Bob Black
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of anarchy will deal with the common enemy, feeling a sense of solidarity, just like Durkheim said!

What Bacon called wild justice is better than no justice at all. I like my justice to be a little wild. For all its drawbacks, taking the law into your own hands can be a source of satisfaction, even exhilaration, that you just can't get by working through the system. I earlier insisted, and I still do, that vengeance isn't just a reflexive, emotional lashing-out. But neither is vengeance just the result of a cold cost-benefit analysis. It has an emotional dimension, and why not? It's expressive as well as instrumental. Vengeance can be empowering. Along with the justice of vengeance, there's the *joy* of vengeance. And isn't anarchism the only politics of joy?

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self-acting, individually or collectively, for self-protection have been underrated. People are already operating, usually apart from the law, and often against the law, in various ways to resolve their conflicts. This is what we should try to convince people of. They should be informed that "anarchy is found in all societies to some degree."[65] And that there would be effective ways in anarchist society to deal with the disputes, which may always be with us, which arise in everyday life, and also — more severely — ways to deal with chronic predators or people who just have no self-control.

I am not convinced that there so many chronic troublemakers, even now, that enough of them couldn't be convinced, cured, or contained; or shamed and shunned; or run out of town; or as a last resort — and I accept this, as all primitive stateless societies have apparently accepted it — even *killed*, rather than compromise the anarchism that everybody else wants to live, or try to live, if everybody else ever wants to live this way, or at least to go along with those of us who do. Indiscriminate tolerance did in the Flower Children. If the choice is between Hannibal Lechter and anarchy, I prefer anarchy minus Hannibal Lechter.

But, this issue is more silly than serious. One of the greatest ironies of state society is that the state is much worse at protecting us than it is at preventing us from protecting ourselves.[66] As Francis Bacon put it, where you had one enemy, now you have two. And the state is best of all at protecting the state. Under anarchy, there will be only one enemy, and you, and your friends, and the friends

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65 Black, *Behavior of Law,* 124.

66 "It has often been said that the State is as intrusive as it is impotent. It makes a sickly attempt to extend itself over all sorts of things which do not belong to it, or which it grasps only by doing them violence. Thence the expenditure of energy with which the State is reproached and which is truly out of proportion to the results obtained. On the other hand, individuals are no longer subject to any other collective control but the State's, since it is the sole organized collectivity . . . While the State becomes inflated and hypertrophied in order to obtain a firm enough grip upon individuals, but without succeeding, the latter, without mutual relationships, tumble over one another like so many liquid molecules, encountering no central energy to retain, fix and organize them." Emile Durkheim, *Suicide: A Study in Sociology*, ed. George Simpson, tr. John A. Spaulding & George Simpson (New York: The Free Press, 1951), 389.

We need to confront the popular fear of anarchism head-on, and use every honest argument to dispel it. Most of the traditional anarchist answers still have some validity — although they need to be critically revised and modernized. But these answers have obviously failed to convince more than a few people — as, indeed, all our arguments have failed to convince more than a few people.

The supposed protections of the law are overrated, and anarchists have overlooked some of the evidence of this.[63] The predatory predilections of some people are exaggerated by the law-and-order establishment and their academic camp followers, although, we shouldn't pretend that there aren't some bad guys, or that they will all respond well to love and therapy.[64] The capacities of people

[63] For example, one of the rare examples of experimental research in criminology is reported in George L. Kelling, Tony Pate, Duane Dieckman, & Charles E. Brown, *The Kansas City Preventive Patrol Experiment: A Summary Report* (Washington, DC: The Police Foundation, 1974), available at www.policefoundation.org. Preventive police patrol — that is, police driving around looking for trouble, or pretending to — was systematically discontinued, without notice to the public, in one neighborhood after another. (The police still answered service calls, as the fire department does.) The withdrawal of preventive police patrol protection had no effect on reported crime rates. It had no effect on citizen perceptions of their safety. Police patrol is thus useless for crime control. Needless to say, no police department has, on the basis of this discovery, discontinued driving-around patrol (with stops for doughnuts). See also Herbert Jacob, *The Frustration of Policy: Police Responses to Crime by American Cities* (Boston, MA: Little, Brown & Co., 1984).

[64] I recall the experience of a friend of mine, "Zack Replica" (a pseudonym), my collaborator in Dial-a-Rumor (see Bob Black, "Tales from Dial-a-Rumor," *Friendly Fire* [Brooklyn, NY: Autonomedia, 1992], 71–89). Zack, who is handicapped, lived in Berkeley, California at the same time I did. Zack had been rather sympathetic to the arguments of libertarian psychiatrist Thomas S. Szasz in *The Myth of Mental Illness: Foundations of a Theory of Personal Conduct* (New York: Harper & Row, 1961). But one has to have doubts about a psychiatrist whose wife committed suicide. Zack had a belligerent upstairs neighbor (I forget his name), a paranoid schizophrenic who was threatening Zack with violence for no reason. It takes a big bad brave man to threaten somebody in a wheelchair. Zack concluded, if Thomas Szasz thinks mental illness is a myth, he should meet my upstairs neighbor!
Along with a mutual friend, "Cal Crusher," I harassed the neighbor with threatening letters from an imaginary lawyer. This was, in practice, what anarcho-leftists, in theory, call solidarity, direct action, and mutual aid — but which, in practice, they don't practice. We practiced direct action *and* mutual aid. How many of my anarchist enemies can say the same? If I recall, the persecutor committed suicide.

Introduction

We've all heard the phrase "law and order" — as if they go together. The slogan assumes that law promotes order, and that crime subverts order. "Anarchists believe the phrase law *and* order is one of the great deceptions of our age."[1] I'm going to discuss just one of the reasons why this slogan is a lie. One reason is that law itself may create or perpetuate disorder. This is a familiar anarchist theme[2] which I will not go into here. Another reason, which is not familiar, is that often *crime* promotes order. Crime can be a source of order — especially where the law isn't — and this is surprisingly common. If crime is ever a source of social order, it can only be an anarchist source of social order. This will be my thesis here.

