

Further thoughts on the question of crime

Malatesta responds to Venturini (*Umanità Nova*, n. 134, September 16, 1921)

Bologna, September 8, 1921

Dearest Malatesta,

I read with great interest your two articles, recently appeared in "U.N.", about the important and always worth discussing problem of crime.

No doubt your arguments in support of the solution we anarchists give to the question are indisputably clear and effective. However, let me insist on some of your ideas, which solve some aspects of the problem, but do so in a way either too general and abstract or too particular.

For example, you say: "For us the accomplishment of social duties must be voluntary, and one has a right to take a forcible action only against those who voluntarily offend others and hinder a peaceful social coexistence. Force and physical constraint can only be used against a materially violent thrust, for sheer necessity of defence".

Going by the second part of your reasoning, it would almost look like only "a materially violent thrust" constitutes a violation of the justice principle that will be fundamental in the future society.

Why force and physical constraint, although limited and inspired by the idea of a sheer necessity of defence, should not be used also in those cases (unfortunately these will be aspects of the moralizing crime of the new social environment) in which a serious damage can be still caused to one's fellow men without exercising a "materially violent" act?

Is not the act of exercising material violence upon a person, to rob him of some belonging, equivalent to the act of succeeding in the same robbing without using any violence whatsoever?

Moreover, what is the difference between, say, someone who violently kills a fellow man and someone who drives him to die by exercising a criminal and shifty persuasion?

The foregoing is just an example, not to say that hundreds of cases could be mentioned in which the offence, the damage to someone else's life can happen without material violence.

On the other hand, there are a right violence and a wrong violence. Therefore, the injustice does not lie so much in the external act that carries it out, as in the fact itself that someone has to suffer **anyway** by someone else's nastiness and wickedness.

On this topic you say: "We do not see any other solution than leave decisions in the hands of those concerned, in the hands of the people, i.e. the mass of citizens, which will act differently according to the circumstances and to their own varying degree of civilization"

However, 'people' is too generic an expression here, hence the question remains unsolved.

This kind of reasoning seems to repeat the error made by Kropotkine, according to whom the people is supposed to do everything, and for him the people is only a generic multitude.

Saverio Merlino criticized very well this and other errors of Kropotkine's idea of anarchism; and, arguing with you, he offers the following solution to the relevant problem of social defence in his book "Collectivist Utopia": "Between the current system and the assumption that crime should cease, I believe there is room for intermediate forms of social defence that differ from a government function. Such social defence would be exercised under the people's eyes and control in every place, as any other public service, like health, transportation, etc. and therefore it could not degenerate into an instrument of oppression and domination".

Why should not we anarchists reach this concept? We want to abolish the present machinery of so called justice, with all its painful and inhuman aspects, but we do not want to replace it with either individual liberty or the crowd's summary judgement. The sense of justice of men needs to be improved, and the forms of expressing and defending it need to be worked out.

I raised these modest objections to you, mainly to offer you the opportunity to come back to such an important topic, which needs to be discussed.

Consider me always
your loving
Aldo Venturini

The criticism of our friend Venturini is quite right: however, I point out to him that I only expressed *some ideas* about the complex question of crime, with no intention to offer a solution valid for all possible cases.

I believe that all that can be said and done to fight crime can only have a relative value, depending on the time, the places, and above all the degree of moral development of the environment where the events take place. The problem of crime will only find an ultimate and completely adequate solution when... crime will no longer exist.

I know we are usually blamed for the vagueness and indeterminacy of our proposals to solve the most painful social problem. And I know that anarchists, unanimous in the destructive criticism of current morals and institutions, split up in the most diverse schools and tendencies, as soon as it comes to dealing with the problem of reconstruction and practical life in the future society.

However, this does not seem bad to me; on the contrary, it seems to me the main characteristic and merit of anarchism, which does not intend to fix the avenues of the future beforehand, but rather to simply guarantee the conditions of freedom necessary for the social evolution to eventually secure the greatest well-being and the greatest material, spiritual and intellectual development for all.

