

How to Deal with Wrongdoers? Anarchist Thinkers'

Attitudes towards Criminals

By

Ilkin Huseynli

Submitted to

Central European University

Department of Political Science

In partial fulfilment of the requirements of the degree of Master of Arts

Supervisor: Professor András Bozóki

Budapest, Hungary

(2016)

Abstract

This thesis discusses how a stateless and non-hierarchical anarchist society should deal with wrongdoers. Since anarchist thinkers do not give a blueprint of their future society, anarchism is criticized on the grounds that it will lead to chaos instead of a free commune. I believe that anarchists should develop a complete answer to crime and should offer suggestions on how an anarchist dispute resolution process should be arranged according to the main principles of anarchism. I analyze the dispute resolution process in stateless primitive anarchist societies; and argue that their techniques cannot be applied to modern complex societies because of the radical differences in their social structures. Furthermore, I analyze the ideas of six classic anarchist philosophers on human nature, law, as well as punishment, and formulate how the dispute resolution process should be arranged according to their basic philosophical foundations. I show that their answers to this fundamental question are incomplete and should be developed. Moreover, I demonstrate that classic anarchist philosophers do not follow the same route to their conclusions. Finally, I examine anarcho-capitalism and criticize it from a classical anarchist viewpoint, and I argue that anarcho-capitalism cannot be considered a part of the broad anarchist tradition, and it may lead to the (re)emergence of hierarchy, and many small states.

To Max Stirner

Acknowledgments

I would like to express my gratitude to my supervisor, Professor András Bozóki, for his guidance, and to my academic instructor Robin Bellers for his assistance throughout the entire academic year. Moreover, I would like to thank the anarchist writer, Bob Black, and the academics, Gary Chartier, and Noam Chomsky for their helpful responses to my emails.

Table of Contents

Abstract.....	i
Dedication.....	ii
Acknowledgments.....	iii
Table of Contents	iv
Introduction.....	1
Chapter 1 – The Influence of Anthropology On Anarchism: The Dispute Resolution in Stateless Societies	8
Chapter 2 – Classic Anarchist Thinkers on Human Nature, Law, and Punishment	16
2.1. Human Nature.....	16
2.2. Law	22
2.3. Punishment.....	25
2.4. Discussion and Criticism.....	29
Chapter 3 – The Anarchist Criticism of Anarcho-Capitalism: Security Agencies and Courts.....	34
3.1. Individual Security in Anarcho-Capitalism.....	34
3.2. A Criticism: Anarchy in an Unequal Society.....	36
3.3. Courts and Disputes	39
3.4. Monopolization and Cartelization of the Security Agencies.....	41
3.5. Six Problems of Anarcho-Capitalism on the Dispute Resolution	43
Conclusion	45
References.....	52

Introduction

Individuals always have had some problems with each other in all kinds of societies, and in order to establish a just society, these problems should be solved peacefully. Since anarchism is against hierarchy, authority, and coercion (Woodcock 1962, 9; Marshall 2008, 3), in anarchist society disputes should be solved without coercive authoritarian power. Traditionally, classic anarchist thinkers, except Max Stirner (1995, 213), agree that wrongdoers should not be punished, and they should be treated humanely (Godwin 1793, 678-695; Kropotkin 1927, 217; Bakunin 1964, 151; Malatesta 1965, 105-112). Nevertheless, none of them describe the process of dispute resolution of their free anarchist societies. This avoidance of blueprints by anarchist philosophers, and the uncertainty in the theory of a criminal legal system in an anarchist philosophy are considered the weakest part of anarchist theory (Meltzer 2001; Holcombe 2004). Since the exact procedure of dispute resolution is not clear, anarchism is criticized on the grounds that it will lead to chaos instead of stability (Peterson 1987). Their main question is: Who will catch and judge criminals in the absence of the state? Taking into consideration that anarchist philosophers do not give a direct answer to this crucial question, the thesis analyses their ideas on human nature, crime, law, punishment, and formulates how an anarchist society, according to the basic foundations and philosophical assumptions of anarchism, should deal with wrongdoers.

The thesis examines the primitive anarchist societies, and their dispute resolution techniques. Moreover, the thesis studies six classic anarchist thinkers' approaches to the problems of crime and punishment, and their suggestions on the dispute resolution process. The thesis also compares and groups the ideas of anarchist philosophers, and identifies blindspots in the anarchist theory on the mentioned issues. Therefore, I see the various anarchist schools as a richness of

anarchism rather than a failure. Besides classic anarchist thinkers who can be sometimes referred as social¹ and/or individualist anarchists (Woodcock 1962, 19-21; Bozóki and Sükösd 2005, 7-19; Marshall 2008, 6-11), the thesis also examines the attitude of anarcho-capitalists² towards crime and punishment. Since this thesis explores an anarchist answer to crime and punishment, and does not focus on the differences of anarchist schools of thought, the anarchist philosophers are not divided into ‘social’ and ‘individualist’ camps. Instead, the thesis divides them into ‘anarchist’ and ‘anarcho-capitalist’ camps, and after discussing both groups, the thesis argues that firstly, the basic philosophical foundations of anarcho-capitalism are incompatible with anarchism, therefore, anarcho-capitalism cannot be considered as a distinct anarchist school of thought; secondly, the problem with anarcho-capitalism is not just semantic because anarcho-capitalism, I believe that, by its nature, again will lead to the creation of social hierarchy, and numerous coercive authoritarian states.

Many historians and scholars discuss the problem of classification of different anarchist schools of thought, however, they do not reach the same conclusion. Because of the differences –

¹ Anarchists differ mainly for their ideas on revolutionary methods and the economic structure of the anarchist society. Social anarchism includes *anarcho-socialism*, *anarcho-communism*, *anarcho-collectivism*, *anarcho-syndicalism*, *mutualist anarchism*, and *post-left anarchism*. These schools of thought share many ideas, and their boundaries between them are not clear-cut. They can exist in one society side-by-side. Based on the desire of the inhabitants and the social environment of the commune, the anarchist society can be established by the shared ideas of more than one of these schools. *Individualist anarchism* considers collectivism dangerous to individual liberty, and accepts society as an aggregation of individuals. However, neither social anarchists denies the importance of individualism, nor individual anarchists argues the possibility of complete isolation from the society. All in all, the goal of anarchism can be summarized as “communal individuality” (Ritter 1980, 25-39).

² On the one hand, *social anarchists* consider individualism a very important aspect of anarchist society, and they do not reject individualism. Instead they argue that humans are social beings, and their sociability is more necessary than their individualism. However, they criticize the extreme individualism of Max Stirner, 19th century egoist anarchist philosopher. On the other hand, *anarcho-capitalists* consider themselves *individualist anarchists*, while the other anarchists even do not accept them in the “anarchist camp.” Moreover, anarcho-capitalists sometimes call themselves *libertarian anarchists* (Casey 2012). Furthermore, since the term “anarcho-capitalism” was created by Murray Rothbard (1998, VII), some individualist anarchists accept this term, while others reject capitalism and describe themselves as anti-capitalist individualist anarchists (i.e. Chartier 2013, 386-397), which makes the situation more complicated. *Post-left anarchists* argue that individualism and socialism are compatible, and anarchists cannot be classified as “social” and “individualist” anarchists. Therefore, the terminology is not clear, and in this thesis in order to avoid ambiguity, *anarcho-capitalists* will not be called *individualist* anarchists.

indeed, many of them are minor – too many adjectives are added before the word ‘anarchism,’ which creates misunderstanding. Nevertheless, in fact, anarchist schools are not unbridgeable, therefore, since the XIX century many anarchists, including Errico Malatesta, Voltairine de Cleyre, and Élisée Reclus call their companions for ‘anarchism without adjectives’ (Marshall 2008, pp. 347, 393, 703). At the same time, while the thesis accepts this idea and does not group anarchists under different names with many adjectives, it mentions the school of thought of each and every anarchist thinker for two reasons. Firstly, the majority of anarchists include themselves into one school of anarchism, and advocate it while criticizing others. Secondly, as de Cleyre, like Malatesta, argues, different anarchist schools can coexist in a world without states, in different regions the societies can be established according to the teachings of different schools in order to find the best practice (Marshall 2008, 393).

The problem of crime and punishment has not been deeply examined by anarchists, especially classic anarchist philosophers, and they avoid giving a blueprint of their free societies, exact procedures that can be followed by anarchist societies in the case of crimes, and anti-social behavior for three main reasons. Firstly, although anarchist thinkers acknowledge that even in a free society there will be some people with anti-social behavior, all of them agree that in a stateless and free society the crime rate and anti-social behavior will decrease sharply (Godwin 1793; Malatesta 1965, 105-112; Kropotkin 1927, pp. 174-177, 196-218; Black 2015b). Therefore, they somehow ignore the problem of wrongdoing because anti-social behaviors will emerge very rarely in a free anarchist society, and there is no need to focus on this issue specifically. Secondly, anarchists are skeptical about any institutions, constitution, and guidance book because they can lead to the creation of new dogmas, also they believe in the creativity and constant development of human beings and their ideas. Thirdly, anarchists consider law as unnecessary and coercive like

a state (Graham 2004, 171-188; Marshall 2008, 28-35), and they believe that natural laws are not man-made and arbitrary, thus, have nothing to do with power or the government (Woodcock 1962, 12-34). Therefore, anarchist philosophers avoid giving a blueprint of a free society because it “would undermine the commitment to human freedom, [and] progress” (Suissa 2010, 89).

On the other hand, anarcho-capitalists argue that if a state is abolished, society will manage to organize itself with the help of capitalism, such as creating private police companies and courts. Thus, anarcho-capitalists do not reject imprisonment, and punishment like other anarchists. In anarcho-capitalism there will still be social classes, rich and poor; other anarchists argue that as a result of radical economic differences, sooner or later a new kind of social hierarchy will emerge in a stateless society, and it is incompatible with the very definition of anarchism. Therefore, they do not consider anarcho-capitalists anarchists, and correctly argue that anarcho-capitalists are not against what the state does by creating hierarchy, and social inequality, but they only oppose who does it. However, in order to be able to see the whole picture of anarchism, anarcho-capitalism will be studied along with mainstream anarchism, and the arguments of anarcho-capitalism are debunked in the last chapter.

Lastly, in popular thought an anarchist is a violent bomb thrower, and anarchism is synonymous with chaos, and disorder. Probably, these negative connotations were remains of the head of states’ assassinations in the late XIX and the early XX century by anarchists (Guerin 1970, 5). Because of this popular misunderstanding, anarchists face difficulties when they define their ideology, therefore, before saying what anarchism is, sometimes they are also forced to explain what anarchism is not (Berkman 2003, pp. xv, 138-144). To paraphrase Alexander Berkman, anarchism is not terrorism, disorder, chaos, violence, and war of everybody against everybody. *Anarchy* is derived from the ancient Greek word *αναρχία*, which means ‘without a ruler’ or ‘the

absence of government.’ It is difficult to offer one conclusive definition for anarchism because by nature anarchism is anti-canonical, therefore, many anarchist schools of thought offer different definitions for anarchism (Suissa 2010, 7; see also Jennings 1999; Berkman 2003, 145-148; Casey 2012, 60-65). Nevertheless, all anarchists share some similar values: they all are against the state and hierarchy, they seek to create a free society which organizes itself without a government and any coercive institution, and also individuals should have a space to “realize their full potential” (Marshall 2008, 3; see also, Guerin 1970, 15-17; Sargent 2009, 210-212).

Another definitional problem in anarchism is the difference between the state and the government. Although all political ideologies differentiate the two notions from each other, anarchism, by its nature, does not do this. Because all other political ideologies are statist; while they have different ideas on the structure of the government, they all accept the legitimacy and the necessity of the state. However, anarchism rejects both state and government, since both are hierarchical and coercive. Anarchist writers in most cases use *state* and *government* interchangeably because from an anarchist perspective, as Malatesta points out, there is no difference between the two terms (1891; cf. Marshall 2008, 17-22). Finally, it is important to make a distinction between *anarchism* and *anarchy*. While the former is an ideology which advocates that the state is an unnecessary evil and a society can be organized without central coercive institutions, the latter is a way of living. Anarchism, as a political ideology, is the product of the XIX century, anarchy, on the other hand, is a social situation in which our ancestors lived for a long period of time (Malatesta 1965, 19-28; Graham 2004, xi-xii; Black 2009).