Until recently, social scientists only noticed one way that crime promotes order. As Émile Durkheim put it, "Crime brings together upright consciences and concentrates them."[3] The community comes together against the common enemy: the criminal. But recently

[1] "Introduction by Howard Zinn: The Art of Revolution," in Herbert Read, *Anarchy & Order: Essays in Politics* (Boston: Beacon Press, 1971), xv. "Law *and* order is the historical illusion; law versus order is the historical reality." Stanley Diamond, "The Rule of Law versus the Order of Custom," *The Rule of Law,* ed. Robert Paul Wolff (New York: Touchstone Books, 1971), 140; see also Edgar Z. Friedenberg, "The Side Effects of the Legal Process," ibid., 45.

[2] See, *e.g.*, "Law and Authority," *Kropotkin's Revolutionary Pamphlets,* ed. Roger N. Baldwin (New York: Dover Books, 1970), 216–17 & *passim.* In the timeless words of Chicago Mayor Richard Daley: "The police are not here to create disorder; they're here to maintain disorder." Quoted in Gertrude Block, "Language Tips," *New York State Bar Ass'n Journal* 83(5) (June 2011), 57.

[3] Émile Durkheim, *The Division of Labor in Society*, tr. George Simpson (New York: Macmillan, 1933), 102. "Crime has the useful function of maintaining these [collective] sentiments at the same degree of intensity, for they would soon diminish if offenses against them were not punished." Émile Durkheim, *The Rules of Sociological Method*, ed. George E.G. Catlin, tr. Sarah A. Solovay & John Mueller (8th ed.; New York: The Free Press of Glencoe, 1964), 96. A similar view has been attributed to Georg Simmel by Lewis Coser, *The Functions of Social Conflict* (New York: The Free Press, 1956), 127; see Georg Simmel, *Sociology: Inquiries into the Construction of Social Forms,* tr. & ed. Anthony J. Blasi, Anton K. Jacobs & Mathew Kanjirathinkal (Leiden, Netherlands & Boston, MA: Brill, 2009), 1: 29 (referring to "the importance of a common opponent for the inner cohesion of a group") & 1: 279 ff.

another sociologist, Donald Black (no relation) has argued that some crime is really self-help social control. You can fight crime with crime. You can also use crime to deal with harmful acts which aren't crimes. This is a lot more common than you might think.

The Sources of Social Order

We already live in a mostly anarchist society, in the sense that the state plays a relatively minor role in controlling antisocial behavior. This is a classic anarchist argument,[4] but I think that the anarchists haven't made as much of it as they could. Donald Black writes that "the more we study law, indeed, the more we realize how little people actually use it to handle their conflicts . . ."[5]

It isn't because of the fear of punishment that most people don't kill, or steal, or use heroin, or run red lights. It's usually for other reasons. They may just not go in for those things. They may be influenced or inhibited by education, or by moral values, or by force of habit. Most importantly,[6] they may be responsive to what other people think of them.

[4] See, *e.g.*, Alexander Berkman, *What Is Communist Anarchism?* (New York: Dover Publications, 1972), 186; Rudolf Rocker, *Anarcho-Syndicalism* (London: Pluto Press, 1989), 19.

[5] "Social Control as a Dependent Variable," in *Towards a General Theory of Social Control,* ed. Donald Black (2 vols.; Orlando, FL: Academic Press, 1984), 1: 3. My argument owes a great deal to Donald Black, "Crime as Social Control," in *Towards a General Theory of Social Control,* 2: 1–27.

Half of all crimes are not even reported to the police. James F. Anderson & Laronistine Dyson, *Criminological Theories: Understanding Crime in America* (Lanham, MD: University Press of America, 2002), 37. This statistic refers to the seven "index" crimes — all felony "street" crimes — in the Uniform Crime Reports compiled by the FBI. According to the National Crime Survey (based on self-reports), in 1982 (the annual variation is slight), 39% of aggravated assaults, 42% of robberies, 45% of rapes, and 49% of burglaries were not reported to the police. Michael R. Gottfredson & Travis Hirschi, *A General Theory of Crime* (Stanford, CA: Stanford University Press, 1990), 19. No government agency regularly compiles data on corporate or white-collar crimes, which are almost never reported to law enforcement agencies. No one compiles statistics on misdemeanors even if they are reported.

[6] "Not the fear of legal penalties, but the fear of loss of status in the group is the effective deterrent . . . Regardless of the official methods of dealing with criminals

He believed their danger to be, as I do, greatly exaggerated. But (he goes on to say) "delinquency" will "certainly not disappear following a revolution, however radical and thoroughgoing it may turn out to be." Therefore: "It is worthwhile and indeed necessary that anarchists should consider the problem in greater detail than they normally do, not only the better to deal with a popular 'objection' but in order not to expose themselves to unpleasant surprises and dangerous contradictions."[61] Sage advice: but anarchists have usually slighted the matter.[62]

[61] "Crime and Punishment," *Malatesta: His Life & Ideas*, comp. & ed. Vernon Richards (London: Freedom Press, 1977), 105. For an example, an anarchist, "Scott W.," who recently, in "The [sic] Anarchist Response to Crime," laid out a post-revolutionary anarchist crime-control scenario — complete with police (renamed "militias," assisted by "forensic collectives" and "detective collectives") and prisons, and he explained that we will need a few generations to eradicate crime. Then it will wither away, perhaps. The term "collective" is apparently unlimitedly elastic, inclusive, and approving, if even detectives and crime lab technicians are okay, so long as they are organized into collectives. Scott's essay, and my rejoinder, "An Anarchist Response to 'The Anarchist Response to Crime,'" are available online at The Anarchist Library.

[62] The problem of "delinquency . . . has not occupied a great space in anarchist theory, Peter Kropotkin brushing it aside contemptuously. In a free society there will be no crime." Stuart Christie, "Publisher's Foreward" to Larry Tifft & Dennis Sullivan, *The Struggle to Be Human: Crime, Criminology, and Anarchism* (Sanday, Orkney, Scotland: Cienfuegos Press, 1980), xiii. Christie was right, but unfortunately, the Tifft and Sullivan book adds nothing to an anarchist theory of crime. It is mostly just liberal humanist moralistic whining and whimpering to the effect that the state is the *real* criminal. That, besides being self-contradictory nonsense (crime is defined by law, which is produced and selectively enforced by the state), legitimizes the concept of crime, which presupposes law, which presupposes the state. A better, and better written, and briefer version of a related argument is in Alex Comfort, *Authority and Delinquency in the Modern State: A Criminological Approach to the Problem of Power* (London; Routledge and Kegan Paul Ltd., 1950). Dr. Comfort (yes, he's the author of *The Joy of Sex*) argues that where there exists a state, predators and psychopaths are likely to staff it in disproportionate numbers. Not only does power corrupt, power attracts the already corrupt. That's fine — as far as it goes. If AK Press or PM Press had even a slight interest in reprinting genuine anarchist classics, they should reprint this one. But, since they don't, they won't.

