and work in the same organization. Faure saw these tendencies as a wealth in themselves that would work together in a common organization, while Voline argued that the anarchists would discover the emergence of these tendencies in accordance with the implications of anarchism in various settings such as the economic, social, and individual life.<sup>65</sup>

Faure also revealed four points regarding the anarchist synthesis. Firstly, although those schools differ, they are not contradictory. They have indeed nothing making them irreconcilable, putting them in opposition to each other, proclaiming their incompatibility, or preventing them from living in harmony and coming together for joint propaganda and action. Secondly, their existence does not harm the total force of anarchism, but it is logically able to contribute to the overall strength of anarchism. Thirdly, each of them has its own place, role, and mission within which a broad and deep social movement is going by the name of anarchism, whose goal is to establish a social environment that can assure the maximum well-being and liberty to each and every one. Fourthly, in these conditions, we can compare anarchism to what in chemistry is called a compound or a substance made up of a combination of three elements of anarcho-syndicalism, libertarian communism, and anarchist individualism:  $S_2C_2I_2$ .<sup>66</sup>

According to *An Anarchist FAQ*, those schools coexist in every anarchist movement at various levels, so that all anarchists would aggregate in an organization in which these schools disappear, both individually and organizationally, which means there would not be anarcho-syndicalism inside the organization, and so forth. The synthesis federation would rely on complete autonomy, within the basic

principles of the Federation and Congress decisions, for individuals and groups, so permitting all different trends to work together while expressing their differences in a common front. The various groups will be organized in a federal structure that combines to share resources in the struggle against Government, capitalism, the legal system, and all other forms of oppression. This federal structure is organized at all levels through a local union (i.e. the groups in a town or city), the regional level (i.e. all groups in Strathclyde are members of the same regional union), up to the national level, and beyond.<sup>67</sup> In this sense, synthesist anarchism is able to find a broader significance, since it can contain “geolibertarianism” synthesizing libertarianism and geoism. Legal anarchism will come back to this topic in *the Problems of Natural Resources and Technology*.

#### **5.2.1.2.2.3 Class Struggle Anarchism**

According to *An Anarchist FAQ*, the class struggle group places between the synthesis and the Platform. It agrees with the synthesis to have some various standpoints within a federation without imposing a common-line on different groups in different circumstances as advocated by the Platform. Nonetheless, like the Platform, class struggle anarchism recognizes that there is not really possible to create a forced union between entirely different strands of anarchism. It aims at collective working class resistance when opposing to reform capitalism via lifestyle changes and to support cooperatives. Even though many class struggle anarchists do these things, they are aware that they are not able to establish an anarchist society only by doing so.<sup>68</sup>

Price argues that class struggle anarchism goes on with the traditions of anarcho-communism and anarcho-syndicalism, and overlaps with libertarian Marxism or autonomist Marxism. In this case, the working class broadly contains employed wage workers, unemployed workers, retired workers, employed women, women homemakers married to male workers, and their children. It also encloses the middle class, typically regarded as better-off workers, white collar and skilled workers, independent professionals, small businesspeople, and the lower levels of management. These middle layers are not really an independent class, since they are mostly part of the two main classes, i.e. working as well as capitalist classes, and they usually direct toward one or the other. Anarchism, like all varieties of socialism, has traditionally opposed class exploitation and its effects, i.e. the alienated work and poverty. The anarchists and Marxists have alike aimed at creating a classless society. However, a working class-led revolution, unlike a Marxist revolution, does not want to seizure State power by an elite, but to create the conscious self-liberation of

the “immense majority”: all the oppressed (especially women and the people of colour), at the center of which exists the proletariat.<sup>69</sup>

In summary, class struggle anarchism is the struggle of the majority, the working and the poor people, against the ruling class. It recognizes that real change does not come through elections, but through mass struggle against the exploiters, particularly the State, capitalism, and the legal system. Although it boycotts elections, it defends all political freedoms, and relies on people power and mass organization to win gains like better pay, to defeat the State, capitalism, and all other types of oppression, and to establish a free Stateless and socialist society.<sup>70</sup>

Like class struggle anarchism, *anarchist insurrectionalism* is a revolutionary activity intending struggle against the State, capitalism, and the law. However, the insurrectionary anarchists reject reforms and organized mass movements as illusory activities and incompatible with anarchism, while advocating armed action (i.e. propaganda by the deed) against the ruling class and its institutions (such as the Judges) in order to cause a spontaneous revolutionary upsurge. We can find the post-left anarchists, anarcho-primitivists, and anarcho-communists among the insurrectionaries.<sup>71</sup>

The problems of anarchist organization and its forms (especially platformism, Especificismo, synthesist anarchism, and class struggle) are still unsolved, because its process of election, hierarchy, centralization, as well as its relation to individual freedom and autonomy remain questionable in a world increasingly submerged in establishing or reestablishing organized and centralized authorities destroying both individuality and solidarity. For example, we do not really know whether an anarchist organization relies on written laws, customs, or both, or how everybody should know them, as legal anarchism will later come back to these problems. Indeed, these issues exist because the libertarians, as Purchase has implied, are scared of reemerging partyism and Governmentalism. He has accordingly argued that the anarchist propaganda groups aim at promoting and facilitating the growth of a revolutionary workers movement, but not focusing upon the structure, processes, and development of their own organizations, as this often leads to form intellectual vanguards or inward looking micro-grouplets, inactive in the workers' struggle. In fact, a propaganda group is not an end in itself but a means to an end, and the failure to appreciate this aim results in reemerging partyism and Governmentalism. Such a failure is fatal to the development of an anarchist society.<sup>72</sup>

If the left anarchists are keen on propagating the theories and, usually secretly, practices of the affinity group, synthesist anarchism, platformism, class struggle, or revolutionary anarchism, the anarcho-capitalists are well structured and organized to become think-tankers lobby for limited Government,



especially laissez-faire in the welfare systems and free markets around the world.<sup>73</sup> Nevertheless, the leftist think-tankers have also their own structural and secret think-tanks as well as groups of class struggle.<sup>74</sup> The libertarian function of these socialist structures, like capitalist ones, seems to remain questionable, as it was the case of Bakunin's anarchist philosophy and the authoritarian character of his organizational system revealing the contradiction between theory and practice.<sup>75</sup> He accordingly stated that *"If you remained isolated, if each one of you were obliged to act on their own, you would be powerless without a doubt; but getting together and organising your forces – no matter how weak they are at first – only for joint action, guided by common ideas and attitudes, and by working together for a common goal, you will become invincible."*<sup>76</sup>

The anarchist alternatives are based on the idea that the legal system, as an organization and consequently "a public good" in its free market version, should be provided by the individuals or groups, which are not Governmental agents imposing the substantial and procedural laws in a centralized manner. Due to the diversity of viewpoints as well as different economic and social conditions, these alternatives are heterogeneous including individualist, socialist, collectivist, communist, capitalist, syndicalist, or environmentalist systems. They may share some common characteristics, such as decentralization and public decision. Nonetheless, maintaining social order, as a public good, faces the problems of "free riding" debated among the anarchists, particularly the rightist ones who fervently advocate the privatization of security and justice, which have proposed the panoply of attitudes vary from humanistic to repressive ones.<sup>77</sup> For instance, the British and American utopian communities of the nineteenth and twentieth centuries as well as the kibbutzim<sup>78</sup> were quasi-anarchic and mostly egalitarian facing inequality in work effort, which means the free riders or the idlers.<sup>79</sup> It seems that the kibbutz movement is controversially rooted, as Professor Malkiel put, in "ghettoization" stimulating *"sixteenth-century Italian Jewry to develop larger and more complex political structures, because the Jewish community now became responsible for municipal tasks."*<sup>80</sup>

Finally, we cannot really separate the problems of organization from those of labour, because what we produce and consume is rarely able to come into existence without the work of a group of people and their organization.

### 5.2.1.3 The Problems of Labour

Legal anarchism should now analyze the leftists and rightists' criticisms of labour as well as their solutions according to three approaches.

Firstly, the social anarchists handle labour with the gloves of class struggle and revolution, while taking an egalitarian approach to the issues of work and workers in their suggested communities. They

indeed criticize both workplace and workforce, because of their hierarchical, dominative, alienative, and exploitative features, stemmed from capital and Government and protected by the law. They also attack the division of labour, since it causes drudgery with inequality and exploitation as a result. Thus, in their libertarian communities, they propose the well-respected and well-rewarded jobs that are ludic, artistic, or scientific, with free time allowing everybody to satisfy her desires and needs in pursuing her happiness.

Secondly, the capitalist anarchists analyze those issues under the angle of free trade and competition in the free market communities. They criticize the place of work in our society in which the State unduly regulates and controls the market and labour, which are the important sources of private property rights, by the labour laws. As a result, they recommend a free society where the individuals and organizations are capable to sell and to buy their production and service in the markets.

Thirdly, the free market libertarians have left us with some doubts about the existence of hierarchy, domination, exploitation, or alienation in their proposed communities, as they exist in the current workplaces. In this case, the leftist anarchists have called the capitalist approach to labour into question. Throughout the leftist criticisms of labour in a free market system, we shall know whether the anarcho-capitalist approach to work is as hierarchical, dominating, exploitative, or alienating as the current systems of workforce and workplace, controlled by State law, in our capitalist societies.

#### **5.2.1.3.1 The Leftist Criticisms and Solutions**

The small and decentralized communities, advocated by the anarchists, are quantitatively and qualitatively different from our mega-societies, founded upon very different elements (i.e. classes, interests, and ideologies), in a world that permanently changes, due to the globalization of human rights, environmental issues, immigration, economy, and information. In this regard, there are several questions concerning labour. Particularly, how can the anarchist alternatives respond to the question of the highly “specialization of labour” and, consequently, to “income inequality”? How do the anarchists accordingly think about a Stateless society that will arrange itself when they apparently forget, for example, the knowledge and experience of the Judge with his/her great income and advantages? Let us look at the problem of the division of labour through certain anarchists’ writings that usually mix up manual work with mental work. In other words, they may try to simplify the complexity of work in our so-called modern or postmodern societies, even though the specialization of labour is not certainly a new topic.<sup>81</sup>

In *Brain Work and Manual Work*, Kropotkin really dreamed of olden times when the scientists, such as Galileo and Newton, and the natural philosophers had not despised handicraft and manual work. He

then explained what happened to our society in which under the pretext of division of labour, we have meticulously separated the manual worker from the brain worker. The masses of the manual workers do not receive more scientific education than their grandfathers did. They have been even deprived of the education of the small workshop, while their children are driven into a mine or a factory in which they cannot soon remember the little they may have learned at school.<sup>82</sup> Kropotkin could remind us of Adam Smith who had already stated, *“The man whose whole life is spent in performing a few simple operations, of which the effects are perhaps always the same, or very nearly the same, has no occasion to exert his understanding or to exercise his invention in finding out expedients for removing difficulties which never occur. He naturally loses, therefore, the habit of such exertion, and generally becomes as stupid and ignorant as it is possible for a human creature to become.”*<sup>83</sup> Do the legal professionals place themselves in this category of worker because they scarcely know anything more than certain dead or alive legal codes cooked by the Governor for the governed? To my knowledge and experience, they unfortunately do, because their existence mostly and their pocket exclusively depend on defending a scared or fetishist job called “the law”, which fundamentally protects the authorities and property owners against the governed as well as the poor.

As for the scientists, Kropotkin argued that they despise manual labour, consequently they are mostly incapable of even sketching a scientific instrument, and they must consequently work with the instruments invented for them not by them. There are nevertheless few people, in comparison to the ever-growing requirements of science and industry, who escape the so-much-advocated specialization of labour.<sup>84</sup>

For Kropotkin, not all individuals enjoy the pursuit of scientific work, since various inclinations are such that some find more pleasure in science or art, others in the production of wealth. Whatever their occupations, they will be the more useful in their own branch if they have serious scientific knowledge. And whosoever they might be (scientist, artist, physicist, surgeon, chemist, sociologist, historian, poet, etc.), they would be the gainer if they spent a part of their life in the workshop or the farm, were in contact with humanity in its daily work, and had the satisfaction of knowing that they themselves discharge their duties as the unprivileged producer of wealth. Thanks to human progress, as Kropotkin believed, working only five hours a day, i.e. one-half of the working day, allows everyone to pursue art, science, or any hobby she likes. Her work in those fields would also be more profitable, if she spent the other half of daily work in a productive work, and if science and art were followed from mere inclination instead of capitalist purposes. In addition, a community organized on the principles of all being workers would be rich enough to admit that everyone, after having reached forty years or more, ought to have the moral obligation of taking a direct

part in performing the necessary manual work, so as to be able entirely to devote herself to whatever she chooses in the domain of science, art, or any type of work. Free pursuit in new branches of knowledge and art, free development, and free creation might thus be fully guaranteed. Such a community would experience neither misery amidst wealth nor the duality of conscience permeating our life and stifling every noble effort. It would freely fly towards the highest regions of progress in accordance with human nature. We cannot nevertheless achieve great things by resorting to such poor means as certain training of the hand in a handicraft school, or some teaching of husbandry under the name of Slöjd.<sup>85</sup>

Later in *Fields, Factories and Workshops: or Industry Combined with Agriculture and Brain Work with Manual Work*, Kropotkin optimistically concluded that science and technics, guided by observation, analysis, and experiment, would respond to all possible demands. They would reduce the necessary time for producing wealth to any desired amount, since they leave to everyone as much leisure as she may ask for. They cannot surely guarantee happiness, because happiness depends upon both the individual herself and her surroundings. They however guarantee, at least, the happiness found in the full and varied exercise of the different capacities of humanity, in work needing not be overwork, and in human consciousness that nobody can base her own happiness upon the misery of others. Kropotkin's inquiry indeed opened certain horizons to the unprejudiced mind regarding the specialization of labour.<sup>86</sup>

If we think that Kropotkin is right by implying the theory of DIY, how, for example, can we fabricate or repair our computers and mobile phones? How can we have a holistic education satisfying many of our manual as well as mental needs and desires? How many years must we learn and practice such an education? How does our education enable us to solve the problems stemmed from the physical and psychological division of labour in our time constantly destroying some old jobs while maying create new ones mostly through specializing workplace and workforce as well? As legal anarchism is going to explain in the next section, is technological education beneficial or harmful for human happiness?

Unlike Kropotkin, Price has not excluded the division of labour among a group of workers who “*divide up the tasks among themselves and set their work schedule. The group may include technical specialists, or the specialists (but not bosses) may be provided by management. Workers choose “supervisors” (coordinators) and discipline themselves.*”<sup>87</sup> Strangers In A Tangled Wilderness, a collective-run publisher of anarchist culture, has also admitted a little specialization. Since skills, like food growing and distribution, can be shared, and it is a good thing that some people study wheelchair repair while others study lens grinding.<sup>88</sup>

Moreover, the division of labour reveals that work is not only an individual problem but also a social one, since it is rooted in human existence and social structure generating exploitation and alienation.<sup>89</sup> As

Kevin Tucker has already found out, work is also a type of “divine punishment” according to mythology. As “a necessary evil”, work came back to the fall from Eden where God punished Adam to till the soil because of his disobedience. The Protestant work ethic warns us away from “the sin of idle hands”. The reformists and revolutionaries have mostly aimed to reorganize the economy and to redistribute wealth. Capitalism, communism, socialism, syndicalism, or whatever is all about economics. Nevertheless, the problems of working do limit neither to religion nor to ideology, since production and industrialism take part in civilization, a heritage far more rooted and much older than capitalism. Contrary to this mainstream, Tucker, as an anarcho-primitivist, has taken an anti-capitalist approach to civilization while believing that hyper-technology and hyper-specialization identify modernity, which is the face of late capitalism. The anti-civilization critique does reject the myths of necessary work and production, and seek a way of life where these things were not just absent but pushed intentionally away.<sup>90</sup>

Dauvé has briefly analyzed several anti-work activities and movements before as well as after 1914, such as *the Right to Be Lazy* (the opposite of the Right to Work), *Autonomism, Never Work! (Ne Travaillez Jamais)*, and *the Manifesto Against Work*.<sup>91</sup> Black has greatly incarnated this leftist and anarchist anti-workism in his essay about abolishing work in which he has started that nobody shall ever work, because work is the cause of nearly all types of misery in the world. Almost all evils that we would care to name stem from living or working in our world designed for work. We must consequently stop working in order to stop suffering. It does not nevertheless mean that we must stop doing things, but creating a new lifestyle based on play, a ludic conviviality, commensality, or even art. We certainly need a lot more time for sheer slack and sloth than we ever like now, regardless of occupation or income, but once recovered from work-induced fatigue nearly all of us desire to act. Black has also dealt with the problem of householding, which signifies the largest occupation and the most tedious tasks with the longest hours but the lowest pay. Through abolishing wage and achieving full unemployment, we are able to destroy the division of labour and its effects, such as the sexual division of labour (e.g., housekeeping),<sup>92</sup> youth concentration camps (i.e. schools), and the habits of obedience and punctuality so necessary for workers. Black has finished his essay by saying “No one should ever work. Workers of the world ... relax!”<sup>93</sup>

Black and his comrades, particularly the post-left anarchists and anarcho-primitivists, really enjoy their intellectual, ludic, artistic, well-respected, or well-rewarded work in our capitalist and hyper-specialized societies in which they have never stopped hotly preaching the resistance to and the abolition of all types of exploitative and alienative job, which is to say “bullshit jobs”, to us!<sup>94</sup> They may not however understand well the situation of the so-called people of colour, immigrants, such as me, unskilled, or jobless people.

We have really no other choice than being exploited in the framework of the so-called “right to work”, “right to part-time work”, or “freedom of contract”<sup>95</sup> when accepting the wage slavery, which requires us to sell our minds, bodies, and time to those who can keep us alive, only alive for permanent exploitation and alienation by and for the system, in a world worshipping the first value of liberalism: “*chacun pour soi, et Dieu pour tous.*” Our *Right to Be Lazy* is actually nowhere, but that to be exploited or alienated is everywhere.

As for Bonanno, he argues that the idealization of work has hitherto killed the anarchist revolution. The bourgeois morality of production has corrupted the movement of the exploited. It is no accident that the bourgeoisie firstly corrupted the labour unions, precisely because of their closer proximity to the management of the spectacle of production. Thus, the only way for the exploited to escape the old work ethic and the globalization of capital is to refuse or to destroy work, production, and political economy altogether.<sup>96</sup> In other words, we need certain *revolutionary work* aiming to destroy immediately work, in a world where the specialized thinkers of the proletariat (i.e. intellectual workers and workerist intellectuals) and politicians have transformed the radical theory of liberation into ideology, falsehood, or ideas in the masters’ service.<sup>97</sup>

I think that such a revolution is worthy for two reasons. On the one hand, we are universally living in “work culture” exclusively promoting a prestigious economic position based on good salary, which has to satisfy our insatiable desires and needs from sexuality to materiality, exacerbated by the fantasy of omnipresent advertising penetrating even into our beds and washrooms while preaching overconsumption (especially sex, alcohol, drug, tobacco, house, car, travel, and electronic gadgets). It results in destroying the ecosystems. In other words, our existence and social value rely on what we do as a job or on what is salvatory for our survival in a hell for many and a paradise for few called the world. On the other hand, many of us must suffer from one of the most terribly existential ordeals that is to find a “job” fitting our ambition, education, and experience, because of our lack of luck, connection, recommendation, wealth, politics (i.e. totally the opposite of politicians), and so-called white race in the so-called “insecure”, “flexible”, “precarious”, or “survival” jobs.<sup>98</sup> These ordeal and insecurity undoubtedly belong to us exclusively and not all to our Masters, including a gang of scholastic Godmothers and Godfathers who are doggedly seizing their job and class advantages for life.

### 5.2.1.3.2 The Rightist Criticisms and Solutions

The anarcho-capitalist ideas about labour shall be interesting, because the rightist libertarians are treasuring private property as the most important part of “natural right” whose acquisition relies on working,

producing, or exchanging in the production and exchange process.<sup>99</sup> Spangler has accordingly argued that the market anarchists, including mutualists (e.g., Proudhon), anarcho-capitalists, and some individualist anarchists (e.g., Benjamin Tucker), are opposing the State and favoring the trade of private property in markets. They are also supporting a market economy and a system of possession relying on labour and use. They reject profit because of their adherence to the labour theory of value.<sup>100</sup>

In this case, legal anarchism focuses basically on the ideas of Professor Rothbard who, as Professor Hoppe introduced, had rediscovered property and property rights as the common foundation of political philosophy and economics, and was the first to present the total case for private-property anarchism or a pure-market economy as a necessarily and always optimizing social utility.<sup>101</sup>

Professor Rothbard criticized the monopolistic grants of the State which, among others, impose *child labour laws* prohibiting the labour competition of workers below a certain age, *minimum wage laws* that, by causing the least value-productive workers' unemployment, prevent their competition from the labour markets, and *maximum hour laws* forcing partial unemployment on the workers who want to work longer hours.<sup>102</sup> In contrast, he proposed a *laissez-faire radical* based on non-economic regulation and competition as well. The capitalist anarchists hiring the workers engage in a market transaction, and have no connection with the State. The socialists misunderstand that these capitalists, which hire the workers on a voluntary ground rather than a coercive transaction, have no common class interests. Just as the workers compete with each other, the capitalists do the same, since no common worker or capitalist class interests exist on the free market.<sup>103</sup> Professor Rothbard also acknowledged the necessity of the division of labour when invoking Professor Mises who had believed that internal peace by this division and freedom of enterprise had a devotion to international peace and free trade as its counterpart.<sup>104</sup> He thus dealt with "the international division of labour" in the framework of our complex modern economy.<sup>105</sup>

In his introduction to *The Ethics of Liberty*, Professor Hoppe has argued that every property owner, as for his relations to others, may profit from the advantages of the division of labour and seek improved and better protection of his unalterable rights through cooperating with other owners and their property. In order to satisfy the demand for protection and security among private property owners, it is permissible that some specialized agencies provide protection, insurance, and arbitration services for a fee to the voluntarily clients. It is nonetheless impermissible for any agency to compel anyone to come exclusively to it for protecting or to bar any other agency that offers protection services. No protection agency may be created by taxes or prevented from competition or free entry.<sup>106</sup> This Professor has also found out that human cooperation results in three factors. Firstly, there are differences among human beings as well as



geographical distribution of nature-given factors of production. Secondly, the higher productivity achieves under the division of labour, constructed on the mutual recognition of private property (the exclusive control of every individual over her own body, physical possessions, and appropriations) as compared to self-sufficient isolation, aggression, domination, or plunder. Thirdly, there is human ability to acknowledge this latter fact.<sup>107</sup>

Professor Rothbard thought that like property rights, labour is divisible and based on natural rights, which are contrary to animal rights, because non-humans are incapable to engage in exchange with men. Unlike other animals, man has capacity to choose consciously, use his mind and energy to adopt values and goals, find out about the world, realize his ends in order to survive and prosper, interact and communicate with other human beings, and eventually participate in the division of labour. In summary, he is a rational and social animal, since no other animals possess his ability to reason, to make conscious choices, to transform his environment to prosper, to consciously collaborate in society, and to divide labour. All libertarians have indeed recognized the necessity and the colossal advantages of living in society and taking part in the social division of labour. Unlike the Statists, they regard the State as an antisocial instrument that cripples individual creativity, voluntary interchange, and the division of labour. Professor Rothbard also believed that a modern industrial economy needs a division of labour and a vast network of free market exchanges, which can only thrive under liberty.<sup>108</sup> He detailed the issue of division of labour in *Man, Economy, and State with Power and Market*.<sup>109</sup>

Professor Rothbard was undoubtedly aware of the issue of inequality in his system of the free market and the division of labour founded on “free competition”, which means “*freedom to compete or not to compete as the individual wills*.”<sup>110</sup> According to him, no one should be surprised about the inequality of ability or monetary income on the free market, because men are unequal in their abilities, tastes, interests, or locations, and natural resources are *unequally* distributed over the earth. This diversity or inequality in abilities and the distribution of resources guarantees the inequality of income on the free market, and since individual monetary assets are derived from her and her ancestors’ abilities in serving consumers on the market, there is unsurprisingly the inequality of monetary wealth as well.<sup>111</sup> In other words, a libertarian society, in which the right to exclude is fully restored to property owners, is profoundly unequalitarian.<sup>112</sup> In short, Professor Rothbard zealously believed that “egalitarianism” is “a revolt against nature”.<sup>113</sup>

In their marketing approach, Professors Caplan and Stringham have analyzed the political economy of Professor Mises and Bastiat. Such a political economy has shown that although the median American constantly favors Government financing of projects to create jobs, and supports “French-style work

sharing”, protectionism does not really work, since the taxes funding these projects dismantle as many jobs as they have already created.<sup>114</sup> These Professors have also implied that labour is a specialized good. For instance, they have argued that because the juries are conscripted, the courts deal with their work as cheap conscripted labour or virtually a free good. In their capitalist model for the well-functioning of the private courts, they have found out that the stimulant structure of private labour markets is more sentient than the public courts, since private labour markets grant employment decisions to a concerned entrepreneur or manager, not to the public at large. These entrepreneurs reward their workers if they work well and, lay them off if they do not. This reward system surely works better than life appointments or elections. In a free labour market (without laws, such as the minimum wage law reducing employment opportunities), the workers have access to multiple sources of employment, and the managers have to consider this while creating their policies. Even if a specific policy were administratively cheaper for a manager, if the workers did not value the policy more than it saved the manager, it would not be profitable for the company, because the companies need to be wary about offering an employment package that the workers value most.<sup>115</sup>

It seems that the free market libertarians’ approach to labour relies fundamentally on interest and money when disregarding or avoiding the questions of inequality, exploitation, alienation, hierarchy, and domination inherent in workplace and workforce, based on the division of labour as we must endure in our societies. Property rights, the economic invisible hands, free exchange, free competition, private firms, and their own care about a good reputation have ultimately fascinated the free market anarchists as the miraculous answers to not only those questions, but also all existential questions. Incarnating social Darwinism or more exactly “Darwinist capitalism”,<sup>116</sup> Molinari accordingly advocated a free market in which the law of competition and the division of labour would assure that only the most capable individuals succeed. The competent individuals would inevitably emerge to act as judges, lawyers, and policemen, if competition replaced the State’s use of the lottery in the jury system.<sup>117</sup> As for Konkin III, a left libertarian, he argues, in reference to Professor Mises, that the individuals have realized that the specialization of different steps of production produces greater wealth than their individual efforts. In an *agorist society*, the self-respect of each worker-capitalist-entrepreneur and the division of labour will probably destroy the traditional business organization, particularly the corporate hierarchy created by the State and not by the market. A term derived from the Greek agora (i.e. *open marketplace*), agorism means a counter-economic system or a system against State economy. Rapid innovations in science, technology, communication,

transportation, production, and distribution constitute some hallmarks of such a society, libertarian in theory and free market in practice.<sup>118</sup>

### 5.2.1.3.3 The Leftist Criticisms of Labour in a Free Market System

By taking into account the situation of labour in a free market system, there is a principal question to answer: do the rightist criticisms of labour and their solutions disguise hierarchy, domination, exploitation, or alienation in their system? Let legal anarchism invoke *An Anarchist FAQ's* detailed analysis and critique in this regard. This international working group of social anarchists has severely criticized the situation of labour in a free market society, because of maintaining property rights and their capitalist results that are hierarchical authority, domination, exploitation, inequality, and alienation, inherent in both capitalism and Government.

For *An Anarchist FAQ*, the anarcho-capitalists' professed desire to finish regulatory economics off is totally disingenuous. The free market actually aims at giving the capitalists the ability to protect their exploitative monopoly of social capital through using the coercive private States, whereby they are regulating the economy in the strongest way, i.e. guaranteeing that it is controlled in certain directions. For example, they are ensuring that production is for profit and not for use. It is consequently runaway growth and an endlessly devouring of nature relied on the principle of "grow or die," while the deskilling and alienation of the workers continue. By finishing regulatory economics off, anarcho-capitalism means that the civil society will have even less opportunity than now to control democratically the rapacious action of the capitalists. Regulating personal behaviour would not certainly be done away with in the workplaces in which the bosses' authority would still exist and we would have to obey their rules and regulations.

*An Anarchist FAQ* has furthermore contradicted Professor Rothbard's claims for market forces or voluntary exchanges resulting in the creation of the free workers. Dispossessed by market forces, these workers are indeed in the same position as the former slaves and serfs. He did confirm the *economic power* in the latter case when denying it in the former. The conditions of the concerned people are nonetheless identical, and these conditions terrify us. According to *An Anarchist FAQ*, Professor Rothbard avoided saying that identical conditions generate identical social relationships. Thus, if the *legally free ex-serfs* are submitted to *economic power* and *masters*, they are still the *legally free* workers within capitalism! Although both sets of labourers are *legally free*, their circumstances show that they are only *free to sell* their liberty to economic power producing relationships of domination and slavery between the legally free individuals.

From the viewpoint of *An Anarchist FAQ*, by making *choice* an ideal in order to sound good, positive, and liberating in practice, right libertarianism has actually become a *dismal politics*, a politics of choice in which most of the choices are not good. However, many of our choices in capitalism, such as employment contracts, limit to our choice of loving it or leaving it in the organizations that we join or create as a result of these so-called free choices. This ideological blind spot stems from the right libertarian definition of *freedom* as *the lack of coercion*, i.e. the labourers are *free* to join a particular workplace, and their freedom is supposedly unrestricted. Indeed, to defend exclusively “freedom from” in an anarcho-capitalist society signifies to defend the authority and power of the few against the many claiming their liberty and rights.

Under capitalist economies, the people are mostly entitled to food only if they are able to sell their freedom and labour to the owners of the means of life, which expands the economic insecurity of wage labourers. When the commodity becomes labour power, the labourers must accept a job to live. Compared to the employers, the employees are usually disadvantageous in the labour market, which obliges them to sell their freedom in return for making profits for the employers. These profits enlarge social inequality as the property owners obtain the surplus value that their labourers produce. This enlarges inequality further, consolidates market power, and thus weakens the bargaining position of employees further. This eventually ensures that even the freest competition possible would not eliminate class power and society, something that Benjamin Tucker himself recognized as emerging with the development of trusts within the free market.

As for *hierarchy* in a free market system, *An Anarchist FAQ* has argued that anarcho-capitalist ideology is rooted in an economic system marked by landlords, banking, stock markets, wage labour, and so hierarchy, oppression, and exploitation. The anarcho-capitalists do not oppose authority, hierarchy, and the State rather trying to privatize them. Some of them seem dimly aware of their glaringly obvious contradiction. For example, Professor Rothbard could not present any argument to solve it, but he simply ignored that capitalism relies on hierarchy and cannot consequently be anarchist. He only argued that the hierarchy in capitalism is good as long as the private property producing it will be acquired in a “just” way. If, as Professor Rothbard believed, property is the basis of freedom and a natural right, why are the many excluded from their birthright by a minority? In other words, Professor Rothbard denied the universality of liberty.

*An Anarchist FAQ* has continued to draw criticism of the free market in which if the labourers do not like their ruler, they can only seek another. Capitalist hierarchy is thus fine when the labourers consent to it, which does not eventually address the core issue, i.e. the authoritarian nature of capitalist property. Such an argument has totally ignored the reality of social and economic power. The consent argument has failed,

since it has ignored the social circumstances of capitalism limiting the choice of the many. The left anarchists have long argued that the workers, as a class, have rarely any choice better than consenting to capitalist hierarchy. The capitalist alternative is either starvation or dire poverty, which the anarcho-capitalists deny by rejecting economic power. They simply recognize the freedom of contract, even though inequality produces social relationships based on hierarchy and domination, not freedom. As Professor Chomsky believes, anarcho-capitalism is an ideological system leading to some forms of tyranny and oppression, with few counterparts in human history.

According to *An Anarchist FAQ*, the free market libertarians obviously advocate the hierarchy between employer and employee (wage labour) as well as landlord and tenant. Anarchism nevertheless means to reject all types of archy including the hierarchy created by capitalist property. Thus, to ignore the evident archy of capitalist property is deeply illogical. While the left anarchists have been always against capitalism, the right anarchists have accepted it. Because of this acceptance, their anarchy is marked by extensive differences in power and wealth, which show themselves up in relations based upon hierarchy and subordination (e.g., wage labour), not freedom. They do not actually wonder that Proudhon believed that property is tyranny, since it generates hierarchical and authoritarian relations among people in a similar way to Statism.

This international working group has also articulated about another important concept in its criticisms of anarcho-capitalism: *alienation*. The expression of “liberty as property” in the free market has strangely alienated freedom. Freedom is no longer regarded absolute, but a derivative of property. We can consequently “sell” our liberty and be still regarded free according to the capitalist ideology. Although “liberty as property” usually means “self-ownership”, we do not “own” ourself, as an object somehow separable from our subjectivity, but we are ourself. Nonetheless, the concept of “self-ownership” is useful for justifying different forms of domination and oppression. In fact, “self-ownership” becomes the means of justifying to treat people as objects, which it ironically wanted to stop at the beginning.

The group has also found out that because the labourers are paid to submit, we should really ask why Professor Rothbard argued that an individual’s “*labour service is alienable,*” but her “*will is not,*” and that she is not able to alienate her will, more especially her control over her own mind and body. He indeed contrasted self-ownership and private property by arguing that all physical property possessed by an individual is alienable, since she can abandon or sell to another individual her shoes, house, car, money, etc. However, certain vital things exist in the nature of man and natural fact that are not alienable. Her will and control over her own person are accordingly inalienable. *An Anarchist FAQ* has protested against the

alienability of “labour services”, because individual “labour services” and “will” are not dividable. If we sell our labour services, we must also give control of our body and mind to another individual! A labourer will be fired, if he does not obey his employer’s commands. Professor Rothbard’s rejection of this fact indicates an absolute lack of common-sense. As his possible argument against slave contracts, Professor Rothbard would perhaps argue that since the worker is able to quit his work at any time, he does not alienate her will. This nevertheless ignores that between the signing and breaking of a contract and during work hours – and perhaps outside work hours, if the employer has mandatory drug testing or will fire the employees attending union or anarchist meetings or having an “unnatural” sexuality, and so forth –, the employee certainly alienates his will and body as well.

The group has moreover stated that the anarcho-capitalists, unlike the social anarchists, advocate a form of liberty allowing an individual to be rented out to another, while they maintain that she still remains free. It seems bizarre that an ideology supporting freedom finds nothing wrong with the denial and alienation of freedom. All in all, contract theory constitutes a theoretical strategy justifying subjection through presenting it as liberty, and turns a subversive proposition, i.e. human beings are born equal and free, into a civil subjection. In fact, this form of capitalist contract generates a relation of subordination and not of liberty. Professor Ward, as a social anarchist, thus defended the employees’ control of industrial production as the only approach compatible with anarchism.

As a result of the above problems, *An Anarchist FAQ* has concluded that the free market libertarians are not anarchists at all, because they are capitalists presenting themselves as anarchists in order to obtain support for their laissez-faire economic project from those who oppose the State. They cannot claim the term “anarchist”, because they do not really oppose the hierarchy and exploitation associated with capitalism. Their ideas are indeed at odds with the principal ideas of traditional anarchism or even individualist anarchism, which they often claim as forefather of their ideology.<sup>119</sup>

On the contrary, can the left libertarians solve those problems of labour occurred in free market anarchism? Let legal anarchism later answer this question in the section attributed to the socialist alternatives. Generally speaking, it however seems that the problems of labour (especially the division of labour and wage system) in anarchism remain still unsolved. For example, an anarchist community has to cope with a pompous, verbalistic, parasitic, highly expensive, and forcibly respected caste, i.e. the legal professionals, for them it should eventually find an honourable way of life. Professor Asimakopoulos, a social activist, has recently provided a model in this case. He has proposed “a standard national wage” based on “an objective measure of time worked” or “social contribution”, instead of class power

relationships determining skill sets (labour) valued by markets, which will increase economic development and efficiency.<sup>120</sup>

Finally, those issues also have a direct relation to the problems of natural issues and technology exacerbating the work related problems.

#### **5.2.1.4 The Problems of Natural Resources and Technology**

Because the problems of natural resources and those of technology overlap each other, legal anarchism is analyzing them in the same section.

On the one side, natural resources are neither eternal for our exploitation, mostly facilitated through certain unbridled technologies, nor a guarantee of respecting human and natural rights.<sup>121</sup> Parallel to the environmental issues of using these resources, we acknowledge that they are not equally available to all. In other words, their distribution is unfair or hazardous not only around the world, but also in a specific society in which few owns almost all, thanks to State protection and law. There therefore exist some crucial questions about their “ownership” and “management” in harmony with nature. According to Rousseau, Gracchus Babeuf, and Bahá'u'lláh, “*les fruits sont à tous et la terre n'est à personne,*” and “*La terre n'est qu'un seul pays et tous les humains en sont les citoyens.*”<sup>122</sup> How can we apply their opinion without polluting or destroying the ecosystems to them we all belong? If a community owns a natural resource that is scarce, will be other communities also able to enjoy it? Can they share it by mutualism and federalism because it is subject to “geographical chance”? If the answers were positive, how would the characteristics of mutualism and federalism be? The answers depend on the different anarchist ideologies, which mean environmentalist, collectivist, communist, individualist, syndicalist, capitalist, or mixed systems. For instance, as we are going to observe, some libertarians and those active in the earth liberation movements have provided various reflections about a libertarian management of natural resources.

On the other side, technology, particularly in the framework of the State (e.g., militarism), has produced many problems. The anarchist ideas are accordingly important, since the State is a big antagonist controlling natural resources and technology as well. In *The Socioeconomic Guardians of Scarcity*, Richlin has truly stated that when we apply technology towards human needs and environmental concern rather than the maximization of power/profit, we will be able to minimize suffering.<sup>123</sup>

##### **5.2.1.4.1 The Natural Problems**

As legal anarchism has previously explained about the problems of workplace and workforce, there are different opinions among the anarchists when it comes to using and distributing natural resources. The



rightist approaches are both individualistic and capitalist, while the leftist ones are socialistic or communistic.

#### 5.2.1.4.1.1 The Rightist Approach

Every problem would develop its own theories based on a specific language and certain expressions. For instance, *geolibertarianism*, as an ideology and political movement, synthesizes libertarianism and geoism, or Georgism developed by the American economist and philosopher Henry George who advocated “a single tax on land values”.<sup>124</sup> The geolibertarians are defending that all natural resources, very particularly land, are common economic resource to which all individuals have an equal right to access. The individuals who claim land as their private property have to pay rent to the society. We can regard geolibertarianism as a form of synthesist anarchism, as Professor Foldvary has developed.

According to Professor Foldvary, the geoists focus on land, rent, and taxes, when they mostly ignore other liberty issues such as regulations, excessive litigation, free market schooling, and victimless crimes. By recognizing “individual right to possess land”, Statist geoism aims to abolish all taxation except on land rents or land values, because only nature supplies land that can be neither moved nor hidden. Professor Foldvary has presented a large definition of land including all earthly space: solid surfaces, water areas, the electromagnetic spectrum, and real estate sites. He has also found out that many geoists do not fully understand free trade inasmuch as every regulation is a form of tax, since real free trade and untax would deregulate. The relationship between geoism and libertarianism is actually complementary, because geoism solves the problem of an inadequate view of public finance in conventional libertarianism, while libertarianism presents a more complete view of the geoist goal of free trade. Professor Foldvary has accordingly believed that geochism places between monarchism and anarchism. On the one side, geoist communities assess “*how much of the rental is natural rent, and distribute that equally to the population in those communities.*” On the other side, the anarcho-capitalists “*outside the geoist leagues would probably be hostile to this rent-sharing system and might refuse to trade with the geoists, but that would not be much of a problem for geoists, since the efficiency of geoism would attract much of the enterprise.*”<sup>125</sup>

However, it seems that we still have the problems of use and distribution of natural resources on a universal scale; especially when we observe that some of these resources are scarce, such as oil and gas on which we are still very dependent. Professor Barry has accordingly noticed that the “*strict ecosystem dependence implies that those living in resource-poor ecosystems are condemned to their fate.*”<sup>126</sup> As a result, how much must the individuals owning these resources pay as rent? They have to pay whom: a specific

community or the entire world? For instance, how much must the countries of oil pay their own citizens or other people around the world who have no access to oil reserves?

According to a pure capitalist approach defended by the ruling class and expressed by Edward Gibbon Wakefield, when all men are free and land is cheap, every individual is able to obtain a piece of land for herself if she pleases.<sup>127</sup> I can place Warren's opinion between this approach and a socialist approach to natural wealth, since he argued that the society basically had to open the way for each individual to appropriate land and all other natural wealth. By natural wealth, Warren meant all wealth doing not result in human labour. The cost principle provides this wealth for every one at once. For example, land, sold and bought on this principle, passes from one owner to another owner with no farther additions to prime cost than the labour of selling and buying it. In other words, the cost of improving the natural wealth makes it free and accessible to all without price. In accordance with the laws of nature, Warren believed, the principle of labour for labour renders all natural wealth common to all, and consequently rejects all speculation and forbades the buying up of land, goods, provisions, building materials, etc. for the purpose of selling them again at a profit more than a reward for the labour bestowed.

According to Warren, the economies and cooperation advocated by communism rely naturally on the principle of equivalents or simple justice. By compensating only for cost, this principle opens all primary lands, waters, minerals, spontaneous fruits, and all other natural wealth, free from all price. It thus meets the common property idea half-way. For example, although water in a river is common and everybody can use it without paying any price, when an individual has once gotten it into her possession, no other person must claim it without her consent. In other words, even though the wealth or property is common to all, there exists neither communism nor joint ownership between individuals.

Warren also defended that each individual shall possess her natural liberty or sovereignty strengthened by the rights of property and labour, which public opinion clearly defines and admits while the society habitually respects. For him, our immense resources are natural, whereby we ameliorate our condition, and by their better and greater uses, we may arrive at an infinitely higher plane or modes of life than never realized. He believed that the value of a good (such as a well-made watch) depends especially on the natural qualities of the minerals or metals employed, and the labour bestowed by the worker. In this case, he wanted to know whether an individual has a right to set a price upon a natural wealth before she has bestowed any labour over it. He accordingly observed two different talents or skill: the *worker's labours* costing the possessor are a legitimate ground of estimating and pricing, *natural wealth* (e.g., the water, land, and sunshine) costing nothing should be accessible to all freely.<sup>128</sup>

As for Professor Johnson, he has believed that the left libertarians, like all libertarians, advocate that all State ownership of natural resources and all State control of industry shall be abolished. They thus suggest absolute and complete privatization of everything: business building, housing, libraries, roads, bridges, railroads, airports, parks, post offices, television stations, electric lines, power plants, water works, oil rigs, gas pipelines, or anything else of the sort.<sup>129</sup> He and Professor Chartier have found out that the market anarchists defend the social relationships based, among others, on the “decentralized individual ownership” of personal possessions, homes, land, natural resources, tools, and capital goods.<sup>130</sup>

As formerly mentioned, Professors Rothbard and Hoppe believe that natural resources are unequally distributed over the earth, and cause, among other factors (such as skills), the specialization of the labour. Although Professor Rothbard is critical vis-à-vis Georgism, his definition of land is as large as a geolibertarianist's, since it is synonymous with nature. For him, there are two factors of production: those produced (the *produced factors of production*), and those existed in nature or man's environment (the *original factors of production*). According to him, we can divide the original factors of production into two categories: *the expenditure of human energy* and *the use of non-human elements provided by nature*. We call the first *labour* and the second *nature* or *land* including natural resources. Labour, land, and the produced factors are thus termed *capital goods*. Professor Rothbard uses the concept of “land” in an entirely different way from the mainstream intellectuals. He distinguishes between two concepts of land: the economic land and the geographic land. The former encompasses all nature-given sources of value, which is usually known as natural resources, land, air, water, and insofar as they are unfree goods. The latter, a large part of the value that we generally consider as “land”, is actually a capital good, such as agricultural land. This capital good must be maintained with the use of labour.

Professor Rothbard also states that natural resources and land are the original and nature-given factors. The former is depletable, nonpermanent, and nonreplaceable, while the latter is permanent and nonreproducible resource. In this sense, oil, gas, coal, ores, and copper and diamond mines are natural resources. Because the basic land (not its fruit) requires no reproduction, it does not place in the capital-good category such as forests. On the contrary, because labour cannot produce natural resources, they gain a net rent that is not absorbed by labour and land factors going into their production. They definitively gain the usual interest rate of the society for their proprietors from the net rents, and interest earnings are related to their capital value. We can capitalize a depletable resource, since capitalization can appear for either an infinite or a finite series of future rental incomes. Due to the fact that the only income to ground land is not interest or profit, the original gains belong to the first finder of land. Pioneering – i.e. finding new

land or new natural resources – is simply a business among others inasmuch as investing in it needs labour, entrepreneurial ability, and capital.<sup>131</sup>

It nonetheless seems that such a “simple business” has greatly a potential power to become State crime when certain so-called explorers or colonizers, backed by the Statesmen that Professor Rothbard did not certainly appreciate, are doing it, as, for example, Christopher Columbus was doing.<sup>132</sup> Professor Carew has accordingly argued that a new ethic fully flowered with Columbus’ discovery of America. The Church’s ideology, i.e. the equality of all true believers in front of God including the new convert and the individual born into the faith as well, yielded capitalism’s ideology turning human beings, especially those whose work was in demand in the newly discovered lands, into commodities, chattels, and so many faceless ciphers in a juggernaut of producing and profiting.<sup>133</sup>

If a free society signifies, Professor Rothbard believes, a world where nobody aggresses against the individual or her property, this then implies a society where every individual has “the absolute right of property” in her own self as well as in the previously unowned natural resources that she finds, transforms by her own labour, and then exchanges with or gives to others. In other words, the principles of a free society clearly specify a theory of property rights meaning self-ownership and the ownership of natural resources found and transformed by individual labour.<sup>134</sup> In Professor Rothbard’s free society, any unused piece of nature is *unowned* and therefore subject to a man’s ownership when using or mixing his labour with this resource. If there is more land than a limited labour supply can use, the unused land has to simply remain unowned until the arrival of a first user on the scene. Any claim for a new resource that an individual does not use is necessarily “*considered invasive of the property right of whoever the first user will turn out to be,*” because by establishing the ownership of property, the individual and her inheritors “*have appropriated the nature-given factor, and for anyone else to seize it would be an invasive act.*”<sup>135</sup> Indeed, this Professor would perfectly incarnate a capitalist mentality, as both preached and practiced in all mercantilist systems around the world, according to which a big landowner and his heirs remain proprietors even if they have no energy, desire, or capacity to use their land at all. In this regard, some leftist anarchists, especially Bakunin, have severely criticized the rights of private property and inheritance, and consequently claimed their abolition, because these rights establish and maintain inequality and authority.<sup>136</sup>

When it comes to consuming or more exactly to destroying natural resources by the current generation vis-à-vis the future generation, Professor Rothbard perfectly gives carte blanche to the former through his mercantile reasoning while rejecting a common attack on the free market because of wasting resources, particularly depletable resources. The future generations are purportedly stolen by the present

generations' greed. This reasoning would paradoxically conclude, according to Professor Rothbard, that we cannot consume any of the resources at all. An individual who consumes a depletable resource whenever is leaving less of a stock for herself or her successors to draw upon. In fact, *"whenever any amount of a depletable resource is used up, less is left for the future, and therefore any such consumption could just as well be called "robbery of the future," if one chooses to define robbery in such unusual terms. Once we grant any amount of use to the depletable resource, we have to discard the robbery-of-the-future argument and accept the individual preferences of the market. There is then no more reason to assume that the market will use the resources too fast than to assume the opposite. The market will tend to use resources at precisely the rate that the consumers desire."*<sup>137</sup>

Therefore, if the people around the world will be able to consume as much as the American or other Western people currently do according to their mantra of the free market, what will happen to natural resources as well as to the environment? Two researchers have accordingly argued that a single species, i.e. *Homo sapiens*, is generating progressive ecological disasters for the first time in 4000,000,000 years of life on the earth. These disasters stem from the outcome of the human aptitude for culture, particularly as this aptitude has recently realized in the Western World. Human beings are consuming about 12,000 times as much energy, principally in the form of fossil fuels, as they were 400 generations ago when agriculture was firstly introduced. Almost 80% of this energy consumption and technological waste production is occurring in the industrialized nations making up nearly 25% of the total human population.<sup>138</sup> The World Wide Fund for Nature has recently reported that the world populations of birds, mammals, amphibians, reptiles, and fish fell overall by 52% between 1970 and 2010.<sup>139</sup>

For instance, *"The poorest 10% accounted for just 0.5% and the wealthiest 10% accounted for 59% of all the consumption"* in 2005.<sup>140</sup> In *As World's Population Booms, Will Its Resources Be Enough for Us?*, Dimick, National Geographic's Executive Editor for the Environment, has recently stated out that we will observe 9,600,000,000 Earthlings by 2050 and more than 11,000,000,000 by 2100, while getting rich signifies to consume more natural resources and energy, typically carbon-based fuels (e.g., oil, gas, and coal). This can be observable throughout consumption patterns including higher protein foods (such as meat and dairy), more consumer goods, bigger houses, more vehicles, and more air travel.<sup>141</sup> An American child born will accordingly generate thirteen times more ecological damage during her/his lifetime than a Brazilian child born.<sup>142</sup> Even though Americans constitute 5% of the global population, they consume about a quarter of the global fossil fuel resources: burning up nearly 25% of the coal, 26% of the oil, and 27% of the global natural gas. When it comes to growth in China, some 11,000 more cars appeared on Chinese roads every day in 2003: 4,000,000 new private cars during the year. Car sales augmented by 60% in 2002 and by

more than 80% in the first half of 2003. If growth rapidly continues, 150,000,000 cars could jam China's streets by 2015, i.e. 18,000,000 more than were driven on US highways and streets in 1999.<sup>143</sup>

Moreover, Professor Rothbard does describe the "public ownership of natural resources" as a "myth", since Government ownership simply means that the top officials own the property because they control its use. According to this Rothbardian approach, "the nationalization of natural resources" means "the Statization of natural resources". On the contrary, in the free market society, on the one side, "resources so abundant as to serve as general conditions of human welfare would remain unowned." On the other side, "scarce resources would be owned on the following principles: self-ownership of each person by himself; self-ownership of a person's created or transformed property; first ownership of previously unowned land by its first user or transformer."<sup>144</sup>

Finally, Professor Rothbard does not discredit monopoly on natural resources, since a monopoly gain can be imputable to ownership of a land factor or unique natural resource. For example, a monopoly price for diamonds can be attributable to a monopoly of diamond mines, from which diamonds have to be ultimately produced.<sup>145</sup>

As a result, several issues of natural resources (especially the monopoly of scarce resources) are still unsolved in Rothbardian free market society or "purely free society". *An Anarchist FAQ* has accordingly concluded that Professor "Rothbard's claims to being an "anarchist" are as baseless as his claim that capitalism will protect the environment."<sup>146</sup>

Professor Hoppe has presented a similar opinion to Professor Rothbard's public ownership of natural resources. By recognizing street and path as a part of the "natural environment" in which every individual has the right to act, he has advocated the privatization of public streets for two reasons. On the one side, no resident is hereafter subject to pay any type of tax for keeping or developing any local, provincial, or federal street. The future funding of all streets is only the responsibility of their new private proprietors. On the other side, as for a resident's rights-of-way, such privatization has to leave no individual worse off than she was originally, and cannot make any individual better off. However, the privatization of streets does put some "natural restrictions on the freedom of movement", because entrance onto the streets of different localities, provinces, or States is conditional on the invitation or permission of the owners of these streets. Professor Hoppe has indeed believed that in contrast to the institution of public property causing "conflict", the institution of private property, i.e. the original appropriation of previously unowned or common resources, produces "eternal peace".<sup>147</sup>

That prestigious economist has nevertheless left us with some principal questions about the private ownership of natural resources and of streets: what will be our fate, including our freedom of movement, if some wealthy individuals will buy all streets or even all natural resources that we currently beg or use under our extremely happy Governors' clemency? Where are the unowned streets and resources? What is the solution for those who have neither permission nor invitation of the owner? How much must they pay? If they use a street almost *daily* (e.g., going to work), how can they solve "the monopoly on pathway or on entrance" imposed by one or several owners? It seems that neither this honorable Professor nor other fans of the privatization of public goods do really care about the fate of the propertyless people vis-à-vis this monopolization, as it is ironically the case of the Statesmen/women who are hotly defending privatization. Professor Pasour may have summarized the capitalist approach to natural resources, i.e. a *commodity*, which relies simply on *entrepreneurship*:

*"The most important economic problems in achieving efficient resource use involve the coordination of existing knowledge and the discovery of new opportunities by market participants. Acceptance of this view implies a shift in the focus of attention by the economic analyst from the idealized model of "perfect competition" to the market as a process of entrepreneurship motivated by an incentive mechanism to bring about the most useful employment of resources."*<sup>148</sup>

In this case, Professor Martel has argued that Polanyi's *The Great Transformation*<sup>149</sup> may help us to understand the hostility against nature as a part of the relentlessness of commodity fetishism. On the contrary, due to the fact that nature does belong to all living things including us, we cannot simply disregard it as our "private property", left at the conquest and mercy of the so-called "first user" in a purely capitalist approach. In other words, all flora and fauna have equal rights to exist and to enjoy natural resources, since we all take part in the ecosystems. According to this radical approach, nature is not God's gift to man at all, which is a historical root of our environmental crisis.<sup>150</sup> As far as I am concerned, I do not really like to see myself as "the Master of nature" that is so ignorant as well as arrogant, because I do not think that I am superior to other animals in order to eat, to exploit, to destroy, to poison, or to enslave them; what I have already done in this regard is certainly an existential and shameful mistake. Let me speak more about this radical approach in *the Leftist Approach* and *the Eco-Anarchist Justice* as well.

Due to the fact that the free market anarchists have not really cared about the problems related to natural resources, legal anarchism now examines the leftist anarchists' opinions in this matter.



#### 5.2.1.4.1.2 The Leftist Approach

In the leftist approach to natural resources, we could observe a shift from the ownership of the environment, in its either individual or common form, to the liberation of the earth. In other words, some left anarchists, particularly the primitivists, do not see anymore the earth with its resources as human property condemned to brutally technological domination, but as a self-identity with its own characteristics and interests. Of course, I will give more details about this in the GP.