The first chapter discusses the anthropology of anarchism, it uses examples from anarchist primitive societies, and the arguments of anarcho-primitivists against culture and civilization. It also reviews the dispute resolution process in stateless hunter-gatherer societies, and compares the

differences between primitive and modern complex societies, while arguing that in modern complex societies the dispute resolution techniques of the primitive societies cannot be applied because of the radical differences in their very social structures. The second and the third chapters discuss the classic anarchist thinkers and the anarcho-capitalists respectively. Firstly, in the second chapter I use the ideas of six classic anarchist thinkers on human nature, law, and punishment, and attempts to formulate how an anarchist society should deal with wrongdoers according to their basic philosophical foundations. I also criticize the blindspots and shortcomings in their arguments. I attempt to show that anarchists do not follow the same route to their conclusions, and not on every issue do they share the same ideas, also, when they reach the same conclusion, they differ in their starting points. After that the third and the last chapter provides suggestions by anarcho-capitalism to dispute resolution, and criticizes it from the viewpoint of classic anarchism. It argues that anarcho-capitalism cannot be considered anarchist, and it may lead to the creation of a worse society if it is applied.

All in all, the thesis suggests three main arguments. Firstly, this thesis uses the anthropological findings about anarchist primitive societies, and argues that their techniques cannot be applied to modern complex societies. Therefore, anarchists should develop their ideas on dispute resolution, and should only study those primitive societies in order to find some similarities with the current modern societies rather than to advocate that civilization should be destroyed and humans should go back to the hunter gatherer times. Secondly, the thesis argues that the suggestions of anarchist thinkers are not satisfactory, and there are many blindspots in their description of how an anarchist society should deal with the wrongdoers. Therefore, contemporary anarchist thinkers should develop the anarchist answer to crime according to the basic philosophical foundations of classic anarchism. Thirdly, the thesis argues that anarcho-capitalism

which emerged at the second half of the previous century not only should not be considered as a part of anarchism, but also should be firmly opposed by anarchists. Firstly, it is not anarchistic because it accepts anarchism only as anti-statism, and by doing so it does not try to solve the problem of social hierarchy. In other words, anarcho-capitalism is incompatible with the very definition of anarchism. Secondly, the suggestions of anarcho-capitalism, if applied, may lead to the creation of many small authoritarian states, therefore, anarchists should oppose it as a possibly statist ideology.

Chapter 1 – The Influence of Anthropology On Anarchism: The Dispute Resolution in Stateless Societies

Without prisons and the state how will criminals be dealt with in an anarchist society? In most cases anarchist thinkers suggest using the experiences of previous primitive anarchist societies (i.e. hunter-gatherers), and give autonomy to each community to create their own system. In general, anarchists reject imprisonment, and according to the severity of the crime, instead of punishment, they propose public denunciation of a wrongdoer, ostracism, financial restitution, banishment from the society, and in extreme cases the death penalty. Nevertheless, these techniques should not be considered as types of legal punishment, since the purpose is to protect the society but not intentionally causing a harmful effect on the criminal. David Boonin, a criminologist, suggests four requirements – intending harm, retributive, reprobative, and authoritative (Boonin 2008, 15-25) – for defining as action a legal punishment. For example, a banishment can be a punishment if the purpose, or one of the purposes is to harm the offender (Boonin 2008, pp. 22, 31). However, since anarchists advocate humane treatment of the criminals, in an anarchist society a person can be banished in order to protect the society from his/her further destructive actions.

Yet, some see ostracism as a form of punishment, and argue that by advocating ostracism anarchists approve punishment because the wrongdoer can be harmed as a result of social ostracism (Ritter 1980, 72-76; cf. Harbold 1976), nevertheless, although in the case of quarantine, the restriction on the individual's liberty presumably harms him/her, in criminology it is not considered a legal punishment because there is a "distinction between intentionally causing a harmful effect and foreseeably causing a harmful effect" (Boonin 2008, 12). Additionally, in

criminology, the public – or state, as it is in the original example – denunciation (Ten 1987, 40-41), ostracism (Bedau 1978, 618), restitution (Wright 1996, pp. 11, 19) and psychological treatment or education (Johnson 1985, 159; Stephenson 1990, 229) are not considered punishments as well, despite the fact that they can actually harm the offender. These techniques, which are not punishments, are not classified under one name in criminology, and since their goal is to protect society from the further harmful actions of the wrongdoer, these methods can be called defensive or preventative (Boonin 2008, 32).

As mentioned before, the traditional anarchist answer to crime is that after abolishing the state and property, the number of crimes will decrease sharply. Nevertheless, this answer is not complete, and it does not say anything about everyday interpersonal conflicts. Therefore, since there is no modern anarchist society that has been established according to the principles of anarchism, anarchists and many anthropologists examine primitive stateless societies, such as hunter-gatherers, to learn how a society can function and organize itself without a state. One of the main difficulties of studying anarchism and stateless primitive societies is that not only anthropologists, but also other scholars in academia “seem to have only the vaguest idea what anarchism is even about; or dismiss it with the crudest stereotypes” (Graeber 2007, 303). Another problem is that many academics share the same negative connotations about the words ‘anarchism,’ ‘stateless,’ and ‘primitive’ with mainstream popular thoughts, thus, they downgrade the hunter-gatherers (Sahlins 1972, 5). However, since Peter Kropotkin’s *Mutual Aid* ([1902] 1989), anarchists study primitive societies, and argue in favor of the possibility of a functioning society without a state and a government.

Anarcho-primitivists who criticize civilization and technological development, study primitive stateless societies in order to display the true anarchist lives of hunter-gatherers, and

claim that in order to live in anarchy we should destroy civilization and turn back to hunter-gatherer times. However, post-left anarchism (Black 1997; 2015c), which criticizes the strategies and tactics of traditional left anarchists for their incapability, also studies primitive societies in order to apply their techniques to modern complex societies. Anarcho-primitivists criticize civilization and technology, and argue that civilization creates a hierarchical and alienated society, and by definition civilization is against nature. Therefore, since anarchists are against all kinds of hierarchy, anarcho-primitivism continues, they should be against civilization, agriculture, and technological developments as well (Watson 1997; Zerzan 2010; Brubaker et al. 2010; Zerzan 2012). Furthermore, they base their arguments on anthropological findings, and claim that although the word ‘primitive’ is depicted as ‘brutal’, ‘poor’, ‘unable to exploit natural resources,’ it is, in fact, just the opposite (Sahlins 1972, 1-39; see also, Zerzan 2005). John Zerzan, a leading anarcho-primitivist thinker, romanticizes hunter-gatherer societies, and claims that life in precivilized times “was in fact largely one of leisure, intimacy with nature, sensual wisdom, sexual equality, and health” (2012, 2; cf. Harari 2014, 43-45). Additionally, Zerzan considers art, language, science, and music as different forms of alienation (Graeber 2004, 75). The other anarchists criticize anarcho-primitivism on the ground that it is both impossible and undesirable to destroy technology and civilization. However, as Bob Black, a leading post-left anarchist, points out, this “controversy... has been almost entirely pointless” because anarcho-primitivists mainly focus on technology, the “pros and cons of various cultural consequences of civilization” (2015a, 3). I do agree with the post-left anarchist critique, and what anarchists should do is to study primitive societies, and see whether it is possible to take some of their structural features and apply them to modern complex societies.

Thereby, while this thesis examines the attitudes of anarchist thinkers to crime and how conflicts should be solved in anarchist society, this paper also analyzes the dispute resolution process in primitive anarchist societies, and their possible applicability to modern complex societies. Furthermore, it should be acknowledged that there were many types of primitive societies, nevertheless, “not all of them [were] anarchic” (MacDonald 2009, 4). In anarchy “the force is perfectly dispersed, not concentrated at all” (Taylor 1982, 6), and equality, liberty, and community are the essential parts of the social structure which makes anarchy possible (1982, 166). MacDonald argues that equality in anarchy is not created by abstaining from inequality, on the contrary, in anarchic primitive societies the people “show an active commitment to create and preserve” equality (2009, 10). If we apply this criteria to anarchist societies, then the communes should “create and preserve” equality, however, it is not clear how this equality can be created without oppressing individuals. I believe that in liberty equality cannot be “protected” without creating artificial obstacles on the path of individuals. In order to preserve the (economic) equality, the majority of the commune can “show an active commitment” while forbidding the minority/individuals from arranging their economic relations on their own. Finally, Clastres suggests a debatable argument that an anarchist society not only means the absence of power, but that those societies intentionally were against the state (1989, 189-218; cf. MacDonald 2009, 4).

There are more than two dozen ways of conflict management (Black 1993, 74), however, this thesis only explores those conflicts which are handled by the neutral third party, namely disputes. When the grievance starts one of the parties can make a claim by expressing their grievance to the wrongdoer. This problem can be solved between the two groups without the interference of the third party with different techniques, such as self-help which “is the handling of a grievance by unilateral aggression” (Black 1993, 74). This includes vengeance, discipline,

rebellion, or simply avoidance. In traditional societies self-help can result in bloodshed between families (Otterbein and Otterbein 1965; Arin 2001; Wilson 2003, 17-60; Kardam et al. 2005; Black 2012), also in modern societies self-help is one of the ways for dealing with the wrongdoer (Black and Baumgartner 1987). For example, feuding and vengeance is more likely to occur in simple societies because usually feuding involves tribes, groups, and families rather than only individuals. Moreover, when it occurs only between individuals in most cases both of them should socially be equal because “a man is answerable for his honor only to his social equals” (Pitt-Rivers 1966, 31 quoted in Black 1993, 76). Hunter-gatherer societies also use avoidance as conflict management (Black 1993, 80), nevertheless, in this case as well there is no interference by the third party.

A dispute occurs when one of the conflicting parties takes the issue to the public, a third party, because initially the parties could not solve their conflict by discussion and negotiation³ (Black 2015a, pp.3, 24). The third party can be neutral or can be involved in the conflict on behalf of one side. Black and Baumgartner classify the third parties in their typology according to their partisanship and the degree of authoritarianism (Black 1993, 98). Supportive roles in which the third party does not claim neutrality are informers, advisers, advocates, allies, and surrogates respectively. Settlement roles in which the third party should be neutral are friendly peacemakers, mediators, arbitrators, judges, and repressive peacemakers. The last kind of peacemaking does not take the interests of any parties into consideration, and the dispute is solved quickly by the authoritarian and powerful third party, peacefully or violently. Historically, repressive peacemaking was done by the colonial powers in order to eliminate violence between the native populations (Black 1993, 116-117). Therefore, since anarchism outlaws this kind of technique,

³ It is important to make a distinction between *negotiation* and *negotiator*. While the former is a process of solving a conflict, the latter is a person who leads the process. Negotiation can occur between the two conflicting parties without any foreign interference. Nevertheless, if the negotiator is a third party who negotiates with both parties and try to solve the problem, it is considered not a conflict but a dispute (see also, Black 1993, 117-119).

this thesis does not discuss repressive peacemaking. Furthermore, in an anarchist society, the disputes, in most cases, can be solved by mediation, and sometimes by arbitration. Thereby since in anarcho-capitalist society the disputes can also be solved by the judges, the adjudication process is explored in this thesis too.

While it is important to study primitive anarchist societies in order to learn the dispute resolution process, it is rarely possible to apply the same techniques in modern complex societies. Wrongdoers can be dealt with in different ways in primitive societies. For example, in Inuit society the wrongdoers in extreme rare cases can be banished or even killed, although, mostly they were ostracized; for minor disputes the Inuits compete with their adversary, such as by wrestling and singing (Barclay 1982, 44). The same techniques were used by Zaire Pygmies and Sans, yet, the latter tried to avoid all kinds of hostilities and fights. Moreover, Zaire Pygmies did not like responsibility, personal authority, and leadership, and some disputes were discussed by the whole band (Barclay 1982, 46-49). Furthermore, in some primitive societies, such as Australian hunters and foragers, the elders played an important role in the disputes, and in the Californian Yuroks disputants sought help from an unbiased mediator, a technique which “has proven a most successful mechanism for maintaining peace” (Barclay 1982, 52).

The main difference between the primitive and modern societies is that in the former, the number of the inhabitants are very limited, usually 150 individuals in each band (Harari 2014, 26), everybody knows each other, and in most cases they have close kin relations, while in the latter, the groups are much bigger, the individuals are alienated, and mostly they are strangers to each other. Therefore, in primitive societies a dispute not only occurs between strangers, but between groups, families, relatives as well. Non-coercive methods, such as ostracism are more likely to work effectively in small face-to-face communities rather than in complex modern societies where

most people do not know each other (Barclay 1982, 122). Thus, after a long discussion of the dispute resolution process in primitive societies, especially in the cases of the Tonga, and the Ifugao, Black concludes that “disputing processes which work in primitive societies [will not] usually work in modern societies” (2015a, 49). I do agree with Black’s conclusion because the radical differences in the social structures of primitive and modern societies make it difficult to apply the same techniques with high efficiency to contemporary complex societies.