But, who are the real criminals? *Criminals* are the real criminals. Am I being simple? Sure. Better to be simply right than simply wrong.

informed can minimize the importance of any of them, with the possible exception of the enforcement of the criminal law.

Conclusion

My argument is just this: that, in a statist, law-ridden society like ours, social order isn't only, or even mainly, imposed by law. It has other supports. The one I've singled out is crime, for two reasons: (1) because it's been largely overlooked, and (2) because it's a genuinely anarchist source of order which is of some importance.

I think that this argument should be added to the existing arguments why anarchy doesn't mean chaos. It's consistent with the other arguments. It is anticipated by Kropotkin's classic argument that collective self-help, "mutual aid," is a major source of social order even in state societies,[60] although Kropotkin made little if any reference to mutual aid as a means of dispute resolution. Anarchists also argue that in a cooperative, egalitarian society, there would be much less crime (and virtually no property crime). What's left would be handled, whenever possible, in a less punitive and more conciliatory manner.

In an anarchist society, a conflict isn't wrenched out of its interpersonal context — if it has one — as, we suppose, in a decentralized anarchist society, it usually will. There doesn't have to be a judgment of guilt or innocence. Anarchist methods work best where the law is at its worst, where the conflict or grievance involves a dispute, not impersonal unilateral aggression, and arises out of a prior relationship. The evidence of anthropology supports those arguments. It supports my argument.

The popular fear of anarchism above all consists of the fear that, without military and police protection, people would be helpless against violent predation. Errico Malatesta saw this, as he saw many things, clearly: every anarchist "is familiar with the key objections: who will keep criminals in check?"

[60] Peter Kropotkin, *Mutual Aid: A Factor of Evolution*, ed. Paul Avrich (New York: New York University Press, 1972), esp. chs. 7–8.

No doubt law imposes some order, for better or for worse. But in addition to social order enforced by law, there's a much larger amount of social order brought about apart from the law. And that includes order brought about *against* the law.

In Max Weber's famous definition, the state "is a human community that (successfully) claims the *monopoly of the legitimate use of force* within a given territory."[7] He did well to place "successfully" in parentheses, and to speak of a mere "claim." No state has ever succeeded in monopolizing the use of force. Few if any states have even tried to. There is some degree of anarchy in every society.[8]

Still less has the state (any state) ever succeeded in monopolizing the "legitimate" use of force either, if this means that those subject to the power of the state, consciously accept its power — not only that they accept it as a brute fact, but that they accept it as right. Usually, all that we have evidence of is that most people, most of the time, acquiesce in, they are resigned to, the power of the state, which is not necessarily the same as endorsing the state or its legitimacy or its justice. Much criminal violence is seen by its perpetrators — reasonably or not — as legitimate social control.[9] They think that

we shall retain this method of control by group pressure." Edwin H. Sutherland, *Principles of Criminology* (New York: Lippincott, 1947), 374.

[7] "Politics as a Vocation," *From Max Weber: Essays in Sociology*, ed. & tr. Hans Gerth & C. Wright Mills (New York: Oxford University Press, 1958), 78 (emphasis in the original).

[8] Donald Black, *The Behavior of Law* (New York: Academic Press, 1976), 124.

[9] Black, "Crime as Social Control," 2: 13. My argument does not depend upon the assumption that those who inflict unilateral violence on others, thinking that they are justified, are justified by moral standards prevailing in other sectors of society, or even in their own. For most of my readers it may be almost unthinkable, for example, that wife-beaters can think that they're justified, but usually they do think so. Looking back on American history, there was vigilante justice, which was enforced by self-appointed groups (usually, of the better sort of people) where law enforcement was considered to be corrupt or ineffectual. It's difficult to judge, today, how fair that justice was, if by fairness is meant, convicting and punishing the guilty. Then there was lynch law in the South, which, so far as we know, was, in that sense, almost never fair — but then it was always carried out with the connivance of local law enforcement. I would be the last person to say that social control is always a good thing. I am only saying that it happens, and not only from state action. We no longer have vigilantes or lynch mobs. Self-help criminal social control is

their violence is legitimate, too.

Law and Anarchy

Donald Black's definition of law is simply that law is governmental social control.[10]

All other social control is nongovernmental social control and is therefore, by definition, anarchist.[11] Black has also formulated some propositions about law, including this one: The more law, the less nonlegal social control, and vice versa.[12] Thus "Crimes of self-help are more likely where law is less available."[13] When there is no law, and there is only nonlegal social control, that's anarchy. And Black doesn't hesitate to call it that. He is familiar with, and draws upon the historical and ethnographic evidence of viable primitive anarchist societies. And he even anticipates a gradual evolution toward a possible future anarchy — on the other side of modern state society.[14]

You might not be comfortable with the term "social control." Black's definition is that it refers to "any process by which people define and respond to deviant behavior."[15] You might not like the word "deviant" either, since you may suspect that you are one. You might say it another way, but Black is only saying that when some people do things that other people don't like, the other people may do something about it, or at least react in some way. That's inevitable. You

now almost always individual. In anarchist jargon, it is still "direct action," but it's usually not "mutual aid."

10 Black, *Behavior of Law,* 2

11 Black, "Social Control as a Dependent Variable," 1: 2

12 "Law varies inversely with other social control." Black, *Behavior of Law,* 107.