##### 5.2.1.4.1.2.1 From the Ownership of the Environment

In a socialist as well as Malthusian approach analyzed by Professor Balla, the global scarcity of resources, as a basic fact of human existence in both abstract and material realms, has caused a permanent confrontation among human beings, which is actually a type of “social action” and “struggle”.<sup>151</sup> The issues of scarce resources, including the struggle for dominating or owning nature, are not nonetheless leftist anarchism’s fiefdom, because free market anarchism is also speaking about “the ownership of the scarce goods”.<sup>152</sup> Moreover, some criminologists and sociologists have linked climate change to increased social conflict, including inter-State conflict, genocide, civil war, or conflict among smaller groups within the States. This type of conflict would especially result from competition over scarce resources (e.g., arable land, water, and food) and forced migration.<sup>153</sup> For instance, in *Revisiting Social and Deep Ecology in the Light of Global Warming*, Professor Krøvel has found out that leftist Latin-American Presidents Chávez, Rafael Correa, and Evo Morales have been employing authoritarianism generating the armed and deadly confrontations with indigenous groups that struggle for controlling local territories and face the threat of expanding exploitation of natural resources by national or multinational corporations.<sup>154</sup>

Thus, the *global justice movements* advocate the fair distribution of wealth and resources on a global scale, as a means to prevent the national and international conflicts.<sup>155</sup> The doctrine of “*luck egalitarianism*” is accordingly important, because it deals with “geographical chance” by suggesting the principle of “global distributive equality”. It argues that if certain factors (such as citizenship and the natural distribution of the earth’s wealth and resources) depend generally on luck that pervasively and profoundly determines individual life options, then this principle must ameliorate some inequalities due to such contingencies or unchosen circumstances.<sup>156</sup>

In a socialist sense, Leval, an anarcho-syndicalist, argued that during all history, the conquerors have availed force and the means of politic domination in order to grasp the lands and economic resources of the conquered countries and to share them when often devastating the regime of property.<sup>157</sup> In other words, the problems of distributing natural resources are going hand in hand with

those of maintaining and controlling markets, which have already caused colonialism and imperialism founded upon State terrorism.<sup>158</sup> In *The Network of Domination*, Landstreicher would later articulated almost the same idea while arguing that both Government and capitalism (i.e. the capitalist ruling class) control more and more the lands, resources, and products of labour through the bloody and ruthless competition and expropriation of all already shared by the communities.<sup>159</sup> In another socialist but highly anti-natural approach, Marx had highlighted human liberation and social fulfillment in terms of dominating nature and exploiting equally natural resources.<sup>160</sup>

For Proudhon, human beings cannot appropriate natural wealth (such as the land, air, and water), because it is the gratuitous gift of God or nature to them, and its appropriation by some individuals excludes all others. He understood that a stationary and limited thing, like the land, provides a greater chance for appropriation than the sunshine or water.<sup>161</sup> Cash has however argued that Proudhon's opinion about the demarcation line between natural resources, supposedly unlimited in supply (such as air and water), and land, limited in supply, has found a new dimension in the twentieth first century, since we can no longer see the former as unlimited in supply, even in Proudhon's time they were in limited supply. For instance, Cash has stated that water is currently a controlled resource in the USA through regional monopolies, which can prohibit some people from having access to water.<sup>162</sup>

Reclus has undoubtedly occupied a great place among the thinkers who have long started to be aware of both ecological and political problems of natural resources on an international scale, as George Perkins Marsh had formerly become "aware of the rapid destruction of the resources of the newly colonized countries of the world".<sup>163</sup> Professor Dunbar has accordingly found out that in *Nouvelle Géographie Universelle: La Terre et les Hommes*,<sup>164</sup> Reclus underscored the importance of studying geography in order to make an inventory of the world's resources and to suggest a plan for their equitable distribution, while he reemphasized his concerns about the unequal distribution of wealth. For Reclus, we have not yet made an inventory of our riches and decided in what manner we shall distribute them for our health, glory, and profit. Science has not yet determined which parts of the earth shall remain in their natural condition and be used otherwise, either for producing food or for other elements of our public welfare.<sup>165</sup>

Unlike Thomas Robert Malthus,<sup>166</sup> Reclus tried to demonstrate that the problem of resource shortages stems from the organization of the global economy and unequal distribution of wealth, not from the growth of human populations.<sup>167</sup> In other words, he, as an anarchist opposed to the Neo-Malthusianism of many French anarchists (e.g., Paul Robin), argued that geography and statistics prove that the resources of the earth amply supply everybody with enough food.<sup>168</sup> Professor Clark has accordingly

argued, we cannot deny that scarcity is obviously a social fact, and that consequently far the burden of malnutrition and famine has most heavily concerned the people suffering from economic and political powerlessness, not the people overusing resources most flagrantly. He has however stated that from a universal ecological perspective, the continued growth of population will inevitably aggravate ecological crisis, regardless of other social variables.<sup>169</sup> In his anarcho-communism, Malatesta had already recognized that the issues of inequalities in terms of natural resources, quality of land, situation, and accessibility make impossible to achieve a state of equality for all individuals in their more productive attempts to conquer these resources of the different regions.<sup>170</sup>

Professor Baudouin has however argued that Reclus was advocating colonization, even though we still appreciate his humanistic criticisms and consider him as one of the headmost anti-colonialists of his time. For instance, around the end of his life, Reclus wrote: *"It is also great to set yourself up as a colonist in a far country and to clear the land with the sweat of your brow... I have to say that I am personally a very ardent patriot and that in my youth I very conscientiously tried to be a colonist; even now, living far from my town of birth and earning a living in a foreign country, I am still a colonist in my own way and without the least regret..."*<sup>171</sup>

We can also find Professor Bookchin among the socialist libertarians who have taken an environmentalist approach to natural resources. His opinion about "scarcity" and "social ecology" is important, since, as Professor Leff argued, he has truly become *"a pioneer and ideologue of the ecological movement (specifically of its ecoanarchist branch)."*<sup>172</sup> In *Murray Bookchin's Theory of Social Ecology*, Professor Best has found out that because environmental problems are rooted in social causes, they need the social methods of analysis rather than, for example, the biological or philosophical approaches of deep ecology focusing on alienation from nature and overpopulation. The environmental crisis thus requires institutional solutions striving to destroy hierarchical relationships in society, rather than finding the deep self in harmony with natural ways (deep ecology) or believing in Governmental or technological reforms (liberal environmentalism).<sup>173</sup> The deep ecology movement is not nonetheless alienated to anarchism, since it emphasizes holistic solidarity with all lives.<sup>174</sup>

Professor Bookchin did emphasize that the ecological crisis is caused not only by private property, but also by the principle of domination, which means institutional hierarchies and relations of command and obedience pervading society at many different levels.<sup>175</sup> Therefore, without altering the most molecular social relationships – particularly, those between women and men, children and adults, gays and heterosexuals, whites and other ethnic groups (the list is actually considerable) –, society will be puzzled by domination, even in a non-exploitative form and socialistic classless. It would be introduced by hierarchy,

even as it praised the fishy ethos of people's democracies, socialism, and the public ownership of natural resources. As long as domination organizes humanity around a system of elites and hierarchy persists, the project of dominating nature will exist and inevitably direct our planet toward ecological extinction.<sup>176</sup>

On the one side, when it comes to "scarcity", Professor Bookchin argued that human society has currently faced the brute problems posed by unavoidable material scarcity as well as their subjective counterpart in denial and guilt. Material scarcity contributed the historic rationale for developing the patriarchal family, private property, class domination, and the State, while it caused the great divisions in hierarchical society pitting town against country, mind against sensuousness, individual against society, the individual against herself, and, finally, work against play. In summary, humanity stands on the threshold of a post-scarcity society for the first time in history. The word "threshold" is important here, because the existing society has not realized the post-scarcity potential of its technology yet. Neither the material "privileges", which modern capitalism supposedly affords the middle classes, nor its lavish wasting of resources manifests any sense of rationality, humanism, or unalienation. When all the resources should promote social equality, there is nothing more criminal to women, homosexuals, and ethnic minorities than subjugation. A market society necessarily treats nature as a mere resource to be exploited and plundered. In other words, the very logic of capitalist production destroys inexorably the natural world. There is no evidence that such a society will later relent in its disruption of vital ecological processes, exploitation of natural resources, use of the waterways and atmosphere as dumping areas for wastes, or cancerous mode of urbanizing and abusing land. Like his imperialisms, modern man's despoliation of the environment functions globally. Today human parasitism destroys more than the atmosphere, climate, soil, water resources, flora, and fauna of a region, since it virtually dismays all the basic cycles of nature and threatens to destroy the stability of the environment on a global scale.<sup>177</sup>

On the other side, Professor Bookchin hoped that humanity would organize "one world" – already shattered by a rising tide of nationalism, racism, and an unfeeling parochialism fostering indifference to the plight of millions – in which disparate ethnic groups share their resources in order to improve life everywhere.<sup>178</sup> As for the solution in his *Ecology and Revolutionary Thought and Forms of Freedom*, he wished that we would use a mosaic of non-combustible, combustible, and nuclear fuels in some decentralized communities. We would also diversify our use of energy resources and organize them into an ecologically balanced pattern, when we could combine solar, wind, and water power in a given region to meet the domestic and industrial needs of a decentralized community with only a minimal use of harmful fuels. We would eventually sophisticate our non-combustion energy devices in order to eliminate all harmful

sources of energy. We can moreover envision young people who renew social life in the same manner as they renew our species. By leaving the city, they try to found “*the nuclear ecological communities*” to which other people repair in raising numbers. These communities mobilize large resource pools, and dispose careful ecological surveys and suggestions by the most competent people available. The modern cities begin to shrivel, contract, and disappear, as did their ancient progenitors millennia earlier. In the new, i.e. the rounded ecological communities, the assemblies find their authentic environment and true shelter.<sup>179</sup>

Professor Bookchin’s *Post-Scarcity Anarchism* and *Communalism* absolutely negated the centralized economy by advocating regional ecotechnology that would organize the instruments of production according to the resources of an ecosystem. The absolute negation of the marketplace would realize through communism in which cooperation and collective abundance would transform need into desire and labour into play.<sup>180</sup> In his system of *libertarian municipalism*, Professor Bookchin believed that instead of nationalizing and collectivizing lands, factories, workshops, and distribution centres, the ecological communities municipalize their economies and join with each other in integrating their resources into a regional confederal system. Lands, factories, and workshops would be controlled by the popular assemblies of free communities, not by a nation-State or by worker-producers who might very well develop a proprietary interest in them.<sup>181</sup> Indeed, Professor Bookchin’s *social ecology* aims at replacing “*the society of domination by an ecological society founded on unity in diversity.*”<sup>182</sup>

It seems that Professor Bookchin did not firstly realize the problems or the paradoxes of “nuclear power”, even in its so-called “ecological form” (i.e. “*the nuclear ecological communities*”). For instance, we have already seen the catastrophes of Chernobyl and Fukushima showing the extreme dangerousity of this power for nature as well as humanity. Professor Bookchin would then change his idea about nuclear power when later regarding it as “inherently evil”, since its increase would finally turn the earth into a huge atomic bomb.<sup>183</sup> Moreover, the proliferation of nuclear reactors and weapons means almost the cosmic finality of our existence on this planet.<sup>184</sup> Professor Watson has accordingly argued that nuclear power is inherently a totalitarian complex, since it firstly developed as a weapon under the veil of military secrecy, and secondly coordinated with enormous corporate interests, without public debate “*before the whole society was heavily committed to it.*”<sup>185</sup>

In *The Geography of Human Liberation*, Peet, Professor of human geography, put the capitalist use of natural resources in contrast to the anarcho-communist of landscape. In order to maintain the extraordinary level of commodity production, capitalism strips the earth of its resources and pollutes through creating an overconsuming society. It always owns destructive contradictions<sup>186</sup> while proposing

more dangerous “solutions” in its desperate effort to escape from its annihilation. It even uses more threatening and unproven technologies in its effort to maintain existing lifestyles, which earth resources cannot really support. In capitalism we are connected to each other and to the environment by attempting to dominate, which is certainly the crudest attempt at a relationship. Yet we are actually dependent on the natural environment to preserve our existence.<sup>187</sup>

According to Professor Peet, contrary to capitalism, communist decentralization, as a technique, aims to renew direct relations with the natural environment by placing our life and production within it and making ourselves immediately dependent on it. The anarcho-communist concept of landscape is thus organized around the principle of human direct contact with the essential process of life, which means the production and reproduction of the species. The communities, ranging in size from a few people to several thousands, first produce the food and shelter necessary to maintain life, and then specialize in production, services, and research suited to the local resources, their accumulated skills or their synthesis of disposition and obligation to their fellow humans. The pattern of spatial interaction reflects a concept of social relations, i.e. intensive and frequent interaction with a sizeable group of trusted others and a wider network of less frequent contacts with diverse other groups. Contact among groups does not rely on an anonymous price system, but on negotiated agreements in the guise of festivals. In the anarcho-communist collective, every individual daily works in order to harness the renewable natural resources of her locality for keeping human life in existence. During the physical labour of food and fuel production, the individuals daily contact the natural world, their predecessors having worked the land, and the future generation which this land will back up. After all, the future decentralized landscape will must be a village and town society, principally based on regionally renewable resources and on a low-energy system run by sun, wind, water, and vegetation using a sophisticated but natural technology.<sup>188</sup>

#### **5.2.1.4.1.2.2 To the Liberation of the Environment**

In his *Call of the Wild* that is a moral claim for the natural world, Professor Katz has argued that the alternation of the environment by humankind is a form of domination that we must resist.<sup>189</sup> He has thus advocated a liberating approach by avoiding the environmental policies that aim to dominate nature, and by respecting the self-determining development of nature as a subject in itself.<sup>190</sup> Professor Katz's argumentations would actually incarnate an opposition to *environmental anthropocentrism* that relies religiously on the appropriation and imperialist domination of nature by humankind, regarded as the most important component of existence, while it exclusively recognizes the interests and needs of humans to the detriment of those of non-humans.<sup>191</sup>

As a part of the *earth liberation movements* or *radical environmentalism*, the *anarcho-primitivists'* ideas about natural resources are important inasmuch as they offer a fundamental critique of human domination over nature, which necessarily needs State authority, while they argue that “civilization and technology” are “inherently and irredeemably destructive” because of generating and perpetuating social inequalities as well as environmental disasters (e.g., the radioactive clouds released from Chernobyl and the oil slicks polluting Puget Sound).<sup>192</sup> By equating “civilization” with “a culture of contamination” that goes against the innocent condition of “the state of nature”, they advocate that human beings should freely and equally share natural resources in harmony with the ecosystems at the local level. Zerzan, a famous anarcho-primitivist, has accordingly criticized Hobbes’s famous idea about pre-civilized life by arguing that “Prehistory is now characterized more by intelligence, egalitarianism and sharing, leisure time, a great degree of sexual equality, robustness and health, with no evidence at all of organized violence.”<sup>193</sup> Professor Smith finds thus out that the anarcho-primitivists have opened certain ethical, political, and ecological possibilities for a radical environmental politics by rejecting to simply reduce nature to either human property (i.e. commodity) or resource. They have nevertheless left us with several serious questions concerning how radical ecology actually foresees the political articulation of ecology and ethics, and how it relates the critique of modern State authority, which means the Leviathan’s claim to sovereignty, to that of dominating nature,<sup>194</sup> enslaving, or domesticating animals.<sup>195</sup>

The problems of natural resources concern not only the problems of places, but also those of human mentality, social class, poverty, expansionism, and war as their results, as humanity experienced them throughout the so-called “Age of Discovery” or “the Age of European Dominion”.<sup>196</sup> As a result, the discovery of other planets or “space colonization” – as the National Aeronautics and Space Administration (NASA), among other Governmental organizations, has aimed at doing – cannot really solve inequality in access to resources.<sup>197</sup> Does this discovery mean, as Voltaire wrote, to make the earth “*the Universe’s insane asylum*”?<sup>198</sup> In other words, by the conquest of other planets, humankind will transfer its problems to other places, rather than solving them, in order to make them as bloody and violent as our world is now. In short, human discovery means more mass destruction and exploitation, undoubtedly backed by authority and power in the name of God, democracy, justice, freedom, progress, or, perhaps the most important, the preservation of humankind!

Except the anarcho-primitivists, almost all anarchists, i.e. rightists as well as leftists, have unfortunately regarded natural resources as “human fiefdom”, so that all nature is nothing more than human slave. This highly arrogant and dominant ideology results actually in the “theological domination” of



nature by supposedly God's superior creature. Abrahamic religions are accordingly preaching that God created humankind in his own image in order to be the sovereign and owner of all the earth:<sup>199</sup> *"Let us make mankind in our image, in our likeness, so that they may rule over the fish in the sea and the birds in the sky, over the livestock and all the wild animals, and over all the creatures that move along the ground."* (Genesis 1:26) As for the Holy Quran, *"It is Allah who made for you the grazing animals upon which you ride, and some of them you eat. And for you therein are other benefits and that you may realize upon them a need which is in your breasts; and upon them and upon ships you are carried."* (Ghafir 40:79-80) This foolishly religious and capitalist supremacy over nature has certainly recognized or facilitated *State mass violence against nature*, as already analyzed. I thus share Professor Zimmerman's statement, *"Like Paul Shepard in Nature and Madness,<sup>200</sup> Schoenichen suggests that Christianity's anti-naturalism, along with Western rationalism and materialism, combined to disclose nature as something "other" than and inferior to humankind."*<sup>201</sup>

Nonetheless, human supremacy over nature is highly questionable for two reasons. On the one hand, this so-called "Master of the world" is the biggest and the most dangerous predator that massively hunts and exploits everything everywhere by doing all satanic acts: lie, falsification, execution, rape, torture, wage, war, starvation, pollution, and so on. The only animal that has officially recognized and justified this form of supremacy is humankind itself! Human mastery over nature does indeed require not only faith, but also the lawgiver to legalize all human polluting and destructive tendencies in the framework of urbanization, industrialization, free market, and progress. On the other hand, as long as we regard ourselves as both Master and Proprietor of the earth, we will actually remain slaves inasmuch as we have to take care of our so-called "non-humans". We are not really free when we struggle to dominate not only each other, but also all animals and plants altogether. Thus, social ecology has truly argued that the domination of nature by human is rooted in the domination of human by human, indeed, women by men, the young by their elders, one ethnic group by another, one economic class by another, a colonized people by a colonial power, the individual by bureaucracy, and, finally, the society by the State.<sup>202</sup> In other words, enslaving humanity is inseparable from enslaving nature, since all identities, i.e. humanity and wildness, belong to one reality: the Mother Earth in the cosmos. However, Sitting Bull truly challenged this concept in Western culture: *"They claim this mother of ours, the Earth, for their own use, and fence their neighbors away from her, and deface her with their buildings and their refuse."*<sup>203</sup> Is not thus the time to recognize the environment *"in the process of asserting its autonomy vis-à-vis liberalism and socialism"*<sup>204</sup> or even anarchism?

The realization of the ecological communities in the leftist side, the privatization of nature in the rightist side, and the conquest of nature in almost both sides require technological advances, of course, in their radical, moderate, and excessive aspects.

#### 5.2.1.4.2 The Technological Problems

Technology is a very controversial means. On the one side, it ironically constitutes both the source of problem and the solution. It depends indeed on how humankind uses it according to a specific ideology. Technology actually functions not only as one part of the problems of authority, but also as one part of the solutions in a libertarian community. We shall thus take into account the environmental as well as human issues related to technology, without forgetting its benefits, such as the Internet and machines to improve existence. Even though we absolutely agree with the anarcho-primitivists about the pollution and destruction of the ecosystems caused by human beings through science and technology (e.g., war and unscrupulous industrialization), we cannot live without modernity, which means technological tools, such as medical instruments, for benefiting not only humanity but also animality. Nevertheless, we face the dilemma of Malthus when it comes to growing humanity regardless of wealth and technology, because all nations, wealthy as well as poor, deeply disrespect the environment and greedily consume natural resources by a dangerous form of technology. In reality, everybody has some basic needs and desires that only the community can satisfy by technological means, particularly food, cloth, house, healthcare, love, sex, education, and art. Such satisfaction depends mostly on more producing and more consuming, in parallel to the growth of populations. Although human beings are able to maximize goods and services, because of technological progress, the more people mean more consumption and pollution.

On the other side, Professor Jones has traced the paradox of technology in the current age of terror, because it simultaneously constitutes a potential target and a threat: a social fabric (web, network, and weave) threatened with destruction as well as a tool of destruction.<sup>205</sup>

Overall, where is the place of technology in our society according to the anarchists? For instance, are the primitivists right to abandon technology because of its harmful consequences upon humanity and the environment? Can anarchism handle the ecological issues relating to technology? Legal anarchism replies to these questions through three approaches based on radicality, moderation, and excessivity. *Radical anarchism*, which certain socialist anarchists back traditionally up, rejects technology, when *moderate anarchism* is more nuanced, because it does emphasize the benefic aspects of technology without denying its problematic aspects, such as pollution and economic as well as political domination. As

for *excessive anarchism*, it is a capitalist version of technology relying on both individualism and marketing. These various approaches would reveal the ontological problems of technology. We should besides keep in mind, as activist Mclsaac has stated, that the radical ecology movement is healthier when it respects “*diversity combined with willingness to learn from all the different traditions*” making it up.<sup>206</sup>

#### 5.2.1.4.2.1 Radical Anarchism

Green anarchy has already explained the harmful effects of technology, such as militarism and capitalism. It has expressed that we are one part of nature so that we cannot destroy the ecosystems by regarding ourselves as the exclusive proprietor of the world. In this case, “*animism*”, rooted in “primitive culture”, has found its ontological value, since it refers to everything existing, and does not consequently distinguish between the animate and the inanimate, or between human and non-human.<sup>207</sup> In this case, Zerzan has stated that animism extends the human awareness of living in equality and without domination to other life forms and inanimate dwellers on the planet (e.g., rocks, clouds, and rivers). Green anarchy has therefore argued that anarchy has to embrace the community of living beings, and accordingly taken a step towards re-awakening this awareness.<sup>208</sup> In summary, green anarchy has defended animism, since nature is animate insofar as “*each plant supposedly has its own soul and therefore must be treated like a real person.*”<sup>209</sup>

According to the radical approach, some highbrows describe “megatechnic civilization” and “urban-industrialism” as the aspects of an Empire called *Megamachine*, in which the *Eco-Warriors* (somehow eco-anarchists or eco-terrorists as the Statists love to stigmatize) may find their ontology.<sup>210</sup> In *Against Technology*, Porcu has detected a link between technology and political and economic powers. He has argued that the need to completely destroy technology is a confusing perspective to many anarchist comrades, and a considerable number of them do not accept it. For them, it is more reasonable and realistic to destroy so-called “hard technology” (e.g., all types of nuclear armaments and asbestos), and to keep “soft technology” (e.g., electronics and information technology) that is socially useful, especially in the future. And anyone who articulates the need to totally destroy the technological apparatus produced by capitalism is rejected as an irresponsible madman wanting to return civilization to the Stone Age. On the contrary, the Governors, bosses, and their multitude of servants absolutely need existing technology, because they aim at using all the scientific instruments to preserve the State and capital as well.<sup>211</sup>

For Porcu, all technological apparatus that is currently used in social life stems from military research, when its civil use obeys this military logic far more than our immediately understanding. It is thus important to understand the unconscious mechanisms operating at mass level and permitting the power

structure to overcome people's initial rejection and obtain their full support. In other words, those in power motivate it always. On the contrary, the comrades should be always suspicious of technology, since the instruments created by scientists and used by authority do not fail to obey the logic creating them: the preservation of the status quo. As a revolutionary, Porcu has suggested a radical project aiming to destroy technology within the revolutionary process. The revolutionaries will gain an immeasurable advantage when attacking the State and capital, whereby they will realize to concede nothing to the enemy. Thus, they shall necessarily destroy the entire technological apparatus, beyond the use that any individual would make of it in the future.<sup>212</sup>

Landstreicher has critically looked at technology as "the machinery of control" so that a revolutionary analysis necessarily requires including a critical assessment of technology. He has argued that the State controls many networks and institutions necessary to production and commerce, such as railway systems, highway systems, airports, ports, satellite, and fiber optic in information networks and communications that are generally State-run and subject to State control. As the necessary elements to new developments in production, technological and scientific research depends largely on the facilities of State-run universities and the military. Landstreicher has also recognized that technological advancements under capitalism aim at maintaining and increasing the control of the capitalist ruling class over our lives. Unsurprisingly, the technical advances, which were not necessarily specific responses to class struggle at the workplace, have mostly occurred in the field of military and policing techniques. For example, electronics and cybernetics have provided the State with the tools of gathering and storing information on large levels never known before, and allowed it to greatly surveil an increasingly impoverished and potentially rebellious world population.<sup>213</sup> In this case, Edward Snowden's revelations about "a global surveillance apparatus" run by several big States have recently proved the exactitude of Landstreicher's notice or warning.

Landstreicher has hence believed that the claim to the neutrality of technology has no basis, because technological development is not in a vacuum, but dependent on the social relationships of the order in which it functions. It is the product of a context, and so inevitably reflects this context. It actually develops to guarantee the reproduction of the social order: Government, private property, commodity exchange, marriage, the family, etc. As a result, Landstreicher has defined technology as an integrated system of machinery, techniques, materials, and people designed to reproduce the social relationships prolonging and advancing its existence in accordance with the needs and interests of the ruling class. Since the rise of capitalism, the colonial Empires have developed an increasingly integrated technological system allowing the maximal use of resources including labour power. The capitalists manufacture goods

as a necessary part of the process of increasing capital, creating profit, and maintaining their control over power and wealth. Thus, the factory system, as a form of technology, has developed to control the most volatile part of the production process: the worker. The Luddites accordingly attacked the machines of mass production, because they regarded industrialism as another tool of the masters for dispossessing them. As for the solution, Landstreicher has stated that as we abolish the State and capital, we need to destroy the current technological system in order to take our lives back. The course of our struggle against the world of domination will determine specific tools and techniques. However, we will have to destroy the machinery of control, precisely in order to generate possibilities for creating what we want in liberty.<sup>214</sup>

In *Against Technology*, Zerzan has argued that technology is today claiming to offer solutions to everything in every sphere. There is hardly any problem for which it does not offer any answer. In virtually every case, it has however caused the problem in the first place when asking for a little more technology. The people, who think that technology is simply a neutral tool and purely a matter of instrumental use, believe that it is a positively neutral tool, while they avoid testing the truth claim for its positive aspect. They are nonetheless dissidents who have called technological neutrality into question. Zerzan has found out that, for instance, Horkheimer and Adorno's *Dialectic of Enlightenment* criticized what they called "instrumental reason", since neither technology nor reason is neutral.<sup>215</sup> Under the sign of civilization and technology, reason is basically biased toward control and distancing. Zerzan has thus concluded that technology is neither neutral, nor a discrete tool separated from its development as a part of society, nor inevitable if we do some thing about it in order to have a better future.<sup>216</sup> Zerzan has indeed implied, as Professor Smith writes, a primitivist approach arguing that human progress advertises itself as an advantageous and adventurous journey into an undetermined future that opens certain space for technological creativity. However, profit and the insatiable desires and dictates of a modern market system, entirely dependent on reducing the world to a resource, motivate primarily such progress.<sup>217</sup>

A long time before the modern primitivists or somehow our "Neo-Luddites", the Luddites had manifested their anti-technological ideas and actions during the Industrial Revolution. In this case, Zerzan has noticed that the sentiment of resistance to the widespread hatred of authority and control generated machine-breaking and industrial arson, and soon became tactics against not only the ravages of industrialism but also industrialism itself. In the Luddite resistance to the emergence of mechanized devices between 1799 and 1803, we observe those forms of combat among the West England clothing workers and shearmen. Taken its name from Ned Ludd who was a young framework knitter in Leicestershire having an aversion to confinement and drudge work, the most sustained Luddite destruction of newly introduced

textile machinery appeared between 1811 and 1816. Zerzan has also traced some famous writers and poets with Luddite tendencies, such as Horace Walpole, Mary Wollstonecraft Shelley, Percy Bysshe Shelley, and Lord Byron.<sup>218</sup> In the process of global industrialization, motivated by an evermounting rise in global population and warming, a deepening technological dimension becomes increasingly immersive and defining, and leads to the loss of meaning, passion, and connection. This process permanently and speedily reaches new levels. Thus, according to Zerzan, some labour economists announced *the age of total industrialization* as a new age,<sup>219</sup> while many have hailed new technologies as the “Second Industrial Revolution”,<sup>220</sup> the “Third Industrial Revolution” or “Digital Revolution”, and the “Fourth Industrial Revolution”.<sup>221</sup>

Marszalek has stated that the Luddites, all textile weavers, were machine breakers and followers of King Ludd, their mythic leader, in the nineteenth century in England. They struggled against the new technology (i.e. the new weaving machines), because it produced shoddy goods, offended their craft standards, and required little skill. As a result, it degraded families and villages. In order to crush their struggle down, on the one hand, the army occupied the villages when taking its toll with daily patrols to curtail and harass assemblies. On the other hand, the Government passed the Frame Breaking Act and the Malicious Damage Act of 1812 decreeing machine breaking a capital crime, followed by a campaign of yearlong ambushes, torture, and judicial execution. Marszalek has furthermore noticed that despite the bloody repression of the Luddites by the State and their rebellious history, the Luddite heritage has been unjustly interpreted, because they were by no means reactionaries opposing artlessly to technology in their supposed flight from progress and history.<sup>222</sup>

Marszalek has also traced the emergence of Neo-Luddism inasmuch as the Neo-Luddites have reacted “to the technological imperative that dominated the US by the middle of the 20<sup>th</sup> century: automation took off in the 1950s, displacing thousands of workers; engineering sequestered the popular imagination in the 1960s with the race against the Soviets for space exploration; and in the 1970s, petrochemical-based research seized Wall Street investors like a passion.”<sup>223</sup> They have emphasized the dark side of modern technological enthusiasm: unemployment, pollution, misdirected federal funds, and the rising fear of nuclear war, which seriously threaten all contemplation of a better future. Neo-Luddism indeed incarnates modern “*fear for a technological future that some mistakenly imagined had exact historic precedents.*”<sup>224</sup>

According to Marszalek, we, like the Luddites, have become aware of an apocalyptic future of technology going out of control and badly transforming many aspects of existence, such as nano-engineering, synthetic biology, from bio-fuels to genetically modified foods, and the ecocatastrophe caused

by industrial agricultural and manufacturing. Compared to the Luddites, we are however vulnerable when it comes to overcoming our political, economic, and environmental challenges. Although they did not enjoy our sophisticated technical resources, they possessed deep bonds of trust, rooted in generations of communalism. On the contrary, we are fearful of every encounter while standing alienated, atomized, and closed down. Marszalek is nonetheless so optimistic about “a better life”, because catastrophes lead to break isolation and spontaneously generate solidarity. The pre-revolutions in North Africa and Europe as well as the Occupy Movements may hopefully temper our bleak appraisal. The “Politics of the Squares” – i.e. the instant mobilization of formerly apolitical masses, the rapidly organized support systems to maintain continuity in public spaces and squares, and the conscientious concern for effortlessly speech – is historically unique on this world scale.<sup>225</sup>

An anarchist group, calling itself “the Olga Nucleus of the Informal Anarchist Federation-International Revolutionary Front”, may provide an example of Neo-Luddism appeared in 2012. The group claimed responsibility for kneecapping and shooting Roberto Adinolfi, CEO of Italian nuclear firm, in Genoa. In a letter sent to an Italian newspaper, it wrote that the attack aimed at punishing “one of the many sorcerers of the atomic industry” who “*knows well that it is only a matter of time before a European Fukushima kills on our continent. (...) Science in centuries past promised us a golden age, but it is pushing us towards self destruction and slavery. (...) With our action we give back to you a small part of the suffering that you scientists are bringing to the world.*”<sup>226</sup>

In spite of his criticism vis-à-vis “anarcho-primitivism”,<sup>227</sup> Professor Kaczynski has warned us against four problems of technology, and therefore suggested some solutions in *Technological Slavery* and *Hit Where It Hurts*.

Firstly, technological progress is inevitably leading us to disaster, either physical disaster (some form of environmental catastrophe, for example) or human disaster by reducing the human race to a servile and degraded condition.<sup>228</sup>

Secondly, only the crash of modern technological civilization can prevent disaster, since we can neither control, nor restrain, nor guide, nor moderate the development of the techno-industrial system and its effects. In other words, the principle of “technological autonomy”, as Professor Ellul has already emphasized,<sup>229</sup> affirms that neither the overall development of technology nor its long-term consequences for society is subject to human control. Certainly, the crash of technological civilization will itself cause disaster. The longer the techno-industrial system however continues to develop, the worse the eventual disaster will be. A lesser disaster now will prevent a greater one later. The crash of technological society



needs a type of “out-and-out revolution”.<sup>230</sup> Professors Ellul and Kaczynski are right to be worried about the dangerosity of technological autonomy, since, for example, if technology became able to produce machine (e.g., military robot) independently, it would seriously threaten existence. Does it mean the end of human history?

Thirdly, “*the political left is technological society’s first line of defense against revolution.*” By “the political left”, Professor Kaczynski means those who think that racism, sexism, gay rights, indigenous people’s rights, neocolonialism, animal rights, the environment, poverty, sweatshops, and social justice are amid the most important problems that we currently face. On the contrary, the people extinguishing revolutionary movements are those drawn indiscriminately to those causes, and actually belong to a culture that Professor Hollander calls “the adversary culture”.<sup>231</sup> In this case, Professor Jones speaks of “counterculture”, “countercomputer”, and “technology subculture”.<sup>232</sup> It seems that either Professor Kaczynski is not clear about this form of culture, or my understanding of his writing is poor.

Fourthly, Professor Kaczynski has found out the necessity of a new revolutionary movement aiming to eliminate technological society and to exclude all leftists, the assorted neurotics, lazies, incompetents, charlatans, and individuals deficient in self-control being drawn to current resistance movements in America. The form of this revolutionary movement is open to discussion. For a start, those who want to address the problem of technology have to establish systematic contact with each other and a sense of common goal that is nothing less than the destruction of technological civilization. Then, they must strictly set themselves apart from the “adversary culture”.<sup>233</sup>

Professor Kaczynski has also advocated “direct action”. As a prisoner, he has accordingly written *Hit Where It Hurts* recognizing that if he had encouraged illegal activity, the prison would not have allowed this article to publish. For him, it is definitely essential that we attack the system not according to its own technological values, but according to values that conflict with the values of the system. As long as we attack the system in accordance with its own values, we do not hit the system where it hurts, but we allow it to reduce protest by backing off or by giving way. For example, if we attack the timber industry mainly on the basis that forests require to preserve water resources and recreational opportunities, then the system is able to give ground to defuse attack without jeopardizing its own values, because water resources and recreation are totally consistent with the system’s values. If the system draws away or limits logging in the name of recreation and water resources, it is only a tactical retreat and not a strategic defeating the system’s code of values. As a result, “*instead of trotting off to the next world trade summit to have temper*

*tantrums over globalization, radicals ought to put in some time thinking how to hit the system where it really hurts. By legal means, of course!*<sup>234</sup> Do not eventually “legal means” endorse “the system’s values”?

Professors Thorpe and Welsh may have summarized the radically anarchist approach to technology, when arguing that the authoritarian and ecologically destructive juggernaut of State-supported big technology and science in the twentieth century has understandably caused a deep suspicion and pessimism toward technology and science among many anarchists, left libertarians, and environmentalists. The anti-civilization and primitivist anarchism of Zerzan has crystallized this reaction. These Professors have nevertheless gone further in their argumentation about primitivist anarchism. According to them, given the continuing importance of technology and science to the modern States and the “neo-liberal global knowledge economy”, a critical anarchist theory of technology and science requires overcoming the limitations within different forms of primitivism exemplified by Zerzan’s writings. Even though his criticisms of alienation in modern life and the nihilism of contemporary technological culture are penetrating, Zerzan has actually led his readers to a quasi-religious ideal of returning to a wild Eden.<sup>235</sup> The primitivists have indeed neglected the anarchist intellectual tradition, since the ideas and the epistemic practices of contemporary social movements rely on libertarian forms of scientific knowledge and practices resonating with libertarian emphases on horizontal structures, decentralization, and diversity. This proto-anarchist politics of technology and science is necessary to rise above the limits of contemporary State-corporate science that has already reached a “plateau”<sup>236</sup> confronting “paradigm limits”, which can be only transcended by alternative epistemic practices in accordance with the autonomous self-organization of society.<sup>237</sup>

However, in *Primitivism, Anarcho-Primitivism and Anti-Civilisationism: Criticism*, Professor Flood affirms that the central purpose of primitivism, anarcho-primitivism, and anti-civilisationism is to abolish technology. Most people are nevertheless arguing that this is a terrible idea and totally unnecessary, since abolishing technology would obviously have devastating consequences for humanity as well as the planet. For example, the 50% of the British people (97% over the age of 65) need contact lenses or glasses. Moreover, hunter-gathering is only able to feed an absolute maximum of 100,000,000 people, thereby necessitating a reduction of world population of 7,145,000,000 people. The primitivists cannot explain how this will come about. Professor Flood also finds out that primitivism mostly evades the question of what level of technology it wishes to return to by hiding behind the claim that it is not arguing for a return to anything, on the contrary it wants to go forward. Its position is actually that certain type of technology is acceptable up to the level of small village society sustained by gathering and hunting. The anarcho-

primitivists think that the problems have started with the appearance of agriculture and mass society. For the purposes of his article, Professor Flood is taking as a starting point that the type of future society, which the anarcho-primitivists advocate, would be largely similar technologically to that which already existed around 12,000 years ago, at the aurora of the agricultural revolution. He does not however claim that they try to “go back”, which is certainly impossible.<sup>238</sup> If we “seek to go forward by getting rid of all the technology of the agricultural revolution and beyond what results will look quite like pre-agricultural society of 10,000 BC. As this is the only example we have of such a society in operation it seems reasonable to use it to evaluate the primitivist claims.”<sup>239</sup>

Professor Flood thus concludes that anarcho-primitivism is eventually a pipe dream, which proposes no way forwards in the anarchist struggle for a free society. The anarcho-primitivists end often up weakening this struggle by attacking the very things, like mass organization, which are needed to win it. If they want to change the world, they need to reconsider what they are struggling for.<sup>240</sup>

In *Social Anarchism or Lifestyle Anarchism*, Professor Bookchin has reproached the deep ecologists for linking the ills of society to “civilization” rather than to “capital” and “hierarchy”, to the “megamachine” rather than to “the commodification of life”, and to shadowy “simulations” rather than to the very tangible despotism of material want and exploitation. This is like a new capitalist apology for “downsizing” in modern corporations as the product of “technological advances” rather than of the capitalist insatiable appetite for profit.<sup>241</sup> Professor Bookchin may have forgotten that *civilization* has hitherto either caused or seriously increased capital, hierarchy, or domination, particularly by means of *technological advances* and *megamachines*.

Those criticisms as well as polemics of the radical anarchist approach to technology have opened the door to a moderate approach.

#### 5.2.1.4.2.2 Moderate Anarchism

*Strangers In A Tangled Wilderness*, unlike the anarcho-primitivists, does not reject technology, but its inappropriate use.<sup>242</sup> As Professor Flood has already affirmed, moderate anarchism claims that technology is not inherently wrong, because it merely depends on how humankind applies it. For instance, it increases freedom (from onerous work or physical disability, etc.) in a free society,<sup>243</sup> or, as mentioned above, increases State repression when destroying existence. In other words, we could criticize the primitivists because of their disregard for technological benefits while putting exclusively pressure on the negative aspects of technology. Moreover, should legal anarchism ask that as the classical “Luddites were themselves technologists,”<sup>244</sup> the Neo-Luddites, at least many of them, are not

technologists, “technocrats” (e.g., the social ecologists in Bookchin’s model),<sup>245</sup> or profiteers of “high technology”?

By exploring the ambivalences and tensions in the anarchist approaches towards science,<sup>246</sup> Professors Thorpe and Welsh demonstrated that classical nineteenth century anarchism had emphasized the hub of socially accountable science within libertarian thinking. Some twentieth century writers (such as Lewis Mumford, Bookchin, and Goodman) would later analyze the elements of this tradition by highlighting liberatory techniques, which ironically developed during an epoch dominated by State-sponsored big science. These Professors also argued that neo-liberal ideology has dominated the twenty-first century by transferring “near market” science to the private sector requiring the clarification of and debate on the relationship between anarchism and science.<sup>247</sup> They might imply a type of Neo-Luddism or “activist technology” (i.e. *tech activist*),<sup>248</sup> such as Wilson and Kleiner’s *Luddite Cybercommunism*. Kleiner has thus dreamed an independent and alive cyberspace or cyber-communism that requires undertaking numerous practicalities to freely provide and distribute platforms suited to the work of radical communities.<sup>249</sup> In this case, WikiLeaks, as a controversial organization which has attracted polarised responses,<sup>250</sup> could be an example of “cyber-libertarianism” or “cyber-anarchism” in a world where a new type of spontaneous organization from the Occupy Movements to the Arab Spring is emerging.<sup>251</sup>

Under the title of *Towards a Liberatory Technology*, although Professor Bookchin has not claimed that technology is automatically liberatory or constantly beneficial to human development, he has believed that humankind is not necessarily destined to be enslaved by technology and technological modes of thought (as Juenger and Ellul had already implied in their books on the subject).<sup>252</sup> As a result, he has defended “*the ecological use of technology*” that deals with eliminating toil, material insecurity, and centralized economic control-issues. He has tried to show, on the one hand, how the new technology could be ecologically used to reawaken human sense of dependence on the environment and, on the other hand, by reintroducing the natural world into the human experience, we could contribute to the achievement of human wholeness. His approach indeed tries to find a balance between humankind and nature, without which the viability of humanity will be seriously placed in jeopardy.<sup>253</sup> Environmentalism accordingly means the ecological project for achieving a harmonious relationship between nature and humanity as a truce, instead of a lasting equilibrium. On the contrary, ecology tries to attain the dynamic balance of nature through recognizing the interdependence of all non-living and living things.<sup>254</sup> Professor Bookchin has however highlighted our very unique place in evolution that does not certainly justify dominating nature.

Such a place stems from our powers of thinking, communicating, and sweepingly altering the natural world in magnificently creative or utterly destructive ways.<sup>255</sup>

According to Professor Bookchin, the ecological region will organize the living social, cultural, and biotic boundaries of the community or of the several communities sharing its resources. Agriculture will be as “husbandry”, an activity as enjoyable and expressive as crafts, for this free community. The community will satisfy its requirements locally by using the region’s energy resources, minerals, timber, soil, water, animals, and plants as humanistically and rationally as possible, and without undermining ecological principles. (It seems to me that Professor Bookchin has not explained “ecological principles”.) In this regard, the community will use new techniques in accordance with a regional economy. For instance, Professor Bookchin has referred to methods for extracting trace and diluted resources from the earth, water, and air, to wind, solar, hydroelectric, and geothermal energy, to the use of heat pumps, vegetable fuels, solar ponds, thermoelectric converters, and controlled thermonuclear reactions. By its continual development, technology expands local possibilities, such as seemingly inferior and highly intractable resources made available by technological advances.<sup>256</sup>

For Professor Bookchin, we do not lack energy *per se*, but we are just at the beginning of learning how to use sources being available in almost limitless quantity. (However, I have previously mentioned that Proudhon’s opinion on unlimitedness of natural resources is not evident.) He has accordingly provided some types of “green energy”. For example, they estimate that the gross radiant energy arriving at the earth from the sun is 3000 times more than our annual energy consumption. As a result, technology shall overcome the problem of collecting it to satisfy a portion of human energy needs. For instance, if technology enabled us to collect solar energy for house heating, we could redirect 20% to 30% of our conventional energy resources to other purposes. In this case, we could heat houses, cook food, boil water, melt metals, and produce electricity with devices that exclusively use solar energy. We cannot nonetheless do it efficiently everywhere, since we still face a number of technical problems that only crash research programs can solve. The ocean’s tides and winds constitute other resources that can provide electric energy for us. Professor Bookchin has tried to bring the wind, the sun, and the earth back into technology and into the means of our survival as a revolutionary renewal of human ties to nature.<sup>257</sup>

Professor Bookchin has finally advocated a type of “technology for life” integrating one community with another. In a permanent revolution in the future, the most urgent task of technology is to produce a great amount of goods with a minimum of toil,<sup>258</sup> as Godwin, Kropotkin, and Wilde had already suggested.<sup>259</sup> Kropotkin, as we have seen, defended an anarchist society in which technology and science

would provide human beings with leisure to satisfy their needs as well as desires. As Leval argued, the anarchists have always taken into account technological progress in their works.<sup>260</sup> Professor Bookchin has thus tried to prove that the machine will eventually absorb the toil involved in mining, smelting, transporting, and shaping raw materials, leaving the final stages of craftsmanship and artistry to the individual. Such a revolution will try to heal the fracture separating humanity from dead machines without sacrificing either humanity or machines, and to assimilate the machine to artistic craftsmanship. The future liberated humankind will enjoy a large variety of work styles based on technological innovations. Free communities will profit from certain cybernated assembly line with baskets to cart the goods home. Like the autonomic nervous system, industry will work on its own, subject to the repairs that human bodies need in occasional bouts of illness. The fracture separating humankind from machine will not however be healed, but simply ignored.<sup>261</sup> When it comes to citizenship in his work on municipal communities relying on a reduction of community to electronic participation, he did not really explain the rationality and politics behind the proposals to embrace such technological choices.<sup>262</sup>

Indeed, “cybernetics” has both capacities either to establish and to strengthen an authoritarian system, as Landstreicher has above mentioned, or to establish self-organization confronting power and domination.<sup>263</sup> The second capacity, i.e. “cybernetic anarchism”, will realize, as Dolgoff emphasizes, through the *cybernetic-technical revolution* removing the well-nigh insuperable material obstacle (i.e. excessively industrial-managerial centralization as well as the scarcity of goods and services) in order to introduce anarchism.<sup>264</sup> In *Modern Technology and Anarchism*, Dolgoff recognizes that the anarchist alternative is not a simple fantasy, but a mutual and decentralized model that the revolutionaries will realize when using a type of liberating technology that will be a realistic and practical alternative to the monopoly and abuse of power.<sup>265</sup>

Professor Watson has traced a contradiction in Professor Bookchin’s opinion, because he wavered between the poetry of the past and the future, when he finally chose a capitalist future with its augermatics, computers, and even shovels as long as human progress demands them. Professor Watson has however argued that our choice faces the legacy of modernity without forgetting renewal and redemption in a future based on social ecology.<sup>266</sup> His Bookchinian social ecology would be actually balanced between “anti-Enlightenment” and “post-Enlightenment” inasmuch as “*we are condemned to be modern,*” while we should have a more holistic and organic relation to the environment. According to his deterministic approach, we must face the legacy of modernity without being able to evade our responsibility to think rationally and critically about our eco-technological crisis. Our future social ecology will thus recognize neither scientific

rationality nor technological mastery, but an *authentically* dialectical understanding reorienting existence around perennial, aboriginal, and classical manifestations of wisdom that we must still address fully.<sup>267</sup> His notices about modernity and technology could be true, since all civilizations are, to some extent, technocratic, because technical experts manage them.<sup>268</sup>

However, Professor Bookchin himself acknowledged that we cannot return to aboriginal lifestyles, rather we achieve an ecological society in the future by our insights, knowledge, and data acquired as a result of the long history of philosophy, rationality, science, and technology, which have cleansed humanity of magic, the worship of deities, and primeval religions.<sup>269</sup> He has indeed foreseen a future in which a free society will come to terms with its own material insecurities, when technology will reach a level of development rendering scarcity meaningless.<sup>270</sup>

As for Professors Truscello and Uri Gordon, they have found out that *“As the tipping point for runaway climate change looms, and with the sixth mass extinction event in the history of planet earth already in full swing, substantial and prolonged public revolt is replaced by resignation, techno-optimism and reactionary retrenchment.”*<sup>271</sup> In the context of prolonged crises, they have argued that the relationships between twenty-first century technologies and anarchist politics will permanently emerge as critical elements of theory and practice. The anarchists have to revolutionize technology even as humanity experiments with technological invention and destruction. For instance, they have emphasized the concept of “sociotechnical assemblage”, a key concept in Science and Technology Studies articulating the social as a type of associations between things that has somehow been present in anarchist thought since Proudhon. The contemporary expression of sociotechnical assemblages are essentially *“the forms of ‘slow violence’ latent within technological legacies of the petromodern state form, which have produced many of the ecological conditions in which anarchists now struggle with various forms of oppression.”*<sup>272</sup>

Professor Gordon has also found a curiously ambivalent relationship between the contemporary anarchists and technology: rejection and utilisation. On the one side, the anarchists are fighting against the introduction of new technologies, from biotechnology and nanotechnology to technologies of warfare and surveillance. On the other side, the North anarchists are extensively engaging in using information and communication technologies, and even developing their own software platforms in order to promote anti-authoritarian politics, direct action against State-sponsored repression, and different forms of hacktivism, electronic civil disobedience, and culture jamming.<sup>273</sup> Because of this ambivalent attitude toward technology among the anarchists, Professor Truscello has developed the concept of “imperfect necessity”,<sup>274</sup> as mentioned above. Professor Gordon has optimistically foreseen that the people will likely use technique



and the machines that will be appropriate on certain conditions such as sustainability, non-specialism, and a human scale of operation and maintenance, which will encourage creativity, conviviality, and cooperation at a localized level.<sup>275</sup>

#### 5.2.1.4.2.3 Excessive Anarchism

If the leftist approach is radically or moderately aware of the technological problems (e.g., alienation and pollution), the rightist approach is excessive inasmuch as it hotly believes that only privatization and the free market would specify the quality and quantity of technology in a libertarian society, without really taking care of the human and ecological problems related to technological advances. If some libertarians are capitalistically so radical in the use of technology, others have moderated the libertarian ideas on this topic, balanced between capitalism and technology. However, both groups seem to be less keen on using technology as a revolutionary tool against the State, as it is the case of left anarchism.

Concerning the radical libertarian idea on technology, Professor Rothbard has acknowledged that neither humanity nor economics can tell us about the optimum size of a firm in any given industry, but the concrete technological conditions as well as the demand and supply of each situation. In order to satisfy consumer demand and opportunity costs for the various factors, entrepreneurs and factor-owners are producing when maximizing their profit or monetary income. For Professor Rothbard, technological factors in production are not in a vacuum at all, since technological knowledge shows us a whole host of alternatives. The factors of production are allocated in the service of consumers only when they maximize monetary gain. There is actually no separation of financial considerations from technological efficiency. Neither economists nor any other outside observers are able to set the technological optimum for any firm, but only the market itself can do this. Professor Rothbard has moreover argued that although higher wage rates would urge employers to invent new technological methods to make labor more efficient, the savings available limit the supply of capital goods, and a group of technological opportunities is almost always awaiting more capital anyway. He has also stated that humanity can apply technological improvement to production only via capital investment. Since a technology is not fixed for all time, we use what resources we have, and we multiply the types of usable resources as our technological knowledge grows. For example, *“if we have less timber to use than past generations, we need less too, for we have found other materials that can be used for construction or fuel.”*<sup>276</sup>

Professor Hoppe has likewise affirmed that changes in the technology are able to change the character of a given commodity. For example, TV that was seemingly a public good has become private

through the development of cable. Nobody can however know all of the circumstances and the changes that would affect the very structure of an industry: changes in technology, in the demands of diverse consumer groups, in the prices of diverse consumer goods affecting directly or indirectly the industry, and so on. For Professor Hoppe, the state of technology is one of factors that are important in the process of economic development.<sup>277</sup>

Like Professor Bookchin, Professor Rothbard has noticed that modern technology has made possible direct democracy, since each individual can easily vote on concerned issues several times per week by recording her choice on a device attached to her television set. Professor Rothbard has finally noticed that in the long run, the greatest “charity” will precisely be not what we will know by this name, rather “selfish capital investment and the search for technological innovations”.<sup>278</sup>

Professor Jesse Alan Gordon has spoken of “technological libertarianism” for the “Information Superhighway” and other technology policy, since technology is a type of power invested in individuals rather than in Governments. Technology also yields independence, which is the main characteristic of libertarian psychology. It is actually a powerful force for creating occupational independence, which generates independent thinking about non-occupational aspects of our life, and this is why technological labourers sustain independent lifestyles and the libertarian psychology promoted by such lifestyles. The goal of libertarian politics is primarily to decentralize power. Technology is indeed one of the most powerful forces of decentralization in human history. Technological advances lead towards individual power and go away from Government power, and this is the principal reason for technology users to support the decentralization as well as libertarian political philosophy advocating it. Technology moreover facilitates self-regulation. The technological revolution has mostly realized through self-regulation on a large scale, and computer networks have mostly realized through self-monitored rules on a small scale. Professor Gordon has finally argued, “*Technological libertarianism has been the source of the success of America’s high-tech industries. If we adhere to its underlying philosophy, technological libertarianism can be the source of the success of the Information Superhighway as well.*”<sup>279</sup> In this case, we could also observe the controversial concepts of “libertarian transhumanism” and “democratic transhumanism”, connected to “techno-libertarianism” and its issues.<sup>280</sup>

Like Professor Gordon, Carson argues that the desktop revolution and the Internet have provided the minimum capital outlay for entering most of the entertainment and information industry as well as the marginal cost of reproducing. Combined with endless varieties of cheap software for creating and editing content, the networked environment has made possible for the amateur to produce output of a quality once

associated with giant recording companies and publishing houses. Thanks to cheap equipment and software for high quality recording and sound editing, this is also true for the music industry, desktop publishing, and to a certain extent even to film. Podcasting technology has made it possible to distribute television and radio programming, at virtually no cost, to every person with a broadband connection. A network of amateurs has already peer-produced Wikipedia, an encyclopedia that Britannica regards as a rival.<sup>281</sup>

Carson also thinks that the elements of the nineteenth century radical tradition have survived by a variety of movements, such as Georgist, distributist, and “human scale” technology. He could share Professor Rothbard’s opinion about the beneficial effects of technological innovation on the free market, when he argues that the introducers of new production technologies could derive temporary producer surpluses, but the general spread of the new technology, motivated by such increased profits, would finally decrease the price to the level of production cost. Carson moreover affirms when a company either advances a commanding lead in some new process or technology, or obtains a large enough market share or a low enough cost of production to be immune from retribution, it can well wage a war of conquest on its industry. Industry consistently chooses technologies that not only deskill workers, but also move decision-making upward into the managerial hierarchy.<sup>282</sup>

In his analysis of Engelsian approach to production, Carson finds out that even though every increase in economic productivity creates opportunities for robbery through a Statist class system, the same productive technology is always usable in certain non-exploitative ways. A given type of class parasitism generating a certain form of productive technology does not alter the form of technology potentially having both libertarian and exploitative applications in accordance with the nature of the society that adopts it. For Carson, the nineteenth century was somehow an industrial and technical “renaissance”, constructed atop the achievements of the High Middle Ages after a prolonged hiatus. Due to the intervening centuries of war on the society, industrial technology has hitherto functioned in the society on the brutal basis of exploitation and privilege, instead of benefiting the society. On the contrary, he, as an anarchist, affirms that because economic and social relations are consistent with all levels of technology, we can achieve technical progress and integrate new technology into production in any society through voluntary cooperation and free work. In short, any type of technology is amenable to either authoritarian or libertarian applications, according to the nature of the society into which it is introduced.<sup>283</sup> As for me, I think that some types of technology are *naturally* authoritarian or destructive, such as military and torture technologies, regardless of the society concerned.

Carson, like Landstreicher, finds out that digital media and computer technology have potentially increased surveillance to Orwellian levels. Huge computer databases, surveillance programs like Carnivore and Echelon, police experimentation with combinations of public cameras, databases of digital photos, and digital face-recognition technology have made a total surveillance State technically feasible. On the contrary, in using political pressure to defend our counter-organization from repression and pressuring the State to withdraw from our society, modern technology has provided us with exhilarating possibilities for opposing through the large and decentralized associations of affinity groups.<sup>284</sup>

Whatever our approach to technology is, could we share Professor Jones' statement: "*Modern technology is commonly seen as a monolithic, autonomous, and malevolent force with a life of its own*"?<sup>285</sup> Shall we look independently at technology like the laws of moral right and social economy (somewhat like "the invisible hand of the market") that are, as Proudhon put, independent of human or legislative power?<sup>286</sup> In other words, are we eventually slaves of technology? As far as I am concerned, I do not think like this. If we can neither destroy nor abandon technology, as the anarcho-primitivists wish, we are able to ask for which type of technology we are looking. It should be a progressive tool to ameliorate existence, without becoming itself a tool of domination and control of humanity and nature by a powerful minority, as it has become in the present. Moreover, to establish a hunting community, wished by certain anarcho-primitivists, goes certainly against animal existence that I undoubtedly defend. Indeed, technology has a very complex identity in relation to existence (e.g., the possibility of reproduction of robot by itself against humankind's interest), including the environment. Baugh has since confirmed that both ecology and technology imply diverse qualifiers, such as liberator, liberatory, democratic, ecological, and feminist<sup>287</sup> (e.g., *eco-feminist*).<sup>288</sup>

### 5.2.1.5 The Problems of Money and Taxation

Besides their very close relationship with "property", the quality and quantity of money and taxation have certainly changed parallel to technological advancements and to the power and needs of the State during time and according to space. For instance, money is not only a "physical means and wealth", but also an increasingly "virtual means of payment and wealth" through the Internet, credit cards, etc.<sup>289</sup> In this case, we are also observing the so-called "tax havens" or a form of State crime in which countless civil servants, politicians, lawyers, businesspeople, artists, celebrities, and their clans are actively implicated.<sup>290</sup> However, the States know many things about our financial life, thanks to intelligence agencies and spying equipment, e.g., tax forms and the Social Insurance Number. Even though one of the principal problems of the current monetary and tax systems is that we are *financially naked* in front of a Big Brother watching us,

Government *fully scans* our existence, not just our fiscality, because, as mentioned above, it wants all, nothing less than all. All libertarians accordingly share the fact that the big creator and supporter of these systems is the State or the ruling class, which is harshly punishing or sacrificing those who do not respect its economic rules in its war for power and domination.<sup>291</sup>

In this section, I should briefly analyze the libertarian ideas and models regarding money and tax. My brief analysis is not because I think that these matters are frivolous, rather they are very important in our existence, based on “money” and “tax” forced by the States, on the one hand. I shall be an economist, as my Professor Stringham is, or even a tax specialist in order to treat these technical concepts properly and deeply – which is not my case unfortunately –, on the other hand.

#### **5.2.1.5.1 The Monetary Problems**

Legal anarchism analyzes the monetary problems in two directions that can sometimes be identical or overlap each other. On the one side, they are some leftist anarchists who are standing up against the centralized money, supported by the State, which we can call “abolitionists” to some degree. These communitarians have however proposed some monetary alternatives, such as the local currencies. On the other side, they are other libertarians who are against State monetary systems when proposing more individualistic and capitalist models such as credit cards, which would not actually be much different from the current monetary systems monopolized by some corporations (principally Visa, Mastercard, and American Express).

##### **5.2.1.5.1.1 The Leftist Approach**

Professor Dodd has found out in *Nietzsche’s Money*, almost everything that Professor Nietzsche said about money was negative.<sup>292</sup> For instance, in *Thus Spoke Zarathustra*, he vilified the “superfluous people” acquiring wealth whereby making them poorer.<sup>293</sup> Even though he did fortunately discredit violently God as well as Christian values,<sup>294</sup> hostility to money would be much deeper than Nietzschean contemplation, since Judaism and Christianity have historically regarded the love of money as a sin, because it “is a root of all kinds of evil. Some people, eager for money, have wandered from the faith and pierced themselves with many griefs.” (1 Timothy 6:10) Professor Schmidt has accordingly traced “the Judeo-Christian hostility to wealth”.<sup>295</sup> Consequently, as Professor Graeber has affirmed in his research about debt during the five thousand years that some institutions (Mesopotamian sacred kingship, Mosaic jubilees, and *Sharia* or Canon law) historically placed some sort of controls on the catastrophic social effects of debt.<sup>296</sup> In this religious sense of monetary hostility that I would like to invoke the German anarchists who have thought

that the cure for “*the usurious malady of conventional money is straightforward: let the sign mimic the object, let the money die.*”<sup>297</sup> Badcock, Jr., has accordingly stated that the entire glaring inequitable distribution of wealth results mainly in our antiquated money system.<sup>298</sup>

Like the issues of technology and property in anarchism,<sup>299</sup> the anarchists regard simultaneously money as the root of problems (more especially authority, domination, and exploitation) and the solutions (e.g., liberation). Burnett has accordingly analyzed the controversial ideas about money in anarchist thought. He has thus argued that although money is undoubtedly the root of much environmental and social evil, it is also a tool for empowerment and liberation in other contexts. For example, a *polycultural economy*, like a food growing system that has many elements (such as a diversity of fruit, nut trees, grains, and vegetables), will survive even if one element declines. An economy relying not only on cash but also on various elements (e.g., LETS, skills, barter, sharing, mutual aid, mutual credit, credit unions, cooperatives, and time dollars) will be far more resilient. In this case, community/green economics fundamentally recognizes that every individual “*has something to contribute, and is of worth within a local scale community even though they might be financially skint.*”<sup>300</sup>

Warren, as already observed, and Proudhon independently estimated that the value of a good depends on the hour of work done: “cost the limit of price” or the labor theories of value.<sup>301</sup> To these economic theories, legal anarchism can add some decentralized monetary systems such as “LETS”, “time banking”, “community currency”, and “participatory economics”, which are the opposite of the Governmental systems based on usury and corporatism.<sup>302</sup>

In *Anarchism* published by the Encyclopedia Britannica, Kropotkin analyzed Proudhon’s “*Banque du People*” and “*mutuellisme*” that aimed at confronting usury, authority, and domination. Kropotkin explained, Proudhon had stated that “*property is theft*” because of its sense of “right of use and abuse”, ensured by Roman law. On the contrary, in property-rights and the limited sense of possession he had seen the best protection against the intrusions of the State. At the same time, he had not wanted to violently dispossess the present owners of dwelling-houses, land, mines, factories, and so on. He had thus preferred to achieve the same end by rendering the capitalists incapable of earning interest, when he had proposed a national bank, based on the mutual confidence of all producers who would exchange among themselves their products at cost-value, by means of labour cheques representing the hours of labour needed to produce a given commodity. Under such a system that Proudhon called “*mutuellisme*”, all the exchanges of services would strictly be equivalent. Furthermore, this Bank of Exchange would lend money without interest, and levy only something like 1%, or even less, for covering the cost of its administration. Everyone would be

thus able to borrow the money for buying a house, without paying anything more than a yearly rent for the use of it. Kropotkin finally confirmed that Proudhon had rendered a general “social liquidation” easy, without violent expropriation. We could apply the same principle to factories, mines, railways, and so on.<sup>303</sup> In the “*Cincinnati Time Store*” established in 1827, Warren formerly put into practice Proudhon’s Bank of Exchange on a small scale, since they called him “the American Proudhon”.<sup>304</sup>

Even Marxism has not excluded the socialist State’s possibility of compensating the capitalists for the means of production – which has not obviously happened, to my knowledge, in any so-called Socialist State according to this Marxist karma –, because it is a peaceful method for subordinating and introducing them to socially useful labour, contrary to the bloody and forcible expropriation of the people by capitalism.<sup>305</sup> Could this compensation enable them to obtain or to keep again some types of power (especially in the political apparatus) in a so-called socialist State or society?