The differences among mediation, arbitration and adjudication are vital. Mediation is the least authoritative method among the three. The mediator does not have power even to make a decision, while the arbitrator can make a decision without enforcement. A judge can both make and enforce the decision (Black 1993, 86; see also, Eckhoff 1966; Pearson 1982; Hartley 2002, 19-22; Barrett and Barrett 2004, 1-39). On the other hand, friendly peacemaking occurs among equals, while mediators, arbitrators and judges, according to the same order, are more likely to be higher in social status than both disputing parties. For an anarchist society the most appropriate methods are friendly peacemaking and mediation. Because in anarchism the society should be radically decentralized and the inhabitants should know each other, namely the anarchist communes should be small in size. In this kind of society, a friendly peacemaker and mediator are more likely to handle and solve the dispute without coercion because they are more or less the equals of the disputing parties. Not only they do not have a power to make a decision and enforce it, also they do not see the peacemaking and/or mediation process as a job. For them the process is very important for the peace and stability of their own society. The dispute resolution in decentralized face-to-face anarchist communes can be described like this:

When socially superior or relationally distant third parties are lacking, no settlement of an authoritative nature is likely to occur. [Anarchist] hunters and gatherers, typically both egalitarian and intimate among themselves, often do not even have mediation, much less arbitration, adjudication, or repressive pacification (Black 1993, 87).

To sum up, dispute resolution techniques of anarchist primitive societies, namely unbiased mediators, differs from the techniques used in modern complex societies. First of all, some primitive societies did not have a dispute resolution process at all, thus, interpersonal quarrels frequently resulted in fights and in some cases homicide (Black 2015a, 6). The second reason is the difference between the very social structure of primitive and modern societies. In primitive societies, peace, correction of the crime, and restoration of the relationships are more important than justice, because conflicting parties in most cases were not strangers, as in modern societies, but relatives or friends (Black 2015a, 49-50). In addition, in most cases, the judge does not know the parties personally, while almost in every case, the mediator and usually the arbitrator know the conflicting parties and care about both the background of the dispute and the future relations of the involved parties. Therefore, regardless of the level of technological development, modern complex societies should be radically decentralized (both geographically and economically), and small face-to-face communities should be established in order to create a suitable social environment for the application of voluntary mediation techniques to the disputes. Otherwise, the disputes are handled in adjudication by the judges, who are strangers to the parties and have the power to enforce the decision. Since anarchism is against coercion and violence, the adjudication is not appropriate for an anarchist society. The problem of anarchism is that it does not explain how in modern societies, where thousands of people live in small metropolitan areas, the dispute resolution process can be arranged with non-authoritarian techniques.

Chapter 2 – Classic Anarchist Thinkers on Human Nature, Law, and Punishment

Analyzing how the future free anarchist society can and should deal with wrongdoers, according to the six classic anarchist thinkers – Godwin, Proudhon, Stirner, Bakunin, Kropotkin, and Malatesta – requires an examination of their ideas on human nature, law, and punishment. Their suggestions on a free society derive from their thoughts and assumptions on human nature, their distinctions between state or enacted laws and other kinds of laws, and finally, their arguments on the problem of punishment; whether it is morally justifiable to punish the wrongdoer and whether it is an effective method to disincentivize future anti-social acts. Moreover, anarchist thinkers usually focus on some specific issues while saying little about others. Therefore, in this chapter their ideas on certain issues are explored, also the insufficiencies and blindspots in their arguments are identified. The chapter argues that traditional anarchist answers to dispute resolution are not satisfactory and comprehensive. Their suggestions are very broad and general, therefore, I believe that their suggestions should be developed by contemporary anarchists with details covering all possible hypothetical situations.

2.1. Human Nature

In the popular though all anarchists are depicted as naive who believe in the ultimate goodness of human beings and share similar positive attitudes towards human nature. Nevertheless, indeed when one analyzes the ideas of anarchist thinkers on human nature, one can easily see that none of them argue that humans are necessarily good, and their ideas on the issue

differ considerably while they all reach the same conclusion: a society inhabited by these people can live and function without a state.

The English social anarchist philosopher, William Godwin, consistently expresses his views on human nature in his *Enquiry Concerning Political Justice* (1793). He believes that all human beings are influenced by external factors from birth; therefore, humans are almost completely products of their social environment. For example, children do not have access to the same education, since their childhood education is mostly determined by their families' well-being. Moreover, he continues that inherently human beings are neither good nor bad, but are shaped by their environment, thus, we are equal not only physically, but also morally (Godwin 1793; 12-18). This statement is essential because opponents of anarchism ignore anarchist philosophy in the name of *naiveté* and *utopianism/lack of reality*. However, many anarchists, such as Godwin, Malatesta, Bakunin, and Proudhon argue that humans are morally neutral and they have a potential to abolish unnatural institutions which corrupt their humanity, and create a free society. Derived from his understanding of human nature, Godwin advocates the idea of people establishing a federation, which he calls "a confederacy of lesser republics" and each commune should be small, like the traditional English parish. Communes, according to Godwin, should be organized voluntarily, and every decision should be based on direct democracy with the participations of the citizens (1793; 652-664). In such a free and equal society everybody has a chance to develop their intellectual and moral potential; therefore, Godwin, like most anarchists, believes that inequality and hard economic situations are the cause of most crimes, and since anarchist society is based on equality, freedom, and justice, there is no need harm others. Because of this fundamental assumption, Godwin, like all classical anarchist thinkers, does not give a blueprint of the criminal justice system of his free communities.

Pierre-Joseph Proudhon, the first self-proclaimed anarchist in history, famously asks in his book “What is Property?” and he answers, “Theft!” (Proudhon 1994, 13). Proudhon shares almost the same ideas on human nature with Godwin. Yet, while for the former the central idea is justice, for the latter, it is reason (Woodcock 1962, 109). Proudhon argues that individuals cannot live in separation from society, and unlike Stirner, he continues that a community is not just the aggregation of individuals because from the existence of a community “emerges a collective force” (Woodcock 1987, 78). Moreover, this is a distinct force which is created as a result of the collective work and this collective force is more than the sum of the individuals in the society. Furthermore, Proudhon believes that humans by their nature are selfish and their aim is to satisfy their own needs, and this creates the desire of domination over others. However, since he also believes in the rationality of humans and the power of reason, he concludes that a rational person is able to rebel against the unnatural constraints of states and law, and establish a free society with a government (Marshall 2008, 248-249).

Max Stirner’s anarchism is the most distinctive among them all, and just because of his radical individualism, Stirner was criticized by many, including anarchists (Welsh 2010, 16-38). The importance of Stirner lies in his criticism of collectivism and humanism, and his firm defense of individualism. By doing so, Stirner, unlike other classic anarchists, rejects the “pure point of departure” which is uncontaminated by power, and argues that this Manichean logic of anarchism (state as an evil – society as a place of uncontaminated by power) is indeed dangerous because it fails to see that “resistance outside the realm of power... [is] immanently dangerous” (Newman 2001, 64). Due to his rejection of a pure place from the realm of power, Stirner can be accepted as a predecessor of post-structuralism (Koch 1993; Newman 2001 pp. 55-74, 157-177; Welsh 2010, 38; Newman 2011). Moreover, by many it has been argued that Stirner indeed influenced Friedrich

Nietzsche as well (Carus 1911; Glassford 1999; Brobjer 2003; Welsh pp. 3, 229, see also Paterson 1971, 145-161). Although Stirner is not well-known among anarchists, and is somehow marginalized figure in the anarchist thought, I do believe that anarchists should pay more attention to his ideas;⁴ therefore, despite his radical differences from other classic anarchists, Stirner's ideas on the discussed issues are examined here among others.

Max Stirner's groundbreaking book is "The Ego and Its Own," where he criticizes modernity, and rejects all constraints which do not let the individual become himself – an egoist. As an extreme egoist anarchist, Max Stirner's view of human nature was almost the same as Thomas Hobbes's. Both of them see society as a war of all against all and individuals as egoists (Stirner [1844] 1995, 229; see also Welsh 2010, pp. 118, 130, 186-187; Balidissone 2011, 71). Nevertheless, they deduce different endings from the same understanding of human nature. While in Hobbes' state of nature everybody fights against one another and there is an everlasting chaos, in Stirner's "union" egoists are able to form an association of free individuals. While Leviathan cannot be abolished even if it harms individuals, the Union of Egoists should cease to exist when it does not benefit the inhabitants. According to Stirner, there is neither good, nor bad for an individual egoist, also every individual is unique and nothing is more important than self (Stirner 1995; 7). Stirner criticizes humanists, especially Ludwig Feuerbach, on the ground that they transferred all idealized features of God – which itself is the creation of humans – to human beings, and by doing this, they created new "human religion" (1995, 158). Therefore, he rejects not only the idea of "human being," but, in general, he rejects reification because individuals should not submit their personal egoistic desires to the non-existence "spooks" (Stirner 1995, 36-43).

⁴ See Ferguson (2001) for the detailed discussion of why anarchists should study Stirner and why his ideas are necessary for anarchism.

The anarcho-communist,⁵ Peter Kropotkin, one of the most influential anarchist philosophers, was the first anarchist who systematically studied primitive societies. In his *Mutual Aid* he argues that human relations are based on cooperation, instead of competition as Darwinians argue. The importance of *Mutual Aid* is that it was “the pioneer work in the positive study of ecology in the realm of nature and the lives of men” (Woodcock in Kropotkin [1902] 1989, xi). With *Mutual Aid* Kropotkin firmly grounded his anarchism not only on philosophical arguments, but also on scientific research. He examines mutual aid among different animals, and concludes that cooperation is a social phenomenon, and human beings are not exception among other species (Kropotkin 1989, 76-77). Moreover, he uses anthropological findings and examines the social structure of different primitive societies, or as he calls them “savages”, and “barbarians.” Among them are Bushmen, Hottentots, Papuans, Eskimos, Aleuts, Buryates, Caucasian mountaineers, and African stems (Kropotkin 1989, 76-153). Kropotkin argues that tribes and bands, not family, were the most ancient and primitive form of social organization in humanity (Kropotkin 1989, 79). According to this assumption, naturally he continues that “unbridled individualism is a modern growth, but it is not characteristic of primitive mankind” (Kropotkin 1989, 88). Therefore, Kropotkin advocates communal life, and considers the social side of humans as more important than their individualism.

Kropotkin condemns Max Stirner’s “superficial negation of morality” and individualism for creating egoism (Kropotkin 1924, 189). He claims that communities where members know and support each other are an example of a free society. In small communities everybody helps one another; therefore, crimes and anti-social behavior are very rare in those kinds of communitarian

⁵ Anarcho-communism advocates the abolition of state and capitalism. Communist anarchists are egalitarians, and they suggest collective property and collective production, instead of private property as a means of production (Kropotkin 1927, 44-45; Berkman 2003, 159-168; Price 2008; Anarchist Communist Editions 2010, 13-15).

societies. On the other hand, individualism leads to egoism, and since human nature cannot live in isolation, individualism may support anti-social behavior.

Michael Bakunin, arguably the most famous anarchist thinker among both his counterparts and successors, was a ‘man of action’ rather than a writer. As an anarchist historian, George Woodcock, points out, Bakunin failed as a writer, a field “where most of the great anarchists have succeeded” (Woodcock 1962, 146). Bakunin, like Godwin, believes that humans are the product of the environment, and if some people become a criminal, “the fault lies not with them... but with the social the environment in which they were born and have been developing” (1964, 147). Therefore, in the case of crime, Bakunin considers the criminal *a victim of the society* (1964, 151). His ideas about the influence of the environment on individuals are so strong and, one can say, dogmatic when he declares “without fear of mistake” that humans are the “product of historic development” (Bakunin 1964, 148). Although he has strong assumptions that humans are products of their environment and there is no innate morality, he, like Godwin, keeps believing that with the help of education a better society can be established. After accepting this assumption that humans are the products of their environment, Bakunin, predictably, denies free will, yet he argues that each and every individual is unique (1964, 149-150). However, Bakunin’s understanding of ‘uniqueness of individuals’ differs from that of Max Stirner. While the former, after this assumption, argues in favor of collectivization, the latter, advocates ‘union of egoists’; the former considers society higher than an individual, the latter, declares “society of men” his enemy (Bakunin 1972, pp. 38, 158; Bakunin 1964, 158; Stirner 1995, pp. 124, 160-161). He also believes that there is no inherited or innate morality in a child, everything is transferred to them; therefore, if with the help of education society teaches good values to children, a better society –an anarchist society – is achievable. In order to be moral, an individual needs a moral social environment, where

the values of the society are reason, equality, and liberty; and without a society individuality cannot flourish (Bakunin 1964, pp. 150-152, 155, 169). Therefore, Bakunin favors collectivism to absolutist individualism, which is, the “brainchild of idealists and metaphysicians” and “a wild absurdity” (Bakunin 1972; 257).