13 Black, "Crime as Social Control," 2: 17.

14 Black, *Behavior of Law*, 123–137.

15 Black, "Social Control as a Dependent Variable," 1: n. 1, 5. But "Deviant behavior is conduct that is subject to social control . . ."! Black, *Behavior of Law,* 9. This apparent circularity need not distract us from the main point that extralegal conduct, including crime, has some of the social effects claimed for law. Criminologists ask: Why do people commit crimes? Black asks: "Why do people commit social control?" Black, "Social Control as an Independent Variable," 1: 14.

by the law, but nobody else is going to deal with their grievances. That's why there's so much criminal self-help. It is, for some, a felt Necessity.

Which Is Better?

In a law-ridden state society such as ours, neither law nor crime is always the best way to deal with disputes. Deriving as they both do from the state, law and crime compete to be the lesser evil. There isn't any general answer. It all depends on the nature of the dispute, the social status of the disputants, what the law actually is, the availability or unavailability of third parties such as mediators or arbitrators or judges, and the facts of the case.[59] Nobody has even tried to measure to what extent social order in this society depends on law enforcement, or on crime, or on activity which is neither law enforcement nor crime, or on other influences. That's impossible. Nobody could quantify these factors. But nobody who is well-

59 Black, "Social Control as a Dependent Variable," 2: 7–8. I have not discussed here the third factor — the forms of dispute processing as such (conciliation, negotiation, mediation, arbitration, adjudication, etc.) as they have been classified by, *e.g.,* Nader & Todd, "Introduction," 9–11; Frank E.A. Sander, "Varieties of Dispute Processing," in Tomasic & Feeley, eds., *Neighborhood Justice,* 26–29. Amusingly, Sander dismisses several evidently less respectable mechanisms, including self-help, as "not of central concern here because of their limited utility or acceptability," ibid., 29 — although a community study in the same volume found a primary reliance on self-help, Suzann R. Thomas-Buckle & Leonard G. Buckle, "Doing onto Others: Disputes and Dispute Processing in an Urban American Neighborhood," ibid., 79–80. With respect to American criminal prosecutions, only adjudication matters — the attempts to insert the other disputing procedures into the legal system have been few and far between and usually "court-annexed," *i.e.,* they are just ways for prosecutors (who must approve these referrals) to unload some of what they call garbage cases. On the rise and rapid fall of these failed reforms, see Roman Tomasic, "Mediation as an Alternative to Adjudication: Rhetoric and Reality in the Neighborhood Justice Movement," in *Neighborhood Justice,* 215–48. Bail reform, pretrial diversion, sentencing reform, and speedy trial rules are among other failed reforms. Malcolm M. Feeley, *Court Reform on Trial: When Simple Solutions Fail* (New York: Basic Books, 1983), chs. 2–5.

end, as defendants — these include accused criminals, tenants, and debtors.[56]

The system is biased in favor of the higher status person, whether criminal or victim, as against the lower status person, whether criminal or victim. It's biased against lower status people generally, when they have disputes, which aren't taken seriously, especially if these people aren't white.

Even the state's law recognizes what is called the Rule of Necessity: even if a judge is biased, he must decide the case before him if no other judge has jurisdiction.[57] In other words: better law without due process than no law at all. Of course, the Necessity doesn't alleviate the unfairness. In the leading American case announcing the Rule of Necessity, Chancellor James Kent of New York had to decide a case — because nobody else was authorized to — to which his brother-in-law was a party.[58] Guess who won? If my arguments have any merit, there are many people who face a similar choice. *Of course* they're biased, they are victims of crime, or of abuses ignored

[56] Marc Galanter, "How the 'Haves' Come Out Ahead: Speculations on the Limits of Legal Change," 9 Law & Soc'y Rev. (1974): 95–151, abridged reprint in Abel, ed., *Law & Society Reader*. I might have based my argument, to a considerable degree, on Galanter rather than Black, but there wasn't time and space to do justice to both. Their approaches are very different, but their conclusions are similar. Both, for instance, emphasize the advantage organizations have over individuals. Galanter, unlike Black, takes institutional legal processes seriously, and in that respect I think he has a stronger argument. But then Galanter and I are lawyers and Black is not.

[57] United States v. Will, 449 U.S. 200, 213–15 (1980). The Rule goes back to a case in medieval England where the judge himself was the plaintiff. Y.B. Hil., 8 Hen. VI, f. 19, pl. 6 (1430).

[58] Moers v. White, 6 Johns. Cas. 360 (N.Y. Ch. 1822). The ultra-conservative Kent was nationally renowned not only for his equity jurisprudence but for his influential treatises on constitutional law and other subjects. At the New York State Library in Albany, I came across a small collection of Kent's letters. In 1845, at age 82, Kent voted in a New York City election. He found the experience so repugnant that he vowed never to vote again. Elections, he wrote, "are all a farce & we are cheated out of our rights by knavery & violence. I feel degraded to go to the Poll and put in a Ballot amidst Vagabonds [mostly Irish] any one of whom destroys my vote. I consider Democracy a humbug & at the late City Election for Mayor I did not go to the Poll." Letter to Ambrose Spencer, A.L.S., April 14, 1845, James Kent Collection, 1785–1845, New York State Library. Kent was of course correct about democracy. Bob Black, *Debunking Democracy* (Berkeley, CA: CAL Press, 2011).

can abolish law, but you can't abolish consequences. Since society itself is interpersonal interaction when it assumes definite forms,[16] it is implicitly limiting, as an extreme anarchist individualist such as Renzo Novatore seems to have seen, and deplored.[17]

Some anarchists, such as Tolstoy, have advocated nonresistance; but none, to my knowledge, has advocated nonreaction. Even going limp is a reaction. Even turning the other cheek is a reaction. They are attempts to shame the victimizers or to win over public opinion: they are power ploys. Social control is not necessarily coercion. It may just be influence.[18] Certain people may have to be beaten into polite behavior, but for others, persuading, mocking, shaming or shunning suffices. There's no reason why an anarchist society can't reduce overall social control as it eliminates legal social control entirely.[19] What's more, nongovernmental social control is less punitive than law. It tends instead to be conciliatory, compensatory or therapeutic.[20]

Crime and Prior Relationships

The police aren't always ineffectual. They often catch criminals in such cases as bank robbery, counterfeiting, and threatening the President. But it's possible to identify areas where they are least effective. One of them is where the victim and the criminal have some sort of current or prior relationship.