Valovoi and Lapshina furthermore criticized Proudhon because of underestimating the role of production and overestimating that of circulation. He had simply believed that the indigence of the workers did not result in the employers’ exploitation, but in unjust and unequal exchange causing poverty. They argued that Proudhon had thought that the pauperism, oppression, luxury, vice, crime, and hunger would simply disappear, if exchange could be just, i.e. without money and without profit.<sup>306</sup>

Proudhon also believed the abolition of money, because he was interested in the equilibration of demand and supply, while Marx elaborated “directly social labor” throughout his criticism of Proudhon’s belief.<sup>307</sup> Proudhon and John Gray indeed suggested that every commodity should be directly social and exchangeable with every other commodity in the same manner that money is. Proudhon and other “time-chitters”, as Marx called them in the *Grundrisse*, argued that the mediation of money stood in the way (e.g., LETS and Ithaca Dollars or Ithaca Hours),<sup>308</sup> which means “time chits” as “labour money”. For Marx, we cannot abolish money without abolishing the commodity-form, since they are three contradictions in the commodity: the contradiction in the commodity between “use-value” and “value”, the contradiction between “concrete labour”, which produces use-value, and “abstract labour”, which produces value, and, finally, the contradiction between “private labour” (the individual labour) and “directly social labour” (the social labour).<sup>309</sup> According to the Marxist approach, we should investigate the development of “the fetishism of value” or “commodity fetishism”, because money relies on such fetishism.<sup>310</sup>

As Professor Dodd has stated, monetary abolitionism is however deeper than Marxism, because it comes back to Plato and continues from Proudhon to modern anarchism.<sup>311</sup> For example, Kropotkinian communist community gives up all idea of wages, either in money or in labor notes, when it seizes upon all



social wealth and announces that everybody has a right to this wealth.<sup>312</sup> On the contrary, Malatesta has argued that money is not only a powerful means of oppression and exploitation, but also the only means (apart from the most idyllic accord or the most tyrannical dictatorship) that human intelligence uses to regulate production and distribution automatically. For the moment, rather than concerning ourselves with the abolition of money, we should seek a manner that money represents truly the useful work performed by its possessors.<sup>313</sup> The anarcho-collectivists indeed demand the end of private ownership of the means of production as a key, while the anarcho-communists demand the abolition of money as a principle.<sup>314</sup>

I could summarize the leftist anarchist ideas on money through Professor Käkälä-Puumala's article. She has stated that one of the principal features within the anarchist movement is historically to disavow authority, particularly the State. One logical and practical consequence of this disavowal is an attempt to abolish money. In this case, some attempts have been made either to abolish money (e.g., the libertarian communes during the Spanish Civil War) or to create the currencies of use-value (i.e. "labour time exchanged for labour time").<sup>315</sup> She has thought that we thus observe both the idea of community life without State administration and the abolition of money.<sup>316</sup>

If the leftist anarchists are usually hostile toward money, especially in its Governmental or centralized form, the libertarians are more sympathetic to certain monetary systems.<sup>317</sup>

#### **5.2.1.5.1.2 The Rightist Approach**

In *What Has Government Done to Our Money?*, Professor Rothbard has explained how the State that systematically takes money over ends up in the monetary breakdown of the West, and how a free market could oppositely manage money.<sup>318</sup>

On the one side, Professor Rothbard has acknowledged that by dictating over money, the State controls the economy and secures a stepping-stone for full socialism. Its meddling with money has caused tyranny and disorder in the world, because it has fragmented the productive and peaceful world market by shattering it into a thousand pieces, with trade and investment hampered and hobbled by myriad controls, restrictions, currency breakdowns, artificial rates, etc. It has also generated wars by changing a world of peaceful intercourse into a jungle of warring currency blocs. In summary, State coercion in money and other matters brings only chaos and conflict, such as the world monetary crisis of 1973, followed by the dollar plunge.<sup>319</sup> Professor Rothbard could not live longer to see the current financial meltdown and, possibly, "next financial crash" as another example of Government meddling with money, although some scholars see it as a problem of "economic deregulation" rather than State intervention.<sup>320</sup> Professors Bagus

and Howden have accordingly found out that banking clients may ask for State intervention against their banks during times of crisis, while the State does not resist using the FRFB system's powers to create money for its own benefit.<sup>321</sup>

On the other side, Professor Rothbard has believed that contrary to public opinion, a free market in money could not be chaotic, but a model of order and efficiency.<sup>322</sup> He has argued, in *For a New Liberty: The Libertarian Manifesto*, that when a society or a country adopts a certain commodity as money, its unit of weight becomes then the unit of currency in everyday life. We say that such a country is on that particular commodity "standard". Because markets have universally realized that gold or silver are the best standards regardless of their availability, the natural course of these economies is on the gold or silver standard. In this case, market forces supply gold through the technological conditions of supply, the prices of other commodities, and so on.<sup>323</sup> As for the future, he has advocated a return to the classical gold standard at a realistic gold price and a drastic alteration of the American and world monetary systems. In other words, we should return to the free market commodity money (such as gold), and totally remove the State from the monetary scene.<sup>324</sup>

Like Professor Rothbard, Professor Stringham has accepted gold as a standard for marketing.<sup>325</sup> Professors Stringham and Zywicki have argued in *Hayekian Anarchism*, although Professor Hayek was not apparently an anarchist, understanding the internal logic of his economic and legal systems prove the opposite. For example, he left his earlier belief in the Government control of the monetary system while advocating a system of competing currencies that he called the "denationalization of money".<sup>326</sup> They have also stated that because of his frustration with the instability and unworkability of monopoly provision of money by the State, Professor Hayek argued that the State "has the defects of all monopolies: one must use their product even if it is unsatisfactory, and, above all, it prevents the discovery of better methods of satisfying a need for which a monopolist has no incentive."<sup>327</sup> They have suggested that due to his acceptance of competing currency usage, over time Professor Hayek increasingly recognized that institutions such as money could endogenously emerge through spontaneous order and competition, and be more sensitive to individual preferences and needs than Government-created institutions. Then, he went to apply his logic regarding "the defects of all monopolies" by writing about "the denationalization of law".<sup>328</sup> In this case, Professor Zywicki has defended the credit card market, because it is competitive and, consequently, profitable, contrary to nationalized law.<sup>329</sup>

At the beginning of *Monopoly and Competition in Money*, Professor Edwards asks "what would happen if private institutions were allowed to produce and market their own currencies in their own denominations on

*a competitive basis with freely fluctuating exchange rates?*<sup>330</sup> Like Professor Rothbard, he thinks about gold as an alternative for State money. Roman monetary historically constituted, he argues, a dismal history of continual monetary debasement (usually by literal addition of base metal, until copper formerly washed over gold and silver coins), which culminated in the price controls by Diocletian in A.D. 301. Debasement extended until Roman money totally stopped circulating at the end of the fourth century, occurred with the dissolution of other Roman institutions. However, we observe the circulation of foreign gold and silver coins at market-determined exchange rates throughout much of early American history. As a result, a free and competitive monetary system is able to provide a quantity of money closer to the optimum and to have a more stable real value than that any Government can supply.<sup>331</sup>

In *Unanswered Quibbles with Fractional Reserve Free Banking*, Professors Bagus and Howden have recently argued, *“Money is created and flows to asset price markets, the values of these ever more marketable assets tend to increase. This phenomenon may also reduce precautionary reserve demand as credit expansion progresses.”*<sup>332</sup> They have also emphasized that the market process itself is perfectly able to satisfy an increased demand to hold real cash balances, and to do so more directly than a FRFB. While the price system attains this in a full reserve banking system, the FRFB system will create new money to respond to an increased demand for money.<sup>333</sup>

On the one hand, we do not really know for how long we must continue to endure the monetary gangs of Governments and corporations destroying existence so permanently as well as decidedly. The multiplication of financial crisis of capitalism, supported or manipulated by certain centralized Governments (e.g., the current global financial crisis and the Great Depression of the 1930s-1940s), should hence lead us to think seriously about the local and cooperative monetary systems, based on respecting nature and humanity, instead of usury and brutal competition, mostly orchestrated by the centralized banks. In this case, the communitarians and the anarchists have formerly provided us with some principles and models relying on real democracy and cooperation.

On the other hand, the creation of money has led, as some leftist anarchists emphasize, to many evils, because it perfectly enables an individual, group, community, nation, or State to buy and to sell anything: respect, sex, love, education, friendship, academic degree, scholarship, professorship, deanship, judgeship, justice, connection, networking, governance, etc. In short, money is God, God is money, and we are still its slaves. Would anarcho-capitalism fit this form of slavery?

### 5.2.1.5.2 The Taxing Problems

It seems that, on the one side, the demarcation line between leftist and rightist anarchism is not clear when it comes to taxation. On the other side, the anarchists have not sufficiently discussed the issues of taxation in their models, when they agree with the fact that State taxation is theft, and “*Nothing is as permanent as death and taxes.*”<sup>334</sup> For example, how does a free society cover its cost management? Does it do by *voluntary taxation*? How does this work? Legal anarchism analyzes some elements of answer, albeit its analysis does not seem to be persuasive!

There exists, here once again, the sacredness of the State, since we trace the footstep of religion in taxation. In this case, Professor Marshall has found out that “*Render unto Caesar*” was related to taxes, because Caesar was the master of money by creating it, and Jesus probably implied that a Christian could not serve God and Mammon at the same time.<sup>335</sup> Proudhon has formerly noticed that since the law “*is sacred,*” one of Hebrew commands would apply to tax: “*Thou shalt pay thy taxes faithfully.*”<sup>336</sup> He has also believed that the idea of tax is actually rooted in redemption, since by Moses’ law, each first-born supposedly belonged to Jehovah, and ought to be redeemed by an offering.<sup>337</sup> Biehl has accordingly argued that white Christian males are supposedly exempt from federal income tax, presumably because a later Constitutional amendment created the Internal Revenue Service.<sup>338</sup> The Church historically collected tax with the same cruelty as the State. Nonetheless, many people nowadays go to the Church each Sunday and pay their taxes to it. In Germany, the State takes this tax and gives it to the main Christian Churches.<sup>339</sup>

Proudhon has also recognized that voting upon laws as well as consent to taxes by the nation’s representatives take actually part in the democratic principles.<sup>340</sup> For him, to be governed, among other controls and restrictions, means to be taxed so that the anarchist Revolution shall abolish the tax on land, only by applying the idea of contract on a large scale.<sup>341</sup> In order to secure the large funds required for his scheme of the People’s Bank in 1848, this apparently “tax abolitionist” suggested an income tax going as high as 33⅓% on some incomes and even reaching 50% on others!<sup>342</sup> Lu has hence found out Proudhonian paradoxes or hesitations about the problems of tax. Proudhon did not ask for abolishing taxation in 1861, as he had asked in 1849, but just its reformation. In 1865, he finally concluded that humanity would proceed only by equalizing taxation and property, among other factors.<sup>343</sup>

The differences between “Government theft” and “ordinary theft” are principally the matters of “legality” and “organization” inasmuch as the former is *legal* and much more *systematic* than the latter.<sup>344</sup> Professor Ivanova finds out that Wray and Mehrling, Professors of economics, have presented two different

ideas about the relationship between the State and taxation under the angle of colonialism. For the first economist, a hypothetical colonial Governor levies taxes “to monetize a primitive economy,” while the second regards this situation remarkably looks little like the USA that has been historically characterized by a relatively weak Government and a strong private economy.<sup>345</sup> Furthermore, Professors Wigger and Buch-Hansen have argued that neo-liberalism is generally associated with the rollback of welfare States, wage repression, deregulation, reduced taxes, fiscal austerity, processes of financialization, and a monetarist focus on keeping inflation low. Under neo-liberalism, corporate tax rate also decreases considerably with the effect that the State levies taxes and redistributes less surplus value.<sup>346</sup>

Professor Rothbard has stated that “taxation” is a type of coercion or a compulsory seizure of the property of the State’s inhabitants or subjects, even though we often know it as “tribute” in less regularized epochs. It is purely and simply theft on a colossal scale that no acknowledged criminal could match.<sup>347</sup> He has argued that the State, unlike all social institutions, seizes its revenue by the invasion of property or a system of unilateral coercion called “taxation”, not by exchanges freely contracted. He has truly noticed that the ordinary people must pay tax, while the rulers and politicians benefit from taxation. Regardless of legal forms, the bureaucrats do not pay taxes, but they only consume taxes. As a result, Professor Rothbard has found out, a market society is entirely incompatible with the existence of a State, which presumably defends property and person by subsisting itself on the unilateral coercion against private property known as taxation. This society would arrange defense against violence through the freely private and competitive organizations, like any other service. It does not also impose any type of income tax.<sup>348</sup>

Professor Rothbard has finally rejected a common complaint about the free market because of accepting poverty, leaving “people free to starve”, and ignoring the fact that “it is far better to be “kindhearted” and give “charity” free rein by taxing the rest of the populace in order to subsidize the poor and the substandard.”<sup>349</sup> He has argued that firstly, the “freedom-to-starve” argument obscures the “war against nature” by the problem of freedom from other individuals’ interference. The individuals are always “free to starve” unless they pursue their conquest of nature. (I should again mention that such a bellicose ideology about nature unfortunately exists among many leftists as well.) “Freedom” accordingly means the absence of molestation by others, since it is simply an interpersonal problem. Secondly, it could be clear that free capitalism and voluntary exchange have enormously improved living standards. (Could I here ask these standards have really happened equally to all people around the world without any State intervention and violence particularly after the Industrial Revolution?) Thirdly, “charity” hardly makes sense by force and taxation, which are indeed its opposite, because it is only a voluntary act of grace. Compulsory confiscation is only

impairing charitable desires completely, since the wealthier people contest that there is no point in giving to charity when the State has formerly taken on the task.<sup>350</sup>

As far as I am concerned, I may understand his “war against poor” under the guise of “the war against nature”, because he, maybe like many other anarcho-capitalists, belonged to the middle class with its mental and material superiorities, so rarely touched by the poverty of existence or nature.

Similar to Professor Rothbard, Benjamin Tucker had previously argued that because the State must coexist with taxation, no State will exist when we abolish compulsory taxation. Consequently, the defensive institutions that will appear regularly try to be deterred from becoming an invasive institution by fearing that the voluntary contributions will fall off. He had also stated that the anarchists want to abandon “the last citadel of invasion” by replacing compulsory taxation with voluntary.<sup>351</sup> He had furthermore believed, for every dollar that tax-dodgers in an anarchist society would enjoy, those who possess the earnings of others, through commercial, industrial, and financial privileges granted by authority in violation of the free market, are currently enjoying a thousand dollars.<sup>352</sup>

Indeed, all anarchists, Professor Marshall has argued, are looking forward to a non-violent and peaceful society in which there is no Government claiming the monopoly of violence, with its taxation as physical aggression, its conscription as slavery, its wars as mass murder, and its soldiers as assassins.<sup>353</sup> For instance, in *No Treason*, Spooner analyzed the contractual theory of the State through the US Constitution and found no evidence of any contract to set up a Government, and it was thus absurd to look at the practice of paying taxes or voting as an evidence of tacit consent.<sup>354</sup> Professor Marshall has also estimated that the anarchists want to help directly the disadvantaged by participating in community organizations or by voluntary acts of giving, instead of paying taxes to the State deciding who is in need.<sup>355</sup> For instance, although Professor Ward criticized State welfare in Britain, he defended “the principle of self-taxation”. By this principle, the free societies fed their mutual funds, which “*contrasts unfavourably with the much larger levies drawn from the income of twentieth and twenty-first-century workers by the state, in order to support its own institutions and other non-welfare activities over which the contributors have no control.*”<sup>356</sup>

The anarchists do not actually disfavor tax law in principle, as long as it is voluntary and benefits everyone equally. Otherwise it is nothing more than robbery, and we should thus treat the tax collector as nothing less than a robber.<sup>357</sup> In *Civil Disobedience*, Thoreau regards the tax-gatherer as a Government agent, against him/her we shall resist. If a thousand people do not pay their tax-bills every year, which is a non-violent measure, the State cannot commit violence and shed blood. Thoreau however recognizes the problem of this peaceful measure inasmuch as the State soon takes and wastes all their property, and

harasses them and their children without end, as it has done against Thoreau himself. On the contrary, he does not decline paying tax, if it benefits the society (e.g., the highway tax and school tax).<sup>358</sup> Benjamin Tucker would later suggest the similar opinion by expecting that the organization of a determined body of women and men will effectively and passively resist compulsory taxation in order to cripple their oppressors.<sup>359</sup> He would not however reject “voluntary taxation” in a free association, because it relies on contract generating the duty of the members to pay taxes.<sup>360</sup>

For instance, in its pamphlet *Beating the Poll Tax*, the Anarchist Communist Federation aimed to strengthen organized resistance to the poll tax. It was a non-payment campaign providing poll tax opposition for the working class in Scotland, and inspiring thousands with the confidence to break the law and to take on the local and national Governments, which looked to be in the same way in England and Wales.<sup>361</sup> As for the USA, Professors Thornton and Weise find out that Professor Beito has done a great service for American history and the scholarship of liberty because of rediscovering the Great Depression-era tax resistance movement, even though it declined as speedily as it began.<sup>362</sup> Tax resistance also exists on an international scale, as Professor Carter has advocated, in contrast to a world citizenship within an international sphere dominated by *realpolitik*. The non-payment of taxes and the refusal of military service should be a type of active anarchist resistance in this case.<sup>363</sup>

If all anarchists do not certainly have the same ideas on usury and taxation, they would agree with Stirner and Benjamin Tucker saying that the State maintains itself by two invasive monopolies: the power to issue money and the power to tax. Through these monopolies, the State negates the liberty of individuals in their individual, domestic, social, industrial, and commercial lives.<sup>364</sup> The anarchists should therefore attack the legal power of privileged capital to increase without work and its monopoly of issuing money, which is its chief bulwark.<sup>365</sup> In addition, if all anarchists agree with the fact that “compulsory taxation” is a business of Government, strengthened by corruption and other bloody businesses of Government (especially militarism), “voluntary taxation” is acceptable in a free society as long as it contributes to the benefits of the individual (particularly in individualist and capitalist anarchism) and the community as well.

For example, Maximoff, a famous anarcho-syndicalist, has coped with the question of taxation in a free society emerging from the social revolution and the abolishment of all State organizations. This society will not need any taxation, because all means of production, transport, products of labour, and labour itself will constitute the wealth of society as a whole. However, in the process of construction and during the “transition period” in which the communist economy exists side by side with the individualist units, the society will must tax the latter according to a certain portion of their income for the sake of equality among



all people. The society would use these contributions to maintain and organize general education, transport, highways, postal services, telephone, radio, medical and sanitary services, army, and all public services. The General Confederation of Labour will determine the amount of taxes that the Bank of Cash-and-Goods Credit will take through the cooperative associations uniting the individualist units.<sup>366</sup>

## 5.2.2 The Principles

*“You will never be free until you free yourself from the prison of your own false thoughts.”*

Philip Arnold

In order to realize an anarchist society, the libertarians have proposed some principles. In this case, Kakol has presented ten principles that overlap each other and match much more socialist anarchism than capitalist one. These analytical and practical principles are: 1) *Equal access to political decision-making*; 2) *Equal access to society's common wealth*; 3) *Libertarian socialism as the fourth alternative* to authoritarian socialism, authoritarian capitalism, and libertarian capitalism; 4) *Libertarian socialism based on voluntary association*; 5) *Social Individualism* based on recognizing human beings as “social animals” needing to cooperate, and on fully developing individuality and freedom depending on equality and cooperation; 6) *Self-Government and federation* or direct democracy in all institutions, including corporations (workplace democracy) and federation from the bottom-up; 7) *Skeptical attitude* or a healthy skepticism, tolerance, and the relativity of all ideas; 8) *Following the natural law within* by abolishing all human-devised laws, which are artificial and externally-imposed hindrances, and by recognizing the power of reason, conscience, truth, and compassion; 9) *Pacifism as means to end* through non-violent direct action (civil disobedience); 10) *Plant the seeds now* that means instead of reforming the system from within or of violently revolutionizing to change the system from without, we should firstly sow the seeds of an ideal society and then wait for them to grow.<sup>367</sup>

As far as legal anarchism is concerned, it summarizes those key concepts in six principles: *endless alternatives, agreement and contract, federative decentralization and autonomy, NAP, GP, and free love*. These principles have a tight relationship with each other, since anarchism means to put into practice infinitely the libertarian models founded on free contracts in the federatively autonomous communities, in which nobody has the right to agress humanity as well as non-humanity, and everybody has the right to love and be loved freely. I therefore think that any missing principle in this case would call into question the significance of anarchism itself. Strangers In A Tangled Wilderness has accordingly simplified those

principles: an ecologically-focused green anarchism relying on mutual aid, free association, and self-determination,<sup>368</sup> to which legal anarchism would add peace and love.

On the one hand, the GP defends the idea of respecting non-humanity, which Kakol has apparently forgotten, because, as mentioned at the beginning of the thesis, “existence” contains humanity and nature as a whole, regardless of the form of society and its governance. On the other hand, the principle of “following the natural law within” might have omitted that this law should contain also non-humanity, even though both non-human and human do prove that the laws of nature are inherently cruel or highly wild. For example, the world relies on the “predator-prey relationships”, including humanity in which the “Governors-governed relationships” are a classic example of endless violence and exploitation. If we are supposedly *humans* to act *humanly* according to so-called “*reason*” and “*compassion*”, we are permanently doing unlimited evil acts vis-à-vis each other and the ecosystems as well. For instance, most of us are eating and exploiting animals without any thinking, regret, or compassion. Even our so-called “vegetarianism” relies on eating and exploiting some living things that we actually deny to have any right to exist by regarding our diabolic existence as the best and the most advanced one in a world in which we are supposedly its master and proprietor together. As a result, the environment would have only one option to be freer and happier: disappearing humanity off the face of the earth, because our existence is *naturally* a diabolic threat to all non-humanity. In this case, the application of “the GP” is as dilemmatic as existence itself.

They remain two primary notices about those principles. First, we have formerly observed some of their characteristics, especially throughout the anarchists’ criticisms of the legal system. Second, I will also analyze them more throughout the anarchist alternatives or models on the national as well as international scales.

### 5.2.2.1 The Principle of Endless Alternatives

In this case, Strangers In a Tangled Wilderness has argued that the tactics and strategies are plural in a socialist and anti-capitalist society, such as mutualism and communism. As far as the “legal system” is concerned, it suggests “transformative justice” to which many anarchist works refer. This form of justice functions when it is not possible to repair the harm done by a perpetrator, the anarchist community can help him to take personal responsibility for his action and consequently to prevent him from recommitting such an action in the future. The anarchist community, like any other, indeed defends itself from those who do not or cannot take responsibility for their actions, in the framework of self-defense done in the name of protection rather than “revenge” or “punishment”. Strangers In a Tangled Wilderness has also

acknowledged that like many of anarchist ideas and methods, transformative justice is developed and practiced by not only the anarchists themselves, but also a wide range of other marginalized groups. If the anarchists do not certainly live in an anarchist society free from the influence of the culture of domination surrounding them, their thoughts about a world without law are rationally hypothetical. They merit the right to condemn barbarities, such as the culture of prison and police, without having an obligation to provide and implement fully-developed alternatives.<sup>369</sup>

It eventually seems that anarchist and collective publisher has almost no alternative to the State or capitalism, except preaching some sort of plural or general strategies like “revolution”, “insurrections”, “syndicalism”, and “dual power”, which means to build up “counter-infrastructure” along anarchist lines to satisfy the needs and desires of people, when simultaneously attacking the mainstream institutions destroying the world. Furthermore, it recognizes that anarchism is not a membership club, rather certain anarchist groups, all over the world, working on the problems that could interest us, from ecology to social justice, and we can join many of these groups, or at least take part in their actions. We can also do it ourselves. We can accordingly find a like-minded group of people to join. For example, we can organize the gardeners in our neighbourhood to share freely produce, act against a multinational corporation, such as Walmart, moving into our town, squat a building, steal electricity to throw shows, fundraise for anarchist prisoners, attack symbols of power, spread information, or act in the ways we feel compelled to act.<sup>370</sup>

As far as I am concerned, I have tried many times to communicate with some so-called anarchist groups, especially academic ones, but I have finally given up because of their lack of answer! However, Professors Stringham and Martel are exceptional in this case because of answering me back. Contrary to Strangers In a Tangled Wilderness’ preach, the anarchists are arbitrarily accepting those who fit better their hidden agenda and hierarchy. Moreover, I have to satisfy certain of my needs or desires from some multinational corporations, including Walmart, not because of my ignorance of their problems, but that of my poverty that does not actually allow me to shop with more money elsewhere, as the anarchists are wishing and preaching.

It seems that the anarchist models are associated with utopianism and anarchism without adjectives as well, since, as Ivson put, libertarianism is a sort of analysis that the libertarians have adopted through certain slogans such as “anarchism without ends”, “permanent protest”, and “pessimistic anarchists” to describe their ideas and positions.<sup>371</sup> In this case, Godesky’s opinion about diversity is significant, because anarchism recognizes the plurality of ideas and attitudes. According to him, evolution results in diversity which is the primary good, since a single individual, on her own, has really no chance of surviving. In other

words, evolution inevitably occurs as the consequence of a diverse world.<sup>372</sup> Anarchism could not actually be static; it would otherwise be doomed to fail. However, does diversity eventually conceal inequality and segregation when scaring us out of totalitarianism?

The evolution of anarchist alternatives depends on anarchist tolerance and various strategies: violent and non-violent actions. Professor McElroy has thus given the examples of street fighting, armed resistance, and sabotage as the first category. As the second category, she has explained that the anarchists endorse certain pacific strategies against State authority: education (e.g., establishing free schools, printing books, and translating foreign documents), creating the parallel institutions (e.g., popular bank and private defense agency), passive resistance to unjust laws (e.g., refusing to pay a poll tax), civil disobedience, strikes, and boycott.<sup>373</sup> In this case, an anarchist alternative could rely on one or all of these initiatives. As Price puts, the anarchist approach is *firm in principles* and *flexible in tactics*.<sup>374</sup> The efficiency of the anarchist strategies is however limited to State violence, on the one hand, and to the quantity and quality of those who practice them, on the other hand.

In this sense, Goodman's *Reflections on the Anarchist Principle* has some significance. Due to various historical conditions presenting various threats to this principle, the anarchists have taken different strategies in different places: agrarian, free-city and guild-oriented, technological, anti-technological, communist, affirming property, individualist, collective, speaking of liberty as almost an absolute good, or relying on custom and nature. In other words, the anarchist principle is *relative* according to time and space. As a result, the history of anarchism is "a continual coping with the next situation, and a vigilance to make sure that past freedoms are not lost and do not turn into the opposite, as free enterprise turned into wage-slavery and monopoly capitalism, or the independent judiciary turned into a monopoly of courts, cops, and lawyers, or free education turned into School Systems."<sup>375</sup> For instance, "social ecology" is seeking for participatory liberty, unity in diversity, ever-increasing differentiation, mutuality, and community.<sup>376</sup>

The anarchist alternatives should prove that the libertarian ideas are by no means simply abstract or theoretical concepts, but practical also. Legal anarchism accordingly supposes that there is *the principle of endless alternatives* insofar as the unlimited quantity and quality of powers and authorities in space and time, as analyzed above, require diverse alternatives to the centralized and authoritarian systems. Like the anarchist ideas, the libertarian alternatives are open-extended or plural, and, consequently, they flexibly apply to different situations during different times. They depend indeed on the participation of all individuals and groups concerned, which are not necessarily homogeneous identities sharing the same values. In this sense, Professor Taylor argues that community is clearly "an open-textured concept", since "there is not and

*there cannot be an exhaustive specification of the conditions for the correct use of the concept, a set of criteria of tests which are both necessary and sufficient for something to be deemed a community.*"<sup>377</sup> In this sense, restorative justice, unlike Government-based justice, allows all members of community to participate in healing a harm-done on a partnership basis.<sup>378</sup>

Nonetheless, the success of a libertarian model would mostly rely on the similarities between the participants when it comes to values and economic conditions as well. Professors Sullivan and Tifft do not thus forget the importance of the political-economic elements of restorative justice while emphasizing the creation of "needs-based communities" that "*are sustainable and cost-effective,*" and "*take into account the needs of all.*"<sup>379</sup> Accordingly, the socialist alternatives would function better than the capitalist ones, because they provide, at least theoretically, for everyone the equal condition of living and achieving.

However, the libertarians do not usually present any detailed program about the legal system, because they think that we can neither impose over the future generations our system, nor foresee all problems that will later occur in human societies.<sup>380</sup> In other words, because there is no widespread agreement among the anarchists about the best form of social organization, it is up to the individuals to spread the anarchist ideas and to implement them as best they can do among themselves.<sup>381</sup> As a result, the quantity and quality of contract and agreement in the libertarian communities are ambiguous, in comparison to the current communities in which the States are doggedly regularizing, controlling, and sanctioning all existential things, dead or alive, by endless statute law, ordonnance, case law, customary law, and so on.

For example, Professor Block has argued that although we are not able to depict "*all the details of the future from our present vantage point,*" we do understand that there must be a better way.<sup>382</sup> Many anarchists have notwithstanding provided some detailed programs when it comes to managing property.<sup>383</sup> The lack of detailed program would actually reveal the incoherency of ends and means in anarchist thought, as mentioned by Professor Heywood. He has explained, first, they often consider that the anarchist goal, i.e. the overthrow of the State and all types of political authority, is merely unrealistic. Since the evidence of modern history of the world shows that social and economic development goes usually hand in hand with a growth in the role of the State, rather than its disappearance or diminution. Second, in opposing Government and all forms of political authority, the anarchists have abandoned the conventional means of political influence, i.e. forming political parties, standing for elections, seeking public office, and so on. They have been therefore forced to depend on less orthodox methods, often relied on a faith in mass spontaneity rather than political organization. Third, anarchism is not a single and coherent set of political ideas, or a

single movement. Albeit all anarchists oppose State institutions and other forms of coercive authority, they come to a conclusion from very different philosophical perspectives, and, often fundamentally, disagree about the nature of an anarchist community.<sup>384</sup> Legal anarchism can thus speak again about the unlimited nature of anarchist alternatives, since nature and humanity are not fixed identities, and human beings, as Dolgoff and Woodcock emphasized, will forever compromise on the day-to-day situation.<sup>385</sup>

### 5.2.2.2 The Principle of Agreement and Contract

If socialist anarchism depends on agreement and contract, individualist and capitalist anarchism presents a Godlike sense of contract. If State legal system or somehow the social contract relies on the wild force of a bunch of legalist professionals as well as various agencies and sanctions, the anarchist approach to contract looks “too rosy”, since it still remains questionable when it comes to, especially, responding to its applicability, the right to secession, and non-contracting parties. In the individualistic or marketist approach, an individual would only assume her contractual obligation as long as her interests are guaranteed.

#### 5.2.2.2.1 The Foundation of Anarchism

First, I shall emphasize that legal anarchism presents a large sense of the principle of contract that respects not only individuality, but also sociality as the foundation of anarchism. This principle means a voluntary agreement by two or more parties in any form such as written or oral, direct democracy, and equal access to all economic, social, cultural, and political decision-making, which could hardly make sense in the anarcho-capitalists’ models based on capital and private decision. Second, all anarchist schools, regardless of their structural differences, rely on consent among the individuals, groups, or communities, albeit the forms of consent would vary from one community to another one. Third, it seems that Proudhon did eternalize and propagate the concepts of “contract” and “agreement” in anarchism, through his tireless fight and controversially enormous writings for justice and liberty. All anarchists would hence share what Proudhon did hotly defend during his revolutionary and conservative life: *mutuality in federation*.

Proudhon used *contractualism* to describe the measured liberty of the individual from social constraint or Rousseau’s Social Contract that he profoundly disgusted.<sup>386</sup> It means that “*each individual in each of his social relationships consciously cedes away fewer powers than he retains, and thus remains the residuary legatee of his own fortunes. The freedom of the group from social constraint was only incidental to Proudhon, although he wisely foresaw the necessity of increased group activity of all sorts if the predominant activity of the government were to be checked.*”<sup>387</sup> In this case, Professor Prichard has found out that Proudhon was

seeking for “a political-economic mutualist contract” in the frame of “federalism”, as opposition to “a legal fiction” and an alternative to divine right, paternal authority, or social necessity, which try to explain the origins of the State and its relations with the individual. Professor Prichard has also argued that Proudhon’s mutualist contract forms the basis of a *synallagmatic* or *commutative* conception of justice by recognizing asymmetric abilities and powers between the individuals, groups, and societies, in contrast to traditional distributive or legal conceptions of justice.<sup>388</sup>

Law Professor Eltzbacher has analyzed contract in Proudhon’s teaching substituting “*the régime of laws*” with “*the régime of contracts*”, which would constitute the true sovereignty of the people or the Republic. For Proudhon, men are kept together in the society only by the legally binding force of contract, and not by any supreme authority.<sup>389</sup> When an individual bargains for any object with one or more of her fellow-citizens, her will alone is her law, and she is her Government in fulfilling her obligation (“*autogestion*”). She could then make that contract with some or with all. All could renew the contract with each other. Every group of citizens, commune, canton, department, company, corporation, etc., considered as a moral person formed by the contract, could then treat with others, always on the same terms; it would be exactly as her will was repeated *ad infinitum*. Such a law made on all points concerning the Republic, on the various motions of million people, would be her law, and, if we could call Government this new order of things, this Government would be hers.<sup>390</sup>

In *Anarchist Communism: Its Basis and Principles*, Kropotkin has judiciously highlighted a striking contrast in capitalism and anarchist communism, according to a Marxist approach,<sup>391</sup> as far as agreement and contract are concerned. On the one side, “social contract” has described the origins of Government and its metaphysical conceptions. Government is relatively a modern institution, and its powers have precisely grown in proportion to the growth of the division of society into the privileged and unprivileged classes. Albeit its exploitative forms have changed, its essence has stayed the same: the protection of the capitalist class. In consequence of this monstrous organization, a workman’s son finds neither machine to set in motion nor land to till, unless he accepts to sell his labour for a sum less than its real value. He is actually compelled to agree the feudal conditions that we call “free contract”, because he will find better conditions nowhere. He has to accept either bargaining or starvation, since somebody has formerly appropriated everything. When selling his labour to an employer, a worker perfectly knows that the employer will unjustly take some part of the value of his produce. When selling his labour without even the slightest guarantee of being employed for several months, it is sadly a mockery to call it a “free contract”. On the other side, Kropotkin’s communist society recognizes that the free workers would enjoy a free



organization founded on free agreement and cooperation, without sacrificing the autonomy of the individual by the all-pervading interference of the State, since the no-capitalist system requires the no-Government system.<sup>392</sup>

The principle of agreement and contract is by no means absolute. Tucker thus emphasizes that there is historically and universally the right to secession, such as the establishment of the USA in 1776 and the end of the Soviet Union in 1991.<sup>393</sup> We have witnessed the “Scottish independence referendum” inspiring others secessionists or separatists like the Catalan people.<sup>394</sup> “*The right to leave a contractual society*” without coercion, recognized for example by Proudhon and Bakunin as a “political right”, shall indeed prevent the conflict or war caused by secession.<sup>395</sup> For Dolgoff, the inalienable right to secede balances punishment for violation of agreements. The individuals who have nothing or little in common with the collectivity will not undermine the association by seceding, but will exclude a source of friction, by which promoting general harmony.<sup>396</sup> In the theory of “*competitive federalism*”, which actually follows Professor Tiebout’s federalist analysis and relies on extending the principles of the free market to the political organization, Professor Buchanan has acknowledged the rights of individuals to entry into and to exit from production and exchange relationships.<sup>397</sup> Professor Mises has accordingly recognized the right of individual secession taking part in the right of self-determination.<sup>398</sup>

However, can “the right to secession” guarantee the life and function of a contractual society? How would the conditions of the contract (purpose, obligation, application, etc.) be if a contractor wants to leave the community without fulfilling his obligations? Would his abandon be contrary to the “NAP” – because his action would hurt the interests of other contractors and the community as well – and therefore unethical or non-libertarian? How would the situation of “non-contracting party” be? By whom and how the community could solve these issues?

When it comes to the efficiency of statute law, certain anarchists have argued that if written contracts could prevent fraud, we would not need “fine print” or a legal profession. The utmost important thing in a free society is that its members show real fairness and compassion in their dealings with others. It would be also impossible to compel the individuals to participate in any anarchist project, since anarchism depends on voluntary cooperation and self-discipline to make it function. Once a large number of people agree with these cooperation and self-discipline, they will organize them in a way that no tyrant is able to stop them. Living together in peaceful cooperation is indeed a powerful form of protest against the State and police.<sup>399</sup>

As far as Benjamin Tucker is concerned, he has acknowledged that we have to respect the legal norm stemmed from contract. We must assume the obligations that we have understood and accepted

“consciously and voluntarily”. Tucker is however sure that the obligatory force of contract is by no means without bounds. Albeit contract is the most important and a very serviceable tool, its usefulness embraces its limits, since nobody can employ it in order to abdicate his individuality. Therefore, *“the constituting of an association in which each member waives the right of secession would be a mere form.”*<sup>400</sup> Moreover, nobody can employ it in order to invade third parties, and the fulfilment of a promise to invade third parties would not thus be valid. Tucker has nonetheless deemed the keeping of promises is a very important matter so that only in the extremest cases would he admit their violation. He has also argued, *“The man who has received a promise is defrauded by its non-fulfilment, invaded, deprived of a portion of his liberty against his will. I have no doubt of the right of any man to whom, for a consideration, a promise has been made, to insist, even by force, upon the fulfilment of that promise, provided the promise be not one whose fulfilment would invade third parties.”*<sup>401</sup>

As for the “non-contracting party”, Tucker has advocated that a voluntary association is entitled to enforce whatever regulations the contracting parties may agree upon within the limits of its territory, and no non-contracting party has a right to enter or remain in its territory, except upon such terms as the association may impose. However, if an individual, who has formerly lived somewhere within its territory, declines to join the association, the contracting parties have no right to evict her, to compel her to join, to make her pay for any incidental benefits that she may derive from proximity to their association, or to restrict her in the exercise of any previously-enjoyed right and its benefits.<sup>402</sup>

Finally, consensus decision-making is important in anarchist contract. In this case, legal anarchism invokes the work of Butler and Rothstein about this form of direct democracy that they call “formal consensus” requiring a commitment to cooperation, disciplined listening and speaking, and respect for the contributions of every member having the responsibility to actively participate as a creative individual within the structure. Avoidance, denial, and repression of conflict are common during meetings, and using formal consensus could not therefore be easy at first. Unresolved conflict from previous experiences might come rushing forth and make the process difficult, if not impossible. Discipline and practice will however smooth the process. The individual’s participation and cooperation constitutes a precious struggle, since it may ensure that all individuals are heard. The characteristics of formal consensus are: the least violent and the most democratic decision-making process, the principles of the group, the desirability of larger groups in which more people participate, no inherently time-consuming, and no secret disruption. The principles of the group mean that every individual has to consent to a decision before its adoption, and a valid objection consists in keeping with all precedent decisions of the group and relied on the commonly-held principles adopted by the group.<sup>403</sup>

### 5.2.2.2 The Godlike Contract

In *The Ego and Its Own*, Stirner affirms a Godlike sense of contract according to which the “ego” has an almighty power to do whatever it pleases. He argues, when he joins a society, it indeed takes from him many freedoms, it affords him other freedoms in return, and it does not matter if he himself deprives himself of this and that liberty (e.g., by any contract). He makes a difference when a society limits his freedom and when he himself limits his ownness. He calls the latter a coalition, an agreement, a union, and regards any threat to his ownness, as *a power of itself, a power above him*, a thing unattainable by him. Albeit he can admire, adore, reverence, or respect it, he cannot subdue and consume it, and he *is* therefore *resigned*. He regards his *resignation, self-renunciation, and spiritlessness as humility*. In contrast to the society, Stirner advises “the union of egoists”, by which he uses another individual, doubtless understands, and makes him at one with her. He thus strengthens *his power* by the agreement, and by this combined force he achieves more than any individual force. He sees only a multiplication of his force in this combination, and he retains it only as long as it is his multiplied force. In summary, he comes into the agreement as long as it only benefits him and his *selfishness*.<sup>404</sup> According to this egoistic view, an individual can break a contract whenever and whatever she pleases.

Law Professor Eltzbacher has analyzed the Stirnerite approach to contract. First, he has acknowledged that Stirner did not call “anarchism” his teaching about the State, law, and property, rather he preferred to use the epithet “anarchic” to designate political liberalism that he combated. For Stirner, his supreme law was his own welfare while seeing himself as “unique” without any duty. There is no promise in the “the union of egoists” or “self-owners” in Stirner’s model. If he was bound today and hereafter to his will of yesterday, his will would be dull. He must not remain a fool in all his life, because he was a fool yesterday. Due to the fact that the union is simply his own creation, this creature is neither sacred nor a spiritual power above his spirit. The self-owners are held together in the union by the advantage that each individual owns from the union at every moment. Contrary to sacredness of the society, the union relies on ownness and use.<sup>405</sup> Although Stirner hotly criticized “God”, “Government”, and “society” altogether, his model, exclusively based on the “ego” and its interest, would ironically look as sacred as any God or any State society. In this case, Marx and Engels might be right, to some degree, to call Stirner “Saint Max” (*Sankt Max*).<sup>406</sup>

The Stirnerite ideas would be also observable throughout the capitalist approach to contract, since the libertarians regard the individual as “self-owner”<sup>407</sup> or “contracting animal”, abandoned to her own ego and interest by making money: no contract, no honey! For example, Professor Rothbard has said that

according to the basic axiom of libertarian political theory, “every man is a selfowner” who has “absolute jurisdiction over his own body,” which indeed means nobody may aggress or invade another person.<sup>408</sup> Other libertarians had formerly spoken of “the sovereignty of the individual”.<sup>409</sup> In this case, Professor Freeman truly finds out, in *Illiberal Libertarians: Why Libertarianism Is Not a Liberal View*, that libertarian self-ownership has ultimately reduced human beings to the same normative relationship as they stand to their rights in things: property rights. He thus argues that libertarianism is eventually alienative, since it does not speak so much about freedom as it does about protecting and enforcing the absolute rights of property and contract. The libertarians indeed define liberties by referring to absolute property in individuals and things as well. Therefore, those who have these rights are not ethically important, “so long as their holdings come about by observing libertarian transfer procedures and side-constraints.”<sup>410</sup>

Contract has actually found a Godlike place among the anarchists since Proudhon. For example, Benjamin Tucker accepts that “contracts do not necessarily benefit each party” (such as the contracts of paying interest), while he, like Hugo Bilgram, refuses to prohibit these contracts, because he believes that every man is free to make an absurd deal or to make a self-destructive and foolish decision.<sup>411</sup> He does not however rely on Stirner’s argument of “might is right,”<sup>412</sup> since this right only exists before contract that voluntarily suspends it. For Tucker, we should anarchistically call the power guaranteed by such suspension “the right of contract”. These two rights, i.e. the right of might and that of contract, constitute the only rights that have ever existed, and the “so-called moral rights” have never therefore existed.<sup>413</sup> In this case, Tucker does also accept that the anarchistic associations acknowledge the right of secession, and “they may utilize the ballot, if they see fit to do so.”<sup>414</sup>

According to such a purely materialistic approach, it would not be surprising that the individualist anarchists have looked at children as “non-contracting individuals”.<sup>415</sup> Among them, Tucker has gone too further in his capitalistic approach to childhood by regarding children as “a form of property” of the parents or the community that have “an expiration date”, which means the moment they will be able to contract and, consequently, to become owners in their own rights.<sup>416</sup> We find his mercantilist position in his editorial “L’Enfant Terrible”:

*“I can see no clearer property title in the world than that of the mother to the fruit of her womb, unless she has otherwise disposed of it by contract. . . . The change, then, which my opinion has undergone consists simply in the substitution of certainty for doubt as to the non-invasive character of parental cruelty – a substitution which involves the conclusion that parental cruelty is not to be prohibited, since third parties have not to consider the danger of disaster to organisms [childred] that are outside the limits of social protection.”<sup>417</sup>*

According to this egoistically anarchist approach, children metamorphose from “*owned-property*” into “*property-owners*” when they become able to join contracts for the mutual defense of property, liberty, and life. Such an approach sparked a firestorm of paradoxes in Tucker’s *Liberty*.<sup>418</sup> For instance, although Joseph Greevz Fisher opposed Tucker’s conception of “children as chattels”, he possessed his own legal jargon about the ownership of child: *a trustee*.<sup>419</sup> Such a materialistic look at childhood would later appear in the new generation of libertarians. For example, Professor Block has recently argued that there is no parental responsibility for children. In his libertarian system, parents have only negative obligations: “*to refrain from initiatory violence*” against their children.<sup>420</sup> He has actually followed the path of Professor Rothbard advocating “the baby market” and recognizing “parent-child relations as a class struggle” in which “*the child must always have, regardless of age, the absolute freedom to run away, to get out from under,*” “*he then becomes a self-owner whenever he chooses to exercise his right to run-away freedom.*”<sup>421</sup>

Nonetheless, the problems related to childhood are far from limited only to rightist anarchism, since, for example, there is a type of “*anarchist pedophilia*” among certain so-called leftist and mystic libertarians and their gurus, such as Foucault, Bey, and Daniel Marc Cohn-Bendit (already known as *Dany le Rouge*).<sup>422</sup> This would remind us of Khomeini’s Islamic teaching: “*A man can have sexual pleasure from a child as young as a baby. However, he should not penetrate. If he penetrates and the child is harmed then he should be responsible for her subsistence all her life.*”<sup>423</sup>

Self-ownership and individual sovereignty have other questionable effects, since the market forces are inhumane, immoral, or as cold as iron. For example, the libertarians have really no problem to accept that an individual sells her body, regardless of the fact that she does it mostly because of her poverty in our unequal society, in the name of “right to sell oneself” opposing a “victimless crime” in a State society.<sup>424</sup> They simply consider prostitution as a “commodity”, based on “self-sale contract” or a “free choice”, whereby we are selling our services (i.e. sexuality) for an anticipated monetary gain, which is the highest definition of anarcho-capitalist “empowerment”. The ability to sell oneself to whomever we want is the anarcho-capitalist ideal of liberty.<sup>425</sup> The anarcho-capitalists would thus defend no legal restrictions on prostitutes, including the lawyers. Certainly, the “questions of prostitution” in left anarchism need another essay.<sup>426</sup> In this case, I can only share Goldman’s opinion on the cause of prostitution lying in the system of the State, religion, and inequality of private property, in the system of legalized robbery, murder, and violation of the helpless children and innocent women.<sup>427</sup> It means that the respect of dignity and equality of women, children, all other human beings require to see them as “being” and not “commodity”.

Finally, when it comes to analyzing critically the place of contract in anarchism, Professor Holterman has stated that by couching their denial of the law in some absolute terms, the libertarians have laid themselves open to the most absurd critiques. For example, a writer considered the great importance of the anarchists to observe “contractual obligations” is a denial of their theory about individual liberty.<sup>428</sup> Professor Holterman has also added that the anarchists have refuted this critique by arguing that the duty to observe these obligations have nothing to do with the law, which is certainly rubbish. He has accordingly asked, why do not we acknowledge the law as a societal concept rather a Governmental one? Why do not we try to prove that the legal order in anarchism is an attempt to guarantee maximum individual liberty and that the observance of contracts in this order is indeed fundamental?<sup>429</sup>

### 5.2.2.3 The Principle of Decentralization and Autonomy through Federation

Albeit all anarchist schools share the principle of *decentralization* and *autonomy*, the anarcho-capitalists do not care so much about realizing this principle through *federation*, which usually symbolizes “federal Government” for them.<sup>430</sup> Professor Stromberg has however asked whether the people, who could live in an ordered “anarchy” or a federal republic as decentralized as a “near-anarchy”, would keep themselves, their society, properties, and territories safe from internal and external threat. When it comes to “republican reservations”, he has argued, “*where confederate republicanism and “anarchist liberalism” overlap, we find ourselves admiring militias – though we ask that they be voluntary rather than conscripted.*”<sup>431</sup> As mentioned above, Professor Hoppe has accordingly spoken about “federal streets”, resulted in the privatization of streets in the natural environment. The “relationships” among the anarcho-capitalist communities would thus remain ambiguous, since federative relationships are suspect in anarcho-capitalism, except in some cases such as competitive federalism: “*chacun pour soi, et Dieu pour tous.*” It may be also comprehensive that at the end of his life, Proudhon really defended a “State version” of the *Federal Principle*, or “*the finished model in which, after numerous trials and errors, there comes to rest his anarchistic conception of political society.*”<sup>432</sup> Instead of the State, he indeed advocated a social life based on the legal norm that contracts create. He called this form of life firstly “anarchy” and then “federation”.<sup>433</sup>

Since the beginning of this thesis, I have highlighted the importance of decentralization and autonomy in anarchism as well as legal anarchism. Law Professor Eltzbacher has hence stated that anarchism tries to replace the State with a federation, which means ordering all public affairs through free contracts among spontaneously or federalistically instituted communes and societies. In this case, the teachings of Godwin, Proudhon, Stirner, Tolstoy, Bakunin, Kropotkin, Benjamin Tucker, and other



anarchists only foresee a fellowship of contract. In other words, Professor Eltzbacher has found out that the anarchist alternatives are either spontanistic (i.e. a social life based on “a non-judicial controlling principle” according to Godwin, Stirner, and Tolstoy), or federalistic (i.e. a social life based on “the legal norm” stemming from contracts according to Proudhon, Bakunin, Kropotkin, and Tucker).<sup>434</sup>

Related obviously to the problems of organization, as already analyzed, the principle of decentralization and autonomy through federation means that the libertarian communities do not admit any type of centralized authority or power exercised by a person or a group, and keep their autonomy and freedom vis-à-vis each other on the communal, regional, national, and international scales. It would therefore prevent dictatorship and exploitation. For *An Anarchist FAQ*, Proudhon implies a form of anarchism needing federalism, as the natural complement to self-management, in order to coordinate joint interests, while Bakunin advocates a type of anarchist organization founded upon federalism or confederation and direct democracy or self-management.<sup>435</sup> However, Professor Bookchin has largely defined decentralization inasmuch as this term contains not only geographic, territorial, and political values, but also spiritual and cultural values linking the re-empowerment of the community with the re-empowerment of the individual.<sup>436</sup> He has indeed suggested participatory democracy based on “*the creative role of dissent*”. It needs federalism ensuring that, on the one hand, “*common interests are discussed and joint activity organised in a way which reflects the wishes of all those affected by them,*” and, on the other hand, “*decisions flow from the bottom up rather than being imposed from the top down by a few rulers.*”<sup>437</sup>

Speaking about “the bottom” and “the top” could imply that there still exists authority to impose itself in the framework of “*federalism based on mandates and elections*” by which the anarchists try to ensure decision-making from the down.<sup>438</sup> In other words, there may be a type of “*decentralized*” and “*federative authority*” in the anarchist community. Such an authority would be more terrible than a centralized one, because it imposes itself closely to its subjects. Let legal anarchism shortly explain this form of authority throughout some anarchist examples.

Professor Clark has argued that albeit the voluntary and federate groups, which would replace the nation-States, are practically possible, “*there is no dogmatic demand that all vestiges of Government, even in a decentralized form, be immediately destroyed.*”<sup>439</sup> Professor De George has hence believed that there is no claim that anarchism negates all authority, and there is no need for “unanimous agreement” about what an anarchist group decides. He has eventually concluded that “*If anarchist principles provide the basis for something like government, it is the basis for a minimal government, closely controlled from below and responsive to those below; it is anti-bureaucratic, and dedicated to lower autonomous units doing as much as possible before any*



*task is taken on by units above.*"<sup>440</sup> In the same direction, McIntosh has mystically argued that anarchism opposes neither the State itself, as a community possessing the authority to govern, nor the coercive enforcement of Governmental decisions, but the State apparatus in its most basic feature of the Governmental process (the making, execution, and enforcement of Governmental decisions) to specific people!<sup>441</sup>

It would not thus be surprising that Falk, an iconic law Professor with certain leftist anarchist tendency toward a "World Order", has hotly suggested a minimal State by implying the Spencerian philosophy propagating that the duty of the State is to protect its citizens against each other and to enforce contract.<sup>442</sup> He has understood that *"the basic anarchist impulse is toward something positive, namely, toward a minimalist governing structure in a setting that encourages the full realization of human potentialities for cooperation and happiness. (...) Furthermore, the anarchist demand is not directed at eliminating all forms of authority in human existence, but at their destructive embodiment in exploitative institutions associated with the modern bureaucratic state. Contrary to general impressions, nothing in anarchist thought precludes a minimum institutional presence at all levels of social organization, provided only that this presence emanates from populist rather than elitist impulses, and that its structure is deliberately designed fully to protect the liberty of all participants, starting with and centering on the individual."*<sup>443</sup>

For *An Anarchist FAQ*, liberty requires a type of decentralized social environment relying on the workers' direct management in accordance with social anarchism. Anarchism therefore signifies spontaneity, diversity, free development, and decentralization reflecting ecological ideas and concerns. The anarchists do not indeed oppose self-Government through the confederations of free, voluntary, non-hierarchical, and decentralized grassroots and organizations as long as these confederations function in accordance with direct democracy putting power into the hands of the people, instead of delegating power to "representatives". They think that only a rational decentralization of power, both structurally and territorially, can foster and encourage individual liberty, since delegating power into the hands of a minority is obviously a denial of individual dignity and liberty. This leftist approach rejects both capitalist and individualist anarchism in favour of communalizing and decentralizing production by freely associated and cooperative labour on a large scale, rather than only in the workplace. In this case, Kropotkin advocates an anarchist society relying on a confederation of communities that would integrate brain and manual work, while it would decentralize and integrate agriculture and industry.<sup>444</sup>

As for the criminal justice, law Professor Danzig has suggested that decentralization may improve the operation of the police, the courts, and the prisons through bringing home their responsibilities to the community and responsabilizing the community for them. He has concluded that since overcentralization

and overcriminalization are related, externalities, due process considerations, danger, the need for professional training and dispassionate commitment make the community responding to “true crime” (i.e. crime with victims that generates a passion for retribution and a need for the incarceration of the “criminal”), a poor subject for community controlled non-centralization.<sup>445</sup> Professors Elliot and Williams III have likewise found out that “a decentralized criminal justice system is more congruent with the assumptions underlying the exchange perspective.”<sup>446</sup> Other Professors have recently emphasized that “the voluntary and community sector in the management of offenders” would open “a new phase of decentralization of criminal justice” in Britain.<sup>447</sup>

In summary, anarchism advocates a form of decentralized federalism, today called “horizontalism”, which is one of its great strengths.<sup>448</sup> Curious George Brigade has truly argued that decentralization constitutes not only the foundation of autonomy being the hallmark of freedom, but also that of trust. To have genuine liberty, we must allow others to work according to their desires and skills when we similarly do. We can neither take their power, nor try to force them to accept our agenda. Our successes in our local communities and in the streets almost always stem from groups working together, because they come from genuine mutual aid and solidarity, and not from coercion.<sup>449</sup>

Finally, I think that to live as an “absolute autonomous community”, as apparently implied by many anarchists, may not actually be possible, because we live in a “*global village*”<sup>450</sup> in which the existential issues do not recognize any territorial limit technologically and humanly: poverty, exploitation, child labour, prostitution, cultural genocide, human and animal traffic, pollution, and so on. We cannot therefore live without thinking about and acting for others. In this sense, cooperation and federalism would find their significance.

*“Human beings are members of a whole,  
In creation of one essence and soul.  
If one member is afflicted with pain,  
Other members uneasy will remain.  
If you have no sympathy for human pain,  
The name of human you cannot retain.”*

Saadi (1210-1290)

#### 5.2.2.4 The Principle of Non-Aggression

The NAP, the zero “*aggression principle*” (ZAP), or the “*non-aggression maxim*” (NAM) is important not only on the individual and communal scales, but also on the national, regional, and international scales,

since it prevents, even at least theoretically, an anarchist community from becoming aggressive through colonialism or imperialism. Although libertarianism has mostly developed the NAP, all anarchist schools could share this principle, while they differ as far as its violation by an individual, a group, or a nation is concerned. In other words, they may not agree with each other about the responses to this violation: punishment, exclusion, resocialization, compensation, etc. As we will later see, the anarchist models or alternatives propose various responses in this regard.

In this case, aggression is a large concept containing physical, psychological, social, cultural, legal, political, economic, territorial, or geographical violence. The *principle of non-aggression against person, group, community, and property regardless of gender and age* is indeed the foundation of an anarchist society, which means quite the opposite of the State society based on aggression at both national and international levels. The State is undoubtedly the most aggressive institution, since “no society could wage an aggressive war against people whom there is no good reason to hate.”<sup>451</sup> For instance, Herod’s *Democratic Autonomous Neighborhoods* contains a “non-aggression pact” whereby the participants “agree never to organize a military force to invade other neighborhoods.”<sup>452</sup>

Anarcho-capitalism has developed the NAP around property rights that, in turn, have caused some critiques and challenges.

#### 5.2.2.4.1 The Anarcho-Capitalist Approach

In this approach, it should be rational to see that the anarcho-capitalists have particularly emphasized “property rights” by which they define the NAP. For instance, Kinsella has argued that the NAP depends on these rights inasmuch as the free market and capitalism overlap each other, and property rights define justice, individual rights, and aggression together.<sup>453</sup> Professor Block has even legitimized the owner’s “deadly force” to protect his property rights without being guilty of the violation of any law, because libertarianism justifies the use of violence or aggression relying on property rights and not on morality.<sup>454</sup> The anarcho-capitalists believe that the concept of freedom means “freedom from” initiating force, or the non-aggression against person and property.<sup>455</sup> In *Market Chosen Law*, Professor Stringham has accordingly stated that property owners would be able to contract a legal system defining what exactly constitutes an aggression of property.<sup>456</sup> As for Professor Long, he believes that self-ownership could recognize the use of force in self-defense against others’ aggression. If an individual owns herself, she surely has the legitimately enforceable claim or the right to prevent others from subjecting her forcibly to their uses.<sup>457</sup>

In *The Ethics of Liberty*, Professor Rothbard would reject mother's love and morality together. In his libertarian society, a mother absolutely has the right to her own body and to abortion as well as the trustee-ownership of her children, an ownership limited only by the illegality of aggressing against their persons and by recognizing their absolute right to leave home at any time. Parents would be however able to sell their trustee-rights in children to anybody wanting to buy them at any mutually agreed price.<sup>458</sup> In *For a New Liberty*, Professor Rothbard has analyzed "the non-aggression axiom" meaning that neither individual nor group has any right to aggress against any person or his property. Professor Rothbard has defined "aggression" as the threat or use of physical violence against the person or his property. It is thus synonymous with "invasion". Besides, "civil liberties" result in this axiom, because nobody has any right to aggress another person, and everyone absolutely has the right to be free from aggression. There are freedoms to speak, publish, assemble, and engage in "victimless crimes" (such as pornography, sexual deviation, and prostitution), which the libertarians do not regard as "crimes" at all, since they define a "crime" as a violent invasion of a person or property. The libertarians furthermore regard conscription as slavery on a massive scale, war as mass slaughter, and taxation as robbery, which are both immoral and illegal. In contrast to all other thinkers, left, right, or in-between, they refuse to give Government the moral sanction to commit any action that almost everybody agrees to be immoral and criminal if committed by any person or group.<sup>459</sup>

Professor Hoppe has acknowledged, on the one hand, socialism is an institutionalized aggression against or interference with private property, on the other hand, capitalism relies on private property, contractual exchanges between private property owners, and the NAP. Like Kinsella, Professor Hoppe has defined socialism, capitalism, aggression, and contract in terms of property: *socialism* is an institutionalized policy of aggression against property, *capitalism* is an institutionalized policy of the recognition of property and contractualism, *aggression* is aggressing property, *contract* is a nonaggressive relationship between property owners. According to the natural position concerning property, aggression means an action of uninvitedly invading or changing the physical integrity of an individual's body and putting her body to a use against her own liking. Such an action always and necessarily requires the aggressor to increase his satisfaction at the expense of decreasing the satisfaction of another individual.<sup>460</sup> I have several questions in this case. What is the situation of "sodomasochist activities"? Can we regard them as some aspects of "free love"? Shall a libertarian society tolerate or permit them? Shall it also tolerate the sacrifice of an animal or a human being who is consent? I do not think so, because these activities are against the respect of human and animal dignity and integrity. However, Professor Hoppe may have implied that they could be

possible for a person who satisfies his sadistic or sexual desires by beating or raping another person who is explicitly consent.<sup>461</sup> There obviously remains the question to know whether a “sexual action” constitutes “rape” when there is “consent”.

Professor Hoppe has also analyzed the NAP throughout religious mythology. Before leaving the Garden of Eden, *“a look at the consequences of the introduction of elements of aggressively founded ownership into paradise should be taken, as this will help elucidate, purely and simply, the central economic and social problem of every type of real socialism, i.e., of socialism in a world of all-around scarcity.”*<sup>462</sup> When it comes to the law, Professor Hoppe has believed that a norm has to be logically compatible with the NAP in order to be justified itself, and, *mutatis mutandis*, an incompatible norm with this principle is invalid. Finally, certain private protection agencies would own arms, used by the trained individuals, to protect the people from aggression in a free market society.<sup>463</sup>

Professor Chartier would summarize the NAP affirming moral agents should not either damage the bodies or impede the just possessory interests of others, and requiring “the principles of practical reasonableness” (such as fairness and peace).<sup>464</sup> The NAP does also specify “gender equality” and “the right” of “children” and all “human beings” to be fairly treated without exploitation and violence. It has not nevertheless been safe from some criticisms and challenges.