Unlike Proudhon, Bakunin insists that our freedom increases with the freedom of others, and proclaims: “I am free only when all human beings surrounding me – men and women alike – are equally free.” Although Bakunin regards Proudhon “as an authentic revolutionary” and declares him master of all anarchists, he refuses Proudhon’s main fundamental ideas, such as a mutual bank and individual possession (Woodcock 1962, 152). Yet, Bakunin, influenced by Proudhon, advocates the federations of free communes which will evolve into provinces, nations, and, eventually, into the “United States of Europe.” Nevertheless, it should be understood that he endorses state sovereignty (Bakunin 1972, 103-105).

Malatesta does not believe in the ultimate goodness of human nature. At the same time, he is more outspoken about his ideas on the masses compared to his anarchist contemporaries, such as Bakunin and Kropotkin, because he declares that he does not believe in the infallibility of “the masses” (Malatesta 1965, 109). On the other hand, he correctly observes that anarchists believe less in the goodness and infallibility of rulers and legislators. He clarifies that even though masses will probably make some mistakes in their decisions, anarchy is a better system than having a state because rulers seize power and use it for their own interests.

2.2. Law

Anarchist philosophers reject law on the ground that (1) it is written by the state or a group of individuals which does not have legitimacy because of its non-voluntary nature; (2) laws always

generalize crimes, while every crime, like every individual, is unique due to their background and situation; (3) and all enacted laws are man-made, arbitrary, and do not derive from the nature. However, some of them, such as Godwin and Stirner reject all kinds of law in the future free society, while others, namely, Proudhon, Bakunin, Kropotkin, and Malatesta reject enacted laws and accept some particular.⁶ Godwin points out that no two actions are the same; therefore, general law is nothing but absurdity. People will understand that nobody can teach them what to do and what to think, and it is impossible to know the roots of the reasons for individual crimes before it happens, thus, in free communities criminal law will be abolished (Godwin 1793; 719-720). In Godwin's free society, disputes are solved by popular juries and their decisions will be recommended rather than enforced, also the opinion of society can help to reduce anti-social behavior (Marshall 2008; 30). In his article on law he concludes that law

is an institution of the most pernicious tendency... merely relative to the exercise of political force, and *must perish when the necessity for that force ceases*, if the influence of truth do not still sooner extirpate it from the practice of mankind (emphasis added) (Godwin [1797] 2004, 173).

In his article "On Law and Authority" Kropotkin divides all crimes into three main categories: the protection of property, the protection of government, and the protection of a person. According to Kropotkin, since the main support for crimes come from idleness; law, and authority, it is necessary to abolish them in order to create a free society. Law is not something inherent to human nature but it is created by humans. He argues that two-thirds or even three quarters of all crimes are committed because of property, namely economic inequality, thus, as a communist anarchist, Kropotkin believes that if we abolish property, the crime rates will decrease sharply. At the same time, he claims that half of the current laws serve the interests of the privileged classes to maintain order. According to him, statistics prove that capital punishment is not a deterrence for

⁶ For the better discussion see also Paul Eltzbacher (1908, pp. 42-45, 69-72, 97-100, 119-121, 145-149, 272-276).

crimes, therefore, it should be abolished (Kropotkin [1886] 1927, 196-218). Nevertheless, he does not cite any scientific research for this statistical data. He also divides agreements into two categories: free and coerced. His free society is based on voluntary associations of equal individuals, and after the abolition of law the communities should be organized according to the combination of custom and free agreements (Kropotkin 1927, 44-45). Furthermore, Kropotkin believes that in order to meet basic needs, one should work only 4 or 5 hours instead of 10 hours. At the same time, everybody “will have to work with their hands” (Kropotkin 1907, 130). According to him, in a just community goods should be divided equally among the citizens. Although Kropotkin recognizes that “... absolute liberty of the individual, that does not admit of any authority, and makes use of no compulsion to drive men to work,” he also contradictorily adds that:

Individual appropriation is neither just nor serviceable. All belongs to all. All things are for all men, since all men have need of them, since all men have worked in the measure of their strength to produce them, and since it is not possible to evaluate every one’s part in the production of the world’s wealth (Kropotkin 1907, 14).

Kropotkin suggests “liberty, equality, and practical human sympathy” rather than laws, judges, punishment, and state for dealing with wrongdoers and anti-social behavior (1927, 217). It should be noted that there are many scholars today who argue that punishment does more harm, instead of good, to the wrongdoer and the society as a whole, and there are ways of fighting against crime without punishing the criminals (Barnett 2000, 216-237; Golash 2006). He famously declares that “the main supports of crime are idleness, law, and authority”, and

‘criminal’ is simply unfortunate; that the *remedy is not to flog him, to chain him up, or to kill him* on the scaffold or in prison, *but to help him* by the most brotherly care, by treatment based on equality, by the usages of life among honest men (emphasis added) (Kropotkin 1927, 217).

Proudhon writes that constitutional reform is impossible, and “Anarchy, – the absence of a master, of a sovereign – such is the form of government to which we are every day approximating (Proudhon 1994, pp. 393, 209). About the structure of his free society⁷, he writes that:

In place of laws, we will put contracts-No more laws voted by a majority, nor even unanimously; each citizen, each town, each industrial union, makes its own laws... In place of public force, we will put collective force (...) In place of police, we will put identity of interests (Proudhon 1969, 245-246).

While explaining why he is an anarchist, Malatesta argues anarchism is not a natural law or a scientific truth; he is anarchist because he believes that only with anarchism can one live in a better society (Malatesta 1965, 45). He points out that “natural laws,” and “moral laws” among many others are no more than “metaphysical fantasies which get one nowhere” (Malatesta 1965, 74-75), therefore, he continues, one should choose love and cooperation. According to him, state promotes the idea that without law the society cannot function, and the law is “essential to society,” however, indeed, law is unnecessary (Malatesta 1965, 188). In other words, while Malatesta rejects all kinds of laws, particularly enacted laws, he only accepts the law of solidarity which can also be understood as the spirit of the mutual aid of the society (1891, 10; 1965, pp. 23, 73-78)

2.3. Punishment

In general, all anarchists reject punishment and imprisonment, while arguing in favor of preventive/defensive actions, such as caution, public ostracism, financial restitution, psychological treatment, banishment, and in some cases the death penalty in order not to intentionally harm the wrongdoer, but to protect the society from their future harmful actions.

⁷ About the forms of contracts see also Proudhon (1979, 36-42).

Godwin argues that punishment is not the correct way of treating murderers, since external conditions shape the character of humans and crimes occur due to inequalities; therefore, they cannot be considered guilty more than the weapon that the murderer uses to commit the crime. For Godwin, there is no justification for punishment in the name of retribution or reform (1793; 687-695); therefore, all kinds of punishments are “a tacit confession of imbecility” (1793; 704). Moreover, wrongdoers should not be coercively punished, because he argues coercion is inherently irrational, and it “cannot convince, cannot conciliate, but on the contrary alienates the mind of him against whom it is employed” (Godwin 1793, 708). In other words, Godwin opposes punishment as retribution, deterrence, and reform. However, he recognizes that even in a free society there can be some criminals; these kinds of people should be isolated from the society for both the safety of the whole society and themselves, and they should be treated kindly and humanely. This suggestion of Godwin looks like a quarantine rather than punishment because the aim of isolation is not intentionally inflicting harm on the criminal but to protect the society from the criminals’ wrongdoings. Furthermore, in very rare cases the criminal can be banished from society (1793; 745-759). Nevertheless, this banishment should not be considered as a type of punishment, since Godwin’s purpose is to protect the society but not intentionally causing a harmful effect on the criminal.

Proudhon criticizes the techniques used as a punishment on the ground that it is brutal and the main goal of the punishment is satisfaction. However, he continues, instead of satisfaction and inflicting harm on the wrongdoer, the goal should be payment, and the recovery of the criminal (Proudhon 1858). Alan Ritter, wrongly, argues that Godwin and Proudhon indeed justify the punishment (Ritter 1975; cf. Harbold 1969a; b; 1976). However, as discussed in the first chapter of this thesis (p. 8-9), his definition of punishment is profoundly wrong because first, intentionally

and foreseeably causing effects should not be confused, and the second, inflicting harm on the wrongdoer and the protecting the society from the criminals are different, and decisive factors in the definition of punishment in criminology (Boonin 2008, pp. 12, 32).

Stirner, or in Friedrich Engels' words "the peaceful enemy of all constraints" (quoted in Welsh 2010, 10), advocates the "Union of Egoists," a society which to be established voluntarily by conscious egoists, and this union is not sacred and permanent; it has no intrinsic value, it is only an instrument for all the participating egoists for satisfying their personal interests. In his own words, "the union exists for you and through you (...) the society is *sacred*, the union your *own*; [the society] consumes *you*, *you* consume the union" (Stirner 1995, 277).

Stirner argues that without the notion of sacred punishment is meaningful, it has only meaning "when it is to afford expiation for the injuring of a *sacred* thing" (1995, 213). In Stirner's union of egoists there will be neither punishment, not treatment for wrongdoers because rehabilitation "... is only the reverse side of *punishment*" (1995; 213), also for an egoist there is no sin (1995; 317); therefore, punishment and rehabilitation are unnecessary. The main reason was Stirner's belief in the possibility of the union of conscious egoists.

Kropotkin recognizes that even in a free communitarian society there can be some people who act anti-socially, and those people should be isolated from society for the good of the community and themselves. But he advocates the fact that those kinds of people should be treated humanely because imprisonment will make their conditions even worse. Kropotkin has very strong belief in the power of education, yet, to put it mildly, he is so naive about crimes that he declares "on the one day when no punishment is inflicted upon murderers, the number of murders will not be augmented by a single case" (Kropotkin 1927, 216). It is clear that he is against inflicting harm on wrongdoers, therefore, he is against punishment per se. The reason is, as discussed in the

introduction, intentionally inflicting harm on the wrongdoer is one of the main aspects of punishment. Taking into consideration his own experience in prisons in Russia and France, Kropotkin points out that prisons kill the physical energy of prisoners, punishments are insane and cellular punishment is unnecessarily cruel (1887, 299-337).

According to Bakunin, individual freedom can only be achieved through “collective freedom.” Furthermore, “everybody shall work, and ... shall be educated.” Not surprisingly, Bakunin thinks that in his free society people will be hard-working and only a few people will be lazy. Since laziness will be considered a malady and “to be subjected to clinical treatment” (Bakunin 1964, pp.267, 341, 328, 345), Bakunin suggests humane or psychological treatment for wrongdoers because he considers crime an anomaly and the act of a mentally ill person.

Another social anarchist Errico Malatesta clarifies many issues in his article “Crime and Punishment” (Malatesta 1965, 105-112). He acknowledges that anti-social behavior will not immediately disappear after the anarchist revolution; therefore, we need to find solutions to crimes without creating new coercive and authoritarian bodies. He, like other anarchists, believes that by abolishing states and the social roots of crimes, the frequency of anti-social behavior will decrease sharply, and there will be very few criminal cases. In addition, he points out that psychologically ill people need “loving treatment,” and argues that: “[I]t will be possible to reconcile the complete freedom of all with defense against those who obviously and dangerously threaten it” (Malatesta 1965, 107).

Malatesta continues that in an anarchist society this goal will be possible to achieve because there will be few individual criminal cases. However, in bourgeoisie and fascist societies criminals are “too numerous and powerful,” therefore, even “it is not a question of discussing what we will do in an anarchist society” (Malatesta 1965, 107). In other words, Malatesta argues that current

bourgeoisie society is so dangerous to individual safety that it is almost impossible to establish a worse society; thus, anarchy cannot be worse than today's society. Moreover, Malatesta insists on self-defense as the only justification for using physical force. After all, he asks the main question: who will judge the criminals? His answer to this crucial question is the "mass of citizens" (Malatesta 1965, 108). Malatesta justifies his argument by saying that we must not create police institutions, and it is possible that without police the efficiency of catching and judging criminals will decrease, nevertheless, it is better than creating police institutions, which are "the instrument of every tyranny" (Malatesta 1965, 109).