Most so-called street crime isn't committed by strangers. It's committed by family, friends and neighbors. The typical rape isn't a woman being dragged by the hair into an alley by some lust-crazed

[16] Simmel, *Sociology*, 1: 23.

[17] Renzo Novatore, *Toward the Creative Nothing* (n.p.: Venomous Butterfly, 2000) (not paginated).

[18] Black, "Social Control as a Dependent Variable," 1: 5

[19] Black denies the argument of some of his critics (a criticism which also occurred to me) that his theory implies that there is a fixed level or quantity of social control in all societies. Black, "Social Control as a Dependent Variable," 1: 15 n. 20. Surely there are, or have been, societies with less social control than, say, North Korea.

[20] Black, "Social Control as a Dependent Variable," 1: 8–12.

brute of a man. The typical rape is date rape. By now that shouldn't surprise anybody. But some other research findings probably will surprise you.

But before I report them, I want to give you an example to think about. A loans his bicycle to his friend B. B originally meant to return it, but he never did. A finally goes over to B's apartment and, finding the door closed but not locked, walks in. He retrieves his bike. B tries to stop him but A pushes him away. Some people would say that A was justified. Others would say that A had a legitimate grievance but went too far. Few people would consider this to be a highly serious incident.

But to the law, A appears to have committed two major felonies: burglary (because of what is, technically, a break-in at a dwelling) and robbery (because he used force in retaking the bike). It's legally irrelevant that it was A who owned the bike.[21] And a final point of interest: B committed *no crime* in failing to return the bike. A complaint to the police by A would be futile. From a technical legal viewpoint, B is blameless, as far as the criminal law is concerned, but A could in theory get many years in prison if his claim to own the bike is not believed. He will not, of course, get many years in prison, or any years in prison, whether he is believed or not — and Donald Black will explain why not.

There was a study done once in New York City by the Vera Institute of Justice that tried to find out why so few of the people charged with felonies are ever tried. It's no surprise that many arrests for minor offenses — misdemeanors — do not result in conviction. In one study of lower courts in New Haven, Connecticut, out of 1,600 cases over a period of several months, *no* misdemeanor case went

[21] To make this statement more accurate, I should add, as a fact, that B, if he has to, intends to deny that the bicycle belonged to A. If A believes (as he does) that he has a right to possession of the bicycle, he lacks the mental element for larceny, the intent to steal, which would be necessary to both the robbery and larceny charges. (This is also why B committed no crime in merely failing to return the bicycle, if he intended to return it at the time when he borrowed it.) The police, who don't know who is lying, will probably not arrest anybody.

and the courts use discretion."[53] The system is shot through with discretion from start to finish. Police don't have to arrest anybody, and prosecutors don't have to charge anybody. Those decisions are unilateral on their part, and having made them, they are answerable to nobody. The complainant or victim has no meaningful opportunity, after complaining, to be involved in these decisions.

The minimum definition of procedural due process, according to American constitutional law, is notice of a contemplated action and the opportunity to be heard.[54] If an arrest is made and if charges are filed, the complainant or victim has no notice of, or opportunity to be heard at, the decision to prosecute or not, which will be the private, unilateral decision of a prosecutor. At a criminal trial, due process shines forth in all its glory — sometimes. But criminal trials are rare. And the complainant/victim gets no special consideration there. He or she is only a witness, not a participant.[55]

The third, and maybe the most important point, is that the criminal justice system is biased, not in a personal way, but in an institutional way. I discussed that earlier, drawing upon Donald Black's writings and other studies. The system is systematically discriminatory. It advantages "Repeat Players," regular users of the courts — such as prosecutors, landlords, and creditors — as against "One Shotters," people with little or no prior experience with the legal system. When the One-Shotters encounter it, they are usually on the receiving

[53] William Clifford, "Alternatives to the Criminal Court System," in *Neighborhood Justice: Assessment of an Emerging Idea,* ed. Roman Tomasic & Malcolm M. Feeley (New York & London: Longman, 1982), 206.

[54] Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306, 313 (1950).

[55] Beginning in the 1970's, there's been a faddish concern for the victim, often referred to as "the forgotten man," which has been institutionalized in several ways, including the opportunity for victims to participate in the sentencing decision. Conservatives like that because it would introduce yet another influence in the direction of harsher punishment, as if there weren't enough such influences already. Liberals like it because liberals like victims. Victims themselves usually can't be bothered, and indeed their participation is pointless in a system of unlimited discretion in the prosecutor, and plea bargaining as the immediate determinant of nearly all sentences. For my critique, see Robert C. Black, "Forgotten Penological Purposes: A Critique of Victim Participation in Sentencing," *Am. J. of Jurisprudence* 39 (1994): 225–240.

Is Criminal Self-Help Just?

Criminal self-help means that people who think that they've been wronged, take the law into their own hands. It's not a practice which is necessarily more fair than putting a case into the criminal justice system. There's a legal adage that no one should be the judge in his own case. But in cases of self-help through crime, that's exactly what happens. It's like the title of the first Mike Hammer thriller: *I, the Jury*. There isn't any due process of law in self-help cases. As Donald Black says, criminal self-help is "the expression of a grievance by unilateral aggression."[51] You don't have any rights when your enemy is your self-appointed judge.

However, I would make three points in defense of self-help justice, considered as justice:

The first point, which is perhaps less than compelling, is that the criminal, in a case between intimates, at least knows all about his prior relationship with the victim which is the real basis of the dispute. It is otherwise in criminal court, where "facts that are relevant to restoring a balance, such as the past history of the dispute and the community reputation of the disputants, may be excluded as irrelevant to the particular case."[52] The avenger is biased, but at least he's fully informed about the interpersonal context of the crime, whereas the judge is not, because most of that context is legally irrelevant.