#### **5.2.2.4.2 The Critiques and Challenges**

According to *An Anarchist FAQ*, “the extremes of laissez-faire capitalism” have become “anti-revolutionary” or “reactionary” through sacralizing the non-aggression of private property. For example, Professor Nozick has argued if one privatizes a town whose acquisition has not violated the Lockean principle of non-aggression, the persons moving or remaining there *“would have no right to a say in how the town was run, unless it was granted to them by the decision procedures for the town which the owner had established.”*<sup>465</sup> Anarcho-capitalism would have accordingly regarded the Industrial Workers of the World as “criminal aggressors” so that *“the owners of the streets have refused to allow “subversives” to use them to argue their case.”*<sup>466</sup> After all, the workers did break their contracts and did thus become “criminal aggressors” against the companies, while the local law enforcement agencies did turn a blind-eye to the torture and murder of union members and strikers. In short, the anarcho-capitalists imply the term *“legal possibility”*, which suggests a system of laws determining what is “coercive aggression” and what is “legitimate property”.<sup>467</sup>

*An Anarchist FAQ* has also found out that right-libertarian and anarcho-capitalist ideology consider freedom as a product of property. In a libertarian society, nobody can legitimately do anything with

another's property if the owner forbids it, which means that only the amount of property determines individual freedom.<sup>468</sup> For instance, albeit Locke recognizes, in the *Second Treatise of Government*, the right of man in his own person, he justifies slavery in terms of captivation during "a just war" or a war against aggressors.<sup>469</sup>

Professor Chartier has however defended a left libertarian ideology or a freed-market that opposes not only interference with market freedom by politicians and business leaders, but also their social dominance (aggressive and otherwise). It indeed opposes "capitalism", emphasizes that the proponents of liberty object to non-aggressive as well as aggressive restraints on liberty, and affirms that the advocates of liberty are not confused with the people using market rhetoric in order to prop up an unjust the status quo. It also expresses solidarity among the defenders of freed-markets, workers, and ordinary people around the world that call "capitalism" as a short-hand label for the world-system constraining their freedom and stunting their lives. Freed-market advocates shall embrace "anti-capitalism" in order to encapsulate and underscore their full-blown commitment to liberty and their rejection of alternatives talking liberty to conceal acquiescence in deprivation, subordination, and exclusion.<sup>470</sup>

As legal anarchism is concerned, we should apply the NAP to non-human existences as well, because they have both senses of happiness and suffering so that they have the right to live peacefully as we do. In fact, hunting, killing, exploiting, or abusing them (in the laboratories, for example) is as terrible as aggressing a human being. An act of aggression against them violates their right to happiness by imposing suffering over them. However, there is a question to know whether some animals, including humankind, that hunt others constitute an act of aggression *per se*. Can this unfortunately be a natural law because they cannot live without cannibalism? Moreover, if we reject violence against human existence, we cannot accept, *a fortiori*, violence against nature in a Stateless society. However, if certain theories (i.e. "aggression genetics studies") have already defended that we are *genetically violent*,<sup>471</sup> how does the NAP really function in such a society?

As "a whole principle", the NAP actually constitutes a group of rights and liberties that individuals, groups, organizations, communities, nations, animals, and plants enjoy. For example, they are right to life, right to property coming from work, gift, or will, right not to be subject to cruel and humiliating treatment and torture, freedoms of thought and religion, speech, education, sexuality, association and organization. In short, this principle should guarantee a peaceful existence for humans and non-humans as well. There are nonetheless three principal challenges to the realization of this existence.

Firstly, how can a libertarian community remain peaceful and non-militarist when one or all of its neighbours are aggressive or militarist? Must it remain outside the construction or the use of chemical and atomic weapons as well as WMD even though its neighbours or enemies own these weapons and can use them against it? Should it follow the slogan of “mutuality” in this case? Let legal anarchism come back to these questions in the section attributed to *the International Alternatives*. The NAP indeed relates to *the defense of a community against invaders*, which is a problem that we need to examine case by case throughout the anarchist alternatives to State legal system.

Secondly, as legal anarchism is going to analyze it throughout the libertarian alternatives, the trial and punishment of an aggressor challenge the NAP, because they may constitute another aggression. In other words, there are the problems related to how an anarchist society would, on the one side, treat an antisocial behaviour, and, on the other side, respect the NAP. These problems take part in the elements of a CJS. Despite their negation of the State, the anarchists have defended a political life that would not entirely banish certain forms of coercion. For instance, in a Proudhonian sense, Benjamin Tucker has argued that any person who resists a Governor or an invader is a defender or a protector having a personal as well as collective right of self-defense against the aggressor whose life is not sacred.<sup>472</sup> Such a right should also justify either punishing the aggressor or indemnifying the victim, which would be a form of “anarchist tort”, developed particularly by the capitalist libertarians. In this case, “restorative justice” would constitute the core of individualist, socialist, and capitalist alternatives. It would nevertheless be more democratic and mutualistic in its social perspective than in its marketing one. One problem of restorative justice could be its position toward *Diyya*, which is disgusted as “blood money” or “ransom”.<sup>473</sup> Liberty is certainly one of the greatest values in existence, but its untamedness could be problematic for existence so that the realization of the NAP faces certain dilemmas that legal anarchism must handle.

Thirdly, to respect the world of animals and plants requires taking a fundamental approach to existence, which certainly relates to natural resources and technology as mentioned above. In this case, does not anarcho-capitalism, which somehow allows or tolerates monopolization, lead to violate such a fundamental approach? Has not it forgotten to extend the NAP to non-human existence as emphasized by the GP? Anarcho-capitalism indeed regards nature as a “commodity” for or an “inferior identity” to humankind, which means that it does not really recognize the GP resulting in the NAP.



### 5.2.2.5 The Green Principle

As an extension of the NAP, the GP means respecting non-humanity: the liberation of animals and the earth from human cruelty. Any anarchist society, regardless of its ends and means, cannot destroy or exploit the ecosystems. I really believe that an anarchist community without some “real ecological projects” does hardly make sense to be free and just. I have formerly emphasized that there is no separation between humanity and nature as far as the questions of “governing” are concerned, because power and authority exist in and affect all existence, particularly throughout their extreme violence. In other words, all anarchist models have to respect the ecosystems; they are otherwise as authoritarian as any Government society. Green anarchism has certainly approached the GP in a wealthy manner, since “*every being has the same moral value.*”<sup>474</sup> Cannot we accordingly agree with Kropotkin who already observed “*the very origin and growth of the sense of equity and justice in animal societies*”?<sup>475</sup>

In this case, the animal liberation movements have developed and radicalized since the 1970s in Britain and the USA.<sup>476</sup> Their philosophy has grown out of and often overlapped with animal rights, which affirm that “*all animals are entitled to possess their own lives, should possess moral rights, and that some rights for animals ought to be put into law, such as the right to not be confined, harmed, or killed.*”<sup>477</sup> These movements have judiciously rejected capitalism, because it uses animals as commodities and objects whose only purpose is to be sold and bought. They do not nonetheless oppose capitalism itself, but misery that it inevitably causes by its mode of production and consumption. They have radically compared “animal exploitation” to “the Holocaust”, even worse. In this controversial approach, we are cruel and consequently responsible, if we do not acknowledge the death of the millions of animals every year.<sup>478</sup> I should add the situation of plants to such acknowledgement so that we speak about the “earth liberation from human tyranny”.

As an alternative, the animal liberation movements aim to reform current social conditions, partly through promoting “cruelty-free” and “compassionate” consumerism to reduce animal suffering. Their logic means not to use or not to consume an animal so that no animal will be killed or harmed, because animals suffer harm in much the same way that we do.<sup>479</sup>

Some green anarchists have found out that around the animal rights movements, many people have changed their lifestyles, diets, and politics because of becoming aware of the suffering of animals in the society. They think that many animal rights groups have nonetheless ignored that all aspects of animal persecution relate intricately to a web of hierarchical domination in the society. The green anarchists also believe that the animal rights movements have not really avoided “the deadly trap of fragmentation”

because of forgetting to regard the suffering of animals as a “part of the total oppression”. Capitalism has indeed used these movements to clean its image: free range eggs, cruelty free products, etc. It also diverts the people from criticizing the whole of society whereby eliminating our enemies and the social circumstances that allow all of these single problems to exist.<sup>480</sup> The green anarchists are right, since the NAP, like the concept of human rights, is “a total principle” whose elements cannot be separable. As a result, the non-aggression of non-humanity is directly linked to that of humanity, which demands revolutionary activities to liberate both animals and humans from the current miserable conditions. In other words, the solutions do not come essentially from the things that we buy, use, eat, or even steal, but from the relationships between us and our participation in destroying the class system.<sup>481</sup>

We furthermore face the ontological questions about two identities in the GP: non-human and human. Are some existences more valuable than others? Can we stop our cruel and capitalist industrialization and urbanization that simply destroys and pollutes the environment? If we oppose State violence against nature, how can we allow cannibalism and the exploitation of nature? As we have already observed in the problems of technology, radical anarchism speaks about *animism* arguing that there is no difference between the animate and the inanimate. For instance, Spinoza too freely acknowledged the freedom of non-human entities.<sup>482</sup> In *the Eco-Anarchist Justice*, I will analyze how Professor Bookchin has inserted the concepts of “wholeness” and “complementarity” into social ecology in order to recognize the equality of various species. It would be hard to realize the significance of loving humanity when we do not respect non-human existence, since one can scarcely exist without another one: existence is a whole concept.

In order to realize the GP, *vegetarianism* would be a solution for cannibalism, because if we have no right to eat each other, we have no right to eat other animals either. According to Gates, after mosquitoes killing about 725,000 people a year, we are the second deadliest animal in the world by killing about 475,000.<sup>483</sup> We are undoubtedly number one in this case, because our society is massively murdering animals as well as humans in its daily violence inflicted upon everything everywhere: roads, factories, mines, building sites,<sup>484</sup> parks, circuses, laboratories, prisons, war, and so on. For example, they estimate that hunting, one of the legal blood sports, causes the death of 200,000,000 animals yearly, while humankind kills 50,000,000,000 animals every year only for food, at least 10,000,000,000 and 850,000,000 of them are respectively slaughtered in the USA and the UK.<sup>485</sup> In this case, it is so hypocrite to talk about the regulation of “animal welfare at slaughter and killing”,<sup>486</sup> since it is as ridiculous as to talk about that of

“human welfare at death row”; there is really no welfare either in slaughter or murder based purely on pains.

So, could all communities become green and vegetarian? Can we change “carnivores” into “herbivores” or “insectivores”? Does not such a change itself go against either the laws of nature or the existence of plants and insects that have the senses of happiness and suffering? Does this form a type of the lesser of two evils principle? If our answer is positive, how shall it function? Was Sadegh Hedayat right to say if human beings “*stop killing animals, they will never kill a human being*”?<sup>487</sup>

In this case, the animal liberation movements considerably emphasize “veganism” recognizing the moral equality of the lives of humans and non-humans and thus opposing all animal usage by humans.<sup>488</sup> They aim at demonstrating a radical understanding of the institutions of domination in order to develop non-hierarchical relationships with animals, to recreate the one-on-one interactions that we have with animals in our daily lives, and to resist against the system dominating us all. As a result, the animal liberation movements have recently developed strong ties to the anarchist projects and organizations, which engage in direct action against capital and the State, while some animal liberationists have performed an anti-State/anti-capitalist analysis. This has encouraged some animal liberationists to regard their movement as an anarchist project. If the discussion of animal-human relationships adds to the anarchist theories and to the anarchists who have certain affinity with the animal liberationists engaging in direct action, the isolated struggle against speciesism and the animal liberation movements’ intense moralism will be at odds with the anarchist project of insurrection.<sup>489</sup>

Veganism is however far from perfection. When it comes to “the cult of veganism”, some anarchists have found out that it effectively encapsulates the false reasoning of consumer reform. They observe the contradictions of the vegan ethic when it comes to the origins of all commodities and products in our society. For example, a pound of tofu or a bottle of cruelty-free shampoo conceals behind the superficiality of its claim. Many marketed illusions, promoted by companies profiting off animals, claim that vegan products have not taken directly part in the killing of animals. Driven by mass consumption, capitalist production needs an enormous quantity of resources, extracted from the earth by the cheapest and most destructive processes possible generating the massive amounts of animal habitat destruction and animal killing. The cruel reality of production is indeed buried beneath the glitter of the free market.<sup>490</sup>

When it comes to “the liabilities of lifestylism” in veganarchism, Dominick has argued that contemporary anarchists and vegans alike lead unfortunately toward the lifestylist approach, in spite that the simple act of changing individual lifestyle, even when joined by millions of others, cannot change the

world and the social structures that the elites have created to serve their own interests. For him, the people have power to construct a sane economy abolishing animal exploitation industries.<sup>491</sup> In this case, Tefft has found out a hot-button issue on the left because of the debate between the merits of revolutionary action versus those of lifestyle activism. There are those who believe that only a great structural upheaval in the form of revolution will really change, and lifestyle changes will come after. Others want to start and finish their activism with lifestyle changes and ethical consumerism, albeit radical ones.<sup>492</sup> As far as I am concerned, if I cannot *individually* change systematic cruelty against animals and plants, why should I take part in it yet? If I could not individually change the system certainly, I would have still the power to resist it; this is better than nothing to do and watching the system keeping its way.

However, we have still some existential problems about efficiently applying the GP. How can we live without aggressing animals and plants when we have been hitherto accustomed to living in many ways (e.g., cannibalism and urbanism) that simply violate their right to exist and to enjoy their lives? How can the GP handle the rights of animals that are naturally controversial because, for example, the existence of one depends on eating another one? Is the GP a *purely theoretical concept* left at our powers and interpretations? How can animals and plants resist our cruelty and madness when they have neither voice nor a normative system that we can understand and must consequently obey?<sup>493</sup> How have the abolitionists and anti-executionists abolished or diminished the slavery and execution of humanity when humanity itself is unable to stop the same thing against animals and plants? Am I a mad or simply sentimental man who is by no means a good lawyer to understand that the legal system relies religiously and traditionally on recognizing human existence to the detriment of all other species? In this case, we are only “evils” for nature, not its “legal masters”, and my misanthropism finds once again its existential meaning: less human beings means better nature. Ronnie Lee, the co-founder of the ALF and ex-ALF spokesperson spending six and a half years in prison as a result, has accordingly argued that “*only dramatic reduction the world’s human population can help the animals and the environment.*”<sup>494</sup>

Throughout the awareness of some sharp arguments in Malthusianism, I think that less children or human beings means less exploitation and less destruction of the ecosystems, even if they will somewhat exist in a so-called anarchist society. Would not we reduce the amount of inequality, exploitation, and destruction by reducing the huge amount of ignorant and poor individuals and communities under the yoke of a minority called “political and economic “powers””? I think that we would do.

Is not eventually “human voice” the most important voice for nature? This is not a form of so-called “State environmentalism” or the so-called “green State”,<sup>495</sup> which loves to stigmatize its opponents as

“ecoterrorists” or “eco-warriors” when defining what is legal and what is not in environmentalism, eventually another human tool to dominate nature in the name of law and order? The green anarchists have accordingly criticized all sorts of pressure groups campaigns that aim at persuading the legislator to miraculously end human persecution of other species.<sup>496</sup> For the animal liberation movements, the State constitutes the backbone and brute force of the capitalist system by sanctifying property and ownership, supporting animal industries, and criminalizing anyone opposing them. Any appeal for additional laws simply increases the power of the legal system and its mythology of fairness and justice. A law against animal cruelty or the use of animals in circuses changes very little, even though some claim it as a victory. The State’s legal apparatus guarantees that the factories of production use more and more animals through their mills while misery goes on. In short, faith in the law means faith in capitalist exploitation, enforced by the bureaucrats, legislators, and cops who have really no interest in changing a social order from which they benefit.<sup>497</sup>

On the one side, we have become, once again, both source of problem and solution when it comes to respecting the GP. However, we cannot actually change the cycles of life forever. The animal liberationists have thus embraced a contradictory proposition arguing that we can end animal pains, either totally or as partly caused by us. We are intimately attached to a cycle of life and death that necessarily involves pains as well as joy and sadness.<sup>498</sup> On the other side, as the animal liberation movements have truly argued, more laws cannot necessarily bring about more liberty, while all political parties “offer the same shit with different coloured sugar coatings.”<sup>499</sup> The green anarchists have accordingly noticed that by freeing ourselves from the oppressive chains of causes, identities, and ideology of political groups, we would stop walking around cities and looking for animal abuse, and would aim at getting rid ourselves of the behaviour that has created the State and class divided society.<sup>500</sup>

The continuation of the GP is free love, and vice versa. For instance, animal liberation is a moral and civil progression of humans who try to avoid causing suffering to animals, whereby they create a more peaceful world,<sup>501</sup> regardless of gender and species. In this case, Professor Loadenthal has truly found out: “A holistic, anti-authoritarian framework must include a rejection of speciesism in order to truly approach the potentiality of challenging domination and hierarchy in the hopes of ushering in a more liberatory world. Parochial, sectarian and other single-issue-based agendas will never offer revolutionary potential as they will always be mired in contradiction and the leveraging of the desires of one (oppressed class) over the rights of another. The LGBT, anarchist, and animal rights movements are examples of efforts that have fallen short of developing an analysis that is truly intersectional and inclusive. While the LGBT movement fails to challenge hierarchies including those found in class and race, other movements, such as those identified with the anarchist left, fail to challenge species.”<sup>502</sup>

### 5.2.2.6 Free Love

As an extension of the NAP, free love relies on sexual liberation, empowerment, and equality for all,<sup>503</sup> and means that nobody, no community, or no institution has any right to aggress or to interfere with sexual activities of others, except in the very specific cases such as sexual harassment and violence, child abuse and prostitution. Our sexuality and body are not indeed the Governors' business, but ours. For example, an individual has the right to cultivate a tree in her undergarment, as I read elsewhere! The same goes for polygamy when practiced by the free and consent women and men. As a result, the age and the form of marriage, sexual activities, or lives depend on the concerned individuals and community to decide according to their liberties, ideas, and conditions. Armand has accordingly stated that anarchism has no determined sexual morality, and each individual is free to determine her sexual, affective, or sentimental life, as much for one sex as for the other. Its essential is that constraint, domination, or violence does not take place in intimate relations between the anarchists of differing sexes.<sup>504</sup>

The anarchist ideas about free love are a good response to our extremely regularized societies in which the States specify, spy, control, and sanction the quality and quantity of our sex organs, sexual desires, needs, activities, and lives. In other words, sexual liberties in a libertarian community are a response to the criminalization of our sexual life by Government, and to social stigma as well. In this case, the repression of polygamy, open marriage, incest, gays, lesbians, queers, transsexuals, sodomy, and pornography constitute some forms of State crime.<sup>505</sup> The anarchist struggle against "compulsory monogamy" would thus be a form of resistance.<sup>506</sup> As for an example of social stigma, the society usually loves to link anarchism with prostitution and degeneration.<sup>507</sup>

Moreover, free love has hopefully undermined male sexual supremacy as well as female purity that, as institutional ideology and religion, traditionally need State law and punishment. For instance, because of my profound anti-religious opinion and experience, let me invoke some parts of the Bible and the Quran. They rely actually on "misogyny" (i.e. woman as male property), "pedophilia", "sexual violence", and "sexual slavery", not only on the earth (e.g., acid attacks against women)<sup>508</sup> but also in the sky (i.e. hell), blindly believed and sanctioned by many apostles. They are Genesis 19:6-8; Exodus 21:4, 21:7-11; Leviticus 20:10, 21:9; Deuteronomy 22:23-24; Al Baqarah 2:25, 2:223; An Nisa 4:3, 4:15, 4:34; An Nur 24:2.<sup>509</sup>

All those sexist and cruel sacraments unfortunately exist still in some religious countries as "tradition" or "law", such as the Islamic Republic of Iran, the Islamic Republic of Pakistan, and the Kingdom of Saudi Arabia. In this case, the Iranian laws provide men with nearly absolute sexual and material supremacy over women as well as children by reducing them to "sexual gadgets" or more exactly to "sexual slaves",

abandoned to the control of their permanent or temporary fathers and husbands since their birthday.<sup>510</sup> I could accordingly invoke Churchill's statement articulated many years ago in *The River War* in 1899. He said, "*The fact that in Mohammedan law every woman must belong to some man as his absolute property – either as a child, a wife, or a concubine – must delay the final extinction of slavery until the faith of Islam has ceased to be a great power among men.*"<sup>511</sup> Nonetheless, some scholars have regarded human love as "*both analogy and ascent to Divine Love*"!<sup>512</sup>

As a result, the principle of free love is extremely important in such a sexist and humiliating environment.<sup>513</sup> Professor Portwood-Stacer has accordingly spoken about "anarchonormativity" as a strategy with positive political potential, because of proliferating and making legible forms of sexuality that anarchist ethics inform, promoting a queer critique of hegemonic sexuality, and therefore making life more livable for the individuals whose desires are oppressed by dominant discourses and institutions.<sup>514</sup> Nonetheless, the anarchists have not always been tolerant toward homosexuality, of which "anarchist homophobia" and "sexism" could be an example.<sup>515</sup>

Love seems to have a large meaning, because it includes both humans and non-humans. In this case, Professor Bookchin has affirmed that liberated sexuality consists in negating totally the patriarchal family and replacing all forms of transcended regulation of sexuality by the untrammelled and spontaneous expression of eroticism among equals.<sup>516</sup> As the masters of rhetoric like the lawyers, some anarchist Professors and sexologists have spoken about the "*acts of revolutionary love*", while anarchist pedagogy and queering anarchism are able to include the spiritual or honoring practices of care of the self intertwining with the care of each other and the earth, to which we all belong. They love to invite themselves and others to acknowledge the lived, embodied, emotional, erotic, and relational experiences of the fundamental anarchy already existing. They also invite a queering of anarchist pedagogy by highlighting the role of love in learning, teaching, and living. Learning to be free for these anarchists means learning to love themselves and the emotions passing through them, not gripping on to ideologies or identities. In summary, love fulfils their practices of anarchy.<sup>517</sup>

In the history of the freedom of sexuality, Emma Goldman, self-presented as "*a daring sexual rebel*", is undoubtedly one of the most powerful and the freest women who not only taught but also practiced free love with her numerous lovers and comrades: Berkman, Modest Stein, Johann Most, Ed Brady, Reitman, Hippolyte Havel, Leon Malmed, etc.<sup>518</sup> She really revolutionized both thought and bed in anarchist sexuality through "*her scandalous public advocacy of free love and her ruthless critique of marriage.*"<sup>519</sup> For her, love is the deepest and strongest element in all life, the harbinger of hope, joy, ecstasy, the defier of all laws and



conventions, the freest and the most powerful moulder of human destiny. Thus, how can this all-compelling force become synonymous with the poor little State and Church-begotten weed and marriage?<sup>520</sup> Goldman's free society relies on anarcho-communism in which the principle of free love means that love is free from authority and oppression. In this society, some day, women and men will rise, reach the mountain peak, meet strong and free, and ready to partake, to receive, and to bask in the golden rays of love. If our world gives birth to true oneness and companionship, not marriage, love will be the parent.<sup>521</sup>

Even though there is a long history of using sexual expression (particularly nudity) as a type of political protest,<sup>522</sup> it seems that Goldman theoretically and practically revolutionized *sexual anarchism* by her revolutionary introduction of "eros to politics" (i.e. political eroticism),<sup>523</sup> when her grandchildren and lovers would later do it by integrating "queering anarchist pedagogies" into whole existence.<sup>524</sup> And thanks to their great psychological and physical capital behind their sexual propaganda or free love, left anarchism or even the whole of existence only now knows what really mean "true sex" and "libertarian love", and how we shall practice the *Kama Sutra* either in the current system, as a rebellious activity, or in the future libertarian system in which the principle of sexual freedom will equally satisfy all forms of liberties and sex organs through unlimited imagination and orgasm. In this case, "Back! is as much wrapped up in criminal acts as in sexual practice, as much in strategy as in style."<sup>525</sup>

Professor Koenig has provided a classic example of practicing free love: *Home*, founded in 1896 and located on Puget Sound in Washington. In that anarchist colony, nearly 300 anarchists wanted to restructure society by the social organization of intimate life. They had the opportunity to test their beliefs at Home in which they transformed free love, sexual liberation, individualism, and communal landholding from ideals to reality. Putting these ideas into practice however proved to be difficult, because the anarchists had to face numerous prosecutions threatening the cohesion of their community. Professor Koenig has argued that the history of Home and its legal struggles is important, since it vividly demonstrates the way in which American anarchists appeared as foremost advocates of individual liberty in various forms, from free love to free speech. It moreover illustrates the rise and fall of a form of American anarchism as it emphasizes tensions endemic to the radical left during the early twentieth century, including the limits of individual liberty, definitions of obscenity and respectability as well as the complicated relationship between individuals and the larger community. This history also reveals that realizing anarchism is by no means an easy task. If Home's anarchism could not survive, its philosophical heritage could. Through its legal clashes with the American Government, Home created "its most lasting legacy: a forceful articulation of the primacy of individual freedom as the basis for an egalitarian society".<sup>526</sup> Professor LeWarne has furthermore argued that in

their radical search for a better society, the individualists of Home challenged the issues, including sexual relationship and women's social role, that the conventional society would be later forced to answer.<sup>527</sup>

*The New Encyclopedia of Social Reform* reflected a version of free love shared by most Home residents. Free love accordingly signifies that neither Church nor State has any right to control sexual relations or the family, since love is not compulsory, and all marriage without love is sin. Free lovers make love supreme and unfettered by any tie whatsoever. By collectivism and free competition or cooperation, respectively the socialists and anarchists would have each woman and each man free to support her and him without depending upon any other individual. Free love happens when a woman loves not for reason of family, position, custom, support, or help in any way, but simply because she loves. This would produce the highest, purest, and the most enduring love. Parents would raise their children as they would wish without any force.<sup>528</sup> Free love does not imply irresponsibility or licentiousness, but "*the right of couples to love as they chose and to separate when love died.*"<sup>529</sup> Free lovers have also claimed that marriage, freed from the control of priest or Government, would be pure, noble, and abiding. And prostitution would thus disappear.<sup>530</sup>

I think that this type of "idealistic", "pure", or "Platonic" love may be inaccessible to some people who cannot satisfy their emotion and sexuality in the context of this form of anarchist love, so that prostitution and pornography, especially advocated in anarcho-capitalism (i.e. right to sell oneself), are not totally unfounded. Professor Mises has ironically found out, prehistoric women and men "*paired in purest love; in the pre-capitalist age, marriage and family life were simple and natural, but Capitalism brought money marriages and marriages de convenances on the one hand, prostitution and sexual excesses on the other.*"<sup>531</sup> Not all individuals are really as talented and lucky as certain free lovers (e.g., Goldman) to have sex when and where they want, since some always remain outside sexual gratitude for the reason of money, beauty, and so on. Sexuality is not actually a pure and free phenomenon that the anarchist free lovers propagate.

When it comes to putting free union into practice in Edwardian England, Professor Frost has traced the same problems. Unlike most socialists and feminists, the anarchists did not merely theorize free love, since many of them openly confronted the difficulties of free union in a hostile social and legal environment when living out their ideals. They were not unrealistic about the need for both liberty and responsibility in relations between women and men. Their actions were actually feasible, even though their writings set high ideals and goals. Their critiques of marriage were acidulous and rhetorically uncompromising. They defended that the control of people's intimate lives was both unnecessary and illegitimate. Many of them argued that marriage was simply one more conventional tool of oppression that the society would abandon.

In summary, the anarchists reject the institution of marriage as they do regarding the institution of the king.<sup>532</sup>

As far as I am concerned, I have some questions. Do those anarchist descriptions of love imply simply “sexual desires and needs”, “real love”, or both? As seen above regarding *anarchist pedophilia*, what will be the age of love in a libertarian society? In other words, any person can make love with another person at any age?

### 5.3 The Alternatives

The anarchists have presented some legal models in order to contradict the centralized systems, on the individual, communal, national, regional, and international scales. *The national alternatives* mean the models that would function at the level of anarchists and communities sharing some common historical, linguistic, cultural, or economic characteristics in a limited geographical sphere. We have three categories of models in this case: “the individualist alternatives”, “the socialist alternatives” containing the mutualist, collectivist, communist, syndicalist, and eco-anarchist justices, and eventually “the free market alternatives”. *The international alternatives* mean the anarchists and libertarian communities that would function at a larger level of social and geographical diversities, while sharing one or more characteristics of the national alternatives. This case concerns also the “regional alternatives”, such as Europe and Asia. In addition, federation is a functional element on both national and international scales, even though its role could be more important among the socialist communities located in different places.

We would keep in mind three introductive notices. Firstly, the anarchist models could not be pure or impermeable only, but mixed or synthesist also. They can therefore share some common elements, such as liberty, direct democracy, and federation. Secondly, as Professor Barclay emphasized, neither political science nor political sociology has taken seriously the alternatives to the complex hierarchical organizations with coercive authority at the top.<sup>533</sup> Thirdly, despite all State repression, control, and spy of not only libertarian action but also libertarian opinion, as mentioned above, they are hopefully some individuals and groups having tried to create the anarchist communities around the world at all levels (communal, national, and so on). They have however faced certain internal problems, such as decision-making and managing property. One can thus ask will we see more anarchist alternatives if the States less repress? Are not the anarchist models actually less developed or numerous partly because of the States not admitting any non-Governmental model at all?

## 5.3.1 The National Alternatives

The national alternatives consist in three categories of models whose characteristics are individualist, socialist, and capitalist, which would help the individuals, groups, and organization to live freely, peacefully, and harmoniously with each other and nature as well.

### 5.3.1.1 The Individualist Alternatives

Although Professor Palante considers that the words “individualism” and “anarchism” are often used as synonyms,<sup>534</sup> the individualist models are either pure, in the Stirnerite approach, or mixed with some socialist characteristics. The egoistic characteristics are dominant in the pure approach, when the synthesist approach relies on both egoism or individualism and socialism. In this case, Professor Xavier Diez has argued that Stirner much more influenced Spanish individualist anarchism, through his “egocentric individualism” destroying the absolute, than Thoreau’s “hermit rebel”, Warren’s “disenchantment with the collective”, Benjamin Tucker’s “liberal individualism”, and Armand and Ryner’s “existential liberation”.<sup>535</sup> Some anarchists, especially the leftists, have however criticized these models.

#### 5.3.1.1.1 The Pure Approach

In this case, Stirner’s “*union of egoists*” is a philosophical (apparently dialectical), abstract, and concise example of an excessive model in anarchist individualism, close to anarcho-capitalism because of harmonizing with the economic philosophy of Warren.<sup>536</sup> Stirner vaguely outlines the union of egoists, like all utopically good societies, only to demonstrate the logical outcome of “ownness” when universally applied.<sup>537</sup> This union means a relation that all parts continually renew and support through an act of own-will or conscious egoism.<sup>538</sup> According to this approach, every individual own-welfare requires that a social human life, called the union of egoists, relies solely on its precepts, and takes the place of the State by “insurrection”, i.e. the lifting of oneself above the existing order. Even after the abolition of the State, the self-owners will continue to fight for their own will or union. The egoists indeed sacrifice nothing to the State or the society, but they only utilize and completely transform it into their property and creature: the union of egoists.<sup>539</sup>

For Professor Leopold, the union of egoists purely constitutes an “*instrumental association whose good is solely the advantage that the individuals concerned may derive for the pursuit of their individual goals; there are no shared final ends and the association is not valued in itself.*”<sup>540</sup> According to Passamani, the union is an alternative to the society and a tool for rebelling against the State, hierarchy, and authority. In other words,

it simultaneously functions as a relational form and a counter-association. It is closely connected to rebellion, which is not merely a transitional phase from the society to the union, but constant insurrection against every power and heaven debasing one's inalienable exclusivity. Without one's continuous and extremist autonomy, there would certainly be a revolution, but it would still only be a reform of the existing order. Passamani has also argued that Stirner understood relationships between the individuals as "mutual utilization", by which recognizing that every individual is the center of her own world signifies denying any form of authority and hierarchy, because they impose their centrality and a different perspective from the individual's one, and destroy her property. Due to the fact that the union, unlike the State, the Church, or the society, has no autonomous existence from the particular individuals composing it, the interests of the participants determine its duration. It is thus an "*unceasing coming-back-together*" opposing the "*already-being-together*" in all hierarchical relationships, and a "*taking-part*" in a game to which an individual contributes the establishment of the rules opposing a "*being-part*" of a social order, which presents itself as authority and enforces its own laws.<sup>541</sup>

As for State law according to the Stirnerite approach, it is sacred, since God is the lawmaker, and consequently the disobedience to it is illegal, immoral, and criminal.<sup>542</sup> On the contrary, Stirner argues that self-welfare demands that it itself shall be the individuals' rule of action in the place of State law.<sup>543</sup> Since crimes stem from *fixed ideas*, the egoists give or take to them the right out of their own plenitude of power, and they are the most impenitent criminal against every superior power. As creator and owner of their right, they recognize no other source of right than them, neither God, nor the State, nor nature, nor man himself with his "eternal rights of man", nor divine right, nor human right. In other words, egoism concerns realizing individual values without interference from fixed ideas.<sup>544</sup>

Benjamin Tucker has symbolized such an approach or excessive individualism, since his anarchism does not recognize any deprivation of individual property or any portion of it without the owner's consent, unless in the case of invasion. In this case, anarchism takes enough of the invader's property to repair the damage done by his invasion. Furthermore, a condition of membership in a voluntary association may rightfully demand the support of certain things, like jury service. Tucker has also confirmed jail, torture, or the death penalty in the case of invasion of individuality or property, because the life of an invader is not sacred at all. This confinement is in accordance with rightness and anarchism, because "*it is sometimes the wisest way of vindicating the right asserted in the answer to the first question. There are many ways consistent with Anarchy of determining the nature and duration of such confinement. Jury trial, in its original form, is one way, and in my judgment the best way yet devised.*"<sup>545</sup> It would not hence be surprising that Professor Rothbard would

later recognize, in *The Ethics of Liberty*, torture by the cops in some cases!<sup>546</sup> Clair has truly criticized this recognition by arguing that the torture of any person, criminal suspect or not, by any person, police or otherwise, shall be regarded as an equally criminal act in accordance with libertarianism.<sup>547</sup>

Similar to Tucker's concept of jury, the individual anarchist Spooner acknowledged, in his *Essay on the Trial by Jury*, a legal system based on "direct democracy". This is "the trial by jury" or a "trial by the country", anciently called "trial *per pais*", because it fairly represents the people and thus distinguishes itself from a trial by the State.<sup>548</sup> His essay principally argues that any law or legal practice in the USA contradicting the common law is invalid, and does not merit any respect as a result.<sup>549</sup>

As for Yarros, he firstly agrees that the State or the community has no right to penalize or to punish any individual or group of individuals simply for refusing to work with the society. He then argues that if an individual however becomes invasive and aggressive, she violates the principle of equal freedom so that she deserves restraint and punishment. The penalties inflicted upon her would rely on the intelligence and humanity of the community in which a representative jury would think and judge her action. Certain communities may inflict capital punishment in some cases, while others may reject that degree of punishment as ineffectual or barbarous. Science and experience would propose improvements or changes in the anarchistic codes of criminal procedure and criminal law. In any event, the willful criminal, i.e. the antisocial individual, could have no one but himself to blame.<sup>550</sup>

James Walker has presented another Stirnerite approach, mixed with Nietzscheanism, as opposed to the moralists believing in the sacred law. Like an egoistic thinking about egoism as "organic existence", he has a right to do what he can take and openly keep, while another individual has a right to take it from him if she can. He appeals to no moral law of the world, since everything is lawful for him, and he recognizes none. According to circumstances, we should either find our interests coincide, or fight each other, or steer clear of each other. Because the law and liberty are synonymous, there is "*no liberty of action till it is understood that each of us finds his law in his will and pleasure and that wherein our wills and pleasures agree we make our law, which we enforce on others who come into our domain, because we must or it is our convenience so to do.*"<sup>551</sup>

Walker has also believed that life is worth less without us than it will be with us, and our precious force is his strength from the moment that we understand that he has no greater hope than in our fullest assertion of our freedom. We do not wait for the overman, because we are ourselves the overmen. Walker has shortly thought about the importance of mutuality when we care for our own species or any other species between which and ourselves there exists some communication of mutual sympathy and

intelligence. According to Walker, the egoists can suppress a dangerous sane man or a dangerous madman as a measure of prevention. They do not accordingly need to resort to casuistry in the case of slight doubt, if they are determined that it is not safe to risk permitting either to live. They will not thus “*let an offender off on technicalities or scruples if they deem it necessary to expel him or kill him, and thus, too, if one has killed another the inquiry will be as to whether or not the slayer merely anticipated an intelligent verdict by a jury.*”<sup>552</sup>

### 5.3.1.1.2 The Synthesist Approach

In *Anarchism: Communist or Individualist? Both*, Nettlau knows that the communists, when pointedly asked, say that they have no objection to the individualists that want to live in their own way without establishing new authority or monopolies, and vice versa. They however say it seldom in an open and friendly way, since both sides are fervently convinced that liberty is solely possible if they carry out their own scheme. He also admits that there are the individualists and the communists that think only their respective ideologies can satisfy completely and solve all problems. He synthetically concludes that all individualists and communists revolting against authority would work with general solidarity, instead of division into little chapels in which each one believes that he owns a correct economic solution of the social problem. To fight authority in the capitalist system, the system of State socialism, syndicalism, both, or all the three combined requires an immense wave of real anarchist feeling, even before asking about the economic remedies.<sup>553</sup> Nettlau does indeed say nothing against “an economic system-individualist, collectivist, or communist”, because anarchism would be of little value, if it required that somebody shall “*beforehand discover, out of the infinite field of economic possibilities, just the one which would be the only right one!*”<sup>554</sup> In summary, all libertarian communists and libertarian individualists, who are not vulgarly antisocial and egotistical, will be welcome among the free practitioners of voluntarism and solidarity.<sup>555</sup>

Professor McElroy has however argued that the Haymarket affair caused a deep schism in the USA between the individualist anarchists and the communist anarchists with whom they had formerly agreed. The schism relied indeed on ideology, particularly on the question of whether violence could be used as a political strategy.<sup>556</sup> From a non-violent individualist standpoint, John Henry Mackay has accordingly maintained that communist anarchism is a controversial term.<sup>557</sup>

As for Armand, he, like Proudhon, shows a synthesist model when arguing that the individualist anarchists differentiate themselves from the anarchist communists in the sense that they regard (besides property in some objects of enjoyment extending from the personality) property in the means of production and the free disposition of the product as the principal guarantee of individual autonomy. These anarchists



are never accountable to anyone but themselves for their acts and gestures. They consider association only as an expedient and a makeshift. They therefore want to associate voluntarily with certain comrades only in the cases of urgency. They solely desire to contract generally for the short term, and can avoid every contract as soon as it hurts one of the contracting parties. They claim legitimate defense in these cases: 1) the subordination of the individual to the environment inasmuch as she cannot treat with the entire collective as equal to equal, power to power; 2) the obligation of solidarity, mutual aid, and association; 3) the deprivation of the individual and inalienable possession of the means of production and the disposition of the product; 4) the exploitation of the individual through labour and profit; 5) monopolization, i.e. to possess more than normal upkeep; 6) State monopoly; 7) the loan at interest, usury, money-changing, and inheritance.<sup>558</sup> Armand indeed wants to create certain affinity groups in which one of their functions is to put into practice his thesis of amorous camaraderie, explicit sexual content, and equilibrium between sexes.<sup>559</sup>

In this case, Home could be a mixture of “individual” and “communitarian” model, because its founders thought about many “isms”, while they tried to prove the usefulness of each ism to humanity. Individualism eventually prevailed over other isms, since those men emphasized the individual’s liberty and merits to follow her line of action, no matter how much it might differ from tradition, without ostracism from her neighbour, censure, rules, regulations, and laws. They highlighted that Home was “a community of individuals” rather than “a cooperative colony”. They thus professed individualism and personal liberties, which rejected communal life. If they denied restrictions selected by a forcible organization (i.e. Government) and its agents (i.e. a mock preacher, police force, court, and jail), they did recognize “self-organization” based on individual liberty. In spite of their anti-Government tendency, they had to register the Mutual Home Association in January 1898, after almost two years of informal organization, which flourished and lasted for nearly two decades. The sole purpose of Home was to help its members to obtain and to build homes for themselves, and to establish better moral and social conditions. They were entitled to have between one and two acres of land from Home by paying the cost of land, one dollar for a membership certificate, and taxes for their particular tract. They considered houses and other improvements as individual property that they could bequeath or sale, while the land remained for Home so that they could never sale, mortgage, or dispose of. They could also will membership certificates, including land rights, to a remaining spouse, children, or other beneficiaries. Due to its peacefulness and tolerance, Home allowed a market system as long as the individual acted according to her choice without interference and hurt. A few cooperatives thus functioned at Home.<sup>560</sup>

As for the governance of Home, it was the business of an elected board of trustees with an annual meeting in January. Home also had some newspapers including *Discontent: Mother of Progress*,<sup>561</sup> an open forum for various libertarian views on individualism, communism, politics, economics, world affairs, religion, and sex, and *the Agitator* advocating principally industrial unionism.<sup>562</sup>

In spite of its “economic communitarianism”, Home had to face the abuse of some newcomers taking two front acres and additional plots in the names of children and wives. The founders could eventually do nothing to limit or to control the abusers, because they apparently abhorred laws.<sup>563</sup> The rudimentarily living conditions did not prevent residents from “resolute-hearted” and “self-supporting comrades”.<sup>564</sup> The troubles did not limit to those problems: public and legal threat, harassment, and persecution. The frenzy of anti-anarchism, peaked by the assassination of President McKinley in 1901, would moreover encourage some newspapers, personalities, and calumniators to advocate hotly the extermination and extralegal execution of anarchists, including the members of Home, because of supposedly selfishness, viciousness, brutality, free love, disloyalty to the American Government, or even a menace to humanity. They would eventually bring certain legal actions against the colony for its free love, obscenity, nudity, and anarchy, which actually undermined the freedoms of thought and speech.<sup>565</sup> In spite of all those issues, the colony remained an interesting community. In this case, Elbert Hubbard, who visited and lectured at Home, observed that it was a community made of peaceful anarchists, in which “*even the ducks on the shore were tame, knowing that these people would not harm or kill.*” In that town of over a hundred people, he “*saw neither a church, a preacher, a lawyer, a doctor, a pauper, a gambler, a prostitute, a drunkard, a justice of the peace nor a constable.*”<sup>566</sup> Hubbard was right, because, as implied above, no lawyer means no prostitution, no crime, or even no cry!

### 5.3.1.1.3 The Critiques of the Individualist Alternatives

Albeit Kropotkin recognizes that humankind is intrinsically both egoistic and social,<sup>567</sup> he regards, on the one side, the individualist anarchism of the schools of Stirner in Germany and Benjamin Tucker in America as desperately conservative and solely committed to win personal freedom without any revolutionary change in the economic system. They metaphysically go far from real life by the “self-assertion of the individual”, run against the feelings of human equality, and dangerously move close to those who imaginatively represent themselves as a “superior breed”: the State, Church, police, modern legislation, militarism, imperialism, and all other forms of oppression. On the other side, the individualist anarchism of the American Proudhonians (i.e. the individualist anarchists comprising the mutualists) finds little sympathy amongst the working masses, but chiefly amongst the “intellectuals” who have soon realized

that the individualization, which they so greatly praise, is not achievable by individual efforts. As a result, they either leave the ranks of the anarchists and embrace the liberal individualism of the classical economists, or retire into a form of Epicurean a-moralism or superman theory, similar to that of Stirner and Nietzsche. The great bulk of the anarchist workers choose the anarchist-communist ideas having gradually evolved out of the anarchist collectivism of the International Working Men's Association.<sup>568</sup>

As far as Malatesta is concerned, on the one hand, he argues that in the anarchist milieu, individualism, communism, collectivism, mutualism, and all the intermediate and eclectic projects are merely the ways considered best for achieving liberty and solidarity in economic life, which means the ways corresponding more closely with liberty and justice for distributing the means of production and the products of labour among the people. On the other hand, he considers that the individualists did not invent the adage "*anarchy is the natural order*," which diametrically opposes the truth! He thus thinks that the individualists have always constituted a very small minority among the anarchists, and generally without credit and influence.<sup>569</sup>

In spite of his apparent hostility toward individualist anarchism in *Social Anarchism or Lifestyle Anarchism*, Professor Bookchin has acknowledged that ideological individualism has not faded away during the periods of sweeping social unrest. However, the anarcho-individualists have hardly influenced the emerging working class. They have indeed expressed their opposition in uniquely personal forms, particularly in outrageous behaviour, fiery tracts, and aberrant lifestyles in the cultural ghettos of *fin de siècle* in Paris, London, and New York. As a credo, individualist anarchism has largely remained a bohemian lifestyle, most conspicuous in its demands for sexual freedom (free love) and enamored of innovations in behaviour, clothing, and art. In the 1990s, the traditionally individualist-liberals in the UK and the USA produced the self-styled anarchists who would be later cultivating a type of anarcho-individualism that Professor Bookchin called "*lifestyle anarchism*". This type of anarchism is steadily eroding the socialistic character of the libertarian tradition because of its preoccupations with the ego as well as its uniqueness and polymorphous concepts of resistance. The issues of lifestyle are nevertheless supplanting revolutionary politics and social action in anarchism. No less than Marxism and other forms of socialism, anarchism is "*profoundly influenced by the bourgeois environment it professes to oppose, with the result that the growing 'inwardness' and narcissism of the yuppie generation have left their mark upon many avowed radicals.*"<sup>570</sup>

Unlike Professor Bookchin, Professor Xavier Diez does not consider "lifestyle anarchism" as "bourgeois deviation" or a bad thing, but actually an honest anarchist approach to life. Contrary to Professor Bookchin, he does not see an "unbridgeable chasm" between "social anarchism" and "lifestyle anarchism",

if we understand the former as achieving a degree of social change. All of these have reflected in some periodical publications, such as *La Revista Blanca*, *Estudios*, *Ética*, *Iniciales*, and *Nosotros*. Moreover “alongside *Ateneos Libertarios* (something close to *Infoshops*) more aligned with anarcho-syndicalism and anarcho-communism there existed ones like the “*Ateneo Naturista Éclectico*” which will tend towards the individualist anarchists positions even though it will be open to anarcho-syndicalists and anarcho-communists as well as with the case of the individualist publications which will be widely read also by workers and anarcho-communist militants belonging to the IAF and the CNT anarchist trade union.”<sup>571</sup>

It seems that the individualistic alternatives can be, despite their idealistic or synthesist values, scarcely practical everywhere. As Professor Taylor has put, anarchic life requires a community enjoying “*approximate economic equality*” (“a rough equality of basic material conditions”) with some commune values, not just individual ones.<sup>572</sup> Nonetheless, the theory and practice of “rough equality” are open to many questions and discussions, such as what does “a rough equality” mean? Does it mean equality before the law? Does it concern only the materials that human and environmental existences need to survive? Are they conditions for living solely or blooming also at both individual and social levels? Let us see these questions and their answers throughout the socialist models, since the individualistic alternatives do not apparently present a coherent legal system.

### **5.3.1.2 The Socialist Alternatives**

To understand the socialist alternatives require explaining some key concepts or ideas that would be common among the socialist anarchists from different schools. They must also respect some fundamental rights, which mean the rights of everybody to home, food, water, clothing, education, healthcare, etc., without discrimination. In other words, the anarchist communities should incorporate respect for the individual rights into their processes.<sup>573</sup>

#### **5.3.1.2.1 Some Key Ideas**

The preventive effects of public opinion and participation on offences, the temporary autonomous zones, and squatting are some basic concepts in the socialist models.

##### **5.3.1.2.1.1 The Preventive Effects of Public Opinion and Participation on Criminality**

The people’s opinion and participation play an important role in the methods of social control in a socialistic system. Certain jurists call it “participatory criminal justice” in a State society.<sup>574</sup> The NAP must indeed face the issues of criminality in a socialistic community that the anarchists try to establish by an

equal or quasi-equal order. Such a community would principally focus on public opinion as well as the benevolence of the people. The anarchists argue that the pressure of public opinion, the power of “moral coercion”, or “mutual surveillance” could prevent crime in a free society, which would replace State law.<sup>575</sup> In this case, “prevention” and “fight against the causes of crime” (principally poverty and exploitation) are essential.

Scott of the Insurgency Culture Collective has accordingly concluded that because the anarchist societies do not come into existence overnight, the anarchists acknowledge that many bad people from the old authoritarian, chauvinistic, and capitalist society will exist around when an anarchist society is in its process of organization. This anarchist society has to be prepared for many of these people rejecting the new society, and to set an example with them in order to be fairer and more uncompromising in handling the issues of crime and social peace. It has also to be prepared to free all those currently imprisoned for actions no longer treated as crime, and mercilessly to imprison all those who do not respect the social peace in the new anarchist society. It could take a few generations of experience in the new society and many incarcerations before the society becomes free from the bad influences of authoritarianism, chauvinism, and capitalism. The ultimate goal of an anarchist society would indeed be to end with prisons altogether. The anarchists can start by releasing all those unnecessarily imprisoned under the current system, and closing the prisons. After social transformation and the dwindling of prison populations, the anarchists systematically close and destroy all the remaining prisons, parallel to the minimization of the need to banish violent offenders.<sup>576</sup> Berkman had likewise recognized that an anarchist community would generate neither crime nor any soil for its thriving. It would look upon occasional antisocial acts as the survivals of previous diseased conditions and attitudes, and would thus treat them as an unhealthy state of mind rather than as crime.<sup>577</sup>

In response to Scott of the Insurgency Culture Collective, Black has argued that since anarchism concerns how people can harmoniously live together, an anarchist society does not relate to crime and punishment, but to conflict and dispute resolution. In other words, the “anarchist response to crime” does not concern crime that, by definition, anarchism abolishes, but rather solving problems between the people or, at least, providing some means for their resolution (e.g., mediation and arbitration), and if all else does not embrace success, banishment or execution.<sup>578</sup> In “*Wild Justice*”, Black has also concluded that “*vengeance can be empowering. Along with the justice of vengeance, there’s the joy of vengeance. And isn’t anarchism the only politics of joy?*”<sup>579</sup> Such a conclusion would contradict, as we are going to observe, Kropotkin’s opinion about “organized vengeance” or State criminal justice.

Herod has similarly realized that the questions of laws, rights, and crime will completely take on a different character in an association of democratically autonomous neighbourhoods. Because an objective definition of crime, an inalienable right, or a universal law has actually no existence, these matters conceptually look like majority/minority disputes within the neighbourhood assemblies, which would simply adjudicate disputes themselves, or at least some disputes. These assemblies would define what crime is, and decide how to handle it. The same goes for the law (if there is any) and human rights. Herod has also imagined that a number of these assemblies can strike an agreement to convene a court to do this. He has even thought about a regional court in this form. This court has the advantage of putting some distance between the neighbourhood in which the dispute takes place and the individuals that are judging it.<sup>580</sup>

However, the efficiency of public opinion regarding crime prevention is critical or questionable. Could it prevent the possible offenders from committing crimes? Does it work better in an anarchist society than in a mega-society because it contains the close and permanent relationships between its members?

For instance, Professor Russell doubted that an equal society or public opinion might be sufficient to prevent theft and violent crime.<sup>581</sup> Some theories (e.g., the Almond-Lippmann Consensus) have furthermore called into question public opinion because of its manipulation by the politicians.<sup>582</sup> Certain scholars have found a harmful relationship between the death sentences and public opinion.<sup>583</sup> On the one hand, public opinion exposes individual life to the scrutiny of social members that can be much more problematic than Government control, because it tremendously urges to conformity and *“is less tolerant than any system of law.”*<sup>584</sup> On the other hand, if we could see it as a form of control by “shame” in maintaining social order in a primitive society, its effects depend mostly on the smallness and stability of a community whose members share identical beliefs and values.<sup>585</sup> Moreover, endless examples of politicians (Bill Clinton’s sexual scandals and Bush’s lie about the WMD in Iraq in order to invade and occupy this country by using the same weapons)<sup>586</sup> depict that shame does not exist in politics allowing or even encouraging all types of propaganda, lie, deception, falsification, and immorality. In this case, Professor Cotterrell has truly said, *“scandal is the most normal thing imaginable in politics.”*<sup>587</sup>

#### **5.3.1.2.1.2 The Temporary Autonomous Zones and Squatting**

We could find the key ideas of Bey’s TAZ and squatting in social anarchism. The Occupy Movements would be one part of these ideas, which all could mix tactics, strategies, and alternatives for a somehow short time by performing an anarchist community. Bey has however asked about the possibility of a *politique* (a way of living-together) and a *poetique* (a way of making) for the “permanent” TAZ or “PAZ”.<sup>588</sup>

The theory of the TAZ has indeed tried to concern existing or emerging situations, rather than pure utopianism.<sup>589</sup> For instance, Bey has presented the “pirate utopias” as the first modern TAZ. The sea-rovers and corsairs of the eighteenth century established an “information network” spanning the globe: primitive and devoted basically to grim business, the net however functioned wonderfully. They were scattered throughout some islands and remote hideouts in which ships could be provisioned and watered, booty traded for necessities and luxuries. Some of these islands endorsed “intentional communities”, whole mini-societies consciously living outside the law and keeping it up, even if solely for a short but merry existence.<sup>590</sup> Shea has nowadays presented Anna Halprin’s experiment in “mutual creation” as a form of the TAZ, because it constitutes an affinity-based approach to collectivity.<sup>591</sup>

According to Bey, if we cannot have a revolution, at least we can have an uprising, which means an intense life getting lived for usually no more than 18 months, or a few nights. This can be a TAZ in which the people live joyously and intensely in each other’s presence that Bey calls conviviality and living together. In this case, Bey does find the Occupy Movements very interesting, since they have organized themselves in a purely classical anarchism through consensus.<sup>592</sup> As for Professor Newman, he has argued that Tahrir Square was the most stunning example of the recent democratic insurrection by becoming the symbolic center of the protest and an autonomous liberated zone.<sup>593</sup> Other scholars have found some connections among the TAZ, cyberculture, and cyberpunk.<sup>594</sup> For instance, in *Sober Spaces in the Punk and Anarchist Scenes*, Karnage, an American activist, has observed that within the anarchist and punk scenes there are many interesting activities for a broad spectrum of individuals, including those who smoke, take drugs, drink, those who do not, and those who are recovering from drug abuse. We can also ask the people if it is OK for them when we drink, smoke, blow some coke, eat meat, take our shirt off, or kiss them.<sup>595</sup>

Professor Bookchin has however criticized Bey’s TAZ, because it, like lifestyle anarchism, appeals to sorcery and even mysticism. It is “*egocentric anarchism, with its postmodernist withdrawal into individualistic “autonomy”, Foucauldian “limit experiences”, and neo-Situationist “ecstasy”, threatens to render the very word anarchism politically and socially harmless – a mere fad for the titillation of the petty bourgeois of all ages.*”<sup>596</sup> As far as I am concerned, I think that Professor Bookchin is not totally wrong, since Bey, like *Maître Vergès*, is a mixture of controversies and even naiveties by simultaneously kissing Islam, Hinduism, Judaism, Christianity, anarchism, and so on.<sup>597</sup> Is he eventually an anarchist, a skillful opportunist, or both?

Relying on the right to a home as well as the anti-EU and other anti-globalization movements, the squats provide a space for autonomous politics and everyday free organizing in many cities around the



world. The squatters use the Infoshops and the Internet to connect to each other in a world in which more than 1,000,000,000 people, even in wealthy nations, are houseless.<sup>598</sup> The States are not nonetheless acting properly to utilize vacant buildings for housing, but fervently defending property rights against the homeless people. As a result, the communists, anarchists, ravers, punks, hackers, and artists seize the vast, abandoned factories, forts, boarded-up schools, and churches, and transform them into the concert halls, cinemas, bars, squats, and art galleries. The squatters however have very little legal recognition, and they can usually keep their houses by helping each other and getting support from friends and the local communities.<sup>599</sup>

Carson has accordingly stated, on the one hand, as long as the State is legally enforcing the property rights of landlords, the squatters' victory will only be short and local, without any significant and permanent result. On the other hand, the squatters are indeed homeless and indigent people with very little to lose after all. In this case, some individuals reportedly commit certain minor offences around first frost every year only to get three hots and a cot until spring. If the homeless occupy every abandoned or vacant housing unit in a city, they will at least own shelter in the short term until the legal system forcibly removes them. And the political constraints against large-scale brutality are possibly insurmountable, if the squatters solely use the non-violent tactics and the mass media as well. In the meantime, the squatting movements perform a principal educative and propaganda service, develop political consciousness among urban residents, draw public attention and sympathy against the predatory character of landlordism, and, most importantly, keep the State and landlords permanently on the defensive.<sup>600</sup>

Squatting actually shares some characteristics with the Occupy Movements, such as spontaneity, direct action, and revolt against the existing order. In this case, Occupy Wall Street used the name of "occupation" because of cutting all the abstractions regarding affordable housing in order to make clear that this was a "squatter organization".<sup>601</sup> As for Toronto, after the "Pope Squat" in 2002, squatting has become an agenda for the Occupy activists, which the law enforcement agencies are kicking out of public parks, who are taking over empty buildings.<sup>602</sup>

#### **5.3.1.2.2 The Mutualist Justice**

They usually contribute the mutualist justice to the works of Proudhon, since if he did not like communism at all, he appreciated the mutual and free associations respecting individual property coming from labour, while he demanded the abolition of Government in the economic organism. This model indeed synthesizes individualism, capitalism, and socialism, which we could call "left libertarianism", rested on two

central claims of full self-ownership for all agents and egalitarian ownership of natural resources,<sup>603</sup> “voluntary socialism”,<sup>604</sup> or somehow “market socialism” as long as it does not embrace any centralized authority.<sup>605</sup> Swartz has however argued that John Gray first used the word “mutualism” in 1832, and William Batchelder Greene then wrote a series of newspaper articles and eventually published under the title of “*Mutual Banking*”<sup>606</sup> in 1849.<sup>607</sup> The mutual aid and conflict resolution exist practically in some communities at the heart of the States, such as the traditional Egyptian villages.<sup>608</sup>

Rocker rejected “positive law” made by the States, while accepting “natural law” because it existed before the development of States and resulted in mutual agreements among human beings confronting one another as free and equal with the same interests and equal dignity.<sup>609</sup> Other scholars would later share the same opinion by believing that restoring the community-environment relationship maintains not only individual dignity, but also mutually supportive and egalitarian relations among community members.<sup>610</sup> Mutual aid, unlike the capitalist and laissez-faire philosophies of politics, is, as Professor Konrad Zacharias Lorenz put, the solely “*phylogenetically adapted mechanism of behaviour*” of a self-preservative and repressive tendency in an evolutionary situation, which otherwise is destructive and predatory.<sup>611</sup>

In this case, Proudhon speaks, in *General Idea of the Revolution in the Nineteenth Century*, about “commutative justice” which is a synonym for the reign of contract in order to substitute the old systems of distributive justice, the reign of law, feudal, Governmental, or military rule by price and value resulted in agreement or mutuality. In his revolutionary system or a “society without authority”, industrial organization, contracts, economic forces, collective force, identity of interests, industrial associations, and economic centralization will respectively take the places of Government, laws, political powers, public force, police, standing armies, and political centralization. This goes hand in hand with the complete and immediate abolition of courts without any substitution or transition.<sup>612</sup> As we can observe, his system is not far from controversies, because, for example, there will exist centralization under the title of “economic centralization”. Woodcock has accordingly found out the difference between Kropotkin’s communist model relying on “need”, Proudhon’s mutualism, and Bakunin’s collectivism, which both emphasized the systems of distribution related directly to the individual worker’s “labour time”. Kropotkin thought that any wage system, even administered by the Banks of the People or the workers’ associations through labour checks, is simply another form of compulsion, and a voluntary society does not therefore acknowledge such a thing any more.<sup>613</sup>

Carson has relied on Proudhonism by arguing that the cost principle can realize only through the free market and voluntary exchange. The law of cost actually functions through the competitive mechanism

whereby the producers are involved into the market while price is not more than cost, and leave it in the contrary case. In a free market society, the price of a service or good is a sign of the cost entailed in producing it. Contrary to the Marxists and other anti-market socialists, Carson has believed that the law of value cannot merely be a description of commodity exchange in such a society, but fundamentally an ethical principle. As far as the legal system is concerned, Carson has invoked Dominick's "Dual Power Strategy"<sup>614</sup> requiring self-organization at the grassroots level to establish an "alternative social infrastructure". It contains, for example, the cooperatives of producers and consumers, LETS, mutual banks, syndicalist industrial unions, community-supported agriculture, tenant associations, rent strikes, neighbourhood associations, non police affiliated, crime-watch, cop-watch programs, and voluntary courts for civil arbitration. The "libertarian municipalist" project of devolving local Government works to the neighbourhood level, and the mutualized, rather than municipalized, social services also enter this heading.<sup>615</sup>

Professors Johnson and Chartier have argued that the market anarchists, such as Warren and Proudhon, are radically individualists and belong to the anti-capitalist social movements, because of advocating individual freedom and mutual consent in every aspect of social life or the voluntary exchange of goods and services through individuals and groups in accordance with the expectation of mutual benefit. In other words, they recognize "the radical possibilities of market social activism" by appealing solidarity, mutuality, sustainability, economic equality, and social justice through non-violent direct action. If the "mutualists" (e.g., Lum, Swartz, and the European followers of Proudhon) defend that the emancipation of workers, who must have access to capital, would realize through the worker-owned cooperatives and direct worker ownership over the means of production, the "individualists" (e.g., Benjamin Tucker, Yarros, and Tandy) emphasize that under the conditions of equal liberty, the workers would arrange ownership according to circumstances. Professors Johnson and Chartier have also estimated that the most radical part of the market-oriented strand of the libertarian movement, represented by thinkers like Professor Rothbard and Childs, generally admitted "anarcho-capitalism", rather than the anti-capitalist economics of individualism and mutualism.<sup>616</sup>

Professor Chartier has moreover believed that in a mutualist community, a court would apparently be quicker to acknowledge the rights of workers homesteading a shuttered factory than a similar court in a community with traditionally Lockean property rights. In a market anarchist community, a local jury could perfectly decide about denying someone ordinary services because of race. "There is nothing," Professor Chartier has emphasized, "about market anarchism, per se, that settles the question just how different

*communities that all endorse private property rights will or should understand those rights, or just when different courts or protective agencies will be inclined to, say, award tort or contract damages. Which rights should be endorsed by a legal system in a market anarchist community, and what remedies should be available for their infringement, can only be answered in terms of ongoing moral argument – just the sort of argument that allows diverse communities in a market anarchist society to serve as laboratories in which experiments in living are carried on.”*<sup>617</sup>

In order to establish a Stateless society relying on mutuality and the NAP, Professor Chartier has advocated a “civil law system”, instead of the criminal law, with certain elements implying both “tort” and “restorative justice” which would be closer to anarcho-capitalism than anarcho-socialism. He has accordingly discussed both *rectifying injury* and *enforcing the law* in his model of an anarchist society.