Concerning the death penalty, Malatesta claims that there will be very few people who are "moral[ly] bloodthirsty," and in some circumstances there will be no other way than killing them. However, he continues, the problem of the death penalty is that we need somebody to execute the criminals, and by killing people, an "executer is, or becomes, a monster," and creates further problems for the society (Malatesta 1965, 111). One of the most interesting arguments of his article is that the masses will judge "according to the circumstances and ... their [own] different degrees of social development" (Malatesta 1965, 108). This shows that Malatesta is concerned about the tyranny of majority, and does not rule out its possibility in a stateless society. Yet, he believes that if not immediately, with time people will be able to create a real anarchy where everybody's individual rights will be respected and preserved.

2.4. Discussion and Criticism

Although the lack of a blueprint can be seen in Godwin's uncertainty about his future free society, it is an essential aspect of his and other anarchist thinkers' philosophy. As mentioned before, anarchists consider a blueprint a dogma, thus, they argue that people are creative enough

to arrange their own society, and they do not need dogmatic laws. One reason of Godwin's avoidance of giving a blueprint is that he, like most anarchists, claims that people are not inherently good or bad. However, he has a strong belief in humans' potential; humans are not perfect, but "perfectibility is one of the most unequivocal characteristics of human species" (Godwin 1793, 11). In other words, he argues, although we are the product of our environment, we have a capacity to think critically and to develop ourselves. Another reason is his consideration that from some period of time law should disappear due to the changing social conditions.

Max Stirner's insistence that the "unique one" should not be conceptualized makes it difficult to describe how conscious egoist individuals in a voluntary union can solve their disputes peacefully. In his answer to his critiques Stirner argues that the "unique one" (*Einzig*) cannot be conceptualized because if we try to conceptualize the *Einzig*, we should "give a definition of it," and by giving a definition we will "end up with something different from what was intended" (Stirner quoted in Balidissone 2011, 68). Moreover, it would be a mistake to reduce Stirner's philosophy to anarchism,⁸ or to try to give any label to him because to paraphrase Stirner's own words, he is more than an anarchist, he is an egoist. Stirner's understanding of uniqueness, freedom, ownness, and property should not be distorted in order to fit his ideas solely into anarchism (see also Welsh 2010, 29-30; Thomas 2011, 115-119). It would be another mistake to assume that Stirner's egoists will try to exercise power over others, and will be hungry for more wealth and possessions. Because the egoists should become themselves, they should owe themselves, if they obsessed to "desire possessions," then they will not possess anything, "on the contrary [they will be] possessed" (Newman 2011, 7). All in all, despite all these difficulties to see how Stirner's egoists – described in a very abstract fashion – d can solve their disputes, probably

⁸ See also Balidissone (2011).

it is possible to say that even though egoists logically reject all kinds of reifications, including morality, as spooks and ghosts, they are conscious and rational; therefore, they will try to solve their disputes in a peaceful manner because of their egoist interests.

From his study of primitive societies Kropotkin points out that every interpersonal conflict “was treated as a communal affair” among ‘barbarians’ (1907, 130). Moreover, in the case of murder, the death penalty was executed by the commune. Kropotkin continues that among ‘barbarians’ there is no authority and decisions were not enforced, nevertheless, “the moral authority of the commune was so great” that disobeying the decisions was “inconceivable” (Kropotkin 1907, 131-132). This morality of the decisions is, arguably, the harshest restriction on individual freedom. Because if in primitive societies, where almost everybody knows each other, the commune is considered sacred, an individual will find very limited freedom of choice even to commit a crime. An individual is always in the gaze of other people; therefore, the very structure of society makes it extremely hard to find a blind spot in order to commit a crime. Therefore, I believe that even if Kropotkin’s communist anarchist commune were not religious, in the name of communal unity/spirit, it may put many restrictions on individuality.

Both Godwin and Kropotkin advocate public opinion as a deterrence to anti-social behavior. While both acknowledge the potential tyranny of the majority, they believe that every individual should decide how to act and live (Marshall 2008; 31). Kropotkin, like Godwin, believes in the rehabilitation of wrongdoers, and does not give the blueprint of the criminal legal system of a free society. Accordingly, he believes that humans are social beings and they need cooperation in order to survive. Kropotkin puts a strong faith in human nature, and assumes that communist anarchist communes will be able to find humane ways for dealing with wrongdoers. As a result of his beliefs, he does not offer a dispute resolution process for an anarchist commune.

Bakunin, after all, does not give a blueprint of the criminal code of his society. It should be noted that Bakunin's harsh statements, and authoritarian style cast doubt on his free society. He advocates 'secret societies' and 'invisible dictatorships' – provisional government – for achieving anarchy (Bakunin 1972, 69-70), namely, anti-anarchist means for anarchist ends. Bakunin, like many social anarchists, does not find it necessary to write about the dispute resolution system of an anarchist society.

Proudhon does not provide a blueprint to his free society but since he values justice and reason, he assumes that in a free society people will be less likely to commit a crime. In that society the biggest injustices, state and property, among many will be abolished, and individuals will be free to work on their own private possessions. Yet, I believe that he undermines the potential of people doing criminal actions because all crimes are not related to property, such as crimes of passion or crime as self-help. Since there is no perfect rationality, crimes of passion will not vanish in an anarchist society. Finally, crimes of passion are not necessarily irrational; one should take into consideration that many revenges and honor killings are planned in detail before they are committed. As an old saying emphasizes "revenge is a dish best eaten cold."⁹ Therefore, expect that all crimes will disappear due to the social equality is misleading.

Malatesta's argument that in free society the wrongdoers will be judged by the masses can be understood as the creation of popular juries in the case of crime. Additionally, in order to catch the criminals, non-professional and temporary militias or night watch guards can be established in an anarchist society. Although these suggestions are plausible, Malatesta does not elaborate with details how to deal with the problem of freeriding, how temporary gunmen can effectively protect the society, and how the masses can rationally judge the criminals.

⁹ See also Black (2012).

To sum up, the traditional social anarchist response to the question of crime and punishment is inadequate. Among the anarchist thinkers that have been discussed, only Malatesta and Kropotkin pay some attention to this issues and write on the topic, while Proudhon and Godwin theorize how an anarchist society will look without discussing the transitional and the early period of anarchy. On the other hand, Bakunin deals with revolution, secret society, and invisible dictatorship, and ignores crime and punishment. One can argue that under the “invisible dictatorship” wrongdoers perhaps will be punished harshly. Moreover, they all assume that in anarchy people will somehow find ways according to the worldview and traditions, to deal with wrongdoers; undoubtedly, these techniques will be humane. Nevertheless, none of them discuss interpersonal disputes, and how they should be solved. Naturally, this uncertainty in anarchist theory makes it hard to defend, and, thus, the harshest criticism of anarchism comes from the crucial questions: without a police/state who will protect individuals and how will it happen? Will an anarchist society set limits or red lines that an individual cannot cross, and if yes, exactly what will those limits be?

Chapter 3 – The Anarchist Criticism of Anarcho-Capitalism: Security Agencies and Courts

Anarchism is always criticized of not suggesting alternative system for individual security in the absence of government (Meltzer 2001; Holcombe 2004). Although public security is the most criticized and the weakest point of anarchist political thought, two camps of anarchism, capitalist and non-capitalist, do not agree with each other on this issue. This chapter examines the arguments of anarcho-capitalists on police agencies and courts, and criticizes them according to the principles of anarchism. The first argument of this chapter is that these suggestions of anarcho-capitalists are not compatible with the principles of anarchism, therefore, this ideology or school of thought should not be accepted as “anarchist.” The second argument is that eventually, due to inequality and private security agencies, anarcho-capitalist society may lead to the creation of monopolies, cartels, and numerous coercive authoritarian states.

3.1. Individual Security in Anarcho-Capitalism

In any society, there will be always individuals or groups who violate rights and commit crimes against others. Anarcho-capitalists offer private police companies in order to protect the security of individuals. Murray Rothbard, the first anarcho-capitalist thinker, argues that in modern societies citizens are forced to pay taxes for their security, however, in a free stateless society everybody will be free to decide whether s/he wants protection, and the individuals will be free to choose their security companies. Moreover, he points out the fact that in the current situation, governments write the law, and demand from the police to “enforce all laws,” however, due to the limited budget, in reality the police are able to enforce only “the most urgent crimes” but not all

(Rothbard 2007, 19). Instead, he suggests that in a stateless society individuals will decide what kind of protection they want from the private police agency, and compared to our society, those individuals, according to their personal demand, will pay less or more money to those companies without any coercion. Furthermore, he claims that since a poor person would have enough money for hiring protection, society can provide security for them by private charity (Rothbard 2007, 21). He claims that due to the economic costs, and eventual self-destruction, there will be none or very limited street wars between different security agencies in the case of disagreement. For instance, if a plaintiff and a defendant are clients of different agencies, and the courts of each agency finds their own clients innocent, it is irrational and costly to declare war for both sides. Therefore, they will agree on a third party, a neutral arbitrator, to decide on this issue, and this last neutral arbitrator will be the cutoff point for both sides, and its decision will be binding (Rothbard 2007, 23-28; see also, Tannehil and Tannehil 1970, 65-87; Friedman 1989, 60-67). It is clear that a stateless society also needs a legal code which should be written according to libertarian principles, and Rothbard gives examples that private merchant courts, admiralty law, and “the major body of Anglo-Saxon law... [were] developed over the centuries by competing judges applying time-honored principles rather than shifting decrees of the State” (2007, 29).

Finally, anarcho-capitalists argue that private police companies will not protect criminals because it is not economically efficient since criminals are the minority of the society, and by doing so the legitimacy of the security companies who protect the criminals will decrease. Logically, they argue, illegitimate companies will be out of the free-market due to the competing companies which protect non-criminals (Rothbard 2007, 33-36; Huemer 2013, 233-239). It also should be noted that anarcho-capitalists compare the possible emergence of monopolies in security business in a stateless society, and the actual monopoly of the states in security business nowadays,

and argue that although in an anarchy some organizations or individuals will try to seize power and establish a monopoly, the possibility is too low (Benson 1998, 177-191). Moreover, they also compare the possible war between police companies with the war between states and conclude that the destructive power and violence of the latter cannot be compared with the former, thus, it is safer to live in anarchy rather than to live in a state (Rothbard 1978, 195-196; Rothbard 2007, 33-36; Huemer 2013, 236-264). In a nutshell, in an anarcho-capitalist society on the one hand, individuals are free to choose their private police agencies and private courts depending on their income and wish, and on the other, security companies are neutral, and they avoid war with each other because it is irrational and economically inefficient.

3.2. A Criticism: Anarchy in an Unequal Society

Classic anarchists believe that inequality and hard economic conditions are the cause of most crimes, and since anarchist society is based on equality, freedom, and justice, there is no need to do harm to others (Godwin 1793; Malatesta 1965, 105-112). Anarcho-communist, Peter Kropotkin, argues that two-thirds or even three quarters of all crimes are committed because of private property, which causes economic inequality, thus, he, as other anarchists, believes that if we abolish property, the crime rates will decrease sharply (1927). Benjamin Tucker, American anarchist philosopher, argues in favor of a socialist society without a state, and says that Socialism “does not say: Thou shalt not steal! It says: When all men have Liberty, thou wilt not steal” (Tucker 1897). As seen, anarchism was never only anti-statist, but also anti-capitalist.¹⁰ Therefore, since anarcho-capitalists accept capitalism, and define anarchism only as an anti-statist ideology, Peter Marshall rightly observes that “few anarchists would accept the ‘anarcho-capitalists’ into the

¹⁰ See also Malatesta (1965, 19).

anarchist camp since they do not share a concern for economic equality and social justice” (2008, 565). Most probably, except anarcho-communists, anarchists do not consider social and economic equality as being very important, while they all agree that they are necessary. The anarchist criticism of anarcho-capitalism is that in a capitalist economic system extreme economic inequality will emerge and it will first lead to the (re)creation of social hierarchy, and eventually the state. Therefore, the classic anarchists would argue, in order to have anarchy, more or less the inhabitants of the society should be equal.