The second point is that, in a legal system where most felonies and almost no misdemeanors come to trial, the victim or complainant usually gets little or no due process from the law either. The body of law is so massive that, "if all the laws were to be enforced, people would not be able to move. They can do so only because the police

51 Black, "Crime as Social Control." 2: 2.

52 Merry, "Going to Court," 52. Some of these facts may be elicited, following conviction, in a pre-sentencing report. Even aside from the low quality of these reports, they are only prepared in the small fraction of cases which have resulted in convictions for crime. And they are only considered with respect to punishment, not guilt.

to trial.[22] Felonies are supposed to be serious crimes, punishable by imprisonment for more than a year. Yet of over 100,000 felony arrests in New York City during the period of the Vera Institute study, only 15% resulted in conviction for a felony, and only 5% of those charged were, in fact, ultimately punished by over a year in prison.[23]

The most interesting finding of the study, for present purposes, is how many felony arrests involved people in what were there called prior relationships. Some of the statistics are surprising, even startling:

Homicide: 50%
Rape: 83%
Felonious Assault: 69%
Robbery: 36%
Burglary: 39%
Grand Larceny (other than Auto): 55%[24]

This is crucial background for thinking about crime as self-help.

Crime as Self-Help

Where the criminal and the victim know each other, the criminal usually believes that he has a grievance against the victim. According to Black, "Crime often expresses a grievance. This implies that many crimes belong to the same family as gossip, ridicule, vengeance, punishment, and law itself."[25] These crimes aren't motivated by greed or by antisocial psychological impulses. These are crimes that arise out of social relationships: "Disputes are social processes imbedded in social relations."[26] As Donald Black says, "much crime is moralistic

22 Malcolm M. Feeley, *The Process Is the Punishment: Handling Cases in a Lower Criminal Court* (New York: Russell Sage Foundation, 1979), 9, 261.

23 Vera Institute of Justice, *Felony Arrests: Their Prosecution and Disposition in New York City's Courts* (rev. ed.; New York: Vera Institute of Justice and New York & London: Longmans, 1981), 1–2.

24 Ibid., 19.

25 Black, "Crime as Social Control," 2: 20.

and involves the pursuit of justice."[27] In other words, much crime resembles law. And I think that this implies that many crimes should be understood to involve interpersonal disputes, not just abstract transgressions of the authority (or transgressions of the abstract authority) of the state. It was a gross understatement for one eminent sociologist to state that crime is "sometimes" a form of conflict.[28]

Of course, some crimes don't involve disputes. A hit-man doesn't have a dispute with his target. Bank robbers don't have a dispute with the bank. Counterfeiters don't have a dispute with the Department of the Treasury. Crimes motivated only by hatred, lust or greed — or ideology — aren't disputes.[29] This probably explains why the criminal justice system has some success in dealing with some of these crimes, although even then its performance is less than impressive. But it also explains why the system is much less effective in dealing with crimes which involve disputes between people who know each other. In those cases, although the suspects are easy to identify, very often there are no arrests, or else no charges are filed,

[26] Laura Nader & Harry F. Todd, Jr., "Introduction," *The Disputing Process — Law in Ten Societies*, ed. Laura Nader & Harry F. Todd, Jr. (New York: Columbia University Press, 1978), 16.

[27] Black, "Crime as Social Control," 2: 1.

[28] Coser, *The Functions of Social Conflict,* 127.

[29] Sally Engle Merry, "Going to Court: Strategies of Dispute Management in an American Urban Neighborhood," in *The Law & Society Reader*, ed. Richard Abel (New York & London: New York University Press, 1995), 43. "Admittedly, there are conflicts that seem to exclude any other dynamic: e.g. that between the robber or rowdy and his victim." Simmel, *Sociology*, 1: 236. The traditional anarchist argument is that crimes of greed — property crimes — will virtually disappear under anarchy, in conditions of abundance and equality. I think this is a good argument, although the issue is studiously avoided by criminologists and sociologists of law, who are, almost to a man (and the women are no better), policy pimps. But the anarchists are not so convincing when they discuss hate crimes, sex crimes, and, in general, impulsive or other emotionally motivated crimes. It is all very well to say that, after a generation or two grows up in an enlightened anarchist society, crimes of passion or resentment will also disappear. This is belied by the prevalence of such occurrences in stateless primitive societies. See, *e.g.*, Nader & Todd, eds., *The Disputing Process;* E. Adamson Hoebel, *The Law of Primitive Man: A Study in Comparative Legal Dynamics* (New York: Atheneum, 1968). These anarchist societies merit our consideration, not because they have no disputes, but because many of them resolve disputes better than modern state societies do.

anarchist about crime. Where professional criminals are involved, criminals and police can get so intermingled that it's hard to tell them apart. Where police infiltrate radical groups, sometimes their agents get carried away, not only inciting but committing crimes.

So my argument doesn't depend on regarding criminals as unconscious revolutionaries. I think that's ridiculous. Only leftist intellectuals, who couldn't get themselves arrested if they tried, believe that. Criminals are mostly ordinary people, and ordinary people aren't unconscious revolutionaries either, despite what you may have heard from your friendly neighborhood class-struggle anarchist. They are ordinary people who victimize other ordinary people. Very few are psychopaths, and even fewer are revolutionaries. They don't rob from the rich and give to the poor. They rarely get to rob from the rich. The rich are hardened targets. And when the poor do rob from the rich, or from the poor, they don't give to the poor. They keep or fence the swag. About the only thing that may distinguish criminals from other people is their, on average, somewhat lesser self-control, their greater impulsivity.[49] Which may mean nothing more than that they are more likely to get caught. Ours is a "world in which the fortunate are so very often the merely not found out."[50] After all, we are all criminals.

Harper Torchbooks, 1972), 97–102. I read the book in manuscript, when I was doing independent study under Blok at the University of Michigan.

[49] Gottfredson & Hirschi, *A General Theory of Crime*, 93–96. Even that generalization isn't firmly established: "No consistent, statistically significant differences between personality traits of delinquents and personality traits of nondelinquents have been found." Edwin H. Sutherland & Donald R. Cressey, *Criminology* (9th ed.; Philadelphia, PA: J.B. Lippincott & Co., 1974), 170. "Almost all crimes involve the expression of qualities that a man should not lack." Friedrich Nietzsche, *Writings from the Late Notebooks,* ed. Rüdiger Bittner, tr. Kate Sturge (Cambridge: Cambridge University Press, 2003), 184.