As far as *rectifying injuries* or the violation of the NAP is concerned, firstly, a Stateless society is “crime-free”, since the absence of the State reduces occasions for conflict, and diminishes the frequency of aggressive violence or crime. Secondly, crime is actually a “Statist category” insomuch as it is supposedly an offence against the king traditionally and the State currently, despite the “egalitarian rhetoric”. In other words, the State itself constitutes “an aggressive gang of thugs” prohibiting various peaceful activities such as prostitution, gambling, and the State-imposed monopolies. By abolishing the State and establishing a mutually free society, there would not therefore be such a thing as crime. In this case, civil justice would absorb criminal justice or the unjustified and dangerous CJS. Thirdly, the principle of fairness requires monetary restitution for an injury to body or possession, including the costs of medical care, restoring misappropriated possessions, and recovering damages (e.g., attorney’s fees and court costs). The victim or anyone else does not indeed benefit from the retributive punishment of an injurer, which itself opposes the principle of fairness. Fourthly, the violations of enforceable agreements require compensation for damage to or loss of possessions. Fifthly, some non-aggressive sanctions would add to monetary restitution, such as public shaming, ostracism, boycotts, peaceful strikes, work slowdowns, non-violent protest, and litigation-based approaches.<sup>618</sup> As we will later see in the capitalist model, Professor Chartier has the identical opinion on rectifying “environmentally mediated injuries” and protecting “vulnerable persons and sentient non-human animals”.

As far as I am concerned, it seems that Professor Chartier has not clearly explained the case of serious injuries, particularly murder which has sometimes nothing to do with the State. For instance, does he imply “blood money”? The answer would be positive: “*Money damages are available for physical injuries because money enables the replacement of a damage or misappropriated physical object or the repair of a bodily*

*injury; it is, in effect, the best available substitute for an intact physical possession, organ, or limb.*"<sup>619</sup> Besides, who would receive money damages in the case of an alone victim? Would the community members do?

As for *enforcing the law*, Professor Chartier has recognized, firstly, legal authority would vitally maintain order in a Stateless society in accordance with agreement and the NAP, albeit it faces some limits or problems to avoid "the moral equivalent of the State". Secondly, the legal system of an anarchist society – whether in the form of the civil law, the common law, or something entirely different – is "polycentric" in three dimensions: *the territorially localized and consensus-based legal regime, the non-territorial and agreement-based legal regime, and the non-territorial and communal legal regime*. In the first dimension, the majority of people, certainly not all, voluntarily accept a set of legal rules, law-generation, and law-enforcement mechanisms in a given geographic territory. In the second, the people, who do not necessarily occupy the same territory, opt for the dispute resolution services as well as the legal rules of the regime. In the third, the people, who do not necessarily occupy the same territory, opt for the dispute resolution services, as well as the legal rules of the regime, of a cultural or religious community. Thirdly, "complete legal uniformity" is not acceptable in an anarchist society in which there are different dispute resolution services and law enforcement agencies as well. Fourthly, a polycentric legal order or legal diversity could lead to a measure of convergence. Fifthly, legal disputes in a Stateless society principally occur in three cases: two personal or organizational participants in the same legal regime, two participants in different legal regimes, and a personal or organizational outlaw not affiliated with any legal regime and a participant in a legal regime. The use of force is legitimate in these cases: if a peaceful legal dispute fails so that to use "force against outlaws could be justified in limited circumstances."<sup>620</sup>

It seems that Professor Chartier has not eventually solved the problems of enforcing the law by violence, which would obviously call the NAP into question while somewhat echoing a form of the moral equivalent of the State. In addition, the quality or quantity of force or an aggressive action in Professor Chartier's anarchist legal order – while dispute resolution fails – is not clear. He would perhaps emphasize, once again, public pressure in an anarchist society in which there would apparently be considerable social and economic pressure on outlaws "to affiliate with legal regimes and on regimes to standardize mechanisms for resolving cross-regime disputes."<sup>621</sup>

The mutualist model has however divided the leftist and the rightist anarchists while leaving them in an ambiguous situation. For example, McKay has concluded that mutualism and communist anarchism commonly share many things. Both would agree about the need to construct some alternatives such as cooperatives, even though the latter estimates that this is not sufficient in itself. When they may make our

life better under capitalism and demonstrate that we should not live like cogs in the machine of economic growth, they are totally unable to transform capitalism. Rather than changing the system, the system will more likely change them as they adjust themselves to market forces in order to survive. According to McKay, we need to invent a culture of resistance in our communities and workplaces, a movement which fights capitalism and tries to replace it. In summary, “*we need revolutionary social movements,*” because “*mutualism is not enough.*”<sup>622</sup>

Those problems could lead us to think about another anarchist alternative, called the collectivist justice, which would be more socialist but less detailed than the mutualist justice.

### 5.3.1.2.3 The Collectivist Justice

Performed during the Spanish Revolution through the collectivisation of farmland and factories,<sup>623</sup> anarchist collectivism is most famously associated with Bakunin who formulated anarcho-syndicalist tactics, but called himself a “collectivist” and “communist anarchist” as well. It is similar to anarchist mutualism, i.e. economic distribution according to deed and the private ownership of goods and services, and to anarchist communism, i.e. the revolutionary and anti-capitalist tendencies through the collectivization of the means of production.<sup>624</sup> *An Anarchist FAQ* has however argued that the anarchists are neither collectivists nor individualists, because “collectivist” and “individualist” tendencies continually interact in modern capitalism. In other words, both capitalist collectivism and individualism constitute one-sided aspects of human existence and, like all imbalanced manifestations, are intensely flawed. Both individualism and collectivism practically lead to deny individual liberty and group autonomy and dynamics as well. “Individualism” has nonetheless produced a “collectivist” tendency within the society as capitalism has destroyed the communal forms of social organization in favour of ones founded on abstract individualism, authority, and hierarchy, which are all qualities that the State embodies as the only remaining agent of collective action in the capitalist worldview.<sup>625</sup>

The collectivists, whose Bakunist-inspired thesis was dominate until the 1880s, advocated the abolition of the State by the collective ownership of the means of production, on the one hand, and the workers’ right to “full and just pay” for their work and consequently to the private ownership of their produced goods and services, on the other hand.<sup>626</sup> In this case, the question of “money” after an anarchist revolution reveals the difference between anarcho-collectivism and anarcho-communism insomuch as the latter considers that the abolition of money is the key, while the former considers that the end of the private ownership of the means of production is essential. In other words, production for use rather than

profit/money constitutes the principal concept distinguishing the communist and collectivist forms of anarchism from the competitive mutualism advocated by Proudhon. Most anarcho-collectivists however believe that over time, money will cease to exist as the sense of community becomes stronger and productivity rises. The collectivist anarchists indeed tend to agree with the mutualist anarchists about the fact that the economy would eventually evolve into communism as the legacies of scarcity and capitalism will disappear.<sup>627</sup> Professor Eltzbacher has nonetheless found out that Bakunin foresaw collectivism as the future society, since private property will exist in the objects of consumption, while the instruments of labor, land, and all other capital will become only social property.<sup>628</sup>

As for the legal system in a Bakunist society, Professor Eltzbacher has argued that justice will serve as the basis of the future society, since without it, there will be no freedom, no living together, no prosperity, and no peace. There are neither jurists, nor theologians, nor metaphysicians who commend it, but humanity commands that every individual's enjoyment relates to the quantity of goods produced by her. In the progress of mankind from Statism to anarchism, the law, i.e. the laws of nature, will not disappear, but enacted law or State law. If enacted law functions in a low stage of evolution, there will be some laws and rights based on liberty (such as the rights to "independence" and "freely joining and separating" from the agricultural and industrial associations) in the next stage of evolution. Professor Eltzbacher has also explained that the Bakunist society will realize through a revolution unchaining and destroying everything that we currently call "evil passions" and "public order", which means destroying all institutions of inequality and establishing economic and social equality. The revolution will, among other things, dissolve the army, courts, corps of office-holders, police, clergy, official administration of justice, and all we call juristic law and its exercise.<sup>629</sup>

In reality, Bakunin thought that those destruction and dissolution of capitalism and Government make all permanent armies and police useless. However, he, like Proudhon, believed that the society cannot become completely defenseless against crime, even though it has no right to judge the criminals. He ironically argued that since the society is the only cause of crime, the social punishment of the criminals, who can never be guilty, is hypocritical or absurd. The only right of society "*in its present transitional state is the natural right to kill in self-defence the criminals it has itself produced, but not the right to judge and condemn them.*"<sup>630</sup> In this case, I would ask: how can a collectivist society kill in the name of self-defence when the aggressor may suffer from some form of psychological or material disorders? How can it kill when it has no idea about the rightness of its action or its guilt because of, for example, failing to run crime preventive programs? Does not such a society eventually need the criminal Judge even throughout its jury? The



similar questions would exist in all internal as well as external levels in a Bakunist model. However, James Guillaume, a collectivist anarchist and Bakunin's friend, stated that we would doubtlessly ask how those committing murder and other violent crimes would be treated in the new equalized society. This society could not obviously, on the pretext of respect for individual rights and the negation of authority, permit a murderer to either run loose or wait for a friend of the victim to avenge him. He would have to be deprived of his freedom and confined to a special house until he could be returned to the society without danger.<sup>631</sup>

Due to the fact the Bakunist critiques of capitalism rely mostly on Marxism and Proudhonism,<sup>632</sup> work and property are so important in Bakunin's ideal society and its legal function as well. For instance, he did say that liberty exists within the society, not by its destruction, and there is thus no place for the people who act in ways that lessen liberty for others. They include all parasites living off the labour of others. Because work contributes to one's labour for the creation of wealth and constitutes the basis of political rights in an anarchist society, the people who live by exploiting others do not merit any political right. And those who steal, violate voluntary agreements by and within the society, inflict bodily harm, etc. can be punished through the laws created by the society members.<sup>633</sup>

It seems that Bakunin's teaching has really no alternative to the currently complex legal system better than some general concepts, particularly "communes" and "associations" whose legal function or similar thing is not clear, if not close to the current system. Bakunin indeed believed that the collectivist future of society by no means requires the setting up of any supreme authority, but the organization of society, collective, or social property from below upward by the voice of free union. In the name of freedom, on which alone an economic or political organization focuses, we should always protest against everything looking even remotely similar to communism or State socialism.<sup>634</sup> He nonetheless accepted a form of centralization when speaking about a real organization that cannot work without some degree of regimentation, which after all merely results in a mutual agreement or a contract.<sup>635</sup> The collectivist communes would actually elect all of their functionaries, law makers, Judges, and administrators of communal property. They would also decide about their own affairs but, if voluntarily federated to the next tier of administration or the provincial assembly, their constitutions have to conform to the provincial assembly. Similarly, the participating communes must accept the constitution of the province. The provincial assembly would specify the rights and obligations existing between communes, and pass the laws concerning the province as a whole.<sup>636</sup>

Kropotkin has thus criticized the mutualist and collectivist justices for two principal reasons: representative Government and the wages system. Albeit anarchist mutualism speaks of abolishing

capitalist rule, it intends to retain those institutions constituting the very basis of this rule. This form of Government is absolutely incomprehensible to anarchism, because the intelligent individuals, who are not wanting in the collectivist party, are able to remain the partisans of municipal or national parliaments after all lessons that history has produced in France, England, Germany, or the USA. As for the wages system, Kropotkin has questioned that after having abolished private property and communalized all means of production, how can the collectivists confirm the wages system in any form? They are however doing this by recommending *labour-cheques*.<sup>637</sup> We should now know what the communist anarchists, including Kropotkin, advocate as an alternative to the legal system.

#### 5.3.1.2.4 The Communist Justice

On the one side, it seems that the communist justice focuses on equality and consumption according to need, which is not always clear or maybe practical. It would also remind us of the Marxist mystified maxim “*from each according to his ability, to each according to his need*”.<sup>638</sup> Here, there is, once again, a controversial or symbiotic relationship between anarchism and Marxism, especially in its authoritarian aspects, called authoritarian Marxism. There are indeed differences and similarities between “libertarian communism” and “authoritarian communism” throughout their ends and means.<sup>639</sup> Pengam has accordingly stated that in 1843, under the Rabelaisian motto “*Do what you will!*” and in opposition to Étienne Cabet, Dézamy’s *Code de la Communauté*<sup>640</sup> initiated the basis for the principles that some communist and anarchist-communist theoreticians (e.g., Déjacque, Marx, Engels, William Morris, and Kropotkin) would later develop in the nineteenth century. These principles aimed at subordinating the economy to the satisfaction of all populations’ needs, abolishing commercial exchange, money, the division of labour, introducing progressively attractive work, and destroying progressively the State and its functions through a revolutionary Government. In addition, albeit the Anarchist Congress of London in 1881 favoured “the abolition of all property including collective” and Kropotkin himself opposed “common use” to “ownership”, he did only admit the collectivist perspective of the transfer of property to a new agent, i.e. to the society as a whole.<sup>641</sup> According to Nettlau, François Dumartheray spoke of “*communisme libertaire*” (anarchist communism) for the first time at the end of the nineteenth century, a term which speedily spread in Europe then.<sup>642</sup>

On the other side, the Rainbow Family of Living Light could be a modern example of practicing the communistic system.

#### 5.3.1.2.4.1 Equality and Consumption According to Need

As its name would imply, the communist justice system relies on “equality”. In *The Liberation of Society from the State: What Is Communist Anarchism?*, Mühsam has thus emphasized the importance of equal rights in communist anarchism on both national and international scales, throughout its revolutionary worldview and objective. On the one hand, communist anarchism allows a natural connection between the individual and the society, with equal rights, mutual support, and the personal responsibility of each individual in awareness of the total obligation and common responsibility for the society, and becomes the mode of living for humanity as well. On the other hand, communist federalism tries to build up the communal body from below by generating the creative forces in direct communication with one another in order to take the measures on which the well-being of both individual and community rely while guaranteeing citizenry. A communist community is indeed a form of organization through natural order corresponding to the demands of justice, mutuality, equality, shared personal responsibility, and the community of individuals. In this case, social consciousness makes a difference between lawful and unlawful behaviors in accordance with their regard and disregard for equal rights.<sup>643</sup>

When it comes to developing or influencing a communist justice based on humanity, compassion, and idealism, Kropotkin has undoubtedly played an important role.<sup>644</sup> This is actually an alternative to State criminal law that Kropotkin has called “organized vengeance”.<sup>645</sup> His comrade, Malatesta, has recognized that the anarchists are not the only social forces within the society, since the different social attitudes and philosophies coexist and conflict. As a result, some antisocial acts will always exist, and the people will also exist with an urge to punish and to keep the punitive machinery with everything that it will entail. If the anarchists do not discover and use the methods of containing these acts, they should undoubtedly continue to be the victims of the authoritarian solutions that others are so eager and ready to apply.<sup>646</sup> Violence is, for Malatesta, admissible only while it is unavoidable to defend oneself and others from violence, and it is where necessity stops that crime starts.<sup>647</sup>

Malatesta has also coped with the problem of crime in the anarchist community. In his opinion, crime means any action tending to consciously increase human suffering and violating the right of all individuals to equal freedom and to the greatest possible enjoyment of moral and material well-being. It is mostly rooted in the institutional problems, rather than the individual ones. According to the authoritarians and Statesmen, there is a simple solution: a legislative institution listing the crimes and prescribing the sanctions, a cop hunting out the criminals, a magistrate judging them, and, eventually, a prison making them suffer. As a result, by eliminating all social causes of crime, we develop in mankind brotherly feelings

and mutual respect which are, as François Marie Charles Fourier put, a useful alternative to crime. If we cannot change the whole concept of crime, we can neither abolish all organisms living on its prevention and repression. Malatesta, like Guillaume and Berkman,<sup>648</sup> has thought that we can however believe in its automatic disappearance because of an increase in material well-being, education, as well as advances in pedagogy and medicine. Albeit our belief and the future could be optimistic and rosy, crime and its fear nowadays prevent peaceful social relations, and they will not certainly disappear from one moment to a radical and thoroughgoing revolution. They would even be the cause of upheaval and disintegration in a free society, just as an insignificant grain of sand is able to stop the most perfect machine.<sup>649</sup>

When it comes to the death penalty, Malatesta, unlike certain repressive anarchists (e.g., Benjamin Tucker), could hopefully be abolitionist:

*“Fortunately only few men are born, or become, moral bloodthirsty and sadistic monsters whose death we would not know how to mourn. If these poor devils were to be a continuous threat to everybody and there were no other way of defending ourselves other than by killing them, one could also admit the death penalty. But the trouble is that in order to carry out the death penalty one needs an executioner. The executioner is, or becomes, a monster, and on balance it is better to let the monsters that there are go on living, rather than to create others. And this applies to real delinquents, anti-social beings who arouse no sympathy and provoke no commiseration. When it comes to the death penalty as a means of political struggle, then ... well history teaches us what can be the consequences.”<sup>650</sup>*

On the grounds of human solidarity, Malatesta has advocated a form of communism involving the common ownership of property and the socialization of production. According to him, only anarchist communism would liberate humanity and destroy political power, i.e. the State, and the conquest of the land and all existing riches.<sup>651</sup> Faure has similarly presented libertarian communism as the remedy for all authoritarian Bastilles: capitalism, religion, Government, police, army, magistracy, parliament, and family.<sup>652</sup> Malatesta has furthermore recommended the organization of social life through the free associations and federations of producers and consumers, created and modified in accordance with the wishes of their members.<sup>653</sup> Malatesta, unlike Bakunin’s fascination with the secret societies, has considered that the anarchists should essentially publicize maximally their activities to reach as many people as possible. Besides his rejection of all parliamentary action, he has deeply criticized any trade-union movement setting up a central committee with permanent officials. He has finally synthesized his opinion in the draft text of an *Anarchist Programme*, accepted by the Unione Anarchica Italiana at its Congress in Bologna in 1920.<sup>654</sup>

Herod’s *Democratic Autonomous Neighborhoods*, functioning in accordance with direct democracy, could be an anarchist communist model in which there is no ownership of land, natural resources, and labour, because they are not commodities, but socially and cooperatively defined, shared, and managed.

Even though no higher authority exists to enforce the laws and to resolve the conflict in favour of one party or the other, these free associations grant a way out of this muddle for many identity conflicts short of outright crime. New identities and lifestyles are always emerging as mortal phenomena, because they come up and come out like everything else. Thus, the people with shared beliefs and practices are able to establish the communities, live together, or leave their communities as they please, and no one can stop them. The world actually constitutes a big place in which there exists room for everyone. They are only the cancers of imperialism and nationalism that have spawned and metastasized everywhere so that the world has begun to seem crowded.<sup>655</sup>

All in all, it seems that the anarchist communists have not detailed their program for a legal system. For instance, as one of his reviewers implies, in spite of promising to sketch “*some ways in which a communist anarchist program for strengthening the rule of criminal law might be implemented,*” Professor Pepinsky has not really presented a detailed system of communist anarchism which would replace the American criminal law.<sup>656</sup> Legal anarchism should therefore examine a practical model of anarcho-communism.

#### **5.3.1.2.4.2 The Rainbow Family of Living Light**

Professor Niman thinks that the Rainbow Family of Living Light inspired by Kropotkin’s humanistic reaction to antisocial behaviour by compassion, mutuality, volunteering, benevolence, love, friendship, and consensual decision-making. It has however some rules or norms, such as not to do business, not to drink alcohol (except in A-Camp reserved for alcohol), not to fight, and not to steal. It accordingly has an anarcho-communistic strategy in which the “Shanti Sena”, i.e. the “Peace Center”, plays an important role when it comes to keeping peace in the Rainbow community.<sup>657</sup> This humanistic and non-violent approach to antisocial behaviour can be also observable in *peacemaking criminology*,<sup>658</sup> which opposes State law constructed over capital punishment, death row, lengthy prison sentences, and the criminalization of non-violent actions (e.g., drug offences).

How does the Rainbow community respond to an antisocial action? It does by an “Om circle”, which is inspired by Buddhism, a circle of peacekeepers around the threatening or agitated people. The Rainbows hold hand, and chorus “Om” that is supposedly a non-violent tactic. They also use this tactic against unpopular and unjustifiable dissent.<sup>659</sup> Because the Shanti Sena exists in every Rainbow, every member of the Rainbow Family is responsible for keeping the gatherings peaceful and safe, even in the face of violent attitudes or provocations.<sup>660</sup> There nevertheless exists “the elite Shanti Sena” or “the Shanti Sena organization”, which “*is legitimized by the majority of Rainbows, who willingly take orders from them.*”<sup>661</sup> It seems

that the task of this organization is not clear when it comes to preventing or responding to robbery, mental illness, physical violence, and alcohol-related problems.<sup>662</sup> I may argue that the Rainbow Family, as a temporary micro-society, is not actually able to solve the problems that our macro-societies have already produced and magnified, because of social inequality and injustice *tous azimuts* in wealth, education, sexuality, job, etc.

Although Professor Niman explains how Rainbow Family has some capacities to heal violent individuals, serious violence has challenged this community. Legal anarchism invokes the case of *Ryan Pringle* as an example. He came to a rural commune, called the “School of Happiness”, in Northern New South Wales on April 16, 2012. He had arrived at the camp earlier that day when a group called the Rainbow Family Australia was preparing for a six-week gathering. He started to act violently and erratically while threatening the Rainbow Family members with a knife. Three of the campers fled the scene and drove to the nearby town of Tenterfield, in which they called the police. Pringle reportedly threatened the remaining ten campers for nine hours, apparently punched three of them, and dislocated one man’s shoulder. After the police arrived, Pringle reportedly dropped his knife and fled into the woods, before returning with a crossbow and demanding the police to drop their weapons. The police eventually opened fire, first with a Taser then a firearm, and killed Pringle. After his death, the Rainbow Family declared, “*We would like to thank the police officers who came to our aid ... That the media paint the police in a less than glorious light is an offence to decency. They were, and are, our champions and we are forever in their debt!*”<sup>663</sup>

We may regard Pringle case as an exceptional event to which an “Om circle” was not apparently a sufficient response. Professor Niman has however given another example of what the Yippies call “Peace-pigs”. In this ironic case, some peace activists called the “*police to arrest other peace activists for selling peace paraphernalia at a peace demonstration!*”<sup>664</sup> As for the Rainbow gathering in Colorado in 2014, there were four non-fatal stabbings.<sup>665</sup>

For applying the criminal policy of the Rainbow Family to a larger community, we need to think about some points. Firstly, the Rainbow gatherings are *temporary zones*, made of some people who want to escape from political authority for a while and to enjoy their existence without social and political restrictions altogether. They do not consequently face the evils of current societies (particularly exploitation and poverty), which have some crucial effects on the CJS. Secondly, how their general rules (such as non-commercialism and consensual decision-making) may prevent crime, rehabilitate, or punish criminals in some dangerous cases is still challenging. We may regard these gatherings so rosy or artificial instead of a

universal model for our complicated societies, which the Rainbows call “Babylon”.<sup>666</sup> Professor Niman has hence concluded that Shanti Sena actions cannot solve all conflicts.<sup>667</sup>

### 5.3.1.2.5 The Syndicalist Justice

It seems that the syndicalist justice, well developed and defended despite many conflicts and repressive laws,<sup>668</sup> takes part in anarchist mutualism, collectivism, and communism as well, because in all of them exist the questions of production and consumption by the workers. *An Anarchist FAQ* has accordingly stated that all anarchist mutualism, collectivism, and communism are rooted in self-management in the workplace, while the syndicalist, collectivist, and communist anarchists reject the free market. Moreover, the anarcho-syndicalists, like other syndicalists, aim at creating an industrial union movement relied on anarchist ideas by the decentralized and federated unions using direct action to reform capitalism until they will become strong enough to overthrow it. In many ways, we can consider anarcho-syndicalism as a new version of collectivist anarchism, which also stresses the importance of anarchists working within the labour movement and creating unions to prefigure the future free society. The idea of federations of syndicates comes indeed back to Proudhon’s agro-industrial federation, first raised during the 1848 Revolution and named as such in his 1863 book titled *The Principle of Federation*.<sup>669</sup>

Professor Einfeld has accordingly argued that Proudhon’s heritage before his death, called the “syndicalist movement”, came into existence through the associations of federated individual workers (“natural groups”), united by coordinating bodies and industrial workers’ action as the way toward the emancipation and foundation of libertarian society. *Du Principe Fédératif* proposed a libertarian economic and political alternative to capitalist property and the centralized bourgeois State, while *De la Capacité Politique des Classes Ouvrières*<sup>670</sup> argued that only the social or direct action of the working people would establish such a federation of associations and communes.<sup>671</sup>

As for Professor Ferguson, she has affirmed that Kropotkin, like Goldman and Berkman, embraced more strongly syndicalism at the end of his life, because it could incorporate the daily lives of the people into the anarchist revolution.<sup>672</sup> Goldman indeed thought about both theoretical and practical aspects of syndicalism, since almost all leading unionists agree with the libertarians that a free society would only exist through certain voluntary association whose ultimate success would depend upon the moral and intellectual development of the workers supplanting the wage system with a new social arrangement relied on solidarity and economic well-being for all.<sup>673</sup>



*An Anarchist FAQ* has also argued that when it comes to the confederations of syndicates, i.e. the negotiated and coordination bodies, under collectivist and communist anarchism, they would have two key roles. They firstly share and coordinate information produced by the syndicates, and secondly determine the response to the changes in production and consumption indicated by this information. They would also be responsible for the clearly defined branches of production, while the production units would generally operate in only one branch of production. They would moreover have direct links to other confederations and the relevant communal confederations supplying the syndicates with guidelines for decision-making. On the one hand, a collectivist society acknowledges that the individuals would either arrange the loans of community labour banks for credit, or use their own savings in order to start up a new syndicate. This will apparently limit the number of new syndicates being formed. On the other hand, a communist society offers the similar solution to the collectivist one, since there would still be some basic agreements between its members for work done and so for work placements with excess supply of workers. In the first society, the individuals doing unpleasant work may be “rewarded” with a slightly higher pay, while in the second, a similar solution would be possible, with the number of necessary hours demanded by an individual being reduced by an amount that relates to the undesirability of the work involved. The agreements between the syndicates would determine the actual levels of reward.<sup>674</sup>

Maximoff has presented a program to create a Confederation of Free Communes with their Councils (Soviets), or a form of Communalism substituting for Statism. He has actually foreseen the future anarchist society throughout three essential institutions: 1) the unions of producers leading to a fruitful communism of producers by syndicalizing production; 2) the associations of consumers leading to a consumers and communism by utilizing cooperation; 3) the territorial associations leading to a unity in diversity by Communalism, or a Confederation of Peoples based upon liberty and equality. As for organizing the military defense for this society, there would be a General Arming of the Workers as the basis for a People’s Militia, strengthened by all organizational and technical attainments of military science. Communalism would submit this Militia, organized according to an industrial basis, to the productive associations, and engage it in productive and useful efforts in times of peace. It would organize a citizen guard’s service, helped by the House Committees, for the purpose of peace and public security. The citizens themselves would in turn assume the general duty of defense, which means a self-defense with no central organization from above. The voluntary tribunals of arbitration would replace the existing courts. In the cases of grave crimes, connected with manslaughter or offences against liberty and equality, Communalism would establish a special and temporary communal court when abolishing the permanent courts. It would also abolish the

prisons insomuch as the schools, hospitals, doctors, and all public welfare and liberty could prove the safest means to get rid of crimes and criminals altogether.<sup>675</sup>

As an iconoclastic defender of anarcho-syndicalism and libertarian socialism altogether,<sup>676</sup> Professor Chomsky has emphasized both spiritual and material relevance of anarcho-syndicalism. On the one side, libertarian socialism has contributed to a spiritual transformation by changing the way in which human beings conceive themselves and their ability to act, decide, create, produce, and enquire. The social thinkers from the left-Marxist traditions and Luxembourg to the anarcho-syndicalists have always highlighted this spiritual transformation. They have actually purposed the creation of the institutions contributing to this transformation in the nature of work and creative activity, merely in social bonds among people, while this interaction of creating institutions permits new aspects of human nature to flourish and build more libertarian institutions to which these liberated human beings would contribute. On the other side, there exists another anarchist tradition developing into anarcho-syndicalism that simply regards anarchist ideas as the proper mode of organization for a highly complex and advanced industrial society. This anarchist tendency merges or at least interrelates very closely with the different schools of left-wing Marxism, such as the Council Communists developed in the Luxembourgian tradition and later represented by the Marxist theorists like Anton Pannekoek.<sup>677</sup>

In spite of its development and critical approach to globalization,<sup>678</sup> the syndicalist justice has been subject to severe criticisms. For instance, although Professor Bookchin agreed, in *The Ghost of Anarcho-Syndicalism*, that syndicalism or workers' control of industry means synonymously anarchism, he concluded that as "realistic" and "practical" as anarchist syndicalism could seem, it performs an archaic ideology rooted in a sectorial interest or a narrowly economic notion of bourgeois interest.<sup>679</sup> From the very beginning, the anarcho-communists have increasingly criticized the anarcho-syndicalists because of their obsession with workplace organizing.<sup>680</sup> When it comes to the relationship between syndicalism and anarchism, Malatesta had already stated that the working organization does not constitute an end but just one of the means, albeit important, of achieving anarchism.<sup>681</sup>

In the light of the black record of union violence and intimidation over the years, i.e. a form of violence inherent in their assumed power to keep non-strikers off their jobs, Professor Rothbard argued in *Syndical Syndrome*, it is hard to understand why so many libertarians have lately embraced anarcho-syndicalism and the "working class" as well. Despite their arrogance and coercion, the labour unions believe that they are the harbinger of any totally syndicalist society in the future.<sup>682</sup> We could accordingly understand why Serge has warned us against syndicalism in its despotically organizational structure by

giving the General Confederation of Labour as an example of the transposition of parliamentary hideousness. This form of unionism is actually an impeccable copy of the parliamentary farce, in which even exist the clowns through the delegation of power, votes, decisions having the force of law, as well as half hidden combinations, personal competition, and kitchen squabbles.<sup>683</sup> Some scholars have thus regarded “anarcho-syndicalism” and “organization” as synonymous.<sup>684</sup> In other words, due to syndical hierarchy and bureaucracy, any attempt to organize the workers into unions, transform unions, and assume leadership of these “mass organizations”, as the Leninists call them, has miserably failed.<sup>685</sup>

Our experience with syndicalism and its corruption shows the influence of not only political power but also the Mafia upon the unions.<sup>686</sup> Professor Lupo has thus observed, *“Italian Empire and Labor Movement composed for the most part of ex-convicts, which distinguished itself by its clearly sympathetic stance toward the Mafia as a supposed form of “syndicalism” through which the peasants “seized by force ... the means of survival from the local seigneurs and large estate owners.”*<sup>687</sup> Professor Carter has however noticed that whilst the State, the Church, and the Mafia ruled in Western Sicily for several decades, the workingmen seriously challenged the Mafia that killed forty-three syndicalists.<sup>688</sup> In this case, we could suspect the Kropotkinian hot defense of “mutual aid” in legal as well as illegal businesses, such as politics, Mafia, unionism, and professorshipism. However, the end of syndicalism depends actually on the end of workerism,<sup>689</sup> and not on mutualism. It moreover seems that anarcho-syndicalism is more worried about the condition of workers than that of the environment, even though some scholars have formerly spoken about “green syndicalism”, “syndical ecology”, or “eco-syndicalism”.<sup>690</sup>

### 5.3.1.2.6 The Eco-Anarchist Justice

The eco-anarchist justice is an anarchist response to human-centered hierarchies causing the fundamental drivers of ecological overshoot, ecosystem collapse, and biological extinctions, on the one side. It tries to give actively over more of the earth to non-humans, and to restore natural ecosystems, as the strongest manner to hand power back to non-humans while giving the space to them in order to continue their resistance to human subjugation, on the other side.<sup>691</sup>

We cannot regard the eco-anarchist justice as “a pure theory”, but a group of projects to establish harmonious and equitable existence among human and non-human identities. For example, Institute for Social Ecology recommends a reconstructive and transformative outlook on environmental and social issues, as well as a directly democratic and confederative politics. Social ecology, as a body of ideas, actually demands a moral economy that goes beyond hierarchy and scarcity, and toward a world re-harmonizing human communities with the natural world and celebrating diversity, creativity, and freedom.<sup>692</sup>

Although, as we have already observed, almost all anarchist schools have treated the ecological issues, green anarchy places itself in the first rank of these schools in this case. In its radical form, i.e. anarcho-primitivism's "all-or-nothing approach" that advocates living in hunting-gathering communities,<sup>693</sup> green anarchy would require neither written law nor sophisticated legal system. However, Professor Smith is right to offer an apology for a "moral fable" that especially regards inanimate things and animals as its characters, contrary to an apology for the lack of specific environmental policies and those who would exactly implement them.<sup>694</sup>

As legal anarchism has partly analyzed in *the Problems of Natural Resources and Technology* and *the Green Principle*, green anarchy tries to establish the communities living in harmony with nature, such as the use of green energy. Such a green approach would be very useful on a global scale to overcome the ecological problems or even catastrophes stemming from human beings and their lifestyles. Let legal anarchism focus on Professor Bookchin's ideas in this case, since he has tried to respond to the ecological issues in a modern and anarchist society.

As we have already observed throughout the link between the degradation of nature and that of international relationships, Professor Bookchin has estimated, what actually "concerns us is our destiny as a life form and the future of the biosphere itself. The possible deaths of vast forests, including the tropical rain forests that girdle the earth, speak crises that threaten the integrity of our entire ecological fabric."<sup>695</sup> His libertarian municipalism relies thus on "a holistic approach to an ecologically oriented economy" as well as "direct democracy". In his ecological system, the citizens make policies and concrete decisions about industrial production and agriculture in face-to-face assemblies. As citizens and not simple workers, farmers, or professionals, they are involved in rotating productive activities, irrespective of their profession.<sup>696</sup>

In Bookchinian *New Municipal Agenda*, everything stems from "the municipality": freedom, citizenship, confederation, and interdependence. Municipal liberty is the foundation of political liberty that is itself the foundation of individual liberty. It actually recovers a new participatory politics founded around self-empowered, free, and active citizens. A municipal politics also requires the municipalisation of the economy. The municipality here means "the citizen body in face-to-face assembly" absorbing the economy into its public business, and divesting it of privatization into a self-service enterprise. In summary, the *New Municipal Agenda* aims at replacing the State with a confederal network of municipal assemblies and reducing the corporate economy to a truly political economy in which municipalities, which interact with each other politically and economically, resolve their material issues as citizen bodies in open and non-hierarchical assemblies, not merely as farmers, professionals, and white or blue-collar workers. These

municipal citizens will firstly transform themselves from occupational beings into public beings. They will then create a world where all weapons will become plowshares. They will ultimately tailor psychologically, spiritually, structurally, architecturally, and technologically a human eco-community to the natural communities composing our planet.<sup>697</sup>

By libertarian municipalism, Professor Bookchin had in his mind the original Hegelian meaning of *politics*: the management of the *polis*'s affairs through a participatory democratic body of institutions.<sup>698</sup> Furthermore, his Hegelian ideal of political life is deeply rooted in *the Athenian polis* in which the citizens discussed and decided about the issues of polis by arriving at a public consensus.<sup>699</sup> He may have not mentioned the problems of sexism, racism, slavery, imperialism, militarism, and warfare of so-called *Athenian democracy*<sup>700</sup> – as we could nowadays find them, to some degree, in so-called *American democracy* – that he certainly despised!<sup>701</sup> Professor Bookchin really dreamed a type of “ecological face-to-face democracy” replacing capitalism through some ecologically decenyalized communities based on non-hierarchical relationships, eco-technologies (such solar power), humanly scaled industries, and organic agriculture.<sup>702</sup>

Because Professor Bookchin was deeply rooted in Marxism, his anarchist model is an ecological society based on “*libertarian communism*”, which means a non-hierarchical and self-managed society, free of all forms of domination. Each individual participates directly, fully, and equally in the unmediated management of the community, and has free access to all means of life.<sup>703</sup> Such a model is “egalitarian”, because a free society with an ethics of complementarity would compensate for the unavoidable inequalities in degrees of intellectuality, physical differences, and needs among individuals. It would also apply the notion of equality to the non-human world, since differences among species are far more than among human beings. Professor Bookchin thus argued, social ecology substitutes *wholeness* and *complementarity* for “biocentricity”, “anthropocentricity”, “ecocentricity”, and other “centricities” plaguing humanity today, which rely on the notion of “otherness” and the differentiations. In order to create a free society based on wholeness, complementarity, and differentiation, we have to be concrete and avoid the characteristic of the mystical tendencies in the ecology movement: the diffuseness. In this case, Professor Bookchin has judiciously found out that we would re-examine the cleavages separating humanity from nature as well as the splits within the human society originally producing these cleavages, if the notion of wholeness becomes intelligible and the reopened eye glimpses a fresh image of liberty.<sup>704</sup>

Professor Bookchin has somehow advocated “the deprofessionalization of politics” as much as possible in libertarian municipalism, in which the people regain power from the State.<sup>705</sup> This form of

deprofessionalization would imply the destruction or, at least, reduction of the division or specialization of labour. For instance, through open assemblies or direct democracy, the municipal citizens would manage the legal as well as judicial affairs. This also makes sense if we look at the legal system as “an ideological and political exercise of power” by some powerfully “political animals” that we ironically call “civil servants”. Professor Bookchin may nonetheless be controversial for the following reasons.

Firstly, he regarded urban space as a unique place inasmuch as it offers a strictly human basis for social and economic life ceasing to rely exclusively on kinship ties and a sexual division of labour. In this space, territorial lines open the possibility for a social life that functions according to self-worth and individual capacities, which has replaced the biological matrix of social life segregating the labour process in accordance with brute physical capacities and viewing the strangers as enemies.<sup>706</sup> Such an apology for urbanism would contradict Professor Bookchin’s own ecological communalism founded on decentralized and small communities. Secondly, did Professor Bookchin controversially regard “the social ecologists as technocrats” (i.e. the professionals) that Professor Watson has tried to show?<sup>707</sup> Thirdly, Bookchin’s *eco-anarchism*, i.e. anarchism and social ecology, has to consider that normal people have probably “*the untapped power to reason on a level that does not differ from that of humanity’s most brilliant individuals.*”<sup>708</sup> How would be the fate of those who are either “abnormal” or so “exceptional” to manipulate others in Bookchin’s *eco-anarchist communities*? In summary, even though Professor Bookchin knew well that the future of justice without solving the problem of “inequality” would betray its claims to uphold the individual and social rights,<sup>709</sup> he left us to solve the puzzle of his ecological system as far as, particularly, the legal system is concerned. Fourthly, Professor Bookchin believed that human beings are supposedly “rational enough” to achieve a free and ecological society (i.e. the communal society) where they will act in accordance with “the highest level of intellectual and moral probity”, if not they “*will not deserve to be free.*”<sup>710</sup> According to such a belief, if we had these qualities of intelligence and morality, we would not hopefully need the State and its “viruses”, including the legal professionals; but the reality of our existence has unfortunately proved that we are so far from this belief. Should we however abandon all hope? Certainly, not!

I may therefore think that Professor Bookchin did not really reject a legal system close to the current one, because “the minimum programme” and “the maximum programme” in his communalistic system contain controversially power, hierarchy, electoralism, and legislation as well, i.e. “State environmentalism”. As the minimum programme, local electoral politics institutionalizes power in the municipality in which the participants to “*Communalism mobilize themselves to electorally engage in a potentially important centre of power – the municipal council – and try to compel it to create legislatively potent neighbourhood assemblies.*”<sup>711</sup> The



maximum programme of communalism aims at fully institutionalizing the early forms of community self-management, this eventually leads to electoral success at the municipal level and to establish a new office rooted in community organization. The power of this office legislates “popular assemblies into existence”, in which the active citizens will envision and create lasting institutions and organizations that will socially transform the real world.<sup>712</sup> Despite his communist and egalitarian hot blood, Professor Bookchin’s communalism may be evaporative by implying “classness”, since the maximum programme “*seeks to radically restructure cities’ governing institutions into popular democratic assemblies based on neighborhoods, towns, and villages. In these popular assemblies, citizens – including the middle classes as well as the working classes – deal with community affairs on face-to-face basis, making policy decisions in a direct democracy, and giving reality to the ideal of humanistic, rational society.*”<sup>713</sup> As a result, some intellectuals have criticized Bookchin’s ecological communalism for superficiality, bureaucracy, and the lack of universality of citizenship relying narrowly on municipality, among other criticisms.<sup>714</sup> His comrade, Biehl, even found out, “*At the second conference of the libertarian municipalism series, in Vermont in 1999, Murray broke with anarchism;*”<sup>715</sup> as she would later do the same thing.<sup>716</sup>

It seems that Professor Bookchin, like many other anarchists, spent a huge amount of his energy, time, and scholasticism to historically and ontologically criticize and undermine State legal system, while he was so resistant to talk a bit more about the function of the law, or whatever he liked to call, in his libertarian model. For example, when it comes to “the liberatory achievements of justice”, he advocated “*a new advance that will include the individuality fostered by justice’s maxim of equals and the shared participation of the individual in a common humanity.*”<sup>717</sup> We could have some questions in respect of his advocacy, such as how will these maxim and shared participation realize in our highly divided theoretically as well as practically societies? In this case, we have a parasitic, prestigious, and dangerous group of masters (especially the politicians, corporatists, police officers, Judges, prosecutors, lawyers, philosophers, Professors, and criminologists) for them we must provide a very comfortable lifestyle with our money, minds, bodies, and ...!

Eventually, Professor Bookchin, as a “real American highbrow”, was absolutely aware of the power of the “American Dream”<sup>718</sup> in its “emancipatory features”, since a municipal agenda is worthless without piecing together these features. He thus argued that our political landscape is open for the revival of a dream emphasizing community, individuality, decentralism, and direct democracy.<sup>719</sup> Why cannot we apply this openness to the legal system in eco-anarchism? May I controversially think that he could accordingly be close to anarcho-capitalism that he did not certainly appreciate as an anarchist communist?



### 5.3.1.3 The Capitalist Alternatives

As law Professors Búrca and Gerstenberg have written, a Hayekian approach constitutes the core of the legal system in anarcho-capitalism, which considers the rule of law as a social facilitator able to establish the impersonal and formal guidelines permitting the spontaneous order of the free market to forward without impediment, while any other system is derivative.<sup>720</sup> According to this approach with its effervescing market terminology, the law and punishment, as two commodities or services, aim basically at protecting property rights, since, as Professor Stringham has already emphasized, if the markets are capable of providing bread, they can also provide the legal system. The private organizations would therefore supply security at universities, colleges, hotels, casinos, shopping malls, courts, and so on, in accordance with the logic of private-property anarchism.<sup>721</sup> Because the legal realm is not different from other industries, the market allows the consumers to buy services supplied by the entrepreneurs, which are far superior to the Statists' imagination.<sup>722</sup> In summary, the private firms or protection agencies are perfectly able to provide the protection of individuals and their property in a free market based on competition as well as public reputation, and managed by an invisible-hand mechanism, which is supposedly efficient enough to prevent corruption and brutality that we find in State legal system. In the case of conflict between two or more agencies, a firm specialized in arbitration would solve their problem.<sup>723</sup>

Based on "tort", the capitalist alternatives are basically rooted in the famous economists' ideas of the Austrian School of Economics, especially Ludwig von Mises, Hayek, Rothbard, Milton and David Friedman. The Ludwig von Mises Institute and the Journal of Libertarian Studies have accordingly become the cradle of the rightist think-tankers who propose the privatization of justice, in contrast to socialism as well as Keynesianism or the welfare State.<sup>724</sup> Krepelka has perfectly concluded this ideology throughout his "pure libertarian ideas" aiming at abolishing the welfare State through the owners' right to discriminate freely and better protection of property rights.<sup>725</sup> Even two leftist thinkers have emphasised that a truly private model of law and legal integration must reject the State as a regulatory framework.<sup>726</sup> Overall, the capitalist models would be actually very close to the individualist model in its extreme form, but more sophisticated and detailed in the fields of the law, punishment, prison, police, and court. This could also embrace conservatism in the framework of so-called "paleolibertarianism" or "libertarian conservatism".<sup>727</sup>

Legal anarchism should now examine such a marketing logic highlighting the "crimes against property", so dear to capitalism certainly. It is however very important to notice that due to an abundant literature relating to the anarcho-capitalist ideas on the legal system, it is very difficult, if not impossible, to mention all capitalist models here.<sup>728</sup> Legal anarchism's examination about these ideas is not therefore

complete, but trying to show the main ideas of free market anarchism regarding the legal system in a libertarian society. In this case, legal anarchism analyzes firstly the free market law and punishment containing the crimes against individuality, property, and nature, then the free market enforcement agencies including the private police and court, and eventually some critiques of the capitalist alternatives or justice.

#### 5.3.1.3.1 The Free Market Law and Punishment

Instead of speaking about “direct democracy”, “consensus decision-making”, and “rehabilitation” in the legal system, the free marketing anarchists are really obsessed with selling and buying the law, punishment, and security founded on so-called “private property rights” and the “NAP” as well. These are all managed by the private corporation or the private defense agency (PDA) in both civil and military forms (i.e. the privatization of security and defense in the very lucrative but bloody markets),<sup>729</sup> because the free markets’ legal system is nothing better than “commodity”, “good”, or “service” with a specific price determined by the free markets’ invisible hand. In short, the legislative, judiciary, and executive authorities or powers are *per se* monetary, marketable, or entrepreneurial for those who can afford their costs, contrary to the CJS as a public good.<sup>730</sup>

For instance, Molinari developed his free market opinion about the legal system in *The Production of Security*, in which the production of security is subject to the law of free competition, as the interests required by the consumers. On the contrary, if we removed the production of security from the jurisdiction of free competition as it is in the case of monopoly and communism, the society would suffer a loss as a whole. According to Molinari, because mankind is an imperfect creature, not all people do recognize the right of individual to her person and goods, and some of them make criminal attempts, by either violence or fraud, against the individuals or their property. The society therefore needs an industry preventing or suppressing these forcible or fraudulent aggressions. In order to guarantee the consumers full security of their persons and property, there are three essential elements. Firstly, the producer of security specifies some penalties against the criminals of persons and property. Secondly, he would impose certain inconveniences on the consumers aiming at facilitating the discovery of the criminals. Thirdly, in order to cover his costs of production and an appropriate return for his efforts, he regularly gathers a certain sum varying according to the consumers’ situation, occupations, and the extent, value, and nature of their properties. As for the consumer, he is able to buy security wherever he likes. Moreover, the rule of free

competition makes war between the producers of security unjustifiable, because the consumers would not permit themselves to be conquered.<sup>731</sup>

Professor Friedman has defended, in *The Machinery of Freedom: Guide to a Radical Capitalism*, that the private defense agencies would sell a legal service to their customers while having a strong incentive to supply security service with the higher quality and the lower cost than the present Governmental protective agencies. In his ideal market society, the private arbitrators, like the current lawmakers and Judges, decide about the definition of crime, losses resulting from criminal acts, and sanctions altogether. They indeed produce the systems of law for profit on the open market, just as bras and books produced currently. Just as there is now competition among different brands of cars, there will also be competition among different brands of law.<sup>732</sup> Through examining the legal and political institutions of Iceland from the tenth to the thirteenth centuries, Professor Friedman has come to a conclusion that within its own institutional structure, the Icelandic legal system sufficiently functioned and solved the issues implicit in a system of private enforcement. Even though its solutions may not be applicable yet, they certainly remain still interesting.<sup>733</sup>

In *Justice Entrepreneurship in a Free Market*, Professor Smith has believed that modern libertarian philosophy is characteristically deductive. The anarchists argue that because the principles of justice are rooted in natural law, they place within human knowledge. Just as we do not demand a Government to rule what is true in history or science, we do not therefore demand a Government to rule standards and procedures in the realm of justice. We can deduce the content of law in a libertarian society from a well-developed theory of property rights including a theory of title, acquisition, and exchange. We can similarly define the formal aspects of law without recourse to the State. Even the principles of restitution, as a libertarian substitute for “punishment”, stem from libertarian first principles and not from the State. Professor Smith has eventually concluded that we can firstly deduce juridical procedures from the principle of non-coercion, and then judge the procedures employed by “a free-market Justice Agency” as “correct” or “incorrect” using objective standards.<sup>734</sup>

In *To Serve and Protect: Privatization and Community in Criminal Justice*, Professor Benson has advocated that “complete privatization in criminal justice” means that the private-sector control over all decisions regarding the use of resources devoted to protect persons and property. It conceivably includes the resources for the pursuit, prosecution, and punishment of offenders. Through “contracting out”, the entrepreneur, the decision-making apparatus within a firm, or both replace simply the hierarchical decision-making apparatus of an agency or a bureaucracy in State legal system. The private entrepreneurs produce

some goods or services for profit. They however assume the risk of loss while failing to produce at the expected costs. Professor Benson has finally concluded that the negative record of the CJS in controlling crime (particularly consensual crimes, such as the voluntary purchase of marijuana, liquor during prohibition, and guns for protection) signifies that privatization will not cease to exist.<sup>735</sup>

Furthermore, the anarcho-capitalist model has emphasized punishing the crimes against the individual and her property, firstly and mostly, and those against the environment, secondly, since this model actually regards the ecological problems as purely “individualist” or “capitalist” rather than “animist”.

#### **5.3.1.3.1.1 The Crimes Against the Individual and Her Property**

Professor Rothbard has devoted a section about “Property and Criminality” to *The Ethics of Liberty*. A criminal is accordingly any person aggressing against another person or his property. The criminal has indeed no natural right to retain robbed property, as the aggressor has no right to claim any property acquired by aggression. Thus, we may only speak about just property, legitimate property, or perhaps “natural property”, which means to decide whether an act of violence is defensive or aggressive, e.g., whether it is a case of a victim who tries to repossess her property or a criminal who steals a victim. Any criminal titles to property shall be invalidated and turned to the victim or her heirs. If she cannot be found and the actual possessor is not himself the offender, then the property justly returns to the actual possessor according to the “homesteading principle”. There also exists a theory of the rights of property according to which every individual has an absolute right to the control and ownership of her own body, and to the unused land resources which she finds and transforms. All rights of punishment derive therefore from the victim’s right of self-defense, even though she will generally entrust this task to the police and court agencies in the libertarian society.<sup>736</sup>

Professor Rothbard has also believed that the legal code would simply insist on the NAP, define property rights in accordance with libertarian principle, lay down precise guidelines for the private courts, set up the rules of evidence about the wrongdoers in any dispute as well as a code of maximum punishment for any particular offender. Within the framework of this code, the special courts would compete in accordance with the most efficient procedures, and the free market would then decide about how the Judges, juries, etc., would provide the most efficient methods for judicial services. The legal code of the future libertarian society would not focus on blind custom, because much of which could be anti-libertarian, but on the basis of reason rather than simple tradition. Thanks to a body of common law principles to draw

on, the task of our reason in correcting and amending the common law would be much easier than attempting to build a body of systematic legal principles freshly out of the thin air.<sup>737</sup>

As far as Professor Stringham is concerned, he has seemed to be repressive because of his absolute belief in laissez-faire policy in *Market Chosen Law*, even though bringing capital punishment. In this case, the contract among the property owners defines what exactly constitutes an aggression within private property. For internal disputes between contractual individuals, certain can decide with one another to follow strict rules while others less strict guidelines. As a result, a covenant can provide the death penalty for certain crimes. For example, a condominium association can rule that “any members of the private community who trespassed onto another member’s property would receive the death penalty”!<sup>738</sup> While discussing whether or not it is humane for the State to administer this form of punishment, the opposing opinions are probably irreconcilable, but the issue is not problematic if the concerned parties want to invent and follow this punishment. Professor Stringham has thus asked is it inefficient or immoral for the individuals to decide voluntarily to assume the strict rules? This could be a problem decided only by those who would voluntarily assume these rules. The members of the covenant would indeed decide about the moral question regarding the degree of possible punishment imposed upon the internal aggressors.<sup>739</sup>

It seems that Professor Stringham has fallen into an informal fallacy, because if capital punishment was inefficient or immoral in a State system, it could not be legitimate in a capitalist or contractual system either. In addition, can this dear Professor admit, for example, the rape and corporal punishment of a so-called criminal as sanction, unfortunately practiced still in some countries and by the ISIS,<sup>740</sup> because of its so-called “consensual” or “traditional” nature among the members of a community?<sup>741</sup>

In *New Libertarian Manifesto*, Konkin III has accordingly spoken about the colour of the market in an ambiguous manner: the black, grey, and red markets.<sup>742</sup> When certain coercive acts receive often the label *black market*, such as theft and murder, a libertarian perfectly regards the vast majority of this “organized crime” as a legitimate activity, even though occasionally unsavory. For example, a libertarian cannot consider the Mafia activities as black market, but the acts forced by Government upon certain of the black market collecting protection money (taxes) from its victims and enforcing its control with beatings and executions (law enforcement), and even conducting wars while its monopoly is in jeopardy. In summary, Konkin III has controversially estimated that the black market constitutes anything non-violent inhibited by the State and carried on anyways. He has used the *grey market* to deal in goods and services not themselves illegal but distributed or obtained in ways legislated against by the State. Much of what we call “white-collar crime” belongs to this and concerns most of society. Where we draw the line between grey

and black markets depends mostly on our society's state of consciousness. He has also separated the *red market* from the moral acts of the black market. For instance, murder is considered red market, but to defend oneself against a criminal including a cop, while the State inhibits self-defence, is grey in Orange County and black in New York City.<sup>743</sup>

In this case, let legal anarchism just invoke Professor Goodwin's *Black Markets: The Supply and Demand of Body Parts* as a negative or tragic side of the so-called black market, maybe forgotten in the agorist *New Libertarian Manifesto*.<sup>744</sup> This Professor has shown how indefinite delays on the national transplantation waitlists and an inadequate supply of organs have led a growing number of terminally ill Americans to demand international underground markets and coordinators or brokers for organs. As a result of this black demand, Chinese prisoners on death row and the economically disadvantaged in Brazil and India are the most compromised co-participants in the private negotiation process occurring in the shadows of the law or outside the legal process. These unfortunate individuals are "supplying kidneys and other organs for Americans and other Westerners willing to shop and pay in the private process."<sup>745</sup> I do not really think that it matters at all to a pure libertarian like Professor Rothbard or even Konkin III, because it is simply a "libertarian contract" in a "black market" in which nobody but only two unequal parties take part.