In an anarcho-capitalist society, like in any capitalist society, there will be extreme unequal distribution of wealth, and since individuals should pay for protection, who will protect the poor? Advocates of anarcho-capitalism argue that security companies will also provide cheap protection like modern insurance companies. Individuals will have different ‘protection packets’ to choose from, and of course, the rich, like in our state society, will be protected better than the poor. Nevertheless, this kind of inequality, which can be solved by abolishing property, or allowing very limited property¹¹ (i.e. one house and small piece of land) to each and every adult, should not be compared to the inequality in our societies. Because if we ignore one of the two main principles of anarchism, namely social equality, and justify our decision on the ground that this society will be better than our current one, we would not talk about anarchism but something else. Therefore, I, like many anarchists, do argue that anarcho-capitalism is not a part of broad anarchist tradition, the only reason why they are called ‘anarchist’ is their rejection of the state, which is necessary but not sufficient to be an anarchist. They do not oppose what the states do by creating an environment of extreme inequality, but their only objection is which institutions do it. Therefore, it is just a replacement of one kind of authoritarianism with another by creating private police

¹¹ This is the argument of mutualist anarchists, like Proudhon, who are considered one of the schools of thought of anarchism.

companies in a society with deeply rooted economic and structural inequalities. In other words, the problem of anarcho-capitalism is not only semantic in that it is not a part of wide anarchist tradition, but also it is vulnerable to the emergence of new authoritarian states by the creation of cartels among numerous private security agencies. I believe that anarchists should not be satisfied with criticizing anarcho-capitalism on the ground that it is not anarchistic, they should go further by arguing that the suggestions of anarcho-capitalism can be more dangerous to the society than modern states. Because – to paraphrase the anarchist argument against Marxism – the suggestions of anarcho-capitalism are “only the changing of the guard” (Newman 2001, 34).

In a free market anarchy security agencies can cooperate and misuse their power in order to increase their economic gains. Anarcho-capitalists assume that in a free market private security agencies will compete with each other in order to attract more clients, and they will try to provide protection with low prices. Moreover, anarcho-capitalists argue that state capitalism is not a true form of capitalism because the state intervenes in the market in favor of big corporations, therefore, in anarchy inequality will not be so diverse like today. The main cause of most crimes is inequality, and since in a free society everybody will have a chance to compete freely in the market without state intervention, according to the logic of anarcho-capitalism, there should be less inequality, and less crime. Nevertheless, it fails to consider why private security agencies, in order to increase demand and stay in the market, do not inflict fear on the society by creating terror and crime themselves. Suppose that the crime rate in the society decreases, and many security companies face bankruptcy. Eventually, after secret deliberations, many of them agree to explode a bomb in one of the main streets (even without killing anybody) to destabilize the society. After this ‘unknown attack’ many individuals who are not the clients of any security company decide to buy protection from them because they are afraid. Or they can intentionally provoke social antagonism,

or for instance, instead of solving some problems peacefully by appealing to a third party (mediator, arbitrator, or adjudicator), two security companies can agree to create a ‘mini little war’ in the case of disagreement of their clients. My point is that security companies rationally can misuse their power in many ways for economic incentives in the case of low crime rates. Since private agencies are paid in order to protect individuals and they earn their living from the existence of crimes, they are not interested in a radically decreased crime rate. This is the reason why other anarchists reject the idea of permanent security/police agencies, and advocate temporary voluntary commune militiamen or night watchmen.¹²

3.3. Courts and Disputes

In an anarcho-capitalist society there will be more than one private security agency and their courts, however, everybody will be free to choose an agency, or simply live without any protection; therefore, theoretically, disputes can occur between:

1. two clients (individual and/or organization) of the same agency;
2. two clients of the different agencies;
3. a client of any agency and an outlaw;
4. two outlaws (again, individual and/or organization).

The question is how disputes in the third and the fourth category can be handled. Does any security agency have a right to force an outlaw, a person/organization that is not affiliated with any agency, like its own client, to comply with the laws of the agency? Anarcho-capitalists assume that in a society everybody will seek protection from agencies, nevertheless, this assumption is not

¹² See also Malatesta (1891, 15) for the French “Lieutenants of the louveterie” example.

correct. For example, people who live in one little community can create their own night watch guards or militiamen, if necessary, of course, according to the voluntariness principle.

It is clear that in the first case the dispute will be resolved by the same agency, and since both parties, a plaintiff and a defendant, have given their prior consent to the rules of the agency, even enforcement by the agency can be justified. Anarcho-capitalists assume that different security agencies will cooperate with each other in the case of disagreement, thus, in the second dispute, for example, *Rákosfalva* and *Belváros* security agencies will be able to find a neutral arbitrator, and again, if one of the clients refuses to comply with the decision, the enforcement can be justified due to their prior consent. Nevertheless, what about outlaws? Anarcho-capitalists argue that in the case of physical aggression, an outlaw will be punished and this is justifiable because everybody has negative rights, and for example, in the case of murder, rape, physical abuse, everybody, even an outlaw, should be held accountable for their action. I do agree with this justification (see also, Chartier 2013, 257-262).

However, suppose that a client from *Rákosfalva Security Agency* claims that an outlaw violates her rights (but not physical aggression). In this case two problems occur. Firstly, these rights of the client are recognized by *Rákosfalva* agency, it does not mean that they are universal. Secondly, if really “[f]ree-market police would... have a strong incentive to be courteous and to refrain [from] brutality against either their clients or their friends’ or customers” (Rothbard 2007, 19), why should *Rákosfalva* agency be unbiased between its own client and an outlaw, a person who refuses to recognize the legitimacy and/or the necessity of any agency? I argue that in the case of non-universal rules, such as specific religious, traditional, cultural laws, *Rákosfalva* agency will defend its own client, and in many other cases, it will more likely be biased in favor of its client. Naturally, this will create an unjust system, and the individuals’ legal positions will be arranged

according to their contracts with security agencies. Economically, police agencies will have strong incentives for protecting their clients and conceal the facts which are against their clients in the case of dispute with an outlaw. On the other hand, in the case of physical aggression by an outlaw, the security agency/court, in order to protect its own prestige, as oppose to its own client, can be unbiased and decide that the outlaw is not guilty. However, an anarcho-capitalist would argue and I do agree that in the case of non-universal specific rules, the private security agency/court more likely will protect its own client for the same reason, namely for its own prestige.

Things become more complicated in the case of dispute between two outlaws. It can be assumed that if two outlaws can solve their disputes peacefully between themselves, there is no problem. Nevertheless, will security agencies interfere in the case of murder? Taking a historical example from honor killings in 19th century America where the feud between the Hatfield's and the McCoy's resulted in twelve dead (see also, Waller 1998), Rothbard writes that if the surviving McCoy kills the right Hatfield, "this is fine," and

in the law of an anarchist [means, anarcho-capitalist] society based on defense against aggression, the courts would not be able to proceed against McCoy if in fact he killed the right Hatfield (1978, 204).

According to this idea, in an anarcho-capitalist society, at least in Rothbard's society, outlaws will be 'free' to kill the 'right persons' without any punishment, but this society would hardly be called free, rather it looks like a Hobbesian 'state of nature.'

3.4. Monopolization and Cartelization of the Security Agencies

Anarcho-capitalists argue that in the case of disagreement, different security agencies will not declare war on each other because economically it is not efficient (1), it would destroy them physically and/or decrease their legitimacy/accountability (2), and the police in security companies

will not be willing to sacrifice their lives for their bosses (3). Therefore, they reject the argument of Robert Nozick (1974, chapter 5) that security companies will fight in the case of disagreement, and try to destroy each other. After many little wars, one of them will emerge as a dominant protection agency, and act like a state. Instead, anarcho-capitalists argue that security agencies will act rationally, and they will cooperate not only in the case of disagreement, but also in order to create common law.

Nevertheless, cooperation among agencies can also be dangerous because it can lead to the creation of cartels. For example, because of rational reasons and economic incentives all or the most security agencies can create an association and increase the prices for protection. If *Rákosfalva* agency refuses to join the association, in the case of legal dispute between a client of *Belváros* security agencies (which is the member of the association) and *Rákosfalva* agency, the cartel will force *Belváros* to win the dispute. Without cartel, it will be too costly for both agencies to fight, thus, they will choose to cooperate with negotiations, and a neutral arbitrator. However, in this case the cartel is so powerful that economically war with one agency, namely *Rákosfalva*, is not too expensive, and other members can help *Belváros*. Since in the case of war *Rákosfalva* has no chance against the cartel, it will backdown in front of *Belváros*, and over time all of its clients will go to a powerful agency to seek protection. Therefore, by this simple tactic the cartel, on the one hand, forces its own member *Belváros* to fight against a non-cartel member, on the other, it does not permit non-cartel members to survive in the free-market. To sum up, the paradigm of anarcho-capitalism is that, it does not explain exactly why all wars are inefficient, and none of the agencies can create a monopoly thorough war, and even if we accept their explanation, anarcho-capitalists cannot explain why security agencies will not be able to create a cartel and kill the competition of non-cartel members in the free-market.

3.5. Six Problems of Anarcho-Capitalism on the Dispute Resolution

Before enumerating the six arguments against the suggestions of anarcho-capitalism on the individual security and, in general, dispute resolution, it should be acknowledge that the vital difference between anarchism and anarcho-capitalism is their disagreement on economic structure of the future society. While the former is anti-capitalist, the latter differentiates “state capitalism” from “free-market capitalism” and argues that without state, capitalism can enrich the society. Moreover, anarcho-capitalism accepts almost all social problems as given, and, unlike anarchists, they do not question the roots of crime: its relations with property, family, religion, and generally all social structures. They try to restore the mere appearance of the society without curing the causes of the illness. They are not against the hierarchy, but only the state while not seeing that the existence of social hierarchy in a stateless society sooner or later will result to the creation of new states. However, since the aim of this thesis is not to discuss every disagreement between anarchism and anarcho-capitalism, here I summarize only the disagreements of them on the issues of punishment and dispute resolution while acknowledging that many of these differences are the reflections of fundamental disagreement between them on the economic system of the stateless society.

First, it should be noted that arbitration is most likely to be successful if there is a prior agreement and/or obligation between the parties. Therefore, in trade, arbitration can be considered as a good system but in many civil disputes it may not work. Second, while anarchists are against all kinds of physical force, and support the idea of “recommendation/caution/warning” instead of imprisonment, anarcho-capitalists advocate a court which will be able to use coercive force against the guilty party. Third, anarchists argue that imprisonment is incompatible with anarchism, because imprisonment kills the physical energy of prisoners, and punishments are insane and

unnecessarily cruel (Kropotkin 1887, 299-337; Malatesta 1965, 105-112; Black 2011). Anarchists advocate banishment in the case of murder/rape, and capital punishment in very rare cases, such as a serial killer. As Black points out, capital punishment will be rare in an anarchist society and it “... is regrettable, but it doesn’t compromise the anarchist nature of an anarchist society” (2011; 10; see also, Black 2012). Fourth, Rothbard, the father of anarcho-capitalism, considers that if the McCoy kills the right Hatfield “it is fine,” which sounds not only extremely anti-anarchist, but also a non-libertarian argument.¹³ Fifth, they fail to explain how the free-market will function in a way that security companies will not manage or want to create cartels, and behave like a mafia state. Finally, anarcho-capitalists do not bother themselves with the problem of social equality, and reject one of the basic principles of anarchism, thus, the only reason why they are called anarchist is semantic; that they wrongly define anarchism only as anti-statist. Therefore, anarcho-capitalist ‘society without state’ is neither anarchistic, not free, indeed most probably it is more dangerous, and authoritarian than the ‘society with state.’

¹³ In his answer to my email Noam Chomsky calls Rothbard’s argument “barbarism” (Chomsky 2015).

Conclusion

Anarchism, unlike the popular expectations, contains many diverse ideas. Although anarchist thinkers agree that the state is an unnecessary evil and should be abolished, and it is possible to arrange a society (or a union) without political and social hierarchy, they reach this conclusion from different aspects. Their ideas on human nature and the structure of an anarchist society radically differ from one another. Anarchist thinkers do not offer one answer to the issues, such as law, punishment, crime, rehabilitation, (private) property, religion, and how to destroy the state and create an anarchist society. In this thesis, I examined their approaches only to crime, punishment, and dispute resolution, and it has been displayed that on these issues they have less in common. Moreover, in the case of agreement on any issue, in most cases their starting points differ radically. Here their ideas on the discussed issues – human nature, law, punishment, and rehabilitation – are summarized, and are put on one table. Before summarizing the ideas of classic anarchist thinkers, it would be helpful to emphasize the lessons which can be derived from primitive anarchist societies.

Primitive stateless societies, unlike modern complex societies, mainly solved their disputes via mediation, and in some cases arbitration. While these methods can be applied to modern complex societies, and indeed in many countries they are applied, they are not efficient in the interpersonal disputes because of the different social structure of modern societies. Thus, in modern societies disputes, in most cases, are handled by judges. On the one hand, in primitive societies the social relations were face-to-face, the number of inhabitants were no more than 200 individuals, and they were not strangers to each other, but in many cases relatives or the members of the same or relative families and clans (Black 2015a, 49-50). Therefore, every dispute was

treated as a problem of the whole society, but not the disagreement between two individuals. Moreover, the mediators were interested not only in the disputing case, but also the background of the dispute and the disputing persons. In addition, the mediator, as the whole society, was more interested in peace, and correction rather than justice. For primitive society stability and the restoration of social ties after the solution of the disputes are more important because they are not strangers, but relatives. On the other hand, in modern complex societies, in most cases the disputing parties are strangers, the society is not based on the face-to-face relations, the dispute is considered as a conflict between the individuals, and finally, for the mediators and arbitrators justice is more important than peace, correction and the restoration of the disputing parties. Even in most cases since the disputing parties are strangers, restoration is not necessary at all. Now if we take into consideration the features of mediation and arbitration, we see that society is where the inhabitants know each other, and the relations are based on face-to-face social ties, mediation and arbitration are more likely to solve the dispute. The fundamental differences in mediation, arbitration, and adjudication are illustrated in Table 1.