[50] Ford Madox Ford, in Joseph Conrad & Ford Madox Ford, *The Nature of a Crime* (Garden City, NY: Doubleday, Page & Co., 1924), 97.

can. And there's the additional risk of getting arrested, as Francis Bacon perspicuously observed: "The most tolerable sort of revenge is for those wrongs which there is no law to remedy: but then let a man take heed, the revenge be such as there is no law to punish, else a man's enemy is still beforehand, and it is two for one."[47]

I've explained that the risk is lower if the crime is between intimates, especially if they are of low status. The police are then much less likely to make an arrest. But the Vera Institute study would have had nothing to study, if New York's Finest hadn't arrested, in one year, tens of thousands of felony suspects who had prior relationships with the victim. In these cases, if you're arrested and prosecuted, and convicted, you may expect a relatively lenient sentence. But nobody likes to be arrested, prosecuted, convicted and sentenced, even if you receive a lenient sentence.

In saying this I hope I've anticipated the charge that I'm romanticizing crime the way some anarchists, such as Bakunin, have been accused of doing. I'm not bringing in Robin Hood or Zorro or so-called social bandits.[48] I'm not implying that there is anything inherently

47 Bacon, "Of Revenge," 73.

48 The originator of the concept of social banditry, the Communist Party historian E.J. Hobsbawm, was carefully modest about its scope and frequency, and aware of its ambiguity. E.J. Hobsbawm, *Primitive Rebels: Studies in Archaic Forms of Social Movement in the 19th and 20th Centuries* (New York: W.W. Norton and Company, 1965), ch. 2. Although it was not then the pressing concern for Marxists that it became later — and especially after 1989 — Hobsbawm even in the 1950's advanced the traditional anti-anarchist Marxist agenda, minimizing the significance of the anarchist Makhnovist insurgency in Ukraine, even though the scale of its military operations and social reconstruction was far beyond banditry, social or otherwise. Ibid., 28 & n. 2. For histories of the insurgency, see Peter Arshinov, *History of the Makhnovist Movement, 1918–1921,* tr. Lorraine & Fredy Perlman (Detroit, MI: Black & Red and Solidarity and Chicago, IL: Solidarity, 1974); Voline, *The Unknown Revolution, 1917–1921* (Detroit, MI: Black & Red and Chicago, IL: Solidarity, 1974), 541–711.
In 1990 — a bad year for Commies! — Hobsbawm published the final revised edition of his book on social banditry: *Bandits* (rev. ed.; New York: The New Press, 1990). This final time around, he ignored Makhno entirely, but added a chapter, almost unreferenced, vilifying anarchists from Bakunin to Francisco Sabaté. Ibid., 120–138. By then, his concept of social banditry had come under devastating criticism of which the most formidable, as he acknowledged, was Anton Blok, *The Mafia of a Sicilian Village, 1860–1960: A Study of Violent Peasant Entrepreneurs* (New York:

or else that's as far as it goes. Thus, a study of the residents of a low-income Boston housing project found that "despite frequent appeals to the criminal courts in disputes within ongoing relationships, the formal legal system fails to resolve most disputes in the sense of providing a mutually acceptable settlement that terminates the dispute."[30]

There are good reasons why somebody with a grievance might prefer self-help to calling the police. He might not like the police. The police might not like him. He might be a self-reliant kind of person. What he's complaining about might not be a crime, as in the case of A's dispute with B. Or he might be someone the police wouldn't take seriously. There are two major situations in which this might be true.

The first is if it's a prior-relationship crime. The tendency is for state officials to view it as a private matter, unless it's extremely serious, like homicide. And the police know that these cases have a way of going nowhere. They often involve a high level of victim noncooperation. It's not uncommon for the parties to reconcile. Police and prosecutors view some arrests as terminating a problem, not initiating the adjudication process.[31] Ironically, these lawmen are thinking about these cases as Donald Black does: sociologically, not legally. If an arrest is made, or the case moves along a little further, to the filing of charges, that might be enough to satisfy the victim,[32] which would be unlikely if the offender was a stranger. If a defendant eventually is convicted, he will be treated more leniently than if he were a stranger to the victim.

The second circumstance has to do with the social status of the people involved. If a crime is committed by a low status person against a low status person, Donald Black observes that police are less like to make arrests, prosecutors are less likely to prosecute, and judges are less likely to impose a harsh sentence.[33] The unspoken

30 Merry, "Going to Court," 36.

31 Feeley, *The Process Is the Punishment*, 46.

32 Merry found that "the court serves as a sanction, a way of harassing an enemy, rather than as a mode of airing and resolving disputes. It serves as an alternative to violence for those unable or unwilling to fight." "Going to Court," 54. Young men usually dealt with their disputes by fighting. Most women went to court. Ibid., 49.

assumption is, "You know how those people are." Police and prosecutors and judges are higher status people, or else identify with them. They take care of their own.

And if the crime is committed by a low status person against another low status person, *and* they have a prior relationship, the likelihood of getting action out of the legal system is lowest of all. If you multiply a fraction by another fraction, the result is an even lower fraction. And this combination is a very common context of street crime. Somebody with a grievance would not necessarily be acting irrationally if he took the law into his own hands. For all its drawbacks, it might be better than nothing.

Social Control from Below

One of the reasons why, for some people, crime is a better way to deal with grievances than law, is that law is much more available to some kinds of people than others. Self-help is more often resorted to where law is less available.[34] Lower class people of all sorts enjoy less legal protection: "To the police and other authorities, the problems of these people seem less severe, their injuries less severe, their honor less important."[35] High status people use the law more than low status people, and especially they use it against low status people. Organizations use the law more than individuals — and especially they use it against individuals, and usually successfully.[36] Organizations and high status individuals both use the law more successfully than anyone. A high status organization like the state

[33] Black, *Behavior of Law*, 112–13.

[34] Black, "Crime as Social Control." 2: 17; M.P. Baumgartner, "Social Control from Below," in *Toward a General Theory of Social Control,* 1: 303–04.

[35] Black, "Crime as Social Control." 2: 18. In the ghetto there is "no access [to law] and lots of self-help." Nader & Todd, "Introduction," 40. However, it's not that there's *no* access to law — as the article by Merry ("Going to Court") showed, low-income people in some settings may file many criminal complaints — but rather that the law rarely resolves their disputes.