Besides those coloured markets, there is the "private prison" in the libertarian legal system, as we are currently observing the privatization of prison or the growth of the prison-industrial complex.<sup>746</sup> For instance, Professors Lee and Wollan advocated, several decades ago, a libertarian prison built and run not by a business corporation, but by some principles such as freedom from coercion, individual enterprise, and the maximization of autonomy. It indeed operates according to permission, rather than prohibition, by which it early and fully develops into a flourishing economy. In this prison, the prisoners are free to do what they want, to move as they please, and to enter into relationships in accordance with voluntary exchange. All these freedoms are only subject to the rules of the criminal code and other legal constraints applicable to all other citizens. An important feature of the libertarian prison is the right to work at whatever legitimate activity pleases the prisoner. This laissez-faire prison, in which the possession and production of wealth is crucial, has a progressively chilling effect on violence. The business enterprise in this prison is subject to intensive surveillance through electronic and other means. The prison enterprise pays the costs of this supervision as one of the additional costs of doing business.<sup>747</sup>

These Professors' model is not eventually as voluntary as they argued, since within the laissez-faire prison, the inmates have to pay for their room, food, clothing, board, security supervision, and victims' restitution, which, I think, provides a form of "carceral slavery" (i.e. slave wages).<sup>748</sup> They however thought

that as long as the public welfare laws are the outside world, their scope has to reach inside the prison. The public welfare provisions of law would insure that the prisoner receives minimal circumstances of food, clothing, and shelter. Nonetheless, the flourishing economy in this form of prison permits the inmates to earn money satisfying all these needs as well as a surplus allocating among the different goods and services that the inmates prefer. These Professors did not also believe that forced labour is even a good type of discipline, because fines, confiscation of property, loss of “good time”, added time, and reparation payments for serious offenses are sufficient to punish the violation of the law in the prison. Moreover, the inmates who are exceptionally violent would be subject to more intense surveillance, while other inmates could buy or rent more comfortable quarters as long as they are consistent with the need for security.<sup>749</sup>

Under this repressive or carceral logic of doing business that we may understand why Linda and Morris Tannehill have defended, in *The Market for Liberty*, a marketing criminal system that allows doing research on a criminal who refuses to rehabilitate him and to work. This research can actually provide enough money to pay for keeping this criminal, or to really test on this “criminal laboratory mouse” in the free market law.<sup>750</sup> May we also understand why law Professor Harel has hotly defended that this is exclusively the business of the State to inflict criminal sanctions?<sup>751</sup>

#### **5.3.1.3.1.2 The Crimes Against the Environment**

Free market environmentalism really looks at nature with its issues as a form of *commodity*, “inferior to humanity”, and at humankind as *nature’s favourite* or *natural master*.<sup>752</sup> The free market environmentalists are advocating that private property rights and market transactions address sufficiently the environmental problems.<sup>753</sup> As a result, the rightist libertarians would simply describe the concepts of “animal rights” and “animal liberation” as two myths. Legal anarchism can shortly examine such a capitalist approach throughout the works of Professors Rothbard, Friedman, and Chartier who may have certain limited or parcel ideas on the crimes against the environment, regarded by the so-called “first ownership to first use principle” for natural resources or the “homesteading principle”.<sup>754</sup>

Professor Rothbard has recognized, on the one hand, only a physical invasion of individual or property is an illicit act or tort. On the other hand, to establish guilt, liability, and strict causality of aggression generating harm must rely on the rigid test of proof beyond a reasonable doubt. In other words, strict causal connection has to exist between an aggressor and a victim, provable beyond a reasonable doubt. For instance, air pollution, consisting of noxious odors, smoke, or other visible matter, constitutes definitely an invasive interference. Because we can smell or touch these particles, they are naturally



invasive, except in the case of homesteaded air pollution easements. Damages beyond the simple invasion would certainly demand further liability. Nonetheless, air pollution of particles or gases, invisible or undetectable by the senses, should not naturally constitute aggression, because of not interfering with the owner's use or possession.<sup>755</sup>

Professor Rothbard has also believed that aggression may appear in the form of polluting an individual's air, including her owned effective airspace, injury against her person, or a nuisance interfering with her possession or use of her land. In this case, firstly, the polluter has not formerly created a homestead easement. Secondly, when visible pollutants or noxious odors are naturally aggression, the plaintiff has to prove actual harm in the case of insensible and invisible pollutants, because the burden of proof of aggression depends on him. Thirdly, the plaintiff has to prove strict causality from the defendant's actions to his victimization. Fourthly, the plaintiff has to prove these aggression and causality beyond a reasonable doubt. Fifthly, there is only liability for the deed, and not vicarious liability. By collapsing crime into tort, air pollution cases are generally those of separate torts affecting the victims. As a result, there is no compulsory joinder, while the separate causal factors apportion damages. As for class action suits, they are not acceptable, except where every plaintiff voluntarily and actively joins and common interests predominate on individual and separate ones.<sup>756</sup>

As far as Professor Friedman is concerned, it seems that he has no idea about animal rights, but just some general imagination about the pollution of nature. For him, even if we privatized all polluted things, pollution would not totally stop, but the only manner to stop entirely pollution depends on our total death, and even this would generate at least a short-run pollution problem. The proper control of pollution will occur if the damage of pollution is more than the cost of warding it off. Every polluter actually tries to keep polluting as long as it costs him nothing, and to claim his pollution as an unavoidable thing. Who avoids pollution relies on politics rather than real costs. If the polluter must pay for his pollution, however unavoidable or avoidable, we will rapidly realize which one cannot or can stop polluting. For instance, because polluting the air over anyone else's property violates his property rights, a libertarian society can forbid pollution, except when the polluter has obtained the consent of the owners of all affected land. The simplest solution to this paradoxical situation is to allow the parties injured by air pollution to sue for damages, presumably in class actions throughout many victims against many polluters. Here again, the problem stems from an absolute right to control one's property. For example, carbon dioxide, as a pollutant, constitutes a product of human metabolism. If we have no right to impose a single molecule of pollution on

anyone else's property, then we have to get the permission of all our neighbours to breathe, unless we promise not to breathe.<sup>757</sup>

As for Professor Chartier, he thinks that preventing, ending, or remedying environmentally mediated injuries (e.g., pollution) is a private problem in an anarcho-capitalist society. A civil system insuring compensation for environmental injuries would prevent the people from harming the environment. Some persons or groups are accordingly responsible for a place, region, ecosystem, and aspect of the non-sentient world, if they have the capacity and desire to care of it. They may not only claim its possession in order to develop it for economic reasons, but also be interested in preserving it, or planning to entirely prohibit or limit economic development. For example, to pollute a given unpolluted airspace possessed by a person or community will generate a compensable injury. In Professor Chartier's Stateless model, there is also collective action to rectify environmentally mediated injuries. When it comes to protecting vulnerable persons, non-humans, or unpossive animals, this Professor argues that although they deserve legal protection, no legal regime is obliged to provide this form of protection, except by specific agreement. Someone can therefore become a freelance or trustee to claim their rights and interests in the courts.<sup>758</sup>

#### **5.3.1.3.2 The Free Market Enforcement Agencies**

In *For a New Liberty*, Professor Rothbard has explained how the anarcho-capitalist law, police, and court would work. The market and private enterprises come after the abolition of Government operations in the service of protection (e.g., the police and courts) in the field of defending person and property against attack or invasion, as they are nowadays working in some private sectors such as private security.<sup>759</sup> Professor Rothbard has besides acknowledged, albeit certain private defense companies will become offender,<sup>760</sup> just as certain people currently become offender, a Stateless society would provide neither regular and legalized channel for criminality and aggression, nor Government apparatus whose control needs a secure monopoly for invasion of individual and property. While there is a State, there are also the coercive power of taxing and the compulsory monopoly of forcibly protecting. On the contrary, a criminal police or judiciary would difficultly take power in the purely free market society, as it exists in a State society with the instrument of command. The purely free market society would furthermore have a system of "checks and balances" aiming at making it almost impossible for any organized crime (i.e. State apparatus) to succeed.<sup>761</sup>

Professor Rothbard has also recognized that although we are unable to blueprint fully a market legal system, we can reasonably think that the landowners or insurance companies would supply police service

in a libertarian society. Because these companies would pay benefits to the victims of crime, they would most probably supply police service as a means of keeping down criminality and consequently their payment of benefits. The free market police officers would efficiently function with a strong incentive to work courteously and to refrain from violence against their clients or their clients' customers and friends as well. A free market society would furthermore reward efficient and courteous police protection to customers, while penalizing to fall this standard off. The prime concern of the insurance company and its detectives is to recover the loot, when to apprehend and to punish the criminal are secondary to the helping of the victim. Competition moreover assumes efficiency, high quality, low price, and there is no reason to guarantee *a priori* that there is a divine rule about having only one cop agency in a geographical area with a "natural monopoly".<sup>762</sup>

When it comes to judicial service, the private Judge or arbitrator decides who is the breaker of contracts or the criminal, in any sort of dispute or crime. As an example, Professor Rothbard has estimated that the common law Judges were historically working very much like private arbitrators or experts in the law in the case of disputes among the private parties. There also exist many possibilities to finance the private courts in a free market society. Firstly, each individual could subscribe to a court service by paying a monthly premium, and then go to the court if she is in need. Secondly, because she will probably need the court much less frequently than the police officers, she could pay a fee whenever she uses the court, with the contract-breaker or criminal eventually recompensing the plaintiff or victim. Thirdly, the police agencies would hire the courts to settle disputes. Fourthly, there could be the vertically integrated firms that supply both police and judicial service: the Prudential Judicial Company could have the police and judicial divisions. Only the market will be able to determine which of these methods will be the most appropriate.<sup>763</sup>

As for how a poor person can afford private protection, Professor Rothbard has argued that such a problem certainly applies to all forms of commodity and service in the libertarian society, including the police, even though protection is necessary like food, clothing, and shelter. Private charity would generally supply very poor people. In some specific cases, there would undoubtedly be the ways of supplying voluntarily free police protection to the poor by either the police companies with goodwill – as doctors and hospitals currently do – or the special "police aid" companies working similar to the current "legal aid" companies. Besides, the legal aid companies would voluntarily supply free legal counsel to the poor people in trouble with the authorities.<sup>764</sup> Concerning the criticisms of this form of so-called "legal aid" and "voluntarism", I could only refer you to my notices about lawyering in the Chapter 3.

For Professor Rothbard, albeit purely voluntary arbitration works sufficiently for commercial disputes, ostracism would not probably be sufficient in the case of criminal activities, such as the mugger, rapist, and bank robber. The legal enforcement and courts become necessary in this regard. We must also remember that the private street owners can refuse to allow these criminals in their areas. When it comes to enforcing the judicial decisions, the private courts must respect the critical libertarian rule according to which no physical force could be used against any person that has not been convicted as an offender. Otherwise, the users of this force, whether the police or courts, would be themselves responsible for the conviction as aggressors, if it proved that the forced person was innocent of crime. In contrast to Government system, neither policeman nor Judge could enjoy special immunity to use coercion beyond what any member of society could use. The provision of just, objective, and peaceful decisions constitutes an essential part of the private Judges' service to their clients when finding the truth about who has committed the crime. An appeals procedure constitutes another essential part of any court's service to its clients, provided by a voluntary arbitrator and paid by the various original courts charging their customers for appeals services in their fees.<sup>765</sup>

As far as the "outlaw protectors" in an anarcho-capitalist society are concerned, Professor Rothbard has believed that the free market libertarians do not escape from this question for six reasons.

Firstly, contrary to the utopians such as Marxists and left-wing anarchists (i.e. anarcho-communists or anarcho-syndicalists), the libertarians neither defend that the establishment of the purely free society will bring a new and magically transformed "Libertarian Man", nor assume that nobody will have criminal designs upon his neighbours. They however assert that due to the particular degree of "goodness" or "badness" among human beings, the purely libertarian society will work throughout the highest degree of morality, efficiency, security of person and property, with the least criminal. Secondly, the rewards and sanctions of the free market economy will unlikely produce any form of favouritism. Thirdly, any suspicion of a Judge or court will lead their customers to melt away and to ignore its decision. This system functions much more efficient to keep the Judges honest than the judicial mechanism of the State. Fourthly, the temptation for bias and venality would be far less, because the private firms in the free market earn their salary from a mass market by consumers and not just from wealthy customers. Fifthly, in contrast to the American "checks and balances" system, the free market economy provides the real checks and balances. It would actually keep the police, Judges, and courts honest because of its lively possibility of heading down the block or down the road to another cop, Judge, or court in the case of any suspicion. In other words, it would keep them honest because their customers are capable of cutting off their business, which

are the real and active checks and balances of the free market economy in the free society. Sixthly, the public would regard any outlaw police force as purely bandit, and would not hence legitimize its extortion and tribute though onerous “taxes” to be automatically paid, as it is currently the case of State police. It would quickly resist this form of organized banditry and overthrow it.<sup>766</sup>

In this case, a curious question appears to answer: how can the customers, mostly unarmed and without any military knowledge and experience, resist those professionally armed bandits and overthrow them? We are currently facing the same question in our militarized societies where some professional and dangerous murderers, i.e. militaries and politicians, own the most dangerous weapons against the unarmed and ordinary masses.

As for Professor Stringham, he has analyzed the problem of labour throughout private organization. In *Market Chosen Law*, he has stated that there are “*different services for different preferences*” in a free market community. For example, some people, who want more employee protection or more consumer protection, can work for companies or shop at stores that have a high degree of protection, or even paternalism if they desire. There are essentially contracting the legal systems that are more protective, in which any individual, who wishes to do business in such a manner, is required by the business owners to adhere to their restrictions, but no one is forced to. Such a system is a way for the people to voluntarily select personal regulations by the market. These regulations, unlike the bureaucratic regulations, necessarily pass the market litmus test, with burdensome self-regulations generating a decrease in business among the concerned parties. Businesses are actually able to provide the best internal atmosphere for their members and to create an atmosphere in which the people tend to be satisfied. By being able to frequent businesses that have different sets of internal rules, the consumers are essentially capable of having a variety of legal choice.<sup>767</sup>

Professor Stringham has also argued that the private Judges would solely make judgments according to the agreement and procedures depending on the consumers. Because the examples of non-State law are all around the world on both local and global levels (e.g., collective bargaining agreements and arbitration),<sup>768</sup> the private police and courts are feasible. As for certain examples of the private law enforcement, Professor Stringham has explained the “institutions of higher learning” (which I have criticized throughout my thesis and other writings!), the banking industries, and baseball. For him, albeit the private security officers and dean’s offices are greatly different from their bureaucratic counterparts, they perform the job that only State police and courts are supposedly capable of doing. Like Professor Rothbard, he has eventually stated that the private legal system would not meet many problems relating to the public law

enforcement. There exist common police procedures to haul a suspect into custody, but a private system would not even use similar practices, since the private police would not need to drag any person into court without any prior agreement with a specific legal institution. Regarding the issue of which court would have competence in a dispute between complete strangers, this Professor has believed that there is really no reason to think about this as a problem, because it is “a public land problem” that would not appear in a private system.<sup>769</sup>

Besides the critiques of the free market system mentioned above and despite its so rosy photos taken by some free market anarchists, legal anarchism shall now examine why the private legal system is far from having less problems than a public one.

### 5.3.1.3.3 Some Critiques of the Capitalist Alternatives

As we have formerly observed, the free market anarchists do not really care about equality, direct democracy (despite their claim to “free market democracy” or “capitalist democracy”),<sup>770</sup> and ecology, thanks to the sacredness of private property and ownership as well as to the invisible hands of the free markets or those of some economic elites. As a result, Neal has believed that the anarchists are *methodologically* rejecting lifestylism and anarcho-capitalism, because they do not have chosen a good way to arrive at anarchism, but certain wrong means to achieve similar ends, namely human happiness.<sup>771</sup> For Kuhn, it is terminologically possible to draw strong lines between anarchism and other phenomena such as “anarcho-capitalism” and “national anarchism”. These are paradoxical neologisms signifying certain schools of thought that do not fit the proposed meaning of anarchism, principally because they have undermined any meaningful sense of justice and egalitarianism.<sup>772</sup>

Wieck has expressed the similar opinion by arguing that he should not encompass some bourgeois individualists calling themselves anarchists, because of having nothing in common with anarchism as a social movement and historic idea, such as so-called anarcho-capitalism.<sup>773</sup> He has also found out that some have appropriately used the terms such as “democracy”, “socialism”, and “anarchism” for diverse and conflicting approaches. For instance, Professor Rothbard’s association of anarchism with capitalism, a conjunction usually called anarcho-capitalism, has generated a conception that is totally outside the mainstream of anarchist theoretical writings as well as social movements. This conjunction constitutes a self-contradiction to those who consider themselves as anarchists. In addition, Professor Rothbard’s definition of “anarchist society” as a society where there exists “*no legal possibility for coercive aggression against the person or property of any individual*” may avert formal contradiction through its minimalism.<sup>774</sup>

Moreover, Professor Barry's notice about the protection agencies' unjust tendency is significant. He wonders how these agencies prevent from representing the collective interests of whites against blacks, settlers against aboriginal inhabitants, Aryans against Jews, Protestants against Catholics, or any other group against others. They would hence support the members of the privileged group in a dispute against the members of the excluded group, or even they would be able to prevent the latter from forming their own protective agencies.<sup>775</sup> In this case, law Professor Chua has pointed out that contrary to conventional wisdom, democracy and markets may not be mutually strengthening in the developing world, but the combined pursuit of democratization and marketization will often marshal ethnic tensions in highly predictable and determinate ways, with potentially very serious consequences containing the subversion of democracy and markets themselves.<sup>776</sup> As for Western democracies, Professor Minati has proved that they use the sophisticated marketing techniques in order to manipulate consensus, while the free markets are useful as long as they absorb potential buyers with the possibility to buy consensus.<sup>777</sup>

As for Professor Taylor, he rejects the free market system for two main reasons. Firstly, the anarcho-capitalists have generally minimized the importance of some external elements, such as competition among the private security companies. Secondly, if these companies are not competitive, they will become oligopolistic whereby they resemble the State, because of their political specialization and concentrated force. As a result, we, customers (their own and others'), are not sure that they will use their power only to protect us.<sup>778</sup>

Both Professors Barry and Taylor have indeed emphasized the potentiality of the private security firms to become as authoritarian as the Governmental agencies of security and justice, due to their wealth and armed forces in an undemocratic environment governed only by the individual and her property or capital. In *Is "Anarcho" Capitalism against the State?*, MacSaorsa should not thus be wrong when he notices that the free market libertarians are far from being anarchists, because they are only capitalists desiring to observe that the private States develop, the States which are rigorously accountable to their pay masters without shamelessly having democracy that we currently do. As a result, the "private State" capitalism would be a far better name for "anarcho"-capitalism insomuch as it at least gives a fairer idea of what they are attempting to sell us.<sup>779</sup>

Moreover, the so-called libertarians, who are implying "*to each according to his contribution*" whereby consequently and ironically matching the first socialist stage toward Marxian communism,<sup>780</sup> may not really like to see not only political and economic inequality inherent in capitalism,<sup>781</sup> but also existential inequality (high IQ and sexual attraction, for example), unlimitedly exploited and exacerbated by humanity.



Any form of inequality actually affects social and legal relationships among human beings. As a natural result, they are blind to observe that all individuals are not so talented to become successful (a Statesman or a law Professor, for example) in our extremely competitive, tribal, networking, advertised, corrupt, corporative, or Mafia societies. They would share Sartre's naïve arguments in favour of personal responsibility "for vast and apparently authorless social ills,"<sup>782</sup> which means we are all "responsible for everything"<sup>783</sup> everywhere! In short, we are *absolutely* our own God in accordance with this highly exaggerated form of individual responsibility: "we are fully responsible for our world."<sup>784</sup> For example, if I, as a supposedly member of the blasted visible minorities, become a deviant or a criminal in the Canadian society rather than a Professor in a law school, governed by the invisible hands of some academic Godfathers/mothers who are traditionally Christians and now apparently Jews, I am absolutely responsible.

The anarcho-capitalist ideas about social justice are identical to the capitalist approach to human mind and body defined through "capital", as, for example, legal anarchism has analyzed regarding contract in childhood. For instance, when it comes to certain student organizations that fight for improving labour conditions in less economically developed regions of the world, Hellmer has argued in *Establishing Government Accountability in the Anti-Sweat Shop Campaign*, low wages are generally "just" as long as the employer and the employee freely agree about them. It would thus "seem misguided for a third party to step in and make a value judgment concerning this agreement based upon some illogical interpersonal utility comparison."<sup>785</sup> Like other libertarians, she has exclusively put the burden on the State by liberating the employer from fairness and justice in the name of "free agreement", which is not really better than the "wage slavery", thanks to the misery of workers. She has therefore concluded: "if social justice organizations want to be more effective in pushing for greater respect for human rights throughout the world by punishing the corporations that support oppressive regimes, they should make a distinction between voluntary actions of individuals and the state policies that force people into work. The former deserves respect, while the latter is deserving of reproach. By making this distinction, social justice advocates can more effectively push for human rights through the respect of freedom while simultaneously allowing developing nations and the citizens therein to fight their way out of poverty."<sup>786</sup> As mentioned in her article, she has simply gone under the guidance of a libertarian guru, which is to say Professor Block who has already regarded the students as "still pompous adolescents, entirely innocent of even the most basic elements of rudimentary economics."<sup>787</sup> As an economist of the Austrian School and prominent anarcho-capitalist, would it be his task to teach these innocent adolescents how to act economically against economic exploitation?

### 5.3.2 The International Alternatives

It is firstly important to notice that despite the dominant idea of “anarchy in international relations” (i.e. leaderless) among many scholars, there still exists the domination-submission relation among the States or “*the Hobbesian nightmare of State-eat-State competition*”.<sup>788</sup> In this case, Read has argued that in the Middle Ages, the manor courts coped with all misdemeanours and crimes, and saved those committed against the artificial entities of the Church and the State. Anarchism accordingly implies a universal simplification of life and a universal decentralization of authority, while inhuman entities, such as the modern city, will eventually cease to exist.<sup>789</sup> Hedgecock has hence believed that the anarchists are real internationalists, and if we want to cooperate across national boundaries, we shall find out a great deal more about the hopes, fears, aspirations, and problems of others.<sup>790</sup> Professor Marshall estimated that if this might seem utopian to certain people, the anarchists emphasize the way in which some highly complex agreements between the international organizations (e.g., railways and airlines) can be realized through negotiation without any central authority enforcing its will.<sup>791</sup> Kropotkin had accordingly argued that there are some free organizations for nobler pursuits, such as the Lifeboat Association, the Hospitals Association, and the Red Cross Society. For instance, although to slaughter the individuals on the battlefields stays the duty of the States, they acknowledge their inability to take care of their own wounded while greatly abandoning the task to private initiative.<sup>792</sup> In this case, federation and confederation are necessary elements, which would somehow imply “panarchy”, mostly in its rightist form.<sup>793</sup>

As a worldwide movement, anarchism needs to take into account the complexity and interconnectedness of the anarchists around the world,<sup>794</sup> on the one side, and the Hobbesian fear of international anarchy leading some scholars to propose a “World State” through the ethos of global democracy, on the other side.<sup>795</sup> Albeit Professor Taylor has recognized the problem of inter-communal or confederal relations, he has argued that this problem is less severe than that of relations between the nation-States, which are more exploitative and aggressive than small Stateless communities.<sup>796</sup> The anarchists have indeed highlighted the relationship between the militarist agenda and the emergence of the nation-State, since one cannot live without another.<sup>797</sup> In this case, all individuals animated by a true desire for peace, communalism, and social justice shall join the forces searching for avenues that can render this idea universal.<sup>798</sup>

The various ideologies in anarchism have divided the anarchists into two different groups advocating some approaches to improve and defend the anarchist communities nationally, regionally, and internationally. Anarchist internationalism can therefore rely on individualism, socialism, capitalism, or all

according to circumstances and in terms of green anarchism. As far as legal anarchism is concerned, it analyzes them according to some rightist and leftist models.

Before getting into our debate on the universal models, legal anarchism notices two elements. On the one side, we would once again keep in our mind that the NAP and the GP do not allow any anarchist community to invade or to occupy another community or nation, or to destroy non-humans, because, as mentioned above, militarism kills not only humanity but also nature. As a result, an anarchist community or nation would remain both “peaceful” and “ecological” when it comes to militarism and national defense. On the other side, Professor Kazmi’s *Polite Anarchy in International Relations Theory* has adopted a conceptual approach to deploy an anarchistic interpretation of the “domestic analogy” theorizing State interaction under international anarchy. He has indeed wanted to emphasize how the critical radicalism of anarchism can complete a conceptual radicalism particularly trying to theorize State interaction and to understand global anarchy.<sup>799</sup> Such an analogy would likewise exist in the rightist models in international relationship. The analysis of the anarchist international models could consequently be less detailed than the anarchist national models, because several characteristics of a national alternative exist also in an international alternative, such as defensive organisms.

### 5.3.2.1 The Rightist Alternatives

In *Anatomy of the State*, Professor Rothbard has truly noticed that the State has a natural tendency to bolster its power, which takes externally place through conquering a territorial and causes an inherent conflict of interest between one set of State rulers and another.<sup>800</sup> He has moreover coped with the issues of “national defense” in *For a New Liberty*. Firstly, a great evil of the nation-State comes from that every State can identify all of its subjects with itself, and consequently in any war between States, the innocent civilians or their subjects become target of aggression from the enemy State. On the contrary, because a libertarian society would not have this identification, there would be very little chance of waging a devastating war. The libertarian philosophy is indeed an eternal one without any bound to time or place, while a libertarian universal society would be efficient, moral, peaceful, and workable.<sup>801</sup> If freedom is instantaneously established throughout the world, there will be no problem of “national defense”, but “local police problems”. Secondly, to conquest a libertarian society would provoke guerrilla warfare as an irresistible force stemming precisely from the people themselves who fight for their liberty and independence against a foreign State, and not from a dictatorial and central Government. And this certainly

generates a sea of troubles, the enormous costs and losses that would stop well in advance even a hypothetical Government bent on military conquest.<sup>802</sup>

When it comes to analyzing the issue of a libertarian court on an international scale in *Man, Economy, and State with Power and Market*, Professor Rothbard has implied that the world has perfectly lived well throughout without any single and ultimate decision-maker over its total inhabited surface. For example, the Argentinian lives in a state of “anarchy” or non-Government in relation to the citizen of Uruguay. The private citizens of these and other countries can actually live and trade together without embracing insoluble legal conflicts, in spite of lacking a common Governmental ruler. In this case, the Argentinian, aggressed by a Uruguayan, goes to an Argentinian court whose decision is recognized by the Uruguayan courts, and vice versa if the Uruguayan is the aggrieved party.<sup>803</sup> We however meet the question to know what would happen if those courts did not recognize each other’s competence, which is, to my knowledge, very common in our judicial worlds submerged in distrusters, doubts, or accusations.

In *Defending a Free Nation*, Professor Long has argued that the key element of defense is to establish a system of security without a centralized commander that the enemy can seize, but with a “collective defense” to face the invader. The free market could supply, via the profit economy or the charity economy, this defensive organization without centralization, limited only to defense and not aggression and imperialism, and cheaper than State army. Besides this “regular high-tech military defense”, there would be an “armed populace” or the “National Militia”, organized according to Proudhon’s formula of “association of associations”, as well as “non-violent resistance” in the case of invasion or war. After reading more and more ancient and medieval history, Professor Long has however realized that the individualistic, anarchic, decentralized, and egalitarian societies do not necessarily become peaceful. For example, the Viking and Celtic societies, which we appreciate so much as anarchist models, belonged to the most effective raiders and conquerors in history. He has thus asked what prevents a free nation from itself becoming a threat to the security of other nations and ultimately a threat to its own security. The solution is maybe, he thinks, that the free nation’s neighbours become themselves free nations.<sup>804</sup>

On the one side, Professor Chartier has defended, by focusing on the NAP, the ethos of “cultural anarchism” rejecting the source of human problems (i.e. nationalism, racism, sexism, heterosexism, paternalism, subordination, exclusion, and deprivation), because of the absence of State subsidies and violence, in a non-violent way within the rules enforced by just legal systems. On the other side, he has believed that the defense services in a Stateless society are presumably multiple and complementary, which aim at defending their customers against the small-scale aggression of robbers and muggers, the

medium-scale aggression of terrorists, and the large-scale aggression of conquerors as well. This society provides these services in the following manners. 1) The volunteers help neighbours or others in the case of defense. 2) The charity defense services work freely or with deliberately low rates. 3) The cooperatives supply their members with defense services. 4) The cooperatives, partnerships, or other organizations supply the nonmembers with defense service, and obtain compensation for their work. 5) The people defend themselves. Professor Chartier has also argued that these defensive services are superior to State armies for the following reasons.<sup>805</sup>

Firstly, they are cheaper than State military forces, because less demanded in a Stateless society than in a world overrun by the States, on the one hand. The providers of defensive services, unlike State armies, should reasonably deliver their services in an inexpensive way, on the other hand. Secondly, the defense of a Stateless society is easier than a State society, due to the reduced cost of these providers. Thirdly, the providers would avoid aggression because of its cost and the persuasion of their customers to take its risks. Fourthly, they would unlikely engage in aggression in a given region, but in defense. Fifthly, without State rule in a given State-sized region, the people living in the region would not need the defensive services for the entire region. In the lack of collective targeting, defense against marauding herds in a Stateless community could expectedly focus on regions much smaller than most current States. Sixthly, a defensive service would not be worried about the risk of an attack by a WMD, because it would render the Stateless society's territory and adjacent regions uninhabitable, and consequently reduce the value of their economic exploitation and colonization. In addition, the high cost of this form of weaponry would expectedly prevent a Stateless society from producing it.<sup>806</sup>

In this case, Professor Rothbard has pointed out that because there exists no defense against nuclear weapons and the current "defense" focuses only on the threat of mutual destruction, no State is able to fulfill this type of defense as long as these weapons exist.<sup>807</sup> For Professor Friedman, defense against nations and pending major technological change must be supplied on a sufficiently large scale in order to support retaliatory, and maybe also defensive, nuclear forces.<sup>808</sup> Professor Hoppe has found out that if only one customer withdrew his payments because he was unconvinced about the necessity of a battle in the particular conflict at hand, there would immediately be economic pressure on the company to seek a peaceful solution to the conflict.<sup>809</sup>

*The Myth of National Defense: Essays on the Theory and History of Security Production*, edited by Professor Hoppe, would constitute the core of the libertarian arguments for the private defense agencies on a universal scale. Let thus me only analyze some parts of this book showing these arguments.<sup>810</sup>

When it comes to “real defense”, Professor Stromberg has assumed that minimal States and anarchies are able to do without nuclear bombs, stealth bombers, cruise missiles, and expensive systems appropriated for universal meddling or world conquest. As for the “force structure” of simple defense, he has believed that we would observe some rough combination of “insurance companies” and militias – not as mutually exclusive as we perhaps think – with resort to mass-based guerrilla warfare, nonetheless and by whoever organized, *in extremis*.<sup>811</sup>

Professor Hoppe has argued that the private dealings between foreigners seem to be significantly less bellicose than the dealings between different States, because the latter are the winner of all wars as well as the last surviving protection racket. He has drawn an analogy between insurance against natural disasters and external aggression inasmuch as the demand for insurance will be more expensive in certain areas, like some territories are facing more natural disasters than others. The business owners and private property owners prefer territories with rising property values and low protection costs to those with falling property values and high protection costs. This consequently leads to the migration of people and goods from falling-property-value and high-risk areas into increasing-property-value and low-risk areas. Besides the opposition of an armed private citizenry, the aggressing State would face the resistance of not only one but allegedly several insurance and reinsurance agencies. In the case of any successful attack and invasion, these insurers would receive massive indemnification payments. Once liberated, we would reacquire our right to self-defense, and could turn to unregulated and freed insurance companies for efficient professional assistance in all cases of protection and conflict resolution.<sup>812</sup>

According to Professor Hülsmann in *Secession and the Production of Defense*, a school of laissez-faire economists argues about abolishing or reforming Government organizations in the field of law enforcement and defense in terms of purely private agencies. He has also contributed to defense economics, an infamously unsystematic and underdeveloped part of economic theory, which has forgotten the case of secession altogether. The private defense agencies are *ceteris paribus* more operative than compulsory agencies. Even though successful secessionist warfare does not unavoidably demand the expulsion of the Government troops, it could lead to different, equitably satisfying settings. Expulsing the enemy demands a concentration of troops of similar size that in turn can be achieved in ways common to other forms of business. Secession is eventually a gradual and spontaneous process involving various sub-territories or even various strata of the population at different points of time.<sup>813</sup>

As far as I am concerned, I think that there are some questions about the capitalist alternatives on an international scale, since our experience with the capitalist systems under the yoke of the economic elites

has hitherto been problematic, if not catastrophic. For example, Bonanno has argued that the law of the market, i.e. the phenomenon of colonization, forced the most backward regions to adapt to the basic capitalist system. This phenomenon swallows all nations, internal and foreign regions of the single capitalist States.<sup>814</sup> As for Professor Kazmi, libertarian anarchy depicts the external projection of “State capitalism” in which the State assimilates its identity and interests totally to a form of atomized and possessive freedom. Historical recourse to individualist libertarian anarchism, from Spooner to Professor Rothbard, can elucidate this in greater depth and variation.<sup>815</sup> Legal anarchism should therefore examine the socialist alternatives.

### 5.3.2.2 The Leftist Alternatives

The socialist anarchists have been traditionally thinking about putting anarchism into practice at the universal level. For instance, Maximoff has believed that anarchism and communism are only feasible on a universal scale and not in one country alone, which means the proletariat organized in the form of international producers’ unions or associations. As an internationalist, it is fundamental for him to belong not to a nationality but to a class. He has thus considered that only by direct action, founded on international proletarian solidarity, we can overcome the rule of the bourgeoisie and the State, and only by the international of productive workers’ unions we can supersede the moribund capitalist world.<sup>816</sup> In this case, we could also find some old and new scholars and activists, such as William Godwin, Proudhon, Bakunin, Tolstoy, Landauer, Rocker, Falk, Chomsky, Bamyeh, Prichard, Kazmi, and Herod. Legal anarchism should shortly analyze some of their ideas on anarchism in international relations.<sup>817</sup>

When it comes to analyzing the concept of “politeness” throughout Godwin’s writings, Professor Kazmi has acknowledged that the scholars do not agree about its precise definition and presence in various disciplines so that exists a cluster of identifiable themes, most often associated with the idiom. For instance, politeness inherently constitutes a *normative* concept relating to social norms and the forms of behavior as well. It also includes conflict avoidance and resolution, achieving goals without imposition or aggression, adopting strategies of dissimulation or indirectness, creating and sustaining social order, denoting and propagating civilized behavior, and signifying cultural refinement and intellectual accomplishment, while going beyond its single attribution to human interaction and social relations. Godwin’ antiauthoritarianism led him to accept more receptively this concept, while he attempted to reconcile it to his more communalist tendencies with a potential for preserving individual liberty and social order. Professor Kazmi has also recognized that although Godwin relatively wrote little about international affairs to elaborate a coherent international theory throughout his scattered works, his vision of future world order



relies on the rationalistic philosophical premises shaping his conception of an anarchist community. This implies a Godwinian international theory throughout establishing the free and independent associations on a small scale: the enlightened communities without permanent institutional mechanisms to regulate and control relations among them.<sup>818</sup>

Due to Proudhon's recognition of *the plurality of contracts and norms*, this anarchist thinker believed that international norms would form and transform through international practice rather than some form of higher hierarchy and authority.<sup>819</sup> In *Justice, Order and Anarchy: The International Political Theory of Pierre-Joseph Proudhon*, Professor Prichard has found out Proudhon's notice about the most religious and righteously juridical nations that have historically been the most war-like.<sup>820</sup> For me, the extreme militarism and aggressive imperialism of the USA can be only an example in this case.

Proudhon also advocated an anarchist ideal about the role of European pioneering (i.e. a "European Confederation", "Federal Europe", or "United States of Europe"!) in engineering the political future of humanity.<sup>821</sup> When it comes to "the European equilibrium", Proudhon observed the inter-relationship between contract and political power in Europe through the "principle of the plurality of sovereign powers". He indeed thought that international relations focus on the social groups (businesspeople, nations, dynasties, Governments, etc.) managing the anarchy between them and within their territories by force, the threat of its use, the manipulation of collective reason, contract, pact, and treaty.<sup>822</sup> Some scholars also argued that Proudhon had an intuition of the "beggar-thy-neighbour policy", which the opening of borders could make it even easier. Deprivations can accordingly affect the French workers through promoting the emergence of a few large fortunes, on the one side, and pauperism, on the other side. In the longer term, private ownership and liberalism would limit pauperism, when war would increase the role of the State with a system of public exploitation of conflicts.<sup>823</sup>

Professor Eltzbacher has found out, Bakunin believed that the revolution would not be national but international or universal, because a political and national revolution could not win, unless the political revolution would become social, and the national revolution, by its fundamentally socialistic and State-destroying character, would become a universal revolution. The abolition of the national State would lead to accept all foreign countries, provinces, communities, associations, and individuals as part of the new political system and nationality. This is a universal revolution through binding the insurgent countries together for joint defence and marching on unchecked over the abolished boundaries and the ruins of the formerly States to its triumph. On the one hand, a hundred revolutionists seriously and firmly bound together are sufficient for the international organization of all Europe, while two or three hundred

revolutionists are sufficient for the organization of the largest country. On the other hand, the winning of all wise, silent, energetic, and well-disposed individuals, sincerely devoted to the idea, are enough to cover all Europe and America with a network of self-sacrificing and united revolutionists.<sup>824</sup>

According to Professor Marshall, Europe and the USA serve as a model in Bakunin's doctrine, since he looked at a largely fraternal union of humanity and extended the principle of federalism to the world as a whole. As a transition to a federation of all nations, he, like Proudhon, regarded "a United States of Europe" as the solely way of preventing a civil war between the different peoples in the "European family". His "United States" would not be a bureaucratic, centralized, and military federation, but organized from the bottom up with member nations possessing the right to secession.<sup>825</sup> Professor Kazmi has accordingly recognized that Bakunin is known for advocating the global dimensions of world anarchism that require to establish federation among the free and independent local communities, regardless of current national boundaries, in contrast to Marx's perception on the future direction of the European socialist movements. This form of activist anarchism finds today a more universal reach than in the past, while attacking globalization as a mode of capitalist hegemonic domination over the autonomy of individuals and local communities.<sup>826</sup>

As for world order analyzed by Proudhon and Bakunin, Professor Prichard has comparatively argued that they markedly differed on how to reach there, because of their understanding of the international, the international balance of power, and how the structure of world order constrains and enables revolutionary social action. On the one side, Proudhon believed that the ultimate emaciation of the State by the development of autonomous sub-State associations and regional political units and their institutionalization by the horizontal forms of federalism would in itself transform radically political community. On the other side, Bakunin fervently disagreed with him by arguing that emancipation would be a violent insurrection to completely destroy the States whereby liberating and educating the subject populations of Europe. He believed a natural, immanent, and spontaneous order would appear, and the general will of the masses would begin throughout the ashes of imperialism. Professor Prichard has shared Proudhon's belief when stating that history demonstrates that a return to such a belief would be a valuable endeavor.<sup>827</sup>

Besides, Professor Marshall has argued that Rucker's *Nationalism and Culture* was calling for "a real federation of European peoples as the first condition for a future world federation" at the end of the Second World War. As for Landauer, he believed that the "nationhood" of a people would appear when "Statehood" would cease to exist. Nationhood accordingly means the closeness of people together in their way of life, language, tradition, and memories of a common rate and works to generate real communal living. It is

indeed the rebirth of all peoples out of the spirit of regional community that maybe bring salvation. For Professor Marshall, when Landauer tried to revive old communal traditions and to dissolve the State, his vision was unrestricted. We could find the essential features of Rocker's concept of a "people" in Landauer's concept of the "nation", since this form of nation is a community of communities, and not an artificial whole, in which the individual does not only identify with her nation, but also as one ring in the widening circle of humanity.<sup>828</sup>

In *Anarchism without 'Anarchism': Searching for Progressive Politics in the Early 21<sup>st</sup> Century*, law Professor Falk has argued that philosophical anarchism provides us with a valuable foundation to revitalize domestically and internationally progressive politics. For him, the anarchists are uniformly disposing to deconstruct the State from within and to repudiate militarism and war as acceptable ways to human security. This geniously challenges a revived tradition of anarchism without anarchism to develop a universal vision permitting its overriding concern with individual liberty, communal autonomy, and harmony among groups to be responsive to the planetary imperatives of a sustainable political and social life in the early 21<sup>st</sup> century. The normative political priorities of the early 21<sup>st</sup> century are accordingly: 1) the radical option for denuclearisation and complete disarmament; 2) the protection of the global commons; 3) the treatment of global warming; 4) the acknowledgment of the issues related to water scarcity and peak oil, the plan for equitable distribution of safe water as well as transitions to post-petroleum circumstances; 5) the elimination of poverty and the drastic reduction of economic inequalities; 6) the establishment of global democracy; 7) the diminution of hard power (militarism) and the increase of soft power; 8) the achievement of self-determination above and below the level of the State; 9) the encouragement of local self-reliance and de-globalization; 10) the positive response to indigenous claims to traditional ways of life, and to self-determination and sovereignty goals.<sup>829</sup>

As far as I am concerned, it seems that Professor Falk has been either in contradiction with his own peaceful principle or ambiguous when it comes to defining "soft power" that focuses on "*diplomacy, peaceful settlement, non-violent coercion – 'legitimacy wars'*"!<sup>830</sup>

Herod has judiciously emphasized the international character of anarchism by finding out that we can never define anarchism (i.e. true communism for him) geographically, but only socially, because it does not recognize any territorial boundaries. In this case, the notion of so-called international law, a concept that we have recently heard a lot, constitutes only the collection of treaties ratified by various Governments, such as the Geneva Conventions, the Nuremberg Judgments, and treaties on torture or land mines. Due to the absence of a world Government with police and army, the treaties have actually no teeth, except ethically.

Even those Governments, which have apparently ratified the treaties, ignore willingly them. Herod has thus asked whether the idea of a “law” has any meaning in the lack of the tools of violence (i.e. arrests, imprisonment, fines, executions, and armed invasion) necessary to enforce it. Strangely enough, we can compare this situation to the one that an association of neighborhood assemblies would face.<sup>831</sup>

As a result, when it comes to establishing a libertarian court at the regional or international level in Herod’s *Democratic Autonomous Neighborhoods*, we could ask how it would work for so-called international crimes, if they would exist in a libertarian world or between two or more nations, whether libertarian or not. Moreover, some of our previous questions about international relations in anarchism seem to be almost unsolved, such as how a libertarian community would remain peaceful and non-militarist when its neighbours would be aggressive, militarist, or use the WMD.

Furthermore, environmental anarchism is a crucial element in international relations, since fully understanding the context of global environmental problems requires recognizing the role that we have actively played in the destruction of nature. The environmentalists and social science scholars have therefore argued that environmental justice and social justice must go hand in hand.<sup>832</sup> In other words, the anarchist dimension of international relationship is not just political, but also ecological. For example, Professor Westra has argued, in *Virtue as Foundational for a Global Ethic* relying on “Kantian cosmopolitanism”, that because of close connections between human and ecological rights, including humans and non-humans as both parts and processes, we need to adopt certain universal principles to impose the respect of life’s infinite value.<sup>833</sup> This Kantian approach to existence, i.e. a cosmology of an unquestionable and omnipresent God,<sup>834</sup> could be also important for the international anarchist models. We shall thus take into account the relations between humans and non-humans on a planetary and cosmological scale, on the one hand, and the catastrophic aspects of neo-liberalism harming deeply the environment because of propagating a cult of consumption and competition, on the other hand.<sup>835</sup>

## 5.4 Conclusion

Among the problems of realizing the anarchist legal models on both national and international scales, there would be two main challenges: *organization* and *legal diversity*. These two challenges deeply affect other anarchist questions about utopianism, labour, natural resources, technology, money, and eventually tax. They also relate to the anarchist principles, i.e. endless alternatives, contract, autonomy, decentralization, federation, the NAP, the GP, and free love. In other words, a libertarian world needs to be plurally organized in accordance with some principles while answering some human and natural questions.

In this case, the individualist models, especially in their Stirnerite form, face a structural problem because of denying or considerably limiting social organization. This would oppose the socialist anarchists with their solidarity slogan as well as the anarchist capitalists who admit organization as long as it results in some atomized forms of liberty in the framework of private property and private agencies as well.

On the one side, the problem of organization among the libertarians, especially the individual anarchists, concerns the function of the legal system in a Stateless society. For instance, the affinity group has already shown the capacity of anarchism to work without hierarchy and centralization, but usually in a temporary way with a limited number of individuals. This could serve as a model for dealing with antisocial behaviour in criminal cases and with dispute resolution in civil cases as well. On the other side, there exist the problems related to respecting normative plurality in a free, non-hierarchical, decentralized, and federalized community proposed by the libertarian thinkers, which means negotiation and agreement among all individuals, groups, or organizations concerned through direct democracy. These thinkers might believe that in such a community, common ideas and interests prevail over disagreement and conflict. Nonetheless, the increase of individual and social tendencies or movements (feminism, homosexuality, environmentalism, etc.) has already called the validity of arriving at a common ideology into question. How does accordingly a libertarian community accept or tolerate different ideologies or attitudes standing against its own principles? For instance, may it accept the marriage of a child as permitted by some cultures or sacraments? Does it recognize sex education in the schools when some of its parental members are strictly Muslims, Christians, or Jews?

In spite of their ideological and organizational differences, the anarchists would share some principles as long as they assume liberty, justice, and mutuality or contract. The ecological issues do not however concern all anarchists in the same manner, since if some leftists would agree with the radical respect of the environment in accordance with the GP, the rightists have less been worried about the terrible conditions of non-humans that they basically regard as either "God's gift to man" or "purely human property". In this case, the problems related to property constitute the core of disagreement among the schools of anarchism, and diversify their alternative to State legal system. Professor Eltzbacher has acknowledged, on the one side, if anarchism generally rejects property, or at least private property, there is a distinction between communistic and individualistic anarchists, or even between communistic, collectivistic, and individualistic anarchists. On the other side, albeit they declare that the future society of anarchism has no tie of contract binding individuals together, anarchism aims at having all public affairs arranged for by contracts between the federally organized communes and societies.<sup>836</sup>

In *Anarchism and Legal Rules*, Descallar has argued that anarchism defends that the main deterrent for criminality in a libertarian community will rely on practicing the natural tendency towards mutual aid, even though the anarchists do not believe that criminality will totally disappear. For example, what form of reaction will take place if an individual is murdered by another? Will the social response be wholly left to the neighbours' discretion? In this case, the defence of social relations has to be organized according to a common criterion, valid for the total framework in which the organization functions. The community specifies the criterion in accordance with the basic principle of its organization. The responses to violations following this criterion are therefore organized. For Descallar, an anarchist organization does not inevitably mean uniformity or centralization in the content of the response and the procedure of the determination. For instance, it can specify that the local bodies decide on the concrete responses to concrete violations in each case, as a communal criterion for the implementation of sanctions. The necessity of the consistent sanction and a possible appeal against it to the general assembly secure that the content of the non-centralized sanction does not oppose these basic principles. An organized sanction signifies that the way of the declared sanction is deduced from a common criterion valid for the whole community. In addition, the social response is not actually an arbitrary one, because the arbiters, and not lynching mobs, are the legitimized people to do it, for instance.<sup>837</sup>

Two scholars, Schmidt and Walt, could summarize "crime and social order" in an egalitarian and libertarian society relying on direct democracy and the self-Government of cities, towns, villages, and neighbourhoods. This society legitimizes coercive power against the acts (e.g., rape and murder) harming the commonwealth, i.e. the social order and the liberty of individuals, through the linkage between rights and duties in accordance with a basic commitment to the goals and values of this society. The individuals who disagree with these values have no obligation to remain within a society that they oppose, as the society has no obligation to maintain these individuals. Permitting some individuals to enjoy the rights and benefits of a cooperative commonwealth and to refuse to fulfill their duties according to their abilities is tantamount to resurrecting economic and social inequalities and exploitation, which precisely means the evils of class that the new world tries to abolish. Permitting likewise some individuals to disrespect the rights and liberties of others is amount to resorting hierarchy, even if they fulfill their social duties.<sup>838</sup>

Those scholars have also found out that albeit certain forms of criminality will not disappear, a libertarian and open economic and social order will be able to provide numerous alternatives for conflict resolution in the cases of minor crimes. They have moreover suggested that the power of public pressure can restrain the people from criminal actions, and the withdrawal of cooperation can sufficiently discourage

the repetitions of these actions. The existence of a popular militia and a dense network of associational life will furthermore prevent crime, as the alienation and isolation of modern society will be passed. When it comes to coping with more serious cases, they have argued that the militia could intervene, and some form of trial could presumably appear within a structure set up for this purpose. The solution will be some forms of medical treatment in the case of the criminal who will be proved to be mentally ill and cannot consequently be accountable for his action. Some other measures will otherwise have to be taken, such as compensation, a period of isolation or exile, or permanent expulsion from the anarchist society. The prison has no place in this anarchist model, because it, as Kropotkin formerly argued, creates new evils and acts as “schools of crime” and abuse transforming its inmates into habitual criminals.<sup>839</sup>

When it comes to defending individuality, community, or even nationality in an anarchist community or several communities against any invasion or occupation, the anarchists have, apart from the NAP, the “right to self-defence”, with the different consequences from the punishment of the invader to the compensation of the damaged individuals or communities. In this case, do the anarchists need “the permanent defensive organization” or somehow a form of professional army? It seems that the free market anarchists accept it much easier than the leftist ones who are scared of the emergence of a new army, like State army, with domination and a tendency toward producing, buying, or selling the arms, including the WMD. As for the problems related to these weapons, the leftists would imply that we need either to see their total destruction, or to endure their catastrophic effects on humanity as well as nature. If we experienced certain small-scale communities around the world, would we accordingly witness no “crimes against humanity” or “war crimes” because of abolishing the professional murders with their WMD? Would we also witness no “crimes against nature” because of our new ecological living style?

Most anarchists, except the anarcho-capitalists, have not actually given enough details of the legal system in their ideal communities at both national and international levels. This may justify their hesitation about not becoming authoritarian in their models by imposing them over the next generations, on the one hand, and endless quantity and quantity of anarchist alternatives requiring less strict rules than State legal systems, on the other hand. For instance, Bookchin’s *social ecology* with its “open-ended character” has deliberately abandoned us with more ambiguities, contradictions, and questions than certitudes, clarities, and answers.<sup>840</sup> As a result, I myself doubt ironically that what I have written could really depict the anarchist models, but merely my interpretation, imagination, or even misunderstanding in my struggle to de-puzzle them! Such de-puzzlement may seriously call my legal anarchist approach into question also.



All in all, legal anarchism has not fully developed yet, since as law Professor Stone has found out, jurisprudential debates on the place of law within the concept of anarchy are limited.<sup>841</sup> In this case, the form and context of the legal system in an anarchist community shall respond to many questions about written law, customary law, the adversarial system, the inquisitorial system, the specialization of the legal system, the rules of court, and so forth, in accordance with the anarchist principles. Moreover, the legal anarchist models, like humanity, are full of dilemmas and contradictions, because they must face different existences with their different conditions and interests. Legal anarchism has really to handle human and non-human psychological and physical integrity with kid gloves. For example, how could we become vegetarians when we must eat plants or limitedly use animal products (such as milk and egg)? How could we respect “the freedom of religion” when such a freedom violating female rights? As a result, legal anarchism has to answer an existential dilemma: “to be or not to be,” because almost every existence depends on cooperating with, destroying, or limiting another existence.

Although I do not deny the anarchists’ merits, especially regarding their deep analysis and critique of the law and punishment, I am critical vis-à-vis their alternatives. I also acknowledge that they have been rarely able to implement their models, if not eradicated by State violence, in our modern societies under the pretext of utopianism or unfeasibility. In this sense, Professor Hutchinson asked me to reflect on what Proudhon would have presented as alternative to the legal system, if he had lived in our time. This too moody anarchist would apparently have presented, to my knowledge, no legal model that could function in modernity on either national or international scale! I am therefore developing shortly my reflection of anarchist modernization.

## 5.5 My Alternatives and Final Notices

I am first suggesting some libertarian alternatives at both internal and external levels. As a synthetic and universal model, they could embrace certain utopic and paradoxical characters. Are they utopian because their conditions have not come into existence yet? Alternatively, are they paradoxical because we do not really want to apply them yet?

On the one hand, there are two general and profound principles, which I try briefly clarifying, in my national alternatives: the *principle of existence* considering the life of all existing identities, and the *principle of freedom to choose* by all concerned people in one or different places. The concerned people would indeed decide about the characteristics of an anarchist society in accordance with their capacities, conditions, and existential dignity. On the other hand, there are some international principles by which a

libertarian community would manage its external affairs in relation to other communities and the environment as well. I am then going to conclude my thesis through some critical notices about the anarchists and legal anarchism, such as their verbalism mingled with their lack of clarity and coherence. I am eventually going to argue that I may have added some original thoughts to legal anarchism.

## 5.5.1 The Alternatives

I am now presenting two types of libertarian alternatives relying on some radical principles, on both internal and external scales, according to which the anarchist communities would deeply arrange their existences in relation to each other and the environment as a whole. They actually overlap each other nationally as well as internationally when enclosing several essential elements, necessary to keep an anarchist identity alive. They are the *principle of existence* and the *principle of freedom to choose* at the national level. As for the international principles, an anarchist community or an anarchist federation of communities would remain peaceful, cooperative, and ecological without any militarist agenda, except in the case of self-defence against any aggression.

In terms of those principles, if all individuals and communities would enjoy the liberties and rights (e.g., equal education, decision-making, and movement), they would also have a responsibility to respect others and the environment as well through their ecological lifestyle and cooperation. These principles would also be useful or practicable when science and technology would later enable humanity to live in other planets. They cannot nonetheless guarantee “a perfect system”, but as perfect as it can be.

### 5.5.1.1 The National Principles

In order to create a free and libertarian society replacing the State society, I would like to enumerate two general principles. A peaceful and harmonious life would found upon these principles, in accordance with our Mother Earth or Existential Mother in a cosmological order. They could however be either repetitive (e.g., contract, the GP, and free love), or difficultly realizable. The anarchist society would actually contain *per se* some other fundamental principles (such as decentralization, autonomy, and federation) that I have analyzed. The national principles contain the local and communal strategies in the libertarian societies. My radical alternatives focus indeed on certain features designing different types of anarchist society, which have also significance in the international existence of anarchism.

### 5.5.1.1.1 The Principle of Existence

The PE or the existential principle, as the foundation of all rights and liberties, signifies the respect of all existing identities' life in the cosmos: *the right to live and to enjoy life without any discrimination*. The legalists only recognize the PE for human beings (e.g., UDHR, art. 3), because the GP has apparently no meaning for them. Due to this legal ignorance, State extreme violence against humans and non-humans, and the capitalist approach to nature as human property, I would like to place the GP at the top of my principles for establishing an anarchist society. In this case, the GP finds a large meaning, because it not only includes "green technology",<sup>842</sup> which opposes the exploitation and slavery of humans and non-humans, but also defends the respect of existential dignity. This means the right or liberty of humans and non-humans to exist and to enjoy existence as well. Green technology could save humanity from exploiting or destroying nature by providing green energy, vegetarian lifestyle, recycling, and so on.

We nowadays need the legal systems taking the complexity of human and natural existences into account altogether. As sociable animals, we should necessarily live in families and communities enabling us to satisfy our needs and desires as well. In this case, we should respect *organization*, a concept balanced among naturality, individuality, and sociality. This is certainly a great challenge to live organizationally and cooperatively without being forced or forcing to create or to support a hierarchical authority. At the same time, the respect of flora and fauna plays an extremely important role in this balance, because we are neither masters nor proprietors of nature. The death of nature is really our own death insomuch as we are one part of nature, only one part. As a result, realizing any libertarian system has to go hand in hand with the ecological approaches.

In our so-called postmodern societies heavily influenced by the Internet and galloping technology, even though distributed in a very unequal manner, we are massively destroying and polluting nature on a planetary scale. We have drastically reduced or totally disappeared many species from our Mother Earth already. As long as we are continuing to commit our crimes against humanity and nature by mercilessly exploiting and killing each other and the ecosystems as well, we will undoubtedly end in annihilating nature. In this case, eco-anarchism is very useful to give us some ideas about how we can respect our existence without destroying the environment, or be much less harmful to animals as well as plants at the universal level, or even at the cosmological level in the future. Our problems (economy, immigration, and pollution, among others) go much further than a specific community, nation, or planet in the future. We accordingly have two responsibilities, i.e. local and universal, one relates to our citizenship in a given territory, another to our membership on the earth. According to this interpretation, natural resources belong to all organisms,

including human beings. There nevertheless remain two main questions about these resources for the anarchists: how to manage and to use them?

As a vegetarian, I certainly prefer a system in which nobody has any right to harm, to exploit, to enslave, or to murder any animal in any form: circus, domesticating, testing, hunting, slaughtering, etc. In this sense, I even defend “*equality between humanity and animality*”, because we all belong to one identity: the environment. The anarchist community should therefore define, prevent, and punish the “crimes against nature” or the environment, in a much more efficient and courageous manner than some societies that are ridiculously pretending to do it regarding crimes against humanity nowadays. I am also aware of the practical problems of this defense, because humanity is marketing, urbanizing, and industrializing existence so deeply and permanently. Let us demand, once more, “impossible” that would eventually become “possible”. Let us realize our dream, and if we dream an anarchist community, we dream the best one! In short, any anarchist system that does not radically respect the environment and the cosmos has really no sense for me, since I would personally love the green communities with vegetarian habitudes.

#### **5.5.1.1.2 The Principle of Freedom to Choose**

In order to understand the PFC, on the one side, I explain its general elements, such as synthesisism, tolerance, education, healthcare, welfare, equality, and direct democracy. On the other side, I analyze the contextual and procedural norms, particularly in a criminal system, by which an anarchist community or federation regulates its existence.

##### **5.5.1.1.2.1 The General Elements**

The PFC means any anarchist system that the individuals, groups, organizations, or communities decide to create. This enables them to satisfy their creativity, needs, and desires in terms of their existential conditions, and to respect each other, other communities, and the environment. It could be in a place or, thanks to technological progress such as the Internet, several places and planets in the future. As a large and open concept, this principle encloses some other principles that a community and its members should accept to establish and to manage a libertarian environment. For instance, there are libertarian education, respecting the plurality of ideas and sexuality, no aggression against person and legitimate property, right to join and to leave, democratic decision-making without accumulation of authority and with the possibility of revoking authority, equality, solidarity, strict and controlled punishment. In summary, any alternative should depend on a synthesis of individual freedom and social cohesion allowing the people to choose a libertarian system that suits better their time and space. In other words, my system is a type of *synthesis*

*anarchism* based on individual, social, and environmental diversity in sexuality, family, education, ethnicity, religion, natural resources, legal system, and so forth.

In this case, there are obviously some questions about mixing the anarchist systems. For example, how can a capitalist community work and collaborate with a communistic community? The individuals, groups, or communities are indeed free to choose any system that serves them better. A community or a federation of communities are free to practice one anarchist model (e.g., anarcho-syndicalism) or diverse models (e.g., anarcho-capitalism and anarcho-communism) in a given territory or region, as long as they do neither fight against each other, nor undermine the anarchist principles such as freedom and autonomy. Due to the fundamental principles (especially the principles of endless alternatives, contract, and non-aggression), there would be “anarchist tolerance” or even “anarchist cooperation” facilitating a harmonious, peaceful, prosperous, and ecological existence among diverse anarchist communities. For instance, a community wants to realize a free market society, while some of its members or neighbours disregard anarcho-capitalism. The tolerance of ideas and practices actually constitutes a libertarian value. There is nonetheless mutual distrust or even destruction between the socialist and capitalist anarchists who are usually regarding each other as enemy, in spite of sharing some common ground like individual freedom, contract, and decentralization. I could accordingly share Malatesta’s opinion on realizing a voluntary and free communism. It is indeed mocking if an individual has no right and possibility to live in a different regime (collectivist, mutualist, or individualist) as she wishes, always on condition that there is neither exploitation nor oppression of others. And only the ways of life respecting freedom and recognizing each individual’s equal right to the means of production and to the full enjoyment of the product of her own labour are eventually anarchist.<sup>843</sup>

As far as I am concerned, I am not hopefully in any position to force others to choose my alternatives. It is not indeed my business at all to prevent them from putting their own beliefs into practice. I may only present my arguments opposing their option, if I think it is not appropriate, which means my power is simply argumentative and not physical, since I respect the NAP. The use of force against the peaceful people is actually nothing better than State tyranny.

For instance, although I am profoundly anti-religious, I have no right to prevent the people from their religion. In this case, Tucker acknowledges religion as a personal code of morality as long as it does not impose any authority over others.<sup>844</sup> There are nonetheless the problems of practicing some religious codes, when they are discriminative toward certain individuals or groups, such as children and women.<sup>845</sup> There are accordingly some serious problems relating to practice a right in a libertarian system, such as the

right of women to abort or to be topless, because of opposing religious belief perhaps! In other words, it is not always easy to respect all religious faith without violating some principles of legal anarchism. I should however emphasize that the respect of freedom of conscience or religion would be at the core of any anarchist society. Price accordingly argues, when he does not personally believe in God, he is against any militant atheist and anti-religious campaigns, since it is important to know whether the anarchists with different ideas can work together, rather than their views on God.<sup>846</sup> Voltaire likewise said, “*I may not agree with what you say, but I will defend to the death your right to say it.*”

Moreover, the anarchist community needs a *libertarian education* that would be free, accessible to all, democratic, cooperative, creative, secular, non-ideological, non-hierarchical, and cosmological. In this educational system, the professors and students teach and learn about how the individual and the society can choose some principles enabling them to live harmoniously, freely, peacefully, creatively, ecologically, and cosmologically. This form of education would actually show the way in which the members can live with each other and respect human and natural dignity, without exploitation, nationalism, or imperialism. A libertarian education is necessary, because the current education system, especially the law school, is directly or indirectly preaching the destruction of humanity and nature through legalizing or justifying State violence in all directions. This is emancipatory not only for humanity, but also for nature. When it comes to the law schools, the members of an anarchist community would decide about either destroying or keeping them with direct democracy, transparency, and accountability. In the first case, the law Professors would find an honorable job elsewhere, and in the second, they would abandon their authoritarian, irresponsible, and condescending habituates altogether in order to embrace truly justice and liberty.