Table 1: The Degree of Authoritarianism

	Advice	Decision	Enforcement
Mediation	Yes	No	No
Arbitration	Yes	Yes	No
Adjudication	Yes	Yes	Yes

While the mediator can only give advice, the arbitrator can make a decision without enforcement. Hence, the judge has a power to make and enforce the decision. Therefore, in modern

societies, adjudication is more efficient than the other techniques. Primitive societies used public ostracism in the cases when the disputing parties do not follow the advice of the mediator. Due to the close social ties, and the little community, the disputing parties could not live in isolation, thus, they agree with the advice. Nevertheless, in modern societies ostracism is less effective because of the different social relations, and the size of the community. As a result of this social structure, advice without enforcement in interpersonal disputes is less likely to work in modern societies. Following this logic, anarchist thinkers, both classic and contemporary anarchists, argue that current societies should be radically decentralized and face-to-face communities should be established in order to create an anarchist society, and to be able to apply non-authoritarian solution techniques to the interpersonal disputes.

All anarchists as said before reject laws which are enacted by non-voluntary institutions, yet, some of them offer different kinds of laws for the future anarchist society. Among six anarchist thinkers I examined here only Godwin and Stirner reject any kind of law for the future free society or union. However, while for Godwin the main reason of this rejection is the happiness of the whole society, for Stirner, it is the happiness of the individual. The other four anarchist thinkers, Proudhon, Bakunin, Kropotkin, and Malatesta accept law as a principle for their future societies, nevertheless, they confirm different laws for different reasons. For Proudhon laws can be allowed as a form of binding contracts (1969, 245-246). Bakunin (1964, pp. 166, 237-247) and Kropotkin (1887, 336) accept law for their future society, and call it “natural law” and “moral law” respectively. These laws are not man-made and enacted by any institution but inherent to humans. Malatesta rejects those natural and moral laws on the ground that they are fictional and not real (1965, 74-75), and accepts law of solidarity (1891, 10) which is unenacted and can be understood as a community spirit and mutual aid. As seen, they have almost nothing in common in the case

of law, while two of them reject any kind of law, four of them accept some kinds of unenacted law for the future anarchist society of union, nevertheless, all of them reject of accept these laws for different reasons.

Unlike law, anarchists mainly agree on punishment and rehabilitation of wrongdoers, however, the only dissident among them is Stirner. Anarchists, except Stirner, believe in human essence which is the legacy of the Enlightenment ideas of humanism (see also Newman 2001, pp. 37, 39), therefore, they suggest humane treatment because the criminal is not accepted as a true human, and criminality is not a part of humanity in the sense of the anarchists. In Stirner's words – who criticizes and rejects humanism – the criminal is considered “un-man.” Stirner argues that “[c]urative means or healing is only the reverse side of *punishment*, the *theory of cure* runs parallel with the *theory of punishment*... they want to *punish* men for this or that "inhumanity"” (1995, 213-214). Therefore, Stirner considers punishment and rehabilitation the same and rejects both of them, while the other anarchist thinkers accept rehabilitation in order to cure the wrongdoer. For them the wrongdoer is a person who does not share ‘human values’ and fights against ‘human nature.’ For anarchists who advocate rehabilitation the wrongdoer should become ‘human’ with the help of medical treatment. If one takes into consideration that, in most cases criminals are not insane but rational and able-bodied individuals, one can argue that a punishment is a decent treatment for a criminal because at least in the case of punishment, the criminal is accepted as equal, as human. Nevertheless, in the case of rehabilitation, the criminal is considered ‘un-man,’ a creature which should be ‘humanized.’

The thesis argued that anarcho-capitalism should not be considered as a distinct anarchist school of thought and should be opposed by anarchists as a dangerous ideology. Firstly, anarcho-capitalists are not against the emerged social problems as a result of this hierarchy, but they are

against who creates this hierarchy. In other words, they do not oppose what is done, but who does it. By doing so, they do not try to solve the problem of social inequality, therefore, their suggestions will lead to the (re)emergence of social hierarchy and state. Secondly, the problem of anarcho-capitalism is not only semantic; their suggestions of private police agencies can lead to the creation of many small scale authoritarian states through the process of cartelization. Thus, anarchists, the thesis argued, should oppose anarcho-capitalism as a dangerous political ideology.

Unlike classic anarchist thinkers and their followers, anarcho-capitalists accept enacted laws by private courts, and they confirm not only rehabilitation, but also punishment, including imprisonment. They, unlike anarchists who accept rehabilitation, do not suggest that every wrongdoer should be sent to reformatories because they do accept wrongdoers as their equals, as humans. Their ideas on human nature differ from that of other anarchists. As statist capitalists, anarcho-capitalists claim that humans are more likely to compete rather than cooperate as Kropotkin argues in *Mutual Aid* (1989), and humans are rational agents who try to increase their wealth. Therefore, while both anarchists and anarcho-capitalists accept fixed human nature, law, and rehabilitation, they mean totally different things. The ideas of Stirner, classic anarchist thinkers, and anarcho-capitalists on the discussed issues are illustrated in Table 2.

Table 2: Different Responses to Crime

	Max Stirner	Anarchists	Anarcho-Capitalists
(Fixed) Human Nature	No	Yes	Yes
Law	No	Yes ¹⁴	Yes

¹⁴ Except Godwin. He also rejects law as Stirner, however, due to the structure of the Table 2, he is included in “Anarchists” group.

Punishment	No	No	Yes
Rehabilitation	No	Yes	Yes

From Table 2 it is seen that anarchists and anarcho-capitalists, unlike the argument of this thesis, have more in common. However, as discussed before, by accepting human nature, law, and rehabilitation they do not understand the same techniques. On the other hand, Stirner, the most radical thinker among them, rejects all kinds of fixed ideas and concepts, also argues that crime can only be committed against sacred things, and since for a egoist there is no sacred, the crime becomes meaningless as well (1995, 213).

To conclude, due to their avoidance of blueprints, on the one hand all six anarchist thinkers that are examined here refused to give a blueprint to the future anarchist society or union, on the other hand, their general suggestions make it difficult to imagine exactly how an anarchist society should deal with wrongdoers. When they suggest the creation of voluntary community guards or militiamen, they do not discuss the problem of free riders, they do not elaborate how and according to exactly which principles the masses or popular juries will judge the wrongdoers, how and where the wrongdoers will be rehabilitated, who will pay for this rehabilitation. If by society, will it be voluntary or should everybody donate as a tax? In other words, they do not provide some procedures for the dispute resolution process. While giving a blueprint can be understood because it can create new dogmas, this uncertainty of dispute resolution process also weakens the position of anarchism on the issues of crime and punishment. Therefore, I do believe that contemporary anarchist thinkers should elaborate these arguments of classic anarchist thinkers, and should offer solutions and suggestions to the dispute resolution process without deviating from the basic

philosophical foundations of anarchism and without creating alternative coercive institutions to states like anarcho-capitalists.

References

- Anarchist Communist Editions. *Introduction to Anarchist Communism*. Vol. March №21. London: Anarchist Communist Editions, 2010. <https://libcom.org/files/intro%20pamphlet%20reading.pdf>.
- Arin, Canan. “Femicide in the Name of Honor in Turkey.” *Violence against Women* 7, no. 7 (2001): 821–25.
- Bakunin, Michael. *Bakunin on Anarchy*. Edited by Sam Dolgoff. 2nd edition. Montréal; New York: Black Rose Books, 1972.
- . *Political Philosophy of Bakunin*. Edited by G.P. Maximoff. Free Press of Glencoe, 1964.
- Balidissone, Riccardo. “The Multiplicity of Nothingness: A Contribution to a Non-Reductionist Reading of Stirner.” In *Max Stirner*, edited by S. Newman, 2011 edition., 67–88. Houndmills, Basingstoke, Hampshire; New York: Palgrave Macmillan, 2011.
- Barclay, Harold. *People without Government: An Anthropology of Anarchy*. London; Seattle: Kahn & Averill Publishers, 1982.
- Barnett, Randy E. *The Structure of Liberty: Justice and the Rule of Law*. New Ed edition. Oxford; New York: Oxford University Press, 2000.
- Barrett, Jerome T., and Joseph Barrett. *A History of Alternative Dispute Resolution: The Story of a Political, Social, and Cultural Movement*. San Francisco, CA: Jossey-Bass, 2004.
- Bedau, Hugo Adam. “Retribution and the Theory of Punishment.” *The Journal of Philosophy* 75, no. 11 (1978): 601–20.
- Benson, Bruce L. *To Serve and Protect: Privatization and Community in Criminal Justice*. 1st ed. New York: New York University Press, The Independent Institute, 1998.
- Berkman, Alexander. *What Is Anarchism?* Edinburgh, Scotland; Oakland, CA: AK Press, 2003.

- Black, Bob. "An Anarchist Response to An Anarchist Response to Crime." *The Anarchist Library*, 2011. <http://theanarchistlibrary.org/library/bob-black-an-anarchist-response-to-an-anarchist-response-to-crime>.
- . "Anarchy 101." *The Anarchist Library*, 2009. <https://theanarchistlibrary.org/library/bob-black-anarchy-101>.
- . *Anarchy After Leftism*. Columbia, MO: CAL Press, 1997. <https://theanarchistlibrary.org/library/bob-black-anarchy-after-leftism>.
- . "Justice, Primitive and Modern: Dispute Resolution in Anarchist and State Societies," 2015a. https://www.academia.edu/23153153/Justice_Primitive_and_Modern_Dispute_Resolution_in_Anarchist_and_State_Societies.
- . Letter to Ilkin Huseynli. "Crime and Law in Anarchism," November 13, 2015b. https://www.academia.edu/23153153/Justice_Primitive_and_Modern_Dispute_Resolution_in_Anarchist_and_State_Societies.
- . "Notes on 'Post-Left Anarchism.'" *The Anarchist Library*, 2015c. <https://theanarchistlibrary.org/library/bob-black-notes-on-post-left-anarchism>.
- . "Wild Justice: Crime as an Anarchist Source of Social Order." *The Anarchist Library*, 2012.
- Black, Donald. *The Social Structure of Right and Wrong*. San Diego, New York, Boston, London, Sydney, Tokyo, Toronto: Academic Press, Inc., 1993.
- Black, Donald, and M.P. Baumgartner. "On Self-Help in Modern Society." *Dialectical Anthropology* 12, no. 1 (1987): 33–44.
- Boonin, David. *The Problem of Punishment*. 1 edition. Cambridge; New York: Cambridge University Press, 2008.

- Bozóki, András, and Miklós Sükösd. *Anarchism in Hungary: Theory, History, Legacies*. Translated by Alan Renwick. Budapest: Center for Hungarian Studies and Publications, Inc., 2005.
- Brobjer, Thomas H. “A Possible Solution to the Stirner-Nietzsche Question.” *Journal of Nietzsche Studies*, no. 25 (2003): 109–14.
- Brubaker et al., Bob. “The Origins of Primitivism (1977–1988).” *The Anarchist Library*, 2010.
<http://theanarchistlibrary.org/library/various-authors-the-origins-of-primitivism-1977-1988.pdf>.
- Carus, Paul. “Max Stirner, The Predecessor of Nietzsche.” *The Monist* 21, no. 3 (1911): 376–97.
- Casey, Gerard. *Libertarian Anarchy: Against the State*. Continuum, 2012.
- Chartier, Gary. *Anarchy and Legal Order: Law and Politics for a Stateless Society*. Cambridge U.K.; New York: Cambridge University Press, 2013.
- Chomsky, Noam. Letter to Ilkin Huseynli. “Wrongdoers in an Anarchist Society,” November 7, 2015.
<https://mail.google.com/mail/u/0/#inbox/150df1a19bab1fa3>.
- Clastres, Pierre. *Society Against the State: Essays in Political Anthropology*. Translated by Robert Hurley and Abe Stein. New York: Zone Books, 1989.
- Eckhoff, Torstein. “The Mediator, the Judge and the Administrator in Conflict-Resolution.” *Acta Sociologica* 10, no. 1/2 (1966): 148–72.
- Eltzbacher, Paul. *Anarchism*. Translated by Steven T. Byington. New York: Benjamin Tucker, 1908.
<https://archive.org/stream/anarchism00eltzrich#page/n3/mode/2up>.
- Ferguson, E. Kathy. “Why Anarchists Need Stirner.” In *Max Stirner*, edited by Saul Newman, 2011 edition., 167–88. Houndmills, Basingstoke, Hampshire; New York: Palgrave Macmillan, 2011.
- Friedman, David. *The Machinery of Freedom: Guide to Radical Capitalism*. 2nd ed. Open Court, 1989. [http://davidfriedman.com/The Machinery of Freedom .pdf](http://davidfriedman.com/The_Machinery_of_Freedom_.pdf).