[36] Black, "Social Control as an Independent Variable," 1: 15; Black, *Behavior of Law*, 92–93.

groups and escalate into conflicts between the groups that they belong to. The retaliation may not be against the original offender. Revenge might be taken against any adult male in his group, which is usually a kinship group in primitive societies. But it can also take place in modern societies, for example, between rival youth gangs, or feuding Mafia families. Sometimes feuds persist for more than a generation, but usually not. The famous feud between the McCoys and the Hatfields lasted 12 years, with 12 fatalities.[45] In one case on a Pacific island, it was 225 years until the final act of retaliation.[46] There they *really* never forget.

All I want to say about that is that these activities can't usually be said to resolve conflicts or maintain social order, except where one side exterminates the other, or both sides just get tired of it, as happened with the McCoy-Hatfield feud. Feuding has a certain romantic appeal for me, maybe because I long for a group which would back me up. I've never had one. Vendetta and feud aren't likely even to arise in modern societies because we don't usually have kinship groups, just some relatives, or other solidary groups to call upon.

Risks and Costs of Criminal Self-Help

In saying all of this, I'm not saying that crime, considered as self-help conflict resolution, or social control, is always, or even often, a good idea. It involves risks and costs. There's always the risk that the victim, if he knows or suspects who you are, will retaliate, if he

[45] Altina L. Waller, *Feud: Hatfields, McCoys, and Social Change in Appalachia, 1860–1900* (Chapel Hill, NC & London: University of North Carolina Press, 1988), 6. The real history of this feud is nothing like what people imagine. It commenced with litigation over possession of a pig. Ibid., 2–3. An interfamily extramarital romance was also involved. Ibid., 3. The families did as much litigating and prosecuting as shooting; one case went as far as the U.S. Supreme Court. State politics was also involved (the McCoys had a power base in Kentucky, the Hatfields in West Virginia).

[46] Rolf Kuschel, *Vengeance is Their Reply: Blood Feuds and Homicide on Bellona Island. Part I: Conditions Underlying Generation s of Bloodshed* (Copenhagen: Denmark: Dansk psychologisk Forlag, 1988), 18–19.

of these *attentats*, but the history at least shows that criminal self-help as vengeance is part of the anarchist tradition.

Criminal self-help has another advantage over resort to the law. You retain your autonomy and possibly even have an opportunity for creativity. If you go to the police, that's all you can do. Whatever happens after that, if anything does, is out of your hands. You may even be disadvantaged if you later resort to private retaliation because you have, in advance, notified the police that you are a suspect if something happens to your enemy. If, on the other hand, you go in for do-it-yourself justice right from the get-go, you are at least self-sufficient.

I mentioned creativity. Let me provide a personal anecdote. I lived in an apartment building (this was in Oakland) where I had an obnoxious upstairs neighbor. We had several hostile encounters. Once, I was walking along and cutting through a corner parking lot, and this guy drove by, he turned into the parking lot, and tried to run me down. Probably he wouldn't really have done that, but, you run away scared all the same. Something I did get out of this experience, however, was that now I knew which car was his. Naturally he parked it near the apartment. My feeling about his car was, when a child abuses his toys, you take them away from him. So I slashed his tires. This is what I call "ironic justice." I must confess, slashing tires has been a source of satisfaction to me on more than one occasion.

This individual soon moved away. "Avoidance," moving away, is, according to Sally Engle Merry, the ultimate resolution of most of the disputes in her study, the ones that police and courts never resolved.[44] It was the resolution of my own dispute with certain leftist gentry in the Bay Area.

Vendettas and Feuds

At this point I should mention vendettas and feuds, which might be defined, roughly, as reciprocal vengeance between groups. They start out as conflicts between individuals who belong to different

[44] Merry, "Going to Court," 36, 55.

gets the very best results out of the law,[37] which is not too surprising — not only is the state high status *and* it is an organization, the state also invents the law, and the institutions that enforce the law.

There are various methods by which social inferiors try to influence — to control — their social superiors. Some of their methods involve committing crimes. Rebellions and revolts are such well-known examples that I won't discuss them now. There are two methods, more individualized, which may involve criminal retaliation.

The most important is covert retaliation. This often involves the theft or destruction of the superior's property.[38] The intent might be retributive and retaliatory, or to get compensation, or both. This is very common in the workplace. Take theft — that was my little joke. In embezzlement cases, for instance, the motivation isn't always greed: it may be a grievance against the boss or the company.[39] Workers also expropriate the expropriators in other ways, by work slowdowns, absenteeism, making personal use of company computers and phone lines, pilfering supplies, etc. Except for actually stealing company property, these methods may sometimes be illegal but they are usually not criminal. At worst, usually you get fired, not arrested. But these time-honored forms of class struggle are self-help — direct action — and they only differ from criminal self-help in that they're not subject to criminal prosecution.

I had an employer, the Michigan Court of Appeals, which I felt was oppressing and insulting me. All the other research attorneys felt the same way. So I made a large number of costly long distance calls to my best friend, who was living in Sweden at the time. I was suspected — when something dissident happens, I'm *always* suspected. But even appellate court judges who are perforce experts in criminal law couldn't think of a crime to accuse me of. The clerk for one of the judges told me that he saw on the judge's desk an

[37] Black, *Behavior of Law,* 96.

[38] Black, "Crime as Social Control." 2: 4–5, 10–11; Baumgartner, "Social Control from Below," 1: 309–11.

[39] Baumgartner, "Social Control from Below," 1: 310; Donald R. Cressey, *Other People's Money: A Study in the Social Psychology of Embezzlement* (Glencoe, IL: The Free Press, 1953), 57–62.

application for a warrant for my arrest. But one space was left blank: the space for the offense.

The other method is noncooperation. Tactics like work slowdowns and absenteeism aren't usually crimes. Neither is a rent strike. Willful refusal to pay taxes, though, is a crime. Draft refusal, when there was a military draft, was a serious crime. Refusal to register for the draft, for men aged 18–25, is still a crime, although draft registration as a measure of military preparedness is laughable. It is more a matter of instilling obedience for its own sake. I expect there are other examples. Anybody who is in a position, by covert retaliation or by just withholding cooperation, to strike back — without committing a crime — need not go out of her way to retaliate