In accordance with the PE and the NAP, a libertarian education would also help the anarchist community to run voluntarily some programs of “birth control”, “green technology”, and “animal rights and freedoms”. These programs aim at reducing maximally or totally, if possible, human harmful effects on existence: poverty, exploitation, animal slavery, pollution, habitat destruction, etc. The libertarian education would constantly modernize the environmental and equitable methods of creation, production, and consumption on all individual, familial, communal, national, regional, international, and universal scales.

On the one side, not only education, but also other *basic needs* (e.g., food, cloth, housing, and healthcare) would be free and accessible to all. The anarchist society would however face a traditional question: the free riders and idles, except those who cannot work because of physical or mental reasons. On the other side, the anarchist society would provide a *mechanism for defending the rights and liberties of some groups of individuals with specific needs* (such as children, women, persons with disabilities, seniors,

aboriginals, and immigrants), as long as they would not reach at their equal and fair capacities. These groups have historically been subject to exploitation, discrimination, racism, sexism, or injustice in different ways, particularly when it comes to housing, education, healthcare, job, and decision-making. They should enjoy not only the “equal rights” (e.g., decision-making and access to all communal wealth and resources), like all other members, but also the “extra-rights” until they would be able to decide about their situation and community, or their condition would reach at the same point of others. Some can remind that a libertarian society, especially in its socialist form, is “equalitarian” (e.g., gender equality) and not paternalistic, but we would make sure that this equalitarianism is applicable and, if necessary, some extra-measures would help all members of the anarchist society to have access to all educational, social, political, economic, and natural resources. As a result, those who cannot work, because of their physical or mental conditions, must enjoy all wealth of a community or nation. In this case, the violation of these rights and freedoms could be a crime, punishable according to the decision of the community in accordance with the criminal principles, mentioned below.

An anarchist society would function according to *direct democracy* by using green technology, with the possibility of a very limited representative system by discussion, vote, and revocability, since the representatives would work with limited or controlled authority in space and time. The PFC would accordingly be important in the process of negotiation and contract as long as there would be “honesty” facilitating decision-making and dispute resolution. If the individuals or groups concerned started and continued with honesty in such a process, it could be easy to arrive at a solution. It is actually easier to arrive at a compromise or conflict resolution between honest individuals than dishonest ones. It would also be a hope for solving the existential problems, including self-Government, when the people in an anarchist society would try to use true arguments rather than falsified ones resulting in despotism, hate, conflict, and eventually war. In this case, we need a form of “anarchist morality”, based on transparency and honesty, which facilitates direct democracy.

An anarchist community would furthermore respect *property rights* as long as they would be legitimate and defined by the concerned people without generating the exploitation of humans and non-humans as well. In other words, they would not become a tool of dominating or manipulating humans and non-humans by any form of so-called ownership through, for example, the wage system. By legitimate property, I mean any form of property created, transformed, or transferred by individual or communal work. Neither individual nor collective property is however sacred or absolute, but at the service of human and natural progress and justice. I could also suggest, on the one hand, the lands, natural resources (because



they belong to nobody, but to the environment itself as a whole), and means of production (because it is principally the result of a collective work) would be “common”, but the fruit of each individual or communal labour should be “personal”. On the other hand, the community would respect the lives of non-humans as non-property identities in accordance with the PE, i.e. nobody has any right to destroy, aggress, or exploit them. In the same manner, an anarchist society would decide about a monetary system, if necessary, according to the standard of gold, silver, time chits, or whatever else that it would choose to circulate among its members and in relation to other communities as well. The same would be true for any economic contribution like voluntary taxation or other forms of free participation.

#### **5.5.1.1.2.2 The Legal Elements**

As far as the legal system in a libertarian society is concerned, it would face several problems existing also in a State society (voting system, robbery, murder, and so on), or maybe some new ones created by new situations in time and space, since there could be no perfect system. These problems would be national, regional, international, constitutional, criminal, civil, administrative, ecological, and so on, according to circumstances. Let me here mention few general principles for a criminal system that an anarchist society could choose.

1) The anarchist community would choose the framework of legal system according to its conditions, such as custom, common law, civil law, and mixed system. In any of this form, the community could define, prevent, and punish two categories of criminality: crimes against humanity and crimes against nature. The first category encloses the offences against individual, group, organization, society, nation, and property, while the second concerns the offences against the ecosystems or non-humans according to the PE. The community would accordingly establish both preventive and repressive programs.

2) The anarchist community would democratically define the substantive as well as procedural aspects of laws and their sanctions, without falling into endless jungle of overregulation and consequently overpunishment. In other words, less law would cause fewer problems, but more liberties and transparency, since the legal system could not solve all existential problems. In other words, less laws or legal system is highly recommended, because it would less complicate existence. If there would be any individual, communal, or ecological harm, all concerned members would decide about the solution outside as well inside the legal system.

3) The anarchist community would avoid “legal professionalism” with its natural and deadly consequences: authority, hierarchy, domination, extreme violence, and corruption. Let all members

participate in solving problems, instead of educating a privileged caste, called the legal professionals, living parasitically in their own ivory tower without any sense of humanity and compassion, but mercantilism and authoritarianism.

The specialization of actors of the CJS is a challenge in this case, since the anarchist community would decide on its eventual need of the law school, lawyering, defensive and dispute resolution organizations, communal or private. It would therefore cope with the dilemma of these institutions, because they have some symbiotic relations with politics and economics. I have proved that these institutions can be neither human nor beneficial for all social members and non-humans. They lack to provide a decent life, but a specially organized mechanism of elitism, propaganda, and injustice through defending the interests of a minority aiming at destroying humanity and nature together for the sake of money. The anarchist society would accordingly have two options: either the law school forever to bring or to legitimize more misery and war by hierarchy and corruption, or its destruction to radically respect humanity and nature by entering the ways in which there would be more justice, liberty, equality, and the cleaner and safer ecosystems.

To solve the problems of legal specialization is really a big challenge in a world where the specialization and atomization of labour and complication of human relations with each other and non-humans, through endless norms in all directions, as a solution to human and natural problems, have become catastrophic. Capitalism, especially in its universal cloth of neo-liberalism, has unavoidably led to marketize and consume everything, alive and unalive as well, everywhere. This is a serious problem in front of an anarchist model, since the anarchists would seriously think about having or not having the legal professional in governing their internal and external affairs. If they would be able to use our experience in this case, they would be careful about the disadvantages and dangers of a professionalized legal system as ours: despotism and the governmentalization of all existence. I hope that they would take a lesson from our extremely specialized CJS in order to avoid legal specialization. The ancient Greek legal system in its popular and equal form could serve as a model in this case. The jury system, made by all community members, could accordingly be fair and independent from all parties, which is very different from the current jury systems that have really become a gigantic and *médiatique* machine to acquit the crimes of the public officers, but to punish the marginal or revolted people, as shows the grand jury in the USA.

4) A libertarian system would also think about the principles concerning defense, individual and social compensation for the victim, and the rehabilitation or punishment of the criminals who have invaded or committed any violent or fraudulent act against another person, community, nation, property, or the environment. For instance, albeit sanction could intrinsically constitute a form of violence, a libertarian

community cannot legitimize inhuman or humiliating sanctions such as capital and corporal penalties that are neither moral nor efficient. In other words, the community would try to minimize the cruelty of sanctions, but to maximize their humanity and efficiency for all concerned elements, i.e. the victim, offender, and society. Besides, it would not forget the preventive programs, such as gender, educational, and economic equality which would be more efficient than punishment.

### 5.5.1.2 The International Principles

On the one side, humanity has hitherto witnessed countless years of international problems, systematically produced under the auspice of politicians in the framework of international relations or international laws. There are conflicts, genocide, wars, cyberwarfare, militarism, invasion, occupation, concentration camps, refugees, migrant crisis, separation walls, deportation, forced displacement and disappearance, mass imprisonment, mass murder, injury, mutilating, torture, rape, plunder, spy, hate, political oppression, coups d'État, economic exploitation and disaster, destruction and intoxication of nature. Is accordingly there any *law and order* in international relations? Is contrarily there any *chaos* or *anarchism* in international relations according to the Statists' own standards? This should lead an anarchist community or an anarchist federation to rethink about a new world with new relations based on respect, understanding, compassion, diversity, mutuality, decentralization, democracy, green ecology, and cosmology. It would consequently neither tolerate nor help those Governmental crimes to come into existence anymore.

When it comes to using or to fabricating the WMD by an anarchist nation, I would agree with Professor Rothbard who argued about the almost impossibility of atomic defence, because it relies solely on mutual threat and destruction. This form of weaponry is not really persuasive, and its fabrication and use, even for self-defence, could not be anarchist *per se*, but some form of crimes against humanity and nature as a whole because of its dreadful effects on the environment including humanity. What would however happen if one or all neighbours of an anarchist nation would have this weapon while all doors to resolution by dialogue would have firmly been closed? I think that such a nation could not produce or use this weapon as a defensive means, because the end does not justify the inhuman means. It would nonetheless have a right to use other less problematic means, for the environment and humanity as well, to defend its existence against aggression. In addition, neither a nuclear weapon nor a highly professional and extremely powerful army can efficiently guarantee national defence or peace, as, for example, the US army has proved in its problematic war and occupation in Afghanistan and Iraq.

There would actually be regional and international cooperation between various federations around the world, despite their different ideologies and cultures, since we all live on the same planet in which we share the same advantages as well as disadvantages, such as the environmental and cosmological issues. We cannot thus live without universal or cosmological cooperation as well as solidarity. As for the questions of weaponry and militarism on the national, regional, and international scales, they relate first to those of federalism and the peaceful nature of an anarchist community. They depend then on the defensive nature and features of this community against any invasion or occupation. For example, they are industrial associations and private defense agencies in respectively the Proudhonian and anarcho-capitalist models, which the anarchist members could choose. In summary, an anarchist community or a federation of anarchist communities would not become aggressive, militarist, colonialist, or imperialist, unless in the case of losing its anarchist essence or principles.

On the other side, since natural resources belong not only to all human beings, but also to all animals and plants, no individual, nation, or community has any right of monopolizing them to the detriment of misery of others, simply because of possessing them by chance, inheritance, marketing, or conquering. We are indeed all animals with some common needs and desires, without forgetting our individuality and diversity in space and time. Moreover, natural resources, especially gas and oil, are not endless, so that we must not destroy or exhaust them totally. An anarchist federation would consequently have to think seriously about green technology and its distribution with equality and justice on a universal scale.

As for the legal system at a universal or cosmological level in the future, the anarchist community or the anarchist federation of communities would decide about a system that can fit their international and cosmological relations. This actually includes legal, political, economic, social, cultural, artistic, and sportive cooperation, dispute and conflict resolution, and the response to the issues of offences against them, the ecosystems, or the cosmos as a whole (e.g., space debris). The above principles of justice would be helpful in this case by providing a mutual, peaceful, just, and green framework in which those communities arrange their affairs universally or even cosmologically in the future.

## **5.5.2 The Conclusive and Critical Notices**

Some of my severe criticisms of the anarchists and legal anarchism would certainly embrace my own thesis itself, but with two noticeable differences. On the one side, I do not really belong to their caste, and, on the other side, they have never recognized or published any of my anarchist writings at all. This would therefore prove my uncertain contribution to their ideas or movements.

### 5.5.2.1 The Severe Criticisms of the Anarchists and Legal Anarchism

As a multidisciplinary and multi-methodological concept in its terminology, analysis, critique, and alternatives, legal anarchism has not only influenced many concepts, but also been influenced by them. In this regard, feminism, environmentalism, radical criminology, and restorative justice are salient examples. The libertarians' examination and critiques of the legal system and their alternatives are important for two reasons. Firstly, they stimulate our minds by putting into question all aspects of the law and punishment while denouncing their dehumanized and anti-ecological characteristics. Would the current legal situation be much more problematic without legal anarchism, since the legal professionals do rarely recognize any dissident voice or criticism? Secondly, they show the possibility of having some legal systems more human and respectful of nature as well.

Nonetheless, bulging with fascinating discussions and analyses but mostly blind toward their own problems, anarchism generally and legal anarchism particularly are proudly rooted too much in their ancient, new, sacred, Westernized, dead, or iconic personalities.<sup>847</sup> These iconic think-tankers possess their own jargons (e.g., self-defence, transformative justice, commutative justice, and test on the criminal as a laboratory mouse) mystifying a punitive agenda of another form of State control, without excluding old sanctions (e.g., capital punishment and torture). Because they have actually become as sacred as the Governors have, I have applied some scriptures to them in my thesis.

In spite of their seducing leitmotif (principally, justice, liberty, autonomy, mutuality, decentralization, and environmentalism), they seem to be unable to present certain coherently normative systems for our very diverse and complex societies,<sup>848</sup> indoctrinated by Governmental education.<sup>849</sup> This form of education has never stopped preaching to us the necessity of the State as the Hobbesian absolute provider of law and order in a globalized world, in which there is supposedly no centralized authority to impose so-called "human rights" as well as "environmental rights" over our heads. This would justify the length of the Chapter 5 that aims at both analyzing and criticizing the libertarians' systems, which could be no less problematic than their criticisms of the current systems founded on State power and authority.

A look at the anarchist journals and studies may realize that anarchism seriously suffers from dead ideas and fossilized thinkers, while it is perfectly making a guard against any freethinker. The anarchists are really suffering from *an intellectual superiority complex*, which would be a type of intellectual and academic racism. The anarchist ideals are usually either close to State law or far from our realities: our cruelties vis-à-vis nature and ourselves as well. In this sense, they have a revolutionary power or agenda to become an authoritarian system that they are arrogantly pretending to replace.<sup>850</sup>

On the contrary, the capitalist anarchists, really hated or ignored by the socialist anarchists, have developed a normative system that is relatively coherent, but not necessarily democratic, human, or ecological. They simply look at humanity and nature as private property to maximize profit. And as for anarchist morality, they are ironically more coherent or honest than the so-called socialist anarchists, because they do not care about equality when enjoying capitalist advantages founded on inequality (e.g., leadership and professorship). Adversely, the socialist anarchists are perfectly profiting from these advantages when absolutely rejecting capitalism as an evil system! In other words, if the rightist anarchists are openly recognizing “inequality”, the leftist ones are apparently rejecting it while deeply kissing its buttock in their attitudes or organizations! *Let anyone of anarchists who is not profiteer of capitalism be the first to throw a stone at capitalism.* (John 8:7)

The anarchists' impossibility to theorize coherently or to establish successfully, if the State would rarely allow them, a libertarian model has indeed confronted us with some existential questions. For instance, is not destroying a system much easier than reconstructing it or inventing another one? How has the State survived or even developed despite all destructive critiques articulated by the anarchists? How has it been able to adapt to all crises including political and financial scandals?

Besides, the anarchist terminology is mostly far from the understanding of grassroots that need, according to certain anarchist think-tankers, the direction by a bunch of the *érudits médiatiques* and professional activists who are lovers of their libertarian gurus. The anarchist disciples are really responsible to decode and to develop their gurus' language, to mutually support each other, and to anarchistically exclude all outsiders. In this sense, Professor Gordon's notice could be significant, because contemporary anarchism is broadly discontinuous with the historically anarchist movement of peasants and workers.<sup>851</sup> All anarchist morality and propaganda (such as friendship and solidarity)<sup>852</sup> could somehow depend on “mutuality” or “*donnant-donnant*” among the leftists and on “the free market” among the rightists, which would be scarcely anything better than capitalist morality founded upon economic interest. The libertarians are actually accustomed to criticizing too much the State for being cruel, when they are themselves dehumanized and arrogant vis-à-vis the laypeople. They are floating on the same moral bankruptcy in which the Statesmen/women have already submerged deeply.

The anarchists have scarcely gone further than their scholastic language, jargon, and verbiage (such as post-anarchism), produced mostly in some capitalist universities or romantic cafés in a few wealthy countries. This means mostly in France, England, and the USA that are perfectly symbolizing capitalism, hated by the anarchists, at least the leftist ones, in their pompous speeches, but rarely in their docile

attitudes.<sup>853</sup> They may hotly denounce European and American colonialism and imperialism, but they are practically worshipping £, €, and \$! If the archaic generation of so-called social anarchism sacrificed sometimes its lives and properties for establishing a Stateless society, the modern generation is mostly made by certain very well established, paid, and respected Professors, doctors, scientists, highbrows, journalists, or artists. The police or the army is rarely repressing their activism, thanks to their heroic position in our capitalist society against which these anarchists feign to fight and to revolutionize. As for the modern generation of so-called anarcho-capitalism, it is also coming from the middle or upper class whose mind is under the yoke of making money while preaching to us the ethos of the free market whose gatekeepers are indeed the libertarians themselves.

Anarchism or libertarianism is indeed *a business* among others, but many times a noisy or scaring one. If you look at the face of those generations, you can find many good bourgeois people from whom happiness is agreeably effervescing, which are quite the opposite of the proletarians, peasants, and lumpenproletarians for them the leftists are always crying deeply. How can hence the Godlike anarchists, such as Bakunin and Tolstoy, preach the ethos of liberty, autonomy, mutuality, solidarity, plurality, and tolerance to us, when they are themselves so egoist, exploitative, authoritarian, or intolerant from head to toe? How can they expect us to put into practice their ethos when they are unable to do it themselves? In this sense, their libertarian alternatives could be utopian at best or demagogic at worst. For instance, the leftist communities and publications (e.g., Anarchist Studies and Institute for Anarchist Studies) are close to the rightist ones (e.g., Journal of Libertarian Studies, LewRockwell, and Ludwig von Mises Institute), and vice versa, because of excluding any dissident opinion or critique while developing the anarchist cult of personality. They, as the micro-societies, would be indeed unable to tolerate or to accept other opinions, when they are inculcating the value of diversity and plurality in a non-State society!

My critiques may be an ethical challenge to some anarchists who could be opportunist highbrows presenting anarchism as the end of human history through certain anarchist revolutions or evolutions around the world.<sup>854</sup> This could be an eschatological faith close to the Hegelian and Marxian ends of history,<sup>855</sup> or to the Fukuyamaian *End of History and Last Man*.<sup>856</sup> In this case, Professor Black has articulated “the return of anarchy” with certain poetically philosophical words: “*The past will return to some degree, yet society will be different. It will be communal and situational at the same time, a unity of opposites, a situational society. To some degree, moreover, anarchy will return.*”<sup>857</sup> In fact, the legal system would eventually become libertarian. Since appears authority, including legal authority, in all aspects of human and non-human existences, any libertarian alternative would be multifunctional. Moreover, due to the phenomenon



of “State death”, will we eventually witness the States’ disappearance around the world, i.e. the establishment of anarchist orders, instead of new ones’ appearance or metamorphose?

However, can the anarchists severely criticize my own criticisms because of my criminal law education and authoritarian experience in existence? I do recognize that my obsession with “the questions of criminality” would stem from two elements consciously or unconsciously. Firstly, I was born, have been living, studying, and working in two highly totalitarian State, i.e. the Pahlavi Dynasty and the Islamic Republic of Iran, and two extremely regularized States, i.e. the Republic of France and the Monarchic Government of Canada. Secondly, I have been studying criminal law for many years. If I had been and done otherwise, I would have probably had another opinion on anarchism. Could my obsession with the CJS and legal anarchism be the fruit of existing within the State with its propagandist and repressive apparatus partly called the “criminal law”? Do my models, especially their “legal elements”, look like State law? Alternatively, do they look like the libertarian models that I have criticized partly because of their similarity to State law?

There is perhaps no perfect system, because every system has its own advantages and disadvantages as well. In other words, a system can be good in one aspect like ecology, but problematic in another aspect like economy. The anarchist alternatives to State law cannot be an exception to this rule. Even a small community would be by no means a harmonious place without social tensions and constraints on individual, group, or ecology. The legal system, as one of the means of social control, would thus be necessary to an anarchist society.<sup>858</sup> As I have nevertheless analyzed in the legal repression of anarchism, the States have never allowed any anarchist system to continue long and to improve itself, thanks to their presentation of anarchism as the state of nature and anti-anarchist laws as a result. All anarchist communities, such as the communities during the Spanish Civil War, have consequently had a short life to be conclusive. The States have hitherto forced us to believe that our existence, continuation, and improvement are absolutely their right or business. In fact, any protest or different thinking is either punished by the legal system as chaos and terrorism, or mocked by the majority as utopia and nonsense. There are hopefully dissenters with their courage, resistance, innovation, creation, or direct action that challenge the status quo and State power while presenting, even modestly, some alternatives to the current legal systems. As a hopeful result, no State has ever been able to destroy all resistance and to control all citizens, and our power to resist is no less important than State repression itself.

### 5.5.2.2 My Uncertain Contribution to Legal Anarchism

There remain some final notices that I should say about my problematic contribution to anarchism generally and legal anarchism particularly.

The principal and very large inquiry of my dissertation about the justification and necessity of existential regulation by the State may not be an original question insofar as “*all human societies, from time to time, rendered open to interrogation by political crises or changes in moral outlook.*”<sup>859</sup>

I however hope that my thesis has modestly presented and challenged, with a comprehensible language for the laypeople, the anarchist thoughts about the law and punishment. I recognize that my doctoral project may be original insofar as it has, for the first time to my knowledge, endeavored to broadly study the relationship between the legal system and anarchism by an engagement with various classic and modern literatures, and to accordingly make legal anarchism a scholarly discipline with its own language, methodology, and strategy. If it had nonetheless no originality as I want, it could at least stimulate others to think about the advantages and disadvantages of the legal system in both State and libertarian societies. From a conservative or revolutionary perspective, it is important to improve or to revolutionize our life by questioning about existential issues like governance. The dissertation has endeavored in this direction by coping with the necessity of the State. It could contribute to the anarchist ideas and, particularly, to the anarchist alternatives taking into account the elements of time, space, human diversity, and nature through respecting the right to exist for all animals, plants, and human beings.

Furthermore, if the dissertation seems to be so “surrealistic” or utopic, we should not forget that our progress and awareness of humanity and nature have already started by idealism, that is to say by trying to create a green world where justice, liberty, and peace are no longer abstract words but reality. To put into practice these ideas are by no means an easy task, but we should work on them because existence would work better by hope than by deterministic pessimism.

My thesis essence has indeed relied on two principal inquiries about the justification and necessity of the State and its alternatives relying on legal anarchism. They are indeed existential dilemmas for all societies, regardless of their characteristics during time and in space. On the one hand, do we need State laws to govern all existence? On the other hand, if we can manage existence without any centralized and authoritarian power, which type of legal system we need? As Kropotkin formerly implied,<sup>860</sup> the answer may depend on a Manichaeistic option: either countless State laws with their dehumanized mechanisms, monopolized by a gang of professionals who are fervently designing their own sacred rituals being destroying humanity and the environment together, or a dignified legal system based on liberty, justice, and

ecology, managed by all people concerned. Does my interpretation imply that legal anarchism believes in the absolute wrongness of State law while divinizing anarchist law? Would this mean the end of history by anarchism? Would humanity however return to State laws after anarchist laws? Likewise, could a “Statism-anarchism circle” exist as the criminal-victim circle? Are my critiques of legal anarchism and the anarchists too vehement while everybody has a right to criticize my thesis even in a more violent manner? The good questions may not systematically lead to the good answers, as my thesis questions may prove, since they need a lot of reflection, try, failure, success, or even frustration to evaluate the right answers (but what are eventually the right answers?). As Umberto Eco has argued that “*Books are not made to be believed, but to be subjected to inquiry,*” my thesis is a way of thinking and not indoctrinating.

I have tried to *synthesize* several anarchist ideologies – even though some of them, especially anarcho-capitalism, are still subject to other anarchists’ tough attitude or exclusion – and to *treat fairly* them by analyzing instead of excluding them. All anarchist schools have indeed an *equal right* to defend and develop freely their models as long as they want. It is thus neither my right nor hopefully my capacity to prevent them from expressing their opinions. In other words, I, as a researcher, could not judge which one is “anarchist” or “more anarchist” than another one. For instance, Professor Rothbard had the same natural right to develop his libertarian model as Bakunin had done about his collectivist anarchism, otherwise there is dictatorship. I have indeed struggled to analyze critically, even shortly, principal anarchist opinions on the matter, regardless of their possibly mutual hostility or rejection. In this case, my thesis could develop legal anarchism through presenting, interpreting, making obsessively reference to, and providing a huge bibliography of many different anarchist ideas and movements.

My ambition seems to be idealistic insomuch as we have been born to live and to die with all our miseries in the name of reality of the State! As a result, let us try to realize what is idealistic, to be idealistic instead of accepting our miseries as reality, and to fight for an equal, peaceful, democratic, and green existence.

As far as legal anarchism is concerned, I have some propositions for its evolution and modernization. I hope that it will have a promoting future by overcoming the prejudices and internal conflicts from which anarchism has historically suffered, on the one side, and opening itself to a more critical experience through more reflections, studies, and practices, on the other side. It really needs a better image in the mass media and academia, particularly in the law school, by presenting the positive aspects of anarchism and encouraging more dialogues and studies about its principles for human and natural governance among the laypeople and scholars as well.

Contrary to the jargons that the anarchist middle or upper class have historically developed and doggedly defended, legal anarchism needs a clear and comprehensible language for everybody. If it wants to present some reliable alternatives to State law, it should have not only a knowledgeable terminology, but also certain modern models that the people can use in their existence. The anarchist models would accordingly consider green anarchism and green technology, because they provide some guidelines for respecting the Mother Earth in relation to the cosmos. Moreover, if legal anarchism wants to become an effective discipline, it should permanently modernize its theories and models by new science and technology. It would perhaps neither forget its rich history of ideas and experience in different times and spaces, nor fossilize itself in some dead gurus' opinions, certainly by respecting its own principle of endless alternatives! It would constantly reconsider its problems in order to find new solutions in accordance with its principles.

Legal anarchism should furthermore avoid many fights among different groups of anarchism, called leftists, rightists, individualists, egoists, capitalists, and so on. Albeit pluralism and criticism are internally and externally vital for the progress of any discipline, legal anarchism cannot weaken its arguments by purely submerging in endless debates among different schools of anarchist thought. It would thus try to synthesize these debates, without denying their differences, and to use the external and dissident ideas, which are important to its modernization. The anarchist schools have hitherto weakened themselves by not only fighting against State authority that is their common enemy, but also discrediting or excluding each other's theory and model, in spite of advocating "mutuality" and "cooperation" as the foundation of any anarchist community!

As a multidisciplinary exploration of justice, legal anarchism should also say us how we can live peacefully, harmoniously, freely, fairly, and equally with each other and nature as well, i.e. without hierarchy, domination, extreme regulation and violence, despotism, and with respecting the existence of animals and plants at all local, regional, national, international, or even cosmological levels. It seems that if legal anarchism wants only *to reform* the current laws and sanctions, it will either lose its substance and existential meaning, or become another tool in preserving the status quo and keeping State power alive. Such a reform could remind, for instance, when we try to reform an authoritarian system, like Iran's Islamic Government, in a libertarian manner, by which we would seriously miss the nature of libertarianism, or the system would simply continue to destroy nature and us under another name: Iran's Islamic-Liberative Government!

As long as human beings are too cruel and seasoned to destroy not only human lives but also non-human lives, they will scarcely need any normative system based on freedom, justice, mutuality, peace, and green ecology, already proposed by the anarchists as an alternative to the current laws and sanctions. In this case, there would be no need for legal anarchism's solutions, but only one solution: *humankindcide!*

Can a free and creative educational system – i.e. contrary to ours relying on money, privilege, hierarchy, tyranny, secrecy, religiosity, corruption, and grading – care about humanity and naturality in order to change human minds and hearts for living peacefully and harmoniously with nature? Can a libertarian education efficiently change our bloody and dirty nature? Can it change discriminative nature giving more power (e.g., intelligence and wealthy family) to some when denying even basic needs to others? Can it stimulate the spirit of disobedience and resistance to tyranny and barbarism appearing in any legal or illegal form? Do the enlightened thoughts mean the death of oppression and slavery? Albeit my thesis may have tried to provide some elements of answer, we should certainly answer these questions in other theses. However, until there exists life, there is hope, until there is hope, there is resistance to State extremity imposed mostly by the legal system and the army, and until there exists resistance, there is hope to change for establishing more human and ecological communities around the world. As long as the educational system in general and the university in particular, unfortunately both rotten to the core, are a “privilege” and not a “natural right”, the society has ethically died. As a result, the students have become too coward and conservative insofar as any change, including the libertarian revolts or revolutions, in the society is tantamount to a utopia for them. In other words, the corrupt Professors need the fearful students, and vice versa, and they have no courage to dream freely about some libertarian aspirations.

On the contrary, education is able to stimulate unlimitedly the positive and constructive aspects of humankind, instead of developing some negative and destructive aspects that certain corporatist and centralized authorities are unbelievably strengthening. For instance, it can provide us with the elements of thought about freedom, justice, mutuality, creativity, compassion, and love of nature, instead of indoctrinating us with submission-domination relationships, the WMD, and the methods of torture. Even though some of us are paradoxically misanthropic, let us experience some libertarian educations as we have already experienced the problematic educations based on wealth, elitism, tyranny, hierarchy, and anti-ecology.

Let me now finish my thesis with a question that we can regard as parallel to my dissertational inquiry, which thus requires another thesis. *Would we have anarchistically lived, perhaps without State extremity with almost absolute impunity, if the elites had not hotly indoctrinated everybody with the ethos of*

*the principles of the State or the Evil Empire in the name of God, prosperity, progress, justice, liberty, security, or democracy? In summary, would humanity have peacefully experienced another form of existence, if the elites had not indoctrinated it with State mentality or justification that actually means the Governors' interest? If the answer were positive, legal anarchism would once more find its significance.*

*Vive la liberté et la dignité humaines et naturelles! Let us have some big dreams!*

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# Appendices

## Appendix A: Acronyms

<b>ABA</b>	American Bar Association
<b>ALF</b>	Animal Liberation Front
<b>CCRF</b>	Canadian Charter of Rights and Freedoms
<b>CE</b>	Council of Europe
<b>CJS</b>	Criminal Justice System
<b>CLS</b>	Critical Legal Studies
<b>DIY</b>	Do It Yourself
<b>DU</b>	Depleted Uranium
<b>ECHR</b>	European Court of Human Rights
<b>EU</b>	European Union
<b>FRFB</b>	Fractional Reserve Free Banking
<b>GA</b>	Graduate Assistant
<b>GP</b>	Green Principle
<b>ICC</b>	International Criminal Court
<b>ICL</b>	International Criminal Law
<b>ISIS</b>	Islamic State of Iraq and Syria
<b>LETS</b>	Local Exchange Trading System
<b>MWD</b>	Military Working Dogs
<b>NAP</b>	Non-Aggression Principle
<b>OAS</b>	Organization of American States
<b>OHLS</b>	Osgoode Hall Law School
<b>PE</b>	Principle of Existence
<b>PFC</b>	Principle of Freedom to Choose or Principle of Freedom of Choice
<b>POI</b>	Presumption of Innocence
<b>RA</b>	Research Assistant
<b>RCMP</b>	Royal Canadian Mounted Police
<b>SRL</b>	Self-Represented or Lawyerless Litigants
<b>TA</b>	Teaching Assistant
<b>TAZ</b>	Temporary Autonomous Zone
<b>UDHR</b>	Universal Declaration of Human Rights of 1948
<b>UK</b>	United Kingdom
<b>UN</b>	United Nations
<b>UNHCR</b>	United Nation High Commissioner for Refugees
<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>USA</b>	United States of America
<b>WMD</b>	Weapon of Mass Destruction

## Appendix B: Professor Martel's Comment on My Thesis' Three Chapters (before dividing the Chapter 1 into two Chapters of 1 and 2)

February 22, 2014

Hi Sirius:

I realized as I was working through your thesis that I would never get your comments if I kept up writing comments in the text as I did for the first part so I decided that rather than give this back to you six months from now, I'd send you what I had done and then give a few general comments. This is a lovely, sprawling and fascinating study of anarchism and it's wonderfully thorough and committed. I think there are a lot of wonderful ideas and innovations although at times they get buried in the hugeness of the thing. I am not sure what to say about that. I could see paring it down but, on the other hand, that would risk losing the anarchist spirit which is expressed not only in words but in the sheer exuberance and also the loose framing that allows the work to move at its own pace. It seems a very anarchist piece of writing in that sense and I don't know if that was deliberate on your part or just reflected your own deep convictions. Some of my favorite parts are the question of extremes. I think that is a very nice way to phrase the costs of anarchism. At one point I quibble with you about the extreme happiness of wealth just because there are some theoretical arguments that show the rich to be unhappy in their own way (anxious, evil, guilty etc.) but I think that your argument is nonetheless very persuasive and not even necessarily countering my quibble because the two extremes feed each other. Happiness is defined as the opposite of the misery that capitalism creates in the vast majority of the population so, anxious or not, it remains an extreme (perhaps that could even be reflected in the way this is set up).

I love how in the second Chapter, you bring this idea to the practice of lawyering. There you get very specific about the application of your larger analysis to the practice of law. I think the argument you make about extremes in the previous Chapter could be brought even more explicitly to bear to the analysis of legal practices. Your use of terms like legal robbers is very apt and fits into that model really well. I think your rundown of the practice of lawyers and judges is one of my favorite parts of this thesis. I'm not sure you would have to impose a more visible framework or architecture on the work connecting these various arguments because I saw the architecture quite clearly but you could if you wanted to be more explicit about the ways that various parts of the work fit together. The idea that judges are above the law because they regulate it also fits into this pattern.

The same pattern applies in Chapter 3 where the terms anarchist and terrorist are used in order to create a countervailing foil to protect and justify the "extreme happiness" of the ruling elite. This argument accords with something that I've been thinking for a long time; why is it that every time you get an anarchist uprising, there is a corresponding rise of fascism? It seems as if fascism is liberalism's response to the threat of anarchism (and communism too but I think communism poses less of an existential threat

because states like the USSR still worked with the world market, traded, etc.) So when the anarchists of Spain got really organized, Franco was there to oppose them. When the Black Panthers organized the community in Oakland (not just militarily but also in terms of education, healthcare etc.) Edgar Hoover was there to destroy them. When push comes to shove, liberalism's pleasant facade dissolves and you get the fascist fist. I think your thesis also suggests this. It's another version of the extremes you discuss. Liberalism itself can be read as an extreme posing as the antithesis, the source of all that is moderate and reasonable in life.

I thought section 3.3. on delegitimization was excellent. The idea that the state failing to follow its own rules as a kind of larger undermining of the legal order is really a great way to approach this question. The double standard applied to cops and other agents of the law vs. citizens is also very clear here. One of the nice side effects of your choice of terminology comes very clear in the section entitled the Anarchists vs. the State Criminals. You could make it even more clear that your judgment of criminality comes, not from some transcendent legal code that one can follow or not (the basis for the justifications of natural and positive law alike) but rather from the results of the practices of law, the way that the law is used instrumentally for nefarious and capitalist reasons and then uses its authority and prestige to delegitimize anarchists, among others, even as this practice in fact (as you note) delegitimizes itself.

The theme that the anarchists are not "innocent children" as you put it is also a nice way to give the anarchists their own agency instead of making them pure and perfect vs. the archists. Your ideas about the Internet as a possible source of resistance are also interesting and not uncontroversial because many people have written on what they claim to be the false promise of a radical Internet. It might be worth engaging with some of that literature (not that your literature review is not already extremely impressive!). All the things you write at the end about the Arab Spring and other movements is all very helpful and I love what you say about the anarchist implications of the Quran. That seems to be an entirely different writing project!

Congratulations on having written this wonderful and major piece of writing. I really enjoyed it and learned from it. I am sorry I had to break off the textual commentary but, as I said, I knew I would never get this to you at the rate that I was going so I figured better a partially addressed work than nothing at all (I presume you have a timetable for your writing anyway so sooner is definitely better than later).

James

## Footnotes

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## Introduction

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<sup>3</sup> See KASHEFI (Sirus), *A Bibliography of Fighting for Liberty, Justice, Equality, Peace, and Ecology*, Academia.edu, Mar. 7, 2013; AMSTER (Randall), *Anarchism Today*, foreword by John Clark, Santa Barbara, California: Praeger, 2012, pp. 68, 147, 163; KASHEFI (Sirus), *A Look at Anarchism: The Broad, Paradoxical, and Living Ideas and Movements at the Core of Our Hierarchical, Dominative, and Oppressive Societies*, Academia.edu, June 15, 2011; EVREN (Süreyya), *Introduction: How New Anarchism Change the World (of Opposition) after Seattle and Gave Birth to Post-Anarchism*, in ROUSSELLE (Duane) & EVREN (Süreyya) (ed.), *Post-Anarchism: A Reader*, London: Black Point and Pluto, 2011, p. 4; GORDON (Uri), *Anarchism Reloaded*, Journal of Political Ideologies, Vol. 12, No. 1, 2007, p. 29; BOZÓKI (András) & SÜKÖSD (Miklós), *Anarchism in Hungary: Theory, History, Legacies*, trans. by Alan Renwick, New Jersey: Centre for Hungarian Studies and Publications, 2006, pp. 1, 7, 39, 242-243; WOODCOCK (George), *Anarchism: A History of Libertarian Ideas and Movements*, Peterborough: Broadview Press, 2004, p. 272; GRAUR (Mina), *An Anarchist "Rabbi": The Life and Teachings of Rudolf Rocker*, New York: St. Martin's Press, 1997, pp. 241-242; MAARSEVEEN (Henc van), *Anarchism and the Theory of Political Law*, in HOLTERMAN (Thomas) & MAARSEVEEN (Henc van) (ed.), *Law and Anarchism*, Montreal: Black Rose Books, 1984, p. 90.

<sup>4</sup> ELTZBACHER (Paul), *Anarchism*, trans. by Steven Tracy Byington, New York: Benjamin Ricketson Tucker, London: Arthur C. Fifield, 1908, pp. 5, 15.

<sup>5</sup> See also MARTEL (James R.), *Who Is Afraid of Anarchism? An Interview with James Martel*, Truth is a Beaver, July 8, 2013.

<sup>6</sup> See KASHEFI (Sirus), *Legal System in Proudhon's Ideas: A Metamorphosis from Anarchy to Federation*, Academia.edu, May 16, 2011; JARACH (Lawrence), *Proudhon's Ghost: Petit-Bourgeois Anarchism, Anarchist Businesses, and the Politics of Effectiveness*, Anarchist Library, 2007; SIMON (Yves) & KUIC (Vukan), *A Note on Proudhon's Federalism*, Publius, Vol. 3, No. 1, 1973, pp. 19-30; MARX (Karl), *On Proudhon*, Letter to Johann Baptist von Schweitzer, Der Social-Demokrat, No. 16, Feb. 1, 1865.

<sup>7</sup> About the controversial relationship between these thinkers and anarchism, see JUN (Nathan J.), *Hegel and Anarchist Communism*, Anarchist Studies, Vol. 22, No. 2, 2014, pp. 28-54; KASHEFI (Sirus), *God, Myth, and the State*, Academia.edu, May 16, 2011, p. 8; MORGAN (Kevin), *Herald of the Future? Emma Goldman, Friedrich Nietzsche and the Anarchist as Superman*, Anarchist Studies, Vol. 17, No. 2, 2009, pp. 55-80; MARSHALL (Peter), *Demanding the Impossible: A History of Anarchism*, London: Harper Perennial, 2008, pp. 155 ff.; MCLAUGHLIN (Paul), *Anarchism and Authority: A Philosophical Introduction to Classical Anarchism*, Aldershot: Ashgate, 2007, pp. 105-108; SUNSHINE (Spencer), *Nietzsche and*

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<sup>8</sup> Ironically, he was openly homosexual, while Khomeini hated homosexuality as a great sin punishable by the death penalty!

<sup>9</sup> See ZAND ERVIN (Manda), *The Secret Negotiations between Carter and Khomeini*, American Thinker, July 6, 2016; ALVANDI (Roham) & EMERY (Christian), *The Lure of Conspiracy Theories in Iranian Politics*, Guardian, July 1, 2016; SADEGHI (Fereshteh), *Iranians Denounce BBC Report Claiming Secret Contact between Khomeini, US*, Al-Monitor, June 14, 2016; KAMALI DEGHAN (Saeed) & SMITH (David), *US Had Extensive Contact with Ayatollah Khomeini before Iran Revolution*, Guardian, June 10, 2016; FATTAHI (Kambiz), *Two Weeks in January: America's Secret Engagement with Khomeini*, BBC Persian Service, June 3, 2016; GOODGAME (Peter), *The Globalists and the Islamists: Fomenting the "Clash of Civilizations" for a New World Order*, Dublin: Omnia Veritas, 2014; KASHEFI (Sirus), *The Iranian State's Crimes Against Humanity and Nature*, Academia.edu, Oct. 7, 2013; KASHEFI (Sirus), *An Analysis of Anarchist Personality*, Academia.edu, Nov. 23, 2011, p. 14; LANDES (Richard), *From Useful Idiot to Useful Infidel: Meditations on the Folly of 21<sup>st</sup>-Century "Intellectuals"*, Terrorism and Political Violence, Vol. 25, No. 4, 2013, pp. 621-634; *Art Contemporain et Post-Podernisme – 1<sup>re</sup> Partie: Une Vision « Post-Moderne » et une « Révolte contre le Monde Moderne »*, Les Materialistes, Nov. 18, 2013; *Art Contemporain et Post-Modernisme – 7<sup>e</sup> Partie: Michel Foucault et la Révolution Iranienne*, Les Materialistes, Nov. 25, 2013; *Le 1<sup>er</sup> Février 1979, Khomeiny et la Révolution Iranienne*, Les Materialistes, Fév. 1, 2009; SCHIFFER (Daniel Salvatore), *Iran: Quand les Intellectuels Français Encensaient les Fous d'Allah*, Le Point, Mar. 18, 2013; LEURS (Rob), *Ayatollah Khomeini: The Changing Face of Islam*, Communication Studies, No. 12, 2012, pp. 27, 41; MOHAMMADI (Saman), *Why the West Created Iran and Wants to Destroy it Now*, Henry Makow, July 18, 2012; MOHAMMADI (Saman), *The British and U.S. Governments Installed Khomeini into Power in 1979*, Excavator, Nov. 3, 2011; MILANI (Abbas), *The Shah*, New York: Palgrave Macmillan, 2011; BEAULIEU (Alain), *Towards a liberal Utopia: The Connection between Foucault's Reporting on the Iranian Revolution and the Ethical Turn*, Philosophy and Social Criticism, Vol. 36, No. 7, 2010, pp. 801-818; SENADJI (Mahmoud), *L'Iran, une Menace ? La Leçon de Foucault (2/2)*, Oumma, Mars 24, 2009; SENADJI (Mahmoud), *L'Iran de Michel Foucault*, Parti des Indigènes de la République, Mars 15, 2009; AFFINITY PROJECT, *Interview with Peter Lamborn Wilson*, Anarchist Library, 2009, p. 8; AYSHA (Emad El-Din), *Foucault's Iran and Islamic Identity Politics beyond Civilizational Clashes*, External, International Studies Perspectives, Vol. 7, No. 4, 2006, pp. 377-394; AFARY (Janet) & ANDERSON (Kevin B.), *Foucault and the Iranian Revolution: Gender and the Seductions of Islamism*, Chicago: University of Chicago Press, 2005; CAVAZZINI (Andrea) (dir.), *Michel Foucault: L'Islam et la Révolution Iranienne*, Milano: Mimesis, 2005; GREASON (David), *Embracing Death: The Western Left and the Iranian Revolution, 1978-83*, Economy and Society, Vol. 34, No. 1, 2005, pp. 105-140; NOSRATI (Ahmad), *A Letter to Intellectuals: The Manipulation of the Persian Nation by Western Power and Russian Policy*, Victoria: Trafford, 2004; BENSÂID (Daniel), *(Im)politiques de Foucault*, Vacarmes, No. 28, 2004; ROY (Olivier), «L'Énigme du Soulèvement» Foucault et l'Iran, Vacarme, No. 29, 2004, pp. 34-38; LEFÈVRE (Jennifer), *Men of Ideas, Men of Action: French Intellectuals' Impact on Post-War Politics*, Journal of European Studies, Vol. 33, No. 2, 2003, p. 192; THOMPSON (Scott) & STEINBERG (Jeffrey), *British Svengali behind Clash of Civilizations*, Executive Intelligence Review, Nov. 30, 2001; FOUCAULT (Michel), *Dits et Écrits, tome II, 1976-1988*, Paris: Gallimard, 2001; FOUCAULT (Michel), *Le Chef Mythique de la Révolte*, Corriere della Sera, Vol. 103, No. 279, Nov. 26, 1978, pp. 1-2; FOUCAULT (Michel), *À Quoi Rêvent les Iraniens?*, Le Nouvel Observateur, No. 727, Nov. 16-22, 1978, pp. 48-49; FOUCAULT (Michel), *La Révolte Iranienne Se Partage sur les Rubans des Cassettes*, Corriere della Sera, Vol. 103, No.



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<sup>11</sup> See GANJI (Akbar), *Who Is Ali Khamenei?*, Foreign Affairs, 2013; SHAHVAR (Soli), *The Islamic Regime in Iran and Its Attitude towards the Jews: The Religious and Political Dimensions*, Immigrants and Minorities, Vol. 27, No. 1, 2009, pp. 82-117; PESARAN (Evaleila), *Towards an Anti-Western Stance: The Economic Discourse of Iran's 1979 Revolution*, Iranian Studies, Vol. 41, No. 5, 2008, pp. 693-718; ZEYDABADI-NEJAD (Saeed), *Iranian Intellectuals and Contact with the West: The Case of Iranian Cinema*, British Journal of Middle Eastern Studies, Vol. 34, No. 3, 2007, pp. 375-398.

<sup>12</sup> WILLIAMS (Christopher R.) & ARRIGO (Bruce A.), *Theory, Justice, and Social Change: Theoretical Integrations and Critical Applications*, New York: Springer, 2004, p. 7.

<sup>13</sup> FEYERABEND (Paul), *Against Method*, intr. by Ian Hacking, 4<sup>th</sup> ed., London: Verso, 2010, p. 127. See also FEYERABEND (Paul), *Academic Ratiofascism Comments on Tibor Machan's Review*, Philosophy of the Social Sciences, Vol. 12, No. 2, 1982, pp. 191-195; MACHAN (Tibor Richard), *The Politics of Medicinal Anarchism*, Philosophy of the Social Sciences, Vol. 12, No. 2, 1982, pp. 183-189; MACHAN (Tibor Richard), *Anarchosurrealism Revisited Reply to Feyerabend's Comments*, Philosophy of the Social Sciences, Vol. 12, No. 2, 1982, pp. 197-199; TSOU (Jonathan Y.), *Reconsidering Feyerabend's "Anarchism"*, Perspectives on Science, Vol. 11, No. 2, 2003, pp. 208-235; NÆSS (Arne), *Why Not Science for Anarchists Too? A Reply to Feyerabend*, Inquiry, Vol. 18, 1975, pp. 183-194; MOORE (Ryan), *Media Objectivity Is a Myth*, Excalibur, Oct. 22, 2014.

<sup>14</sup> Since starting my thesis program at Osgoode in 2009, I have written and presented some ideas about the relationship between the law and anarchism that are available in my website (<https://independent.academia.edu/NoManNoLandNowhere>). I try not to repeat them or, at least, I want to present some of them in a new frame with a new bibliography, because I despise to be a repetitive writer!

## Chapter 1: The Critical and Controversial Concepts

<sup>1</sup> For example, see MILSTEIN (Cindy), *Anarchism and Its Aspirations*, Oakland: AK Press, 2010; WEINZWEIG (Ari), *A Lapsed Anarchist's Approach to Building a Great Business*, Ann Arbor: Zingerman's Press, 2010, p. 19; GORDON (Uri), *Anarchy Alive!: Anti-Authoritarian Politics from Practice to Theory*, London: Pluto Press, 2008; GRAHAM (Robert) (ed.), *Anarchism: A Documentary History of Libertarian Ideas*, Vol. I, Montreal: Black Rose Books, 2005, pp. xi-xiv; STRINGHAM (Edward Peter) (ed.), *Anarchy, State and Public Choice*, Cheltenham: Edward Elgar, 2005; WOODCOCK (George), *Anarchism*, op. cit.; WILLIAMS (Christopher R.) & ARRIGO (Bruce A.), *Theory, Justice, and Social Change*, op. cit., pp. 19-23; CHAMBOST (Anne-Sophie), *Proudhon et la Norme: Pensée Juridique d'un Anarchiste*, préface de Nicole Dockès-Lallement, Rennes: Presses Universitaires de Rennes, 2004, pp. 11 ff.; CARTER (Alan), *Analytical Anarchism: Some Conceptual Foundations*, Political Theory, Vol. 28, No. 2, 2000, pp. 230-253; WATSON (Adam), *The Limits of Independence: Relations between States in the Modern World*, London: Routledge, 1997, p. 144; HIRSHLEIFER (Jack), *Anarchy and Its Breakdown*, Journal of Political Economy, Vol. 103, No. 1, 1995, pp. 26-52; ADÁN (José-Peréz), *Reformist Anarchism, 1800-1936: A Study of the Feasibility of Anarchism*, Braunton, Devon: Merlin Books, 1992, pp. 108-113; BARCLAY (Harold B.), *Anthropology and Anarchism*, Raven, Vol. 5, No. 2, 1992, pp. 141-178; BARCLAY (Harold B.), *People without Government: An Anthropology of Anarchism*, preface by Alex Comfort, London: Kahn and Averill, 1982, p. 13; TAYLOR (Michael), *Community, Anarchy and Liberty*, Cambridge, New York: Cambridge University Press, 1982, pp. 4 ff.; BELLEGARRIGUE (Anselme), *Manifeste de l'Anarchie*, L'Anarchie, Journal de l'Ordre, No. 1, 1850.

<sup>2</sup> BLAU (Joseph L.), *Government or Anarchy? in the Debates on the Constitution*, Charles S. Peirce Society, Transactions, Vol. 23, No. 4, 1987, p. 516.

<sup>3</sup> In this case, see WEINZWEIG (Ari), *A Lapsed Anarchist's Approach to Building a Great Business*, op. cit., p. 19; BEY (Hakim), *Quantum Mechanics and Chaos Theory: Anarchist Meditations on N. Herbert's Quantum. Reality: Beyond the New Physics*, Anarchist Library, 2009; KELLERT (Stephen H.), *Borrowed Knowledge: Chaos Theory and the Challenge of Learning across*



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<sup>4</sup> About the positive and negative aspects of liberty and anarchism, see AMSTER (Randall), *Anarchism Today*, op. cit., pp. 27-30, 38; MCLAUGHLIN (Paul), *Anarchism and Authority*, op. cit., p. 25; BUFE (Charles), *Anarchism: What It Is and What It Isn't*, Fordsburg: Zabalaza Books, 2011, pp. 7-8; SARTWELL (Crispin), *Against the State: An Introduction to Anarchist Political Theory*, Albany: State University of New York Press, 2008, pp. 18-21; MILSTEIN (Cindy), *Anarchism and Its Aspirations*, op. cit., pp. 50-52; KASHEFI (Sirus), *Freedom: Blocked between Philosophical Thoughts and the Legal Sphinx, or between the Sky (Heaven) and Earth (Hell)*, Academia.edu, July 17, 2011, pp. 5, 11; HONEYWELL (Carissa), *A British Anarchist Tradition: Herbert Read, Alex Comfort and Colin Ward*, New York: Continuum International Publishing Group, 2011, p. 147; FROMM (Erich Seligmann), *Escape from Freedom*, New York: Henry Holt, 1994; MAARSEVEEN (Henc van), *Anarchism and the Theory of Political Law*, op. cit., p. 91; SCHUSTER (Eunice M.), *Native American Anarchism*, op. cit., pp. 7-8; MILSTEIN (Cindy), *Anarchism and Its Aspirations*, op. cit., pp. 14-15, 70, 145; BALDWIN (Roger Nash) (ed.), *Kropotkin's Revolutionary Pamphlets*, New York: Dover, 1970, pp. 147 ff.

<sup>5</sup> SAPON (Vladimir) & ROBINO (Sam), *Right and Left Wings in Libertarianism*, Canadian Social Science, Vol. 5, No. 6, 2009, p. 135.

<sup>6</sup> See KINNA (Ruth), *Anarchism: A Beginner's Guide*, Oxford: Oneworld, 2009, pp. 31-32; GEORGE (Chris), *The Difference Between Libertarianism and Anarchism*, New Kind of Mind, Oct. 26, 2009; HAMOWY (Ronald) (ed.), *The Encyclopedia of Libertarianism*, Los Angeles: Sage, 2008; CHOMSKY (Avram Noam), *Chomsky Refutes "Libertarian" "Anarcho"-Capitalism*, YouTube, Feb. 5, 2008; CHOMSKY (Avram Noam), *The Week Online Interviews Chomsky*, Z Space, Feb. 23, 2002; GOODWIN (Barbara), *Using Political Ideas*, 4<sup>th</sup> ed., Chichester: John Wiley and Sons, 1997, pp. 137-139; TAYLOR (Michael), *Community, Anarchy and Liberty*, op. cit., p. 59.

<sup>7</sup> See MARKANTONATOU (Maria), *Neoliberal State Regulation and the Bailout of Global Capitalism in the Recent Economic Crisis*, Critical Sociology, Vol. 39, No. 1, 2013, pp. 145-153.

<sup>8</sup> FERNÁNDEZ (Frank), *Cuban Anarchism: The History of a Movement*, trans. by Charles Bufe, Chicago: See Sharp Press, 2001, p. 9.

<sup>9</sup> BUFE (Charles), *Anarchism*, op. cit., p. 6. See also CHOMSKY (Avram Noam), *Chomsky on Libertarianism and Murray Rothbard*, Distant Ocean, Apr. 21, 2008; CHOMSKY (Avram Noam), *Chomsky Refutes "Libertarian" "Anarcho"-Capitalism*, op. cit.; OSTROWSKI (James), *Chomsky's Economics*, Mises Daily, Jan. 6, 2003; SABATINI (Peter), *Libertarianism: Bogus Anarchy*, Anarchist Library, 1994-1995.

<sup>10</sup> MCELROY (Wendy), *The Debates of Liberty: An Overview of Individualist Anarchism, 1881-1908*, Lanham: Lexington Books, 2003, pp. 124-126, 146-147; MCELROY (Wendy), *Individualist Anarchism vs. "Libertarianism" and Anarchocommunist*, New Libertarian, No. 12, 1984. See also below, Chapter 5, footnote 301.

<sup>11</sup> BUTLER (Ann Caldwell), *Josiah Warren and the Sovereignty of the Individual*, Journal of Libertarian Studies, Vol. 4, No. 4, 1980, pp. 433-434.

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<sup>14</sup> For example, see AMSTER (Randall), *Anarchism Today*, op. cit., pp. 87-89; BOZÓKI (András) & SÜKÖSD (Miklós), op. cit., p. 7; MCLAUGHLIN (Paul), *Anarchism and Authority*, op. cit., pp. 52-53, 115-116, 158; GUÉRIN (Daniel), *Anarchism: From Theory to Practice*, Anarchist Library, 2009; COHN (Jesse Sheppard), *Anarchism and the Crisis of Representation: Hermeneutics, Aesthetics, Politics*, Selinsgrove: Susquehanna University Press, 2006, p. 14; WOODCOCK (George), *Anarchism*, op. cit.;

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<sup>15</sup> NETTLAU (Max), *Histoire de l'Anarchie*, traduit par Martin-Zemliak, Paris: Editions du Cercle et de la Tête de Feuilles, 1971, p. 204.

<sup>16</sup> See CLEYRE (Antonio de), *Anarchism Without Adjectives*, Libcom, Feb. 28, 2012; DELAMOTTE (Eugenia C.), *Gates of Freedom: Voltairine de Cleyre and the Revolution of the Mind: With Selections from Her Writing*, Ann Arbor: University of Michigan Press, 2004, p. 26; AVRICH (Paul), *An American Anarchist: The Life of Voltairine de Cleyre*, Princeton: Princeton University Press, 1978, pp. 144-170; BAASE (Sara), *Voltairine de Cleyre: Anarchist without Adjectives*, Anarchist Archives, Feb. 18, 2000.

<sup>17</sup> CURRAN (Giorel), *21<sup>st</sup> Century Dissent: Anarchism, Anti-Globalization and Environmentalism*, Houndmills: Palgrave Macmillan, 2007, p. 19.

<sup>18</sup> TURCATO (Davide), *Making Sense of Anarchism: Errico Malatesta's Experiments with Revolution, 1889-1900*, Houndmills: Palgrave Macmillan, 2012, pp. 51-54.

<sup>19</sup> NETTLAU (Max), *Histoire de l'Anarchie*, op. cit., pp. 171-172.

<sup>20</sup> Quoted in BUTTERWORTH (Alex), *The World That Never Was: A True Story of Dreamers, Schemers, Anarchists and Secret Agents*, London: Bodley Head, 2010, p. 412.

<sup>21</sup> SONN (Richard D.), *Sex, Violence, and the Avant-Garde: Anarchism in Interwar France*, University Park: Pennsylvania State University Press, 2010, pp. 3, 10; FAURE (Sébastien), *The Anarchist Synthesis*, Anarchist Library, 1927.

<sup>22</sup> HEIDER (Ulrike), *Anarchism: Left, Right, and Green*, trans. by Danny Lewis and Ulrike Bode, San Francisco: City Lights Books, 1994, p. 94. See also ROTHBARD (Murray Newton), *Liberty and the New Left*, *Left and Right: A Journal of Libertarian Thought*, Vol. 1, No. 2, 1965, pp. 35-67; ROTHBARD (Murray Newton), *Left and Right: The Prospects for Liberty*, *Left and Right: A Journal of Libertarian Thought*, Vol. 1, No. 1, 1965, pp. 4-22.

<sup>23</sup> GUÉRIN (Daniel), *L'Anarchisme: De la Doctrine à l'Action*, Paris: Gallimard, 1965, p. 6.

<sup>24</sup> Quoted in AVRICH (Paul), *Anarchist Voices: An Oral History of Anarchism in America*, Oakland: AK Press, 2005, p. 475.

<sup>25</sup> ROTHBARD (Murray Newton), *The Foreign Policy of the Old Right*, *Journal of Libertarian Studies*, Vol. 2, No. 1, 1978, p. 85.

<sup>26</sup> RAY (John Joseph), *Libertarians and the Authoritarian Personality*, *Journal of Libertarian Studies*, Vol. 4, No. 1, 1980, p. 42. About *anarchism without adjectives*, see also D'ARCANGELO (Christopher) ET AL., *Anarchism Without Adjectives: On the Work of Christopher D'Arcangelo (1975-1979)*, New York: Artists Space, 2011; FERGUSON (Kathy E.), *Emma Goldman's "Anarchism Without Adjectives"*, *Public Domain Review*, Jan. 12, 2011; MCKAY (Iain) (ed.), *An Anarchist FAQ*, Anarchist Library, 2009, pp. 183-186; ARAGONI!, *Anarchy Without Road Maps or Adjectives*, Anarchist Library, 2007; VARIOUS AUTHORS, *Reply by Several Russian Anarchists to the 'Platform'*, Anarchist Library, 1927; NETTLAU (Max), *Anarchism: Communist or Individualist? Both*, Anarchist Library, 1914.