Glassford, John. “Did Friedrich Nietzsche (1844-1900) Plagiarise from Max Stirner (1806—56)?”

Journal of Nietzsche Studies, no. 18 (1999): 73–79.

Godwin, William. *An Enquiry Concerning Political Justice and Its Influence on General Virtue and Happiness*. Vol. 1. 2 vols. London: London: G.G.J. and J. Robinson, 1793. http://lf-oll.s3.amazonaws.com/titles/90/0164-01_Bk.pdf.

———. *An Enquiry Concerning Political Justice and Its Influence on General Virtue and Happiness*. Vol. 2. 2 vols. London: London: G.G.J. and J. Robinson, 1793. http://lf-oll.s3.amazonaws.com/titles/236/0164-02_Bk.pdf.

———. “Of Law (1797).” In *Anarchism: A Documentary History of Libertarian Ideas*, 1:171–73. Montreal: Black Rose Books, 2004.

Golash, Deirdre. *The Case Against Punishment: Retribution, Crime Prevention, and the Law*. New Edition. New York: NYU Press, 2006.

Graeber, David. *Fragments of an Anarchist Anthropology*. Chicago: Prickly Paradigm Press, 2004.

———. *Possibilities: Essays on Hierarchy, Rebellion, and Desire*. Oakland, CA: AK Press, 2007.

Graham, Robert, ed. *Anarchism: A Documentary History of Libertarian Ideas*. Vol. 1. Montreal: Black Rose Books, 2004.

Guerin, Daniel. *Anarchism: From Theory to Practice*. New York: New York University Press, 1970.

<https://theanarchistlibrary.org/library/daniel-guerin-anarchism-from-theory-to-practice.a4.pdf>.

Harari, Yuval Noah. *Sapiens: A Brief History of Humankind*. Cloth edition. Random House of Canada Limited and Penguin Random House Company, 2014.

Harbold, William H. “Justice in the Thought of Pierre-Joseph Proudhon.” *The Western Political Quarterly*, 1969b.

- . “On Alan Ritter’s ‘The Anarchist Justification of Punishment.’” *Political Theory* 4, no. 2 (1976): 237–38.
- . “Progressive Humanity: In the Philosophy of P. - J. Proudhon.” *The Review of Politics* 31, no. 1 (1969a): 28–47.
- Hartley, Roger E. *Alternative Dispute Resolution in Civil Justice Systems*. New York: LFB Scholarly Publishing LLC, 2002.
- Holcombe, Randall G. “Government: Unnecessary but Inevitable.” *Independent Review* 8, no. 3 (Winter 2004): 325–42.
- Huemer, M. *The Problem of Political Authority: An Examination of the Right to Coerce and the Duty to Obey*. Houndmills, Basingstoke, Hampshire; New York: Palgrave Macmillan, 2013.
- Jennings, Jeremy. “Anarchism: The Problem of Definition.” In *Contemporary Political Ideologies*, edited by Anthony Wright and Roger Eatwell, 2nd ed., 127–46. London, England: Continuum-3PL, 1999.
- Johnson, Oliver A. “Retributive Punishment and Humbling the Will.” *The Journal of Value Inquiry* 19, no. 2 (June 1985): 155–61. doi:10.1007/BF00151427.
- Kardam, Filiz, Zeynep Alpar, I. Yuksel, and E. Ergun. “The Dynamics of Honor Killings in Turkey: Prospects for Action.” 2005. <http://www.ponline.org/node/267107>.
- Koch, Andrew M. “Poststructuralism and the Epistemological Basis of Anarchism.” *Philosophy of the Social Sciences* 23, no. 3 (1993): 327–51.
- Kropotkin, Peter. *Ethics: Origin and Development*. London, Calcutta, and Sydney: 1924George G. Harrap and Co., LTD., 1924. <https://theanarchistlibrary.org/library/petr-kropotkin-ethics-origin-and-development.pdf>.

- . *In Russian and French Prisons*. London: Ward and Downey, 1887.
<https://archive.org/stream/inrussianfrenchp00kropuoft#page/n3/mode/2up>.
- . *Kropotkin's Revolutionary Pamphlets: A Collection of Writings by Peter Kropotkin*. Edited by Roger Baldwin. New York: Vangaurd Press, Inc., 1927.
- . *Mutual Aid: A Factor of Evolution*. First Canadian Edition. Quebec: Black Rose Books, 1989.
- . *The Conquest of Bread and Other Writings*. 1st ed. New York and London: G.P. Putnam's Son, 1907. http://www.leedugatkin.com/files/3514/0603/7672/The_Conquest_of_Bread.pdf.
- Macdonald, Charles JH. "The Anthropology of Anarchy." *Unpublished Paper no35 Princeton: IAS School of Social Science*, no. 35 (February 2009). <https://sss.ias.edu/files/papers/paper35.pdf>.
- Malatesta, Errico. "Anarchy." *The Anarchist Library*, 1891.
<https://theanarchistlibrary.org/library/errico-malatesta-anarchy.pdf>.
- . *Malatesta: His Life and Ideas*. Edited by Vernon Richards. London: Freedom Press, 1965.
- Marshall, Peter. *Demanding the Impossible: A History of Anarchism*. London: HarperCollinsPublishers, 2008.
- Meltzer, Albert. *Anarchism: Arguments For and Against*. Edinburgh, Scotland; San Francisco: AK Press, 2001.
- Newman, S., ed. *Introduction: Re-Encountering Stirner's Ghosts*. 2011 edition. Houndmills, Basingstoke, Hampshire; New York: Palgrave Macmillan, 2011.
- Newman, Saul. *From Bakunin to Lacan: Anti-Authoritarianism and the Dislocation of Power*. Lanham: Lexington Books, 2001. http://vk.com/doc-10416686_132382990?dl=06d404626569d01022.

- . “Introduction: Re-Encountering Stirner’s Ghosts.” In *Max Stirner*, edited by S. Newman, 2011 edition., 1–18. Houndmills, Basingstoke, Hampshire; New York: Palgrave Macmillan, 2011.
- Nozick, Robert. *Anarchy, State, and Utopia*. Cornwall, UK: Basic Books, 1974.
- https://joseywales1965.files.wordpress.com/2014/09/0001_anarchy_state_and_utopia.pdf.
- Otterbein, Keith F., and Charlotte Swanson Otterbein. “An Eye for an Eye, a Tooth for a Tooth: A Cross-Cultural Study of Feuding.” *American Anthropologist* 67, no. 6 (1965): 1470–82.
- Paterson, Robert K. *Nihilistic Egoist: Max Stirner*. First Edition edition. London; New York: Oxford University Press, 1971.
- Pearson, Jessica. “An Evaluation of Alternatives to Court Adjudication.” *The Justice System Journal* 7, no. 3 (1982): 420–44.
- Peterson, A. Steven. “Moral Development and Critiques of Anarchism.” *The Journal of Libertarian Studies* 8, no. 2 (Summer 1987): 237–45.
- Pitt-Rivers, Julian. “Honour and Social Status.” In *Honour and Shame: The Values of Mediterranean Society*, edited by J. G. Peristiany, 19–77. Chicago u.a.: University of Chicago Press, 1966.
- Price, Wayne. “What Is Anarchist Communism?” *The Anarchist Library*, 2008.
- <https://theanarchistlibrary.org/library/wayne-price-what-is-anarchist-communism>.
- Proudhon, Pierre-Joseph. *Principles of Federation*. Translated by Richard Vernon. Toronto, Buffalo, London: University of Toronto Press, 1979.
- . *The General Idea Of The Revolution In The Nineteenth Century*. Translated by John Beverley Robinson. New York: Haskell House Publishers LTD., 1969.
- . *What Is Property?* Edited by R. Donald Kelley and G. Bonnie Smith. Cambridge Texts In The History Of Political Thought. Cambridge: Cambridge University Press, 1994.

- Ritter, Alan. *Anarchism: A Theoretical Analysis*. London, New York, New Rochelle, Melbourne, Sydney: Cambridge University Press, 1980.
- . “Godwin, Proudhon and the Anarchist Justification of Punishment.” *Political Theory* 3, no. 1 (1975): 69–87.
- Rothbard, Murray. “Police, Law, and the Courts.” In *Anarchy and the Law: The Political Economy of Choice*, edited by Edward Peter Stringham, 18–39. New Brunswick: Transaction Publishers/Independent Institute, 2007.
- . *The Ethics of Liberty*. New York and London: New York University Press, 1998.
- [http://anarcho-capitalist.org/wp-content/pdfs/Rothbard%20\(Murray\)%20-%20The%20Ethics%20of%20Liberty.pdf](http://anarcho-capitalist.org/wp-content/pdfs/Rothbard%20(Murray)%20-%20The%20Ethics%20of%20Liberty.pdf).
- Sahlins, Marshall. *Stone Age Economics*. Chicago and New York: Aldine Transaction, INC., 1972.
- Sargent, Lyman Tower, ed. *Contemporary Political Ideologies: A Reader*. 14th ed. Wadsworth, Belmont, USA: Cengage Learning, 2009.
- Stephenson, Wendell. “Fingarette and Johnson on Retributive Punishment.” *The Journal of Value Inquiry* 24, no. 3 (July 1990): 227–33. doi:10.1007/BF00149435.
- Stirner, Max. *The Ego and His Own*. Edited by David Leopold. Translated by Steven T. Byington. Cambridge: Cambridge University Press, 1995.
- Suissa, Judith. *Anarchism and Education: A Philosophical Perspective*. 2nd ed. Oakland, CA: PM Press, 2010.
- Tannehil, Morris, and Linda Tannehil. *The Market for Liberty*. Auburn, Alabama: The Ludwig von Mises Institute, 1970.
- Taylor, Michael. *Community, Anarchy and Liberty*. Cambridge Cambridgeshire; New York: Cambridge University Press, 1982.

- Ten, Chin Liew. *Crime, Guilt, and Punishment: A Philosophical Introduction*. Oxford: Clarendon Press, 1987.
- Thomas, Paul. “Max Stirner and Karl Marx: An Overlooked Contretemps.” In *Max Stirner*, edited by Saul Newman, 2011 edition., 113–42. Houndmills, Basingstoke, Hampshire; New York: Palgrave Macmillan, 2011.
- Tucker, Benjamin. *Instead Of A Book, By A Man Too Busy To Write One*. 2nd ed., 1897. <http://fair-use.org/benjamin-tucker/instead-of-a-book/socialism-what-it-is>.
- Waller, Altina L. *Feud: Hatfields, McCoys, and Social Change in Appalachia, 1860-1900*. 1st edition. Chapel Hill, North Carolina: The University of North Carolina Press, 1988.
- Watson, David. “Swamp Fever, Primitivism & the ‘Ideological Vortex’: Farewell to All That.” *The Anarchist Library*, 1997. <http://theanarchistlibrary.org/library/david-watson-swamp-fever-primitivism-the-ideological-vortex-farewell-to-all-that>.
- Welsh, John F. *Max Stirner’s Dialectical Egoism: A New Interpretation*. Lanham, Md.: Lexington Books, 2010.
- Wilson, Stephen. *Feuding, Conflict and Banditry in Nineteenth-Century Corsica*. Cambridge University Press, 2003.
- Woodcock, George. *Anarchism: A History of Libertarian Ideas and Movements*. Cleveland and New York: The World Publishing Company, 1962.
- . *Pierre-Joseph Proudhon: A Biography*. Quebec: Black Rose Books, 1987.
- Wright, Martin. *Justice for Victims and Offenders: A Restorative Response to Crime*. 2 edition. Winchester: Waterside Press, 1996.
- Zerzan, John, ed. *Against Civilization: Readings and Reflections*. Enlarged edition. Los Angeles, CA: Feral House, 2005.

———. *Future Primitive Revisited*. Enlarged. New York: Feral House, 2012.

———. “What Is Anarchism?,” 2010. <http://www.primitivism.com/what-is-anarchism.htm>.