The authoritarians, the rulers, either believe they hold an infallible formula, or must pretend to hold it, as they intend to lay down and impose the law. However, all history shows that the law's only use is to defend, strengthen and perpetuate the interests and prejudices prevailing at the time the law is made, thus forcing mankind to move from revolution to revolution, from violence to violence.

On the contrary, we do not boast that we possess absolute truth; we believe that *social truth* is not a fixed quantity, good for all times, universally applicable, or determinable in advance, but that instead, once freedom has been secured, mankind will go forward discovering and acting gradually with the least number of upheavals and with a minimum of friction. Thus our solutions always leave the door open to different and, one hopes, better solutions.

It is true that in reality one has to take specific action, and cannot live without doing anything particular, always awaiting something better. However, today we can only run after an ideal, even if we know that ideals are not the only factors of history. In life, besides the drawing force of ideals, there are material conditions, habits, contrasts of interest and will, in brief, innumerable necessities which one has to submit to, in the everyday conduct. In practice, one does what one can: in any case, anarchists must stick to the mission of pushing towards their ideal, and preventing, or striving to prevent, that the inevitable flaws and the possible injustices be sanctioned by the law and perpetuated through the State's force, i.e. the force of all placed at the service of some.

Anyway, let us come back to the topic of crime.

As Venturini correctly points out, there are worse ways of offending justice and freedom than those committed by material violence, against which the resort to physical constraint can be necessary and urgent. Therefore I agree that the principle I put forward, i.e. that one has a right to resort to material force only against those who want to violate someone else's right by material force, does not cover all the possible cases and cannot be regarded as absolute. Perhaps we would come closer to a more comprehensive formula by asserting the right to forcible self-defence against physical

violence as well as against acts equivalent in manner and consequences to physical violence.

We are entering a case by case analysis though, which would require a survey of different cases, leading to a thousand different solutions, without touching the main point, the greatest difficulty of the question yet, i.e. *who would judge and who would carry out the judgements?*

I had claimed the need to *leave decisions in the hands of those concerned, in the hands of the people, i.e. the mass of citizens, etc.*

Venturini points out that 'people' is too generic an expression, and I agree with him. I am far from admiring "the people" as Kropotkin did. Although, on the other hand, he fixed up everything by calling the crowd 'people' only when it behaved in a way he liked. I know that the people is capable of anything: ferocious today, generous tomorrow, socialist one day, fascist another day, at one time it rises up against the priests and the Inquisition, at some other time it watches Giordano Bruno's stake praying and applauding, at one moment it is ready for any sacrifice and heroism, at some other moment it is subject to the worst influence of fear and greed. What can one do about that? One has to work with the available material, and try to get the best out of it.

Like Venturini, I do not want either individual liberty or the crowd's summary judgement; however, I could not accept the solution proposed by Merlino, who would like to organize the social defence against criminals as any other public service, like health, transportation, etc., because I fear the formation of a body of armed people, which would acquire all the flaws and present all the dangers of a police corps.

In the interest of a service, i.e. of the public, it is useful that railwaymen, for instance, specialize in their job, doctors and teachers entirely devote themselves to their arts; however, it is dangerous and corrupting, although technically advantageous perhaps, to allow someone to be a policeman or a judge by profession.

Everybody should take care of social defence, in the same way in which everybody promptly helps when public calamities occur.

To me a policeman is worse than a criminal, at least than a minor common criminal; a policeman is more dangerous and harmful to society. However, if people do not feel sufficiently protected by the public, no doubt they immediately call for the policeman. Therefore, the only way of preventing the policeman from existing is to make him useless by replacing him in those functions that constitute a real protection for the public.

I conclude with the words of Venturini: "The sense of justice of men needs to be improved, and the forms of expressing and defending it need to be worked out".