<sup>27</sup> RAY (John Joseph), *Authoritarianism of the Left Revisited*, *Personality and Individual Differences*, Vol. 6, No. 2, 1985, p. 272.

<sup>28</sup> For example, they were and are: philosophical anarchism, ethical anarchism, religious anarchism, mystical anarchism, individualist anarchism, egoist anarchism, socialist anarchism, anarchist communism, communalism, collectivist anarchism, mutualism, national anarchism, anarcho-capitalism, paleolibertarianism, agorism, anarcho-syndicalism, panarchy, anarcho-feminism, Black anarchism, anarcho-queer, anarcho-punk, anarcho-primitivism, green anarchism, eco-anarchism, green syndicalism, eco-syndicalism, anarcho-naturism, deep ecology, social ecology, cultural anarchism, platformism, especifismo, synthesis anarchism, anarchism without adjectives, geolibertarianism, illegalism, affinity group, insurrectionary anarchism, class struggle anarchism, revolutionary anarchism, reformist anarchism, anarcho-pacifism, post-left anarchy, post-anarchism, post-colonial anarchism, Gnarrism, anarcho-surrealism, Sans-Culottes, Spanish Revolution, Friends of Durruti Group, Events of the 1960s, Situationist International, Os Cangaceiros, Contra Info, Awareness League, Germinal Anarchist Group of Trieste, Man!: A Journal of the Anarchist Ideal and Movement, Federation of Revolutionary Anarchist Collectives, Nestor Makhno Archive, Curious George Brigade, Angry Brigade, Punkslut, Profane Existence, Up Against the Wall Motherfuckers, Social Revolutionary Anarchist Federation, Anarchist Federation, Direct Action Network, Columbia Anarchist League, Anti-Globalization Movements, Indignant Movement, Squatters' Movement in Europe (Squatting Europe Collective), Occupy Movements, Arab

Spring, Anarchist Studies Initiative, Anarchism Research Group, Rochester Red and Black, Species Traitor, Guerre au Paradis, Storm Heaven, Anarkismo, Anarchist Studies Network, North American Anarchist Studies Network, Institute for Anarchist Studies, Anarchist Developments in Cultural Studies, Anarcho-Syndicalist Review, Anarchy Library, Anarchist Library, Critical Criminology Working Group, Prairie Struggle, Anarchist News, Zabalaza Anarchist Communist Front, Libertarian Communist Organization, Union Communiste Libertaire, Common Struggle, Anarchist Communist Federation, All London Anarchist Revolutionary Mob, Workers' Solidarity Movement, Solidarity Federation, Workers Solidarity Movement, National-Anarchist Movement, Forums of the Libertarian Left, Las Vegas Alliance of the Libertarian Left, CrimethInc., Rolling Thunder, Ravage Éditions, Sprout Distro, Iconoclast Media, Linchpin, Bay of Rage, Libcom, High Priest Wombat, Agorist, Strangers In A Tangled Wilderness, Recomposition, Species and Class, Attack the System, First of May Anarchist Alliance, Federação Anarquista Gaúcha, Federação Anarquista do Rio de Janeiro, Red and Black Cafe, AK Press, Cienfuegos Press, International Anarchist Movement, Black Front Press, Revolutionary Struggle, Free America, Anarchist Action Network, Research on Anarchism List, Melbourne Anarchist Archives, Reason in Revolt, Anarchist Bookfair, Black Cat Press, Alliance: A Journal of Theory And Strategy, Students for a Stateless Society, Sovereign Living, Masturbate For Peace, Center for a Stateless Society, Black Orchid Collective, Seattle Anti-Repression Committee, Seattle Solidarity Network, Zed Books, Committee Against Political Repression, Toronto Anarchist Black Cross, Phoenix Anarchism, Black Blocs, Spirit of Revolt, Daily Anarchist, Libertarian Alliance, Journal of Libertarian Studies, Libertarian Papers, Liberty Magazine, Liberty Unbound, Lions of Liberty, Libertarianism Organization: Exploring the Theory and History of Liberty, Mutualist.Org: Free Market Anti-Capitalism, Bleeding Heart Libertarians, Ludwig von Mises Institute, Molinari Institute, Laissez Faire Club, Laissez-Faire Institute, Anarchy Meetup Groups, Rainbow Gathering, Anarchists Against the Wall, Green Is the New Red, Animal Liberation Front, Vegan Animal Liberation Alliance, Bristol Animal Rights Collective, Earth First!, Earth Liberation Front, Earth Liberation Army, Vegan Warfare, HumAnarchist, Earth Liberation Prisoners Support Network, Earth, Spirit, and Anarchy, Institute for Social Ecology, Institute for Critical Animal Studies, Do or Die: Voices of Ecological Resistance, Dead Anarchists, Alpine Anarchist Productions, Contr'un: Anarchist Theory (Libertarian Labyrinth), Dysophia, Red Lion Press, ROAR Magazine, Food Not Bombs, Tabula Rasa, NYC Anarchist Black Cross, Guerrilla News: No War But Social War!, Three Way Fight, LDS Anarchy, Brotherhood Church, Catholic Worker Movement, Jesus Radicals, Gonzo Times, Anarchist World This Week, AnarchyRadio, Audio Anarchy Radio, and Moorish Orthodox Radio Crusade.

<sup>29</sup> For example, see DRAKOPOULOU DODD (Sarah Louise), *Roots Radical: Place, Power and Practice in Punk Entrepreneurship*, *Entrepreneurship and Regional Development*, Vol. 26, No. 1-2, 2014, pp. 165-205; KASHEFI (Sirus), *Kropotkin's Anarchist Ideas about Criminal Law: Between Sensualism and Scientism*, in *Creative Law: Selected Papers from the University of British Columbia's 16th Annual Interdisciplinary Legal Studies Graduate Students' Conference*, 2012, pp. 228-229; COGAN (Brian), "Do They Owe Us a Living? Of Course They Do!" *Crass, Throbbing Gristle, and Anarchy and Radicalism in Early English Punk Rock*, *Journal for the Study of Radicalism*, Vol. 1, No. 2, 2008, pp. 77-90.

<sup>30</sup> SHANTZ (Jeffrey A.), *Active Anarchy: Political Practice in Contemporary Movements*, Lanham: Lexington Books, 2011, pp. 125-134.

<sup>31</sup> See BOOKCHIN (Murray), *Social Anarchism or Lifestyle Anarchism: An Unbridgeable Chasm*, Edinburgh and San Francisco: AK Press, 1995.

<sup>32</sup> About this leftist movement, see GEAREY (Adam), 'Change is Gonna Come': *Critical Legal Studies and the Legacies of the New Left*, *Law and Critique*, Vol. 24, No. 3, 2013, pp. 211-227; DUNBAR (Anthony W.), *Critical Race Information Theory: Applying a Critical Race Lens to Information Studies*, PhD Thesis, University of California, 2008; GABEL (Peter), *The Spiritual Foundation of Attachment to Hierarchy*, in KENNEDY (Duncan) (ed.), *Legal Education and the Reproduction of Hierarchy: A Polemic Against the System: A Critical Edition*, New York: New York University Press, 2004, pp. 154-155; KENNEDY (Duncan), *A Bibliography of Critical Legal Studies*, *Yale Law Journal*, Vol. 94, No. 2, 1984, pp. 461-490; WARD (Ian), *Introduction to Critical Legal Theory*, 2<sup>nd</sup> ed., London: Cavendish, 2004; GARCÍA-VILLEGAS (Mauricio), *Symbolic Power Without Violence? Critical Comments on Legal Consciousness Studies*, *International Journal for the Semiotics of Law*, Vol. 16, No. 4, 2003, pp. 363-393; IRELAND (Paddy), *History, Critical Legal Studies and the Mysterious Disappearance of Capitalism*, *Modern Law Review*, Vol. 65, No. 1, 2002, pp. 120-140; REVOLUTIONARY ANTI-AUTHORITARIANS OF COLOR, *An Anarchist Introduction to Critical Race Theory*, Anarchist Library, 2002; CROISSANT (Jennifer L.), *Critical Legal Theory and Critical Science Studies: Engaging Institutions*, *Cultural Dynamics*, Vol. 12, No. 2, 2000, pp. 223-236; NORRIE (Alan), *From Critical to Socio-Legal Studies: Three Dialectics in Search of a Subject*, *Social and Legal Studies*, Vol. 9, No. 1, 2000, pp. 85-113; GORDON (Robert W.), *Some Critical Theories of Law and their Critics*, in KAIRYS (David) (ed.), *Politics of Law: A Progressive Critique*, 3<sup>rd</sup> ed., New York: Basic Books, 1998, pp. 621-661; GORDON (Robert W.), *Critical Legal Histories*, *Stanford Law Review*, Vol. 36, No. 1-2, 1984, pp. 57-125; BAUMAN (Richard W.), *Critical Legal Studies: A Guide to the Literature*, Boulder: Westview, 1996; BOYLE (James) (ed.), *Critical Legal Studies*, New York: New York University Press, 1994; ALTMAN (Andrew), *Critical Legal Studies: A Liberal*



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<sup>33</sup> For example, see CRIBB (Robert), *Panama Papers: British-Canadian Billionaire Mysterious Middleman in 'Corruption Scheme'*, Toronto Star, May 25, 2016; DUBINSKY (Zach), *Panama Papers Confirm Canadian Billionaire and University Benefactor as Mystery Man in Global Bribery Case*, CBC News, May 25, 2016; FERRERAS (Jesse), *Panama Papers Reveal Canadian Victor Dahdaleh as Key Figure in International Bribery Scheme*, Huffington Post, May 25, 2016; YANG (Michael), *Your Daily Read for Wednesday, May 25, 2016 in Toronto*, Toronto Star, May 25, 2016; *Victor Dahdaleh Honoured by York University with Dahdaleh Institute for Global Health*, PR Newswire, Dec. 27, 2015; *York University Establishes The Dahdaleh Institute for Global Health*, York University, Dec. 8, 2015; *Business Leader and Philanthropist Victor Phillip Dahdaleh Donates \$20 Million to York University*, YFile, Oct. 27, 2015; *Philanthropist Victor Dahdaleh Donates \$20 Million to York University*, Hamilton Spectator, Oct. 27, 2015; *York U Proudly Announces the Creation of The Dahdaleh Institute for Global Health, Made Possible by a \$20 Million Donation by York Alumnus Victor Phillip Dahdaleh*, Global Health, Faculty of Health, York University; KASHEFI (Sirus), *The Western Academic World's Support of the State Criminals: Saif al-Islam Gaddafi, Abdolkarim Soroush, Hassan Rouhani, Seyed Hossein Mousavian, and Mehdi Hashemi Rafsanjani*, Eye Art Collective, July 17, 2015; FARAH (Hammam), *York U Violates Your Rights!*, YU Free Press, No. 1, 2014, p. 16; FARAH (Hammam), *York Is Trying to Ban Me from My Home*, Excalibur, Mar. 26, 2014, p. 7; MOORE (Ryan), *York Invests in Suppliers to Israeli Defense Forces*, Excalibur, Vol. 49, No. 7, 2014, pp. 1-2; KASHEFI (Sirus), *Some Studies on a Taboo Topic: Academic Crimes and Dictatorship*, Academia.edu, Dec. 4, 2013; KASHEFI (Sirus), *The Highly Bureaucratic and Mafia Systems: Scholarships, Bursaries, and Awards*, Academia.edu, Aug. 2, 2011; KASHEFI (Sirus), *Is the Law a Job in the Legal Whorehouse?*, Academia.edu, May 21, 2011; JUSTICE CENTRE FOR CONSTITUTIONAL FREEDOMS, *The 2014 Campus Freedom Index*, Ottawa, Sep. 29, 2014; JUSTICE CENTRE FOR CONSTITUTIONAL FREEDOMS, *2013 Campus Freedom Index*, Ottawa, Sep. 24, 2013; DICKIN (Daniel), *Ontario's Universities and Student Unions Flunk Freedom of Speech Test*, Huffington Post, Sep. 30, 2013; *Open Letter and Petition to Revoke Ban of SAIA and Hammam Farah at York University*, Jadaliyya, Sep. 6, 2013; BARROWS-FRIEDMAN (Nora), *"Boycott Israel" Activist Banned from Toronto University*, Electronic Intifada, Aug. 12, 2013; MIBIRUNG (Norbert), *No Room for SAIA at York University*, Manitoban, Aug. 12, 2013; *Toronto's York University Revokes Status of Students Against Israeli Apartheid (SAIA)*, Citizen Action Monitor, Aug. 2, 2013; URBACK (Robyn), *Revoking SAIA's Club Status Won't Ease Middle East Tension at York University*, National Post, Aug. 1, 2013; BRADSHAW (James) & APPLEBY (Timothy), *Former York U Managers Cleared on Fraud Charges*, Globe and Mail, May 1, 2013; HOPPER (Tristin), *University of Manitoba Students Union Ignores Legal Advice, Votes to Strip Anti-Israel Group of Official Club Status*, National Post, Apr. 12, 2013; ZIMMERMAN (Jesse), *York Federation of Students Passes Divestment Resolution against Israel*, Rabble.ca, Mar. 29, 2013; *York U Staff Knew about Fraud, but Didn't Blow the Whistle*, Metro, Mar. 12, 2013; ALPHEN (Tony Van), *York University Staff Knew about Fraud but Didn't Report It, Documents Show*, Toronto Star, Mar. 12, 2013; ALPHEN (Tony Van), *Fired York University VP Received \$86,000 'Performance' Bonus*, Toronto Star, Jan. 7, 2013; *An Open Letter to the York University Community, Students Against Israeli Apartheid at York University*, Facebook, Dec. 4, 2012; MARONESE (Nicholas), *York Policy on Ethical Investment Counters Student Group's*, Excalibur, Mar. 30, 2011; ROSE (Brent), *Campaign Questions University's Investments*, Excalibur, Mar. 16, 2011; *Forbidden Ideas, Fragile Freedom at York University*, Mar. 2, 2011; CHURCH (Elizabeth), *Controversy Brews over York's Handling of Conference on Mideast*, Globe and Mail, Apr. 12, 2010.

<sup>34</sup> BARRIONUEVO (Alexei), *'Minister of Ideas' Tries to Put Brazil's Future in Focus*, New York Times, Feb. 2, 2008. See also MANIKKALINGAM (Ram), *Temporary Columns: Obama, Unger and I*, 3 Quarks Daily, Feb. 25, 2008.

<sup>35</sup> See below, Chapter 4, footnotes 202 and 235.

<sup>36</sup> NIMAN (Michael I.), *People of the Rainbow: A Nomadic Utopia*, 2<sup>nd</sup> ed., Knoxville: University of Tennessee Press, 2011, p. 177.

<sup>37</sup> For some examples, see GREER (Joseph Christian), *Occult Origins: Hakim Bey's Ontological Post-Anarchism*, Anarchist Developments in Cultural Studies, No. 2, 2013, pp. 166-187; ROUSSELLE (Duane), *Postanarchism and its Critics: A*

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<sup>38</sup> BRATICH (Jack), *Fragments on Machinic Intellectuals*, in SHUKAITIS (Stephen) & GRAEBER (David Rolfe) (ed.), *Constituent Imagination: Militant Investigations, Collective Theorization*, Oakland: AK Press, 2007, p. 137.

<sup>39</sup> About the place of "education" in anarchist thoughts, see HAWORTH (Robert H.) (ed.), *Anarchist Pedagogies: Collective Actions, Theories, and Critical Reflections on Education*, Oakland: PM Press, 2012; KASHEFI (Sirus), *Kropotkin's Anarchist Ideas about Criminal Law*, op. cit., especially pp. 240-242; KASHEFI (Sirus), *Is the Law a Job in the Legal Whorehouse?*, op. cit., p. 67 (note 78); DELEON (Abraham P.), "Anarchism ... Is a Living Force within our Life ...", *Anarchism, Education and Alternative Possibilities*, *Educational Studies*, Vol. 48, No. 1, 2012, pp. 5-11; GARLAND (Christian), "We Teach All Hearts to Break": *On the Incompatibility of Education with Schooling at All Levels, and the Renewed Need for a De-Schooling of Society*, *Educational Studies*, Vol. 48, No. 1, 2012, pp. 30-38; DELEON (Abraham P.), *Oh No, Not the "A" Word! Proposing an "Anarchism" for Education*, *Educational Studies*, Vol. 44, No. 2, 2008, pp. 122-141; SIMPSON (Barry D.), *The Cultural Degradation of Universal Education: The Educational Views of Robert Lewis Dabney*, *Journal of Libertarian Studies*, Vol. 20, No. 3, 2006, pp. 47-60; SAKOLSKY (Ron), *Creating Anarchy*, *Liberty: Fifth Estate*, 2005, pp. 23-26; MARKS (Benjamin), *Archipelagos of Educational Chaos*, *Journal of Libertarian Studies*, Vol. 19, No. 2, 2005, pp. 87-102; VARIAS (Alexander), *Paris and the Anarchists*, op. cit., pp. 108-112; ADÁN (José-Peréz), *Reformist Anarchism*, op. cit., pp. 93-95, 141-149.

<sup>40</sup> CAREY (John), *The Intellectuals and the Masses: Pride and Prejudice among the Literary Intelligentsia, 1880-1939*, New York: St. Martin's Press, 1993, pp. 214-215.

<sup>41</sup> For example, they are Lao Tzu, Zeno of Citium, Diogenes of Sinope, François Rabelais, Étienne de La Boétie, William Blake, Godwin, Proudhon, Mikhail Alexandrovich Bakunin, Carlo Gambuzzi, James Guillaume, Jean Grave, Joseph Déjacque, August Spies, Albert Richard Parsons, Lucy Eldine Gonzalez Parsons, Johann Christoph Neve, Fernand-Léonce Émile Pelloutier, Pyotr Alexeyevich Kropotkin, Émile Pouget, Carlo Cafiero, Errico Malatesta, Élisée Reclus, Louise Michel, Rafael Farga Pellicer,

Giuseppe Ciancabilla, Kanno Sugako, Johann Most, Georges Eugène Sorel, Luigi Galleani, Gustav Landauer, Georgette Kokocinski, Joseph Lane, Louisa Sarah Bevington, William Morris, Sébastien Faure, George Barrett, James Tochatti, Agnes Henry, Francesco Saverio Merlino, Cipriano Ricardo Flores Magón, Pietro Gori, José Buenaventura Durruti Dumange, Dyer Daniel Lum, Voltairine de Cleyre, Emma Goldman, Alexander Berkman, Walter Benjamin, Ben Lewis Reitman, Charlotte Mary Wilson, Jan Waclaw Machajski, Max Nomad, Ross Winn, Lilian Wolfe, Randolph Bourne, Hugh Owen Pentecost, Camillo Berneri, Giovanna Berneri, Marie Louise Berneri, Manolo Gonzalez, Carlo Tresca, Charles Malato, Max Nettlau, Amédée Catonné (called Amédée Dunois), Luigi Fabbri, Francesc Ferrer i Guàrdia, Clara Meijer-Wichmann, Victor Serge, Vsevolod Mikhailovich Eikhenbaum (known as Voline), Lucía Sánchez Saornil, Peter Andreyevich Arshinov, Nestor Makhno, Grigori Petrovitch Maximoff, Virgilia D'Andrea, Arthur Eric Rowton Gill, Max Baginski, François Dumartheray, Isaac Puente Amestoy, Paul Eltzbacher, Rudolf Rocker, Erich Mühsam, Augustin Frédéric Hamon, Senya Fleshin, Jacob Abrams, Mollie Steimer, Elizabeth Gurley Flynn, Alexandre Jacob (known as Marius Jacob), Guy Alfred Aldred, David Wieck, Leda Rafanelli, Dora Marsden, Geoffrey Ostergaard, Gaston Leval (born Pierre Robert Piller), Sam Dolgoff, Augustin Souchy Bauer, Maria Occhipinti, William Michael Duane, Marcus Graham, Daniel Guérin, Federica Montseny Mañé, Murray Bookchin, Nicolas Hardy Walter, Herbert Read, Paul Goodman, Philip Richard Sansom, John Hewetson, Avram Noam Chomsky, John Zerzan, Colin Ward, Alex Comfort (\*), Hamilton Bertie Gibson (known as Tony Gibson), Ida Mett, Georges Fontenis, Albert Meltzer, Stuart Christie, Harold B. Barclay, Howard Zinn, Cedric Robinson, Robert Paul Wolff, Robert Anton Wilson, Paul Avrich, Henri Arvon, Umberto Marzocchi, John Pilgrim, John Rety, Vernon Richards, Fredy Perlman, George Woodcock, Alfredo Maria Bonanno, Ronald Creagh, Russell Means, Ken Knabb, Theodore John Kaczynski (also known as the Unabomber), Jacques Camatte, Ward LeRoy Churchill, Raoul Vaneigem, David Watson, James C. Scott, Lorenzo Kom'boa Ervin, James Herod, and Jeremy John Ratter (known as Penny Lapsang Rimbaud).

(\*) Goodway has nonetheless argued that Comfort was neither a communist nor a socialist. GOODWAY (David) (ed.), *Against Power and Death: The Anarchist Articles and Pamphlets of Alex Comfort*, London: Freedom Press, 1994, p. 22.

<sup>42</sup> For example, see Gilles Dauvé (pen name Jean Barrot), Donald Rooum, Peter Ryley, Bob James, Heiner M. Becker, Roxanne Dunbar-Ortiz, David Goodway, Alan Brian Carter, April Carter, Thomas Holterman, John Moore, Zenon Bankowski, Peter Marshall, John P. Clark, Leonard Williams, Saul Newman, Nathan J. Jun, David Rolfe Graeber, Ruth Kinna, Jeffrey A. Shantz, Jeff Ferrell, Dennis C. Sullivan, Larry L. Tiff, Richard J. F. Day, Chris Ealham, Davide Turcato, Constance Bantman, Howard J. Ehrlich, Alex Prichard, Allan Antliff, Mark Antliff, Randall Amster, James R. Martel, Chuck W. Morse, Michael Albert, Jason McQuinn, Ron Sakolsky, Peter Gelderloos, Luis A. Fernandez, Amory Starr, Cindy Milstein, Judith Suissa, Wayne Price, Andy Price, Benjamin Noys, Iain McKay, George McKay, Uri Gordon, Jesse Sheppard Cohn, Sylvain Boulouque, Todd May, Saul Newman, Lewis Call, Alexandre Skirda, Duane Rousselle, Abraham P. DeLeon, Stephen Shukaitis, Jack Bratich, Jamie Heckert, Brian Martin, Brian Morris, Lawrence Jarach, Bob Black, Judy Greenway, Andrew Cornell, Dennis R. Fox, Michael I. Niman, Chris Crass, Crispin Gallagher Sartwell, Saku Pinta, Kevin Tucker, Joseph Toscano, Alberto Toscano, Dana M. Williams, Brad Thomson, Sharif Gemie, Carl Levy, Petar Jandrić, Matthew Thomas, Matthew S. Adams, Jason M. Adams, Simon Springer, Derrick Jensen, Richard Bach Jensen, Kirwin Ray Shaffer, Robert Graham, Michelle M. Campbell, Sandra Jeppesen, Marianne Enckell, Abbey Willis, Judith Butler, Jim Donaghey, Joshua Stephens, Francis Dupuis-Déri, Étienne Desbiens-Després, Adam Godwin, Frank Fernández, Giorel Curran, Arif Dirlik, Süreyya Evren, John Patten, Graham Purchase, Charles Bufe, Lucien van der Walt, Michael Schmidt, Laura Portwood-Stacer, Gabriel Kuhn, Nicholas Lamb, Aileen O'Carroll, Shawn P. Wilbur, Ramor Ryan, Andrew Flood, Gregor Kerr, Paul Bowman, Ray Cunningham, Paul McLaughlin, Conor McLoughlin, Terry Clancy, Sean Mallory, Oisín Mac Giollamóir, Kevin Gillan, Will Potter, Brendan Kiley, Grietje Baars, Michael Truscello, Michael Loadenthal, Richard James White, Colin C. Williams, Michael Henry Scrivener, Joel Olson, Janet Biehl, Corey Snelgrove, Peter Staudenmaier, Kathy E. Ferguson, Jason Royce Lindsey, Peter Seyferth, Deric Shannon, Bert Altena, Mohammed A. Bamyeh, Paul Sharkey, Matt Wilson, David Porter, Martyn Everett, Margaret A. Majumdar, Martha A. Ackelsberg, Brian Oliver Sheppard, L. Susan Brown, Gillian Whiteley, Clive Head, Michael Paraskos, Carissa Honeywell, Jón Gnarr, Emily Charkin, Terry Eyssens, Federico Buono, Richard Hunt, Bobby Whittenberg-James, Jonathan Simcock, Iain MacSaorsa, Massimo Passamani, Christian Garland, Ran Prieur, Layla AbdelRahim, Peter D. Burdon, Chris Kortright, Gaetano Manfredonia, James Hutchings, John Connor, John Filiss, Judi Bari, Dale Allen Pfeiffer, Don LaCoss, Ferran Aisa, Octavio Alberola, Claire Auzias, Colin Salter, Sam Mbah, Bratach Dubh, Tasos Theofilou, David Berry, Daniel Colson, Craig Rosebraugh, Chekov Feeney, Robert P. Helms, Walker Lane, Charles J.-H. MacDonald, Paul Z. Simons, Larry Gambone, Jason Godesky, Nicolas Phebus, Justin Allen Keoki Helepololei, Penelope Nin, Rob Los Ricos, Brian A. Dominick, Kostas Gournas, Nikos Maziotis, Pola Roupá, Kay Kersplebedeb, Dave Negation, Stephen Booth, Ihar Alinevich, E.T.C. Dee, Mo Karnaage, Nicoal Sheen, Maia Ramnath, Benjamin Heim Shepard, J. Rogue, Jorell A. Meléndez Badillo, Jørgen Johansen, John Jacobi, Anthony J. Nocella II, Steven Best, Bernard Marszalek, Miguel A. Martínez López, Thomas Swann, Michael William, Peter Paul Kakol, José Antonio Gutiérrez D., Emcee Lynx, and Spencer Sunshine.



43 For instance, they are Johann Kaspar Schmidt (known as Max Stirner), Stephen Pearl Andrews, Josiah Warren, William Batchelder Greene, Lothrop Withington, Henry Appleton, James L. Walker, Auberon Herbert who was a Member of the British Parliament, Henrik Johan Ibsen, Wordsworth Donisthorpe, Henry Bool, Gertrude B. Kelly, Steven Tracy Byington, Joseph Greevz Fisher, Ezra Heywood, Joseph Albert (known as Albert Libertad), John Henry Mackay, Henry David Thoreau, Benjamin Ricketson Tucker, Henry Albert Seymour, Abele Rizieri Ferrari (known by his pen name Renzo Novatore), Alphonse Gallaud de la Pérouse (known as Zo d'Axa), Jacques Élie Henri Ambroise Ner (known by pseudonym Han Ryner), Clarence Lee Swartz, William Charles Owen, John Beverley Robinson, Vicente Rojas Lizcano (known by his pseudonym Biófilo Panclasta), Félix Fénéon, Émile Armand, Francis Dashwood Tandy, Hutchins Hapgood, John William Lloyd who eventually ended in minarchism, Georges Toussaint Léon Palante, Victor S. Yarros who was an anarchist before accepting the existence of the State, André Lorulot, Marcel Dieu (known as Hem Day), Manuel Devaldès, Maria Lacerda de Moura, Jean-René Saulière, Kevin Amos Carson, Sidney E. Parker, Sharon Presley, Wolfi Landstreicher (Feral Faun), Fred Woodworth, Michel Onfray, and Svein Olav Nyberg.

44 In this case, I can mention Claude Frédéric Bastiat, Gustave de Molinari, Lysander Spooner, Friedrich August Hayek, Ludwig von Mises, Murray Newton Rothbard, Anthony de Jasay, Ayn Rand, Llewellyn Harrison Rockwell, Jr, Morris and Linda Tannehill, Milton Friedman, David Director Friedman, Leland B. Yeager, Chris Ronald Tame, Tibor Richard Machan, Spencer Heath McCallum, Terry Lee Anderson, William L. Anderson, Konklin III, Thomas James DiLorenzo, George Gerald Reisman, Ralph Raico, David Gordon, Jan Narveson, Joseph Neil Schulman, Bruce L. Benson, Roderick Tracy Long, Jeffrey Rogers Hummel, Jeff Riggerbach, Ernest C. Pasour, Jr., Leonard P. Liggio, Jacob H. Huebert, Fred Emanuel Foldvary, Butler Shaffer, David Conway, Chartier, Randy E. Barnett, Charles Alan Murray, Vance, Bertrand Lemennicier, Ronald Hamowy, Jan Clifford Lester, Frank van Dun, Norman Stephan Kinsella, Paul Edward Gottfried, Walter Edward Block, Richard Allen Epstein, Robert Higgs, Jason Brennan, John F. Stossel, Todd J. Zywicki, Stringham, Peter Leeson, Benjamin W. Powell, Edward Feser, Carl Watner, Stefan Basil Molyneux, Thomas E. Woods, Jr., Roy A. Childs, Jr., Mark Thornton, Richard L. Stroup, Bryan Caplan, Gene Callahan, Wendy McElroy, Gerard Casey, Peter Vallentyne, Hillel Steiner, Laurent A. H. Carnis, Daniel J. D'Amico, Robert Patrick Murphy, Hans-Hermann Hoppe, Jörg Guido Hülsmann, Joseph R. Stromberg, Christopher J. Coyne, Yuri N. Maltsev, David Osterfeld, Josef Sima, David Boaz, Ludwig van den Hauwe, Williamson M. Evers, Jan Kregelka, Charles W. Johnson, Jim Davies, Kevin S. Van Horn, Justus D. Doenecke, Steve J. Shone, Danny Frederick, Jakub Božýdar Wiśniewski, Ben O'Neill, Xavier Méra, George Hamilton Smith, Alexander William Salter, James Rolph Edwards, Michael F. Reber, Patrick C. Tinsley, Don Stacy, Edward W. Younkins, Nikolay Gertchev, Graham Dawson, Morgan A. Brown, Laura Davidson, Dan Mahoney, Geoffrey Allan Plauché, Allen Mendenhall, Philipp Bagus, Danny Frederick, Lee Haddigan, Peter J. Preusse, Brad Spangler, Stephen D. Cox, Kris Borer, Seth King, Leonidas Zelmanovitz, Wally Conger, Anna Morgenstern, H. Arthur Scott Trask, Ann Caldwell Butler, Alex R. Knight III, Jeffrey Albert Tucker, Grant A. Mincy, Mark Stoval, and Brooke Bida.

45 In this case, I can only mention Anabaptists, Petr Chelčický, Anne Hutchinson, Gerrard Winstanley, Jacques Roux, John Humphrey Noyes, Henry Clarke Wright, Adin Ballou, David Lipscomb, Leo Tolstoy, Jenö Henrik Schmitt, Charles Erskine Scott Wood, Elbert Green Hubbard, Dorothy Day, Léonce Crenier, Sri Aurobindo, Ammon Ashford Hennacy, Nikolai Alexandrovich Berdyaev, Peter Maurin, Martin Buber, Cornelis Boeke (known as Kees Boeke), Jacques Ellul, Peter Lamborn Wilson (pseudonym Hakim Bey), Simon Critchley, David Frank Andrews, Alexandre Christoyannopoulos, Nellis Lake, Tripp York, Yehuda Ashlag, Laurence M. Vance, Philip Francis Berrigan, Ciaron O'Reilly, Michael C. Elliot, Ivan Illich, Vernard Marion Eller, Paul Theodore Pojman, Kevin Ryan Daugherty, Mohamed Jean Veneuse, Michael Muhammad Knight, and Mia X. Kursions (formerly known as the Dolly Llamas).

46 FERGUSON (Kathy E.), *Emma Goldman: Political Thinking in the Streets*, Lanham: Rowman and Littlefield, 2011.

47 About the history of anarchism, see ADAMS (Matthew S.), *The Possibilities of Anarchist History Rethinking the Canon and Writing History*, *Anarchist Developments in Cultural Studies*, No. 1, 2013, pp. 33-63; LEVY (Carl), *Social Histories of Anarchism*, *Journal for the Study of Radicalism*, Vol. 4, No. 2, 2010, pp. 1-44; THAROOR (Ishaan), *A Brief History of Anarchism: The European Tradition*, *The Time*, Dec. 31, 2010; MARSHALL (Peter), *Demanding the Impossible*, op. cit.; GRAHAM (Robert) (ed.), *Anarchism*, op. cit.; WOODCOCK (George), *Anarchism*, op. cit.; NETTLAU (Max), *A Short History of Anarchism*, London: Freedom Press, 1996; NETTLAU (Max), *Histoire de l'Anarchie*, op. cit.; GOODWAY (David) (ed.), *For Anarchism: History, Theory and Practice*, London: Routledge, 1989; GOODWAY (David), *Anarchism*, *History Workshop*, Vol. 22, No. 1, 1986, pp. 199-201; BOSE (Atindranath), *A History of Anarchism*, Calcutta: World Press, 1967; NOVAK (Derry), *The Place of Anarchism in the History of Political Thought*, *Review of Politics*, Vol. 20, No. 3, 1958, pp. 307-329; ZENKER (Ernst Victor), *Anarchism: A Criticism and History of Anarchist Theory*, New York: George Palmer Putman's Son, 1897; SCHAACK (Michael J.), *Anarchy and Anarchists: A History of the Red Terror and the Social Revolution in American and Europe*, Chicago: F. J. Schulte, 1889.

<sup>48</sup> See PIERAGASTINI (Steven J.), *Daoism and Anarchism: Critiques of State Autonomy in Ancient and Modern China*, Asian Studies Review, Vol. 38, No. 3, 2014, pp. 506-507; LI (Guangyi), "New Year's Dream": A Chinese Anarcho-Cosmopolitan Utopia, Utopian Studies, Vol. 24, No. 1, 2013, pp. 89-104; RAPP (John A.), *Daoism and Anarchism: Critiques of State Autonomy in Ancient and Modern China*, London: Continuum, 2012; RAPP (John A.), *Daoism and Anarchism Reconsidered*, Anarchist Studies, Vol. 6, No. 2, 1998, pp. 123-151; DIRLIK (Arif), *Anarchism in Early Twentieth Century China: A Contemporary Perspective*, Journal of Modern Chinese History, Vol. 6, No. 2, 2012, pp. 131-146; DIRLIK (Arif), *Anarchism in the Chinese Revolution*, Berkley and Los Angeles: University of California Press, 1991; DIRLIK (Arif), *Vision and Revolution: Anarchism in Chinese Revolutionary Thought on the Eve of the 1911 Revolution*, Modern China, Vol. 12, No. 2, 1986, pp. 123-165; DIRLIK (Arif) & KREBS (Edward S.), *Socialism and Anarchism in Early Republican China*, Modern China, Vol. 7, No. 2, 1981, pp. 117-151; WESOŁOWSKI (Zbigniew), *China, Kropotkin, and Anarchism: A Cultural Movement in Early Twentieth-Century China under the Influence of the West and Japanese Examples*, book review, Monumenta Serica, Vol. 53, 2005, pp. 518-520; LIU (Huiying), *Feminism: An Organic or an Extremist Position? On Tien Yee As Represented by He Zhen*, Positions: East Asia Cultures Critique, Vol. 11, No. 3, 2003, pp. 779-800; PILZ (Erich), *China, Kropotkin, and Anarchism: A Cultural Movement in Early Twentieth-Century China under the Influence of the West and Japanese Examples*, book review, China Information, Vol. 17, No. 1, 2003, pp. 137-140; VARIOUS AUTHORS, *Three Essays on the New Mandarins*, Anarchist Library, 1978; *Anarchism in the Americas and China*, Raven, Vol. 10, No. 1, 1998; BOSE (Atindranath), *A History of Anarchism*, op. cit., pp. 11-24; SCALAPINO (Robert A.) & YU (George T.), *The Chinese Anarchist Movement*, Anarchist Library, 1961.

<sup>49</sup> See MA (Jianxiong), *The Five Buddha Districts on the Yunnan-Burma Frontier: A Political System Attached to the State*, Cross-Currents: East Asian History and Culture Review, Vol. 2, No. 2, 2014, pp. 478-505; HINDMAN (Heather), *Post-Political in the Post-Conflict: DIY Capitalism, Anarcho-Neoliberalism and Nepal's Ungovernable Mountains*, Cultural Anthropology, Mar. 24, 2014; WALT (Lucien van der), *T. W. Thibedi (1888-1960): The Life of a South African Revolutionary Syndicalist*, Zabalaza, No. 13, 2013, pp. 45-46; WALT (Lucien van der), *Anarchism and Syndicalism in an African Port City: The Revolutionary Traditions of Cape Town's Multiracial Working Class, 1904-1931*, Labor History, Vol. 52, No. 2, 2011, pp. 137-171; WALT (Lucien van der), *Anarchism and Syndicalism in South Africa, 1904-1921: Rethinking the History of Labour and the Left*, PhD thesis, University of the Witwatersrand, 2007; PILLAY (Devan) & Walt (Lucien van der), *Introduction: Assessing the Politics of Organized Labour in Asia, Africa and Latin America at the Start of the 21<sup>st</sup> Century*, Labour, Capital and Society, Vol. 44, No. 2, 2011, pp. 2-25; SCHMIDT (Michael), *South Asian Anarchism: Paths to Praxis*, Anarkismo, July 17, 2012; RAMNATH (Maia), *Decolonizing Anarchism: An Antiauthoritarian History of India's Liberation Struggle*, Edinburgh and Washington, D.C.: AK Press, 2011; STRINGHAM (Edward Peter) & MILES (Caleb J.), *Repelling States: Evidence from Upland Southeast Asia*, Review of Austrian Economics, Vol. 25, No. 1, 2012, pp. 17-32; MBAH (Sam), *African Anarchism*, Word Press, Aug. 12, 2012; MBAH (Sam) & IGARIWEY (I. E.), *African Anarchism: The History of A Movement*, Anarchist Library, 2001; MANICAS (Peter T.), *State, Power, Anarchism: A Discussion of The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia*, Perspectives on Politics, Vol. 9, No. 1, 2011, pp. 92-98; ROBERTS (Neil), *State, Power, Anarchism: A Discussion of The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia*, Perspectives on Politics, Vol. 9, No. 1, 2011, pp. 84-88; GIRI (Ram Ashish), *Cultural Anarchism: The Consequences of Privileging Languages in Nepal*, Journal of Multilingual and Multicultural Development, Vol. 31, No. 1, 2010, pp. 87-100; SCOTT (James C.), *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia*, New Heaven and London: Yale University Press, 2009; PILGRIM (John), *Introduction: Anthropology, Anarchism and Africa*, Raven, Vol. 5, No. 2, 1992, pp. 113-115.

<sup>50</sup> For example, see PROAL (Louis), *Political Crime*, intr. by Franklin H. Giddings, reprinted with a new intr. by Edward Sagarin and an index, Montclair: Patterson Smith, 1973, pp. 49-104, 115, 119, 130-131, 160, 164, 348.

<sup>51</sup> See SCOTT (James C.), *The Art of Not Being Governed*, op. cit., pp. 7, 337.

<sup>52</sup> See LENDMAN (Stephen), *Israeli Theft of Palestinian Property*, Countercurrents, Jan. 7, 2010; SITTA (Salman Abu), *Israel's Seizure, Confiscation and Sale of Palestinian Property*, London: Palestine Land Society, Aug. 2009; MOLAVI (Shourideh Cherie), *Israel: A Democracy for Jews Only – Abuses Against its Palestinian-Arab Citizens*, Canadians for Justice and Peace in the Middle East, May 2008, p. 4.

<sup>53</sup> See SCOTT (James C.), *The Art of Not Being Governed*, pp. x, 3, 7-9; RIGGENBACH (Jeff), *The Art of Not Being Governed*, Mises Daily, Dec. 10, 2010; MAYARAM (Shail), *Against History, Against State: Counterperspectives from the Margins*, New York: Columbia University Press, 2003; TILLY (Charles), *Coercion, Capital, and European States, AD 990-1992*, Cambridge, Massachusetts: Blackwell, 1990, p. 162; MANN (Michael), *The Sources of Social Power*, Cambridge: Cambridge University Press, 1986, pp. 63-70.

<sup>54</sup> COHEN (Youssef) ET AL., *The Paradoxical Nature of State Making: The Violent Creation of Order*, American Political Science Review, Vol. 75, No. 4, 1981, p. 904.

- <sup>55</sup> HONEYWELL (Carissa), *A British Anarchist Tradition*, op. cit., pp. 94, 98.
- <sup>56</sup> LEWIS (Wyndham), *The Art of Being Ruled*, New York: Haskell House, 1972, p. 3.
- <sup>57</sup> Such as Stephen Pearl Andrews, Spooner, Aristide Briand, István Bibó, Gambuzzi, Gori, Pentecost, Scott Wood, Meijer-Wichmann, Merlino, Yarros, Eltzbacher, Huebert, Epstein, Holterman, Chartier, van Dun, Benson, David Friedman, Barnett, Kinsella, Zywicki, Mendenhall, Ben O'Neill, Baars, Amster, and Bob Black. In this regard, see KINSELLA (Norman Stephan), *Advice for Prospective Libertarian Law Students*, July 28, 2009; JOLL (James), *The Anarchists*, op. cit., pp. 180-181; BOZÓKI (András) & SÜKÖSD (Miklós), op. cit.; MARSHALL (Peter), *Demanding the Impossible*, op. cit., p. 485; BLACK (Bob), *Withered Anarchism*, Anarchist Library, 1998, p. 44; GALLEANI (Luigi), *The End of Anarchism?*, Anarchist Library, 1925; LEON (Daniel De), *Aristide Briand*, Daily People, Vol. 11, No. 243, 1911, p. 2.
- <sup>58</sup> See KROUWEL (André), *Otto Kirchheimer and the Catch-All Party*, West European Politics, Vol. 26, No. 2, 2003, pp. 25, 37 (note 2); KIRCHHEIMER (Otto), *Political Justice: The Use of Legal Procedure for Political Ends*, Westport: Greenwood, 1980, pp. 246-256.
- <sup>59</sup> *The End of Anarchism? by Luigi Galleani (Kindle Edition)*, Christie Books, June 28, 2012.
- <sup>60</sup> See KASHEFI (Sirus), *The Sacred Law and Anarchism: Reality and Fiction*, Academia.edu, May 16, 2011, p. 24.
- <sup>61</sup> SCHUSTER (Eunice M.), op. cit., p. 143.
- <sup>62</sup> See SPOONER (Lysander), *No Treason*, Anarchist Library, 1870; SPOONER (Lysander), *The Unconstitutionality of Slavery*, Boston: Bela Marsh, 1860; SCHUSTER (Eunice M.), op. cit., pp. 144-145, 149.
- <sup>63</sup> SCHUSTER (Eunice M.), op. cit., pp. 67, 69, 79, 145, 182; MOREL (Lucas E.), *In Pursuit of Freedom*, Teaching History, June 30, 2011; FINKELMAN (Paul), *Garrison's Constitution: The Covenant with Death and How It Was Made*, Prologue, Vol. 32, No. 4, 2000; YACOVONE (Donald), *A Covenant with Death and an Agreement with Hell*, Massachusetts Historical Society, 2005.
- <sup>64</sup> See MOORE (Wendy Leo), *Reproducing Racism: White Space, Elite Law Schools, and Racial Inequality*, foreword by Joe R. Feagin, Lanham: Rowman and Littlefield, 2008, pp. ix, 51, 53; COARD (Michael), *The "Black" Eye on George Washington's "White" House*, Avenging The Ancestors Coalition, Oct. 21, 2010; HATTER (Karen), *The Enslaved at the President's House Memorial*, NowPublic, Oct. 26, 2010; FEAGIN (Joe R.), *Systemic Racism: A Theory of Oppression*, New York: Routledge, 2006; GELDERLOOS (Peter), *What Is Democracy?*, Anarchist Library, 2004, pp. 13-14; VERHAREN (Charles), *Afrocentricity, Ecocentrism, and Ecofeminism: New Alliances for Socialism*, Socialism and Democracy, Vol. 17, No. 2, 2003, pp. 75-76; JEFFERSON (Thomas), *Notes on the State of Virginia*, Raleigh: Alex Catalogue, 1990.
- <sup>65</sup> See DUPUIS-DÉRI (Francis), *Démocratie: Histoire Politique d'un Mot aux États-Unis et en France*, Montréal: Lux, 2013, especially pp. 9-10; DUPUIS-DÉRI (Francis), *Histoire du Mot «Démocratie» au Canada et au Québec: Analyse Politique des Stratégies Rhétoriques*, Revue Canadienne de Science Politique, Vol. 42, No. 2, 2009, pp. 321-343; DUPUIS-DÉRI (Francis), *L'Esprit Anti-Démocratique des Fondateurs de la 'Démocratie' Moderne*, AGONE, No. 22, 1999, pp. 95-113.
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<sup>92</sup> WARD (Colin), *Anarchy in Action*, London: Freedom Press, 1996, p. 32. See also KASHEFI (Sirus), *Legal Anarchism*, op. cit., p. 16.

<sup>93</sup> CARRINGTON (Paul), *Reproducing the Right Sort of Hierarchy*, in KENNEDY (Duncan) (ed.), *Legal Education*, op. cit., p. 147.

This seasoned law Professor at Duke University should appreciate hierarchy, due to his military education (i.e. mass murdering) and Deanship as well, which both certainly need submission. About the salvatory influence of militarism on his personality, he has proudly said that “*neither Exeter nor Harvard achieved in years what the United States Army did in weeks to make adults out of almost all of us involuntary selectees. (...) My respect for what the Army did is not linked to any militaristic impulses on my part. I was grateful that the Army thought me unpromising as an infantryman, and later trained me to type and fill out forms. I was never happier than the day I left active duty as a soldier.*” CARRINGTON (Paul), *Reproducing the Right Sort of Hierarchy*, op. cit., p. 146.

<sup>94</sup> For example, see HURD (Ian), *After Anarchy: Legitimacy and Power in the United Nations Security Council*, Princeton: Princeton University Press, 2007.

<sup>95</sup> See WILLIAMS (Christopher R.) & ARRIGO (Bruce A.), *Theory, Justice, and Social Change*, op. cit., p. 25.

<sup>96</sup> See SULLIVAN (Dennis C.) & TIFFT (Larry), *Restorative Justice: Healing the Foundations of Our Everyday Lives*, Monsey: Willow Tree Press, 2001, pp. 180-181; SULLIVAN (Dennis C.), *Living Restorative Justice as Lifestyle: An Interview with Fred Boehrer*, *Contemporary Justice Review*, Vol. 1, No. 1, 1998, pp. 149-166; BARCLAY (Harold B.), *Anthropology and Anarchism*, op. cit.; BARCLAY (Harold B.), *People without Government*, op. cit.

<sup>97</sup> About this theory and its example, see PAXTON (Robert Owen), *The Anatomy of Fascism*, New York: Vintage Books, 2005; AKKOC (Raziye), *A Parallel State within Turkey? How the Country's Democracy Came under Attack from Two Men's Rivalry*, *Telegraph*, Feb. 24, 2015; LOWEN (Mark), *Turkey's Erdogan Battles 'Parallel State'*, *BBC News*, Dec. 17, 2014.

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<sup>100</sup> FOUCAULT (Michel), *The History of Sexuality*, op. cit., p. 93; quoted in NOYS (Benjamin), *The Culture of Death*, Oxford: Berg, 2005, p. 31.

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<sup>102</sup> See GEUSS (Raymond), *History and Illusion in Politics*, Cambridge: Cambridge University Press, 2001, pp. 104-109.

<sup>103</sup> HENRY (Stuart) & MILOVANOVIC (Dragan), *Constitutive Criminology: Origins, Core Concepts, and Evaluation*, op. cit., p. 270. See also COWLING (Mark), *Postmodern Policies? The Erratic Interventions of Constitutive Criminology*, *Internet Journal of Criminology*, 2006; HENRY (Stuart) & MILOVANOVIC (Dragan), *Constitutive Criminology: Origins, Core Concepts, and Evaluation*, *Social Justice*, Vol. 27, No. 2, 2000, pp. 268-290; HENRY (Stuart) & MILOVANOVIC (Dragan), *Constitutive Criminology at Work: Applications to Crime and Justice*, Albany: SUNY Press, 1999; HENRY (Stuart) & MILOVANOVIC (Dragan), *Constitutive Criminology: Beyond Postmodernism*, London: Sage, 1996; HENRY (Stuart) & MILOVANOVIC (Dragan), *The Constitution of Constitutive Criminology: A Postmodern Approach to Criminological Theory*, in NELKEN (David) (ed.), *The Futures of Criminology*, London: Sage, 1994; HENRY (Stuart) & MILOVANOVIC (Dragan), *Back to Basics: A Postmodern Redefinition of Crime*, *Critical Criminologist*, Vol. 5, No. 2-3, 1993, pp. 1-2, 6, 12; HENRY (Stuart) & MILOVANOVIC (Dragan), *Constitutive Criminology*, *Criminology*, Vol. 29, Vol. 2, 1991, pp. 293-316.

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none of those arguments really makes sense. In addition, because State funding may not be sufficient to guarantee all political happiness, the politicians are extremely specialist in begging legally or illegally (i.e. bribery and extortion) from the private sector to cover the cost of their political campaign and their parasitic lifestyle as well.

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for the Protection and Conservation of Sea Turtles, European Convention for the Protection of Pet Animals, Inter-American Commission on Human Rights, Inter-American Court of Human Rights, African Union, African Charter on Human and Peoples' Rights, African Convention on the Conservation of Nature and Natural Resources, African Court on Human and Peoples' Rights, International Bureau for Children's Rights, Amnesty International, Human Rights Watch, Anti-Slavery International, Center for Human Rights and Humanitarian Law, Friends of Peoples Close to Nature, Human Rights Internet, and Human Rights First.

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## Chapter 4: State Stigmatization and Repression

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<sup>3</sup> For instance, Fernandez thinks that the concept of “social control of dissident” is larger than the term “repression”, because the former “opens up the theoretical possibilities for broader studies of protest control,” while the latter is “limited to cover tactics such as harassment, intimidation, assault, detainment, and murder,” and consequently “too narrowly constructed and leaves out multiples spheres of contention and domination.” FERNANDEZ (Luis A.), *Policing Dissident: Social Control and the Anti-Globalization Movement*, New Brunswick: Rutgers University Press, 2008, p. 9. 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<sup>171</sup> See SCHUSTER (Eunice M.), op. cit., pp. 73, 75; GRAUR (Mina), *An Anarchist "Rabbi"*, op. cit., p. 170.

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<sup>200</sup> See KASHEFI (Sirus), *Human Rights: A Relative, Progressive, Regressive, and Controversial Concept*, International Zeitschrift, Vol. 7, No. 2, 2011, pp. 74-78; DONNELLY (Jack), *The Relative Universality of Human Rights*, Human Rights Quarterly, Vol. 29, No. 2, 2007, pp. 281-306.

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<sup>72</sup> PURCHASE (Graham), *Anarchist Organisation: Why It Is Failing*, Anarchist Library, 1998, pp. 9, 17-18.

<sup>73</sup> Regarding the think-tanks related to the free market anarchists, for example, see Ludwig von Mises Institute, Molinari Institute, Locke Institute, Adam Smith Institute, Thoreau Institute, Cato Institute, Independent Institute, Daily Anarchist, Acton Institute for the Study of Religion and Liberty, Laissez Faire Club, Laissez-Faire Institute, Journal of Libertarian Studies, Center for a Stateless Society, Advocates for Self-Government, Free State Project, Americans for Limited Government, Center for Small Government, Institute for Justice, Institute for Humane Studies, Foundation for Economic Education, Libertarians for Life, Outright Libertarians, Libertarian International, International Society for Individual Liberty, Ladies of Liberty Alliance, Libertarian Futurist Society, Seattle Anarcho-Capitalism, Libertarian Party, Republican Liberty Caucus, and Young Americans for Liberty.

<sup>74</sup> For example, see Libcom, Anarchist Library, North American Anarchist Studies Network, Anarchist Studies Network, Institute for Anarchist Studies, Zabalaza Anarchist Communist Front, Common Struggle, Libertarian Communist Organization, Union Communiste Libertaine, Anarchist Communist Federation, All London Anarchist Revolutionary Mob, Workers' Solidarity Movement, Red and Black Café, and Sect of Revolutionaries or Rebel Sect.

<sup>75</sup> See NOMAD (Max), *Apostles of Revolution*, op. cit., pp. 189-190.

<sup>76</sup> Quoted in ANARCHIST FEDERATION OF RIO DE JANEIRO, *Social Anarchism and Organisation Anarchist*, op. cit., p. 2.

<sup>77</sup> About these problems and their solutions in anarchism, see COYNE (Christopher J.) ET AL., *A Note on the Market Provision of National Defense*, *Journal of Private Enterprise*, Vol. 29, No. 2, 2014, pp. 51-55; KASHEFI (Sirus), *Kropotkin's Anarchist Ideas about Criminal Law*, op. cit., pp. 216-218; DANNEKJÖLD (Robert), *Free Rider Problems in Insurance-Based Private Defense*, *Journal of Libertarian Studies*, Vol. 22, No. 1, 2011, pp. 509-525; TAYLOR (Michael), *Community, Anarchy and Liberty*, op. cit., pp. 39 ff.; TAYLOR (Michael), *Anarchy and Cooperation*, op. cit.; STRINGHAM (Edward Peter) (ed.), *Anarchy, State and Public Choice*, op. cit.; HOPPE (Hans-Hermann) (ed.), *The Myth of National Defense: Essays on the Theory and History of Security Production*, Auburn: Ludwig von Mises Institute, 2003; HOPPE (Hans-Hermann), *Fallacies of the Public Goods Theory and the Production of Security*, *Journal of Libertarian Studies*, Vol. 9, No. 1, 1989, pp. 27-46; SKIRDA (Alexandre), *Facing the Enemy*, op. cit., pp. 216, 222-223; PRESTON (Keith), *An Anarchist National Defense and Foreign Policy*, *Attack the System*, 2002; LOADER (Ian) & WALKER (Neil), *Policing as a Public Good: Reconstituting the Connections between Policing and the State*, *Theoretical Criminology*, Vol. 5, No. 1, 2001, pp. 9-35; NEEMAN (Zvika), *The Freedom to Contract and the Free-Rider Problem*, *Journal of Law, Economics, and Organization*, Vol. 15, No. 3, 1999, pp. 685-703; COWEN (Tyler), *Law as a Public Good*, *Economics and Philosophy*, Vol. 8, No. 2, 1992, pp. 249-267; HUMMEL (Jeffrey Rogers), *National Goods Versus Public Goods: Defense, Disarmament, and Free Riders*, *Review of Austrian Economics*, Vol. 4, 1990, pp. 88-122; OSTERFELD (David), *Anarchism and the Public Goods Issue: Law, Courts, and the Police*, *Journal of Libertarian Studies*, Vol. 9, No. 1, 1989, pp. 47-68; JASAY (Anthony de), *Social Contract, Free Ride: A Study of Public Goods Problem*, London: Oxford University Press, 1989; PASOUR, JR. (Ernest C.), *The Free Rider as a Basis for Government Intervention*, *Journal of Libertarian Studies*, Vol. 5, No. 4, 1981, pp. 453-464.

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<sup>79</sup> Concerning the kibbutzim, see TURCATO (Davide), *Making Sense of Anarchism*, op. cit., pp. 229-238; TAYLOR (Michael), *Community, Anarchy and Liberty*, op. cit., pp. 37, 104, 120-125, 169; AMSTER (Randall), *A Living Revolution: Anarchism in the Kibbutz Movement*, book review, *Shofar: An Interdisciplinary Journal of Jewish Studies*, Vol. 29, No. 3, 2011, pp. 175-177; *Repopulation and Rising Productivity of Kibbutzim due to Capitalism? Please NO!*, Libcom, Sep. 2, 2011; HORROX (James), *Gustav Landauer (1870-1919)*, Anarchist Library, 2011; HORROX (James), *A Living Revolution: Anarchism in the Kibbutz Movement*, Oakland: AK Press, 2009; BONANNO (Alfredo Maria), *Palestine, Mon Amour*, op. cit.; RUFFLE (Bradley J.) & SOSIS (Richard), *Cooperation and the In-Group-Out-Group Bias: A Field Test on Israeli Kibbutz Members and City Residents*, *Journal of Economic Behavior and Organization*, Vol. 60, No. 2, 2006, pp. 147-163; BOULOUQUE (Sylvain), *Les Anarchistes, le Sionisme et la Naissance de l'Etat d'Israël*, op. cit.; BOULOUQUE (Sylvain), *Les Paradoxes des Anarchistes Face au Sionisme*



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<sup>83</sup> SMITH (Adam), *An Inquiry into the Nature and Causes of the Wealth of Nations*, Edinburgh: Thomas Nelson, 1843, p. 327. See also BLACK (Bob), *The Abolition of Work*, Anarchist Library, 2009, pp. 8-9.

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ruin trap lines by digging up traps without tripping them. Many of these avenging wolves were trap victims themselves, bearing names like "Crip," "Two Toes," "Three Toes,"

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741 I really hope that he has changed since his *Market Chosen Law* to present a more human legal system rather than a criminal system focusing blindly on "contract" or "private property". We cannot indeed agree with each other to cruelly make the individuals, whom we consider the criminals, suffer. Professor Stringham has hopefully changed his mind. This is his new opinion on the matter: "*Sirus, I think you make some good points and I think my current thinking is closer to yours than what I wrote in that article a couple decades ago. So you can be happy about that! But I think you could restate the argument to be more like "But suppose that 100 percent of people in a community were to voluntarily agree to ISIS like punishment.... [Insert some of your specific examples and then get to your question of me.]" Because although my current position is likely very close to yours on this question, the argument I was advancing in that 1998 article said that if 100 percent of people agree to a rule then it is legitimate for those who agree to it. My position from 1998 would not have supported anything close to ISIS like rules because the point is that many people never agreed to their rules. Anyway, this is a small point and I like your discussion here.*"

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- 848 In this regard, Amster has himself noticed: "*Anarchism cannot solve all of our problems, but it does offer a way of looking at the world – and the people in it – as a complex system compromised of self-actualized units that are equally entitled to define the conditions of life and the course of history.*" AMSTER (Randall), *Anarchism Today*, op. cit., p. 162.
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853 It should be interesting to notice that the imperialistic Governments (very particularly the Greek, British, French, and American Empires) have produced or developed a great part of our knowledge. Thanks to their wealth and freedom, their upper or middle classes have really monopolized academia, which is tirelessly preaching equality and justice to us. In this sense, such a paradox among many anarchists may be reasonable! The anarchists should not however be the only intellectuals in flagrant contradiction with their own theories. For some examples, see JUN (Nathan J.), *Paideia for Praxis: Philosophy and Pedagogy as Practices of Liberation*, in HAWORTH (Robert H.) (ed.), *Anarchist Pedagogies*, op. cit., pp. 286-289; JOHNSON (Paul), op. cit.; LENIN (Vladimir Ilyich), *Leo Tolstoy as the Mirror of the Russian Revolution*, Proletary, No. 35, Sep. 11 (24), 1908.

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855 This means a communistic Stateless society after “the withering away of the State”. According to Popper, “*The theory of the withering away of the state is highly unrealistic,*” and “*it may have been adopted by Marx and Engels mainly in order to take the wind out of their rivals’ sail. The rivals I have in mind are Bakunin and the anarchists; Marx did not like to see anyone else’s radicalism outdoing his own.*” POPPER (Karl), *The Open Society and Its Enemies*, Vol. 2, op. cit., p. 328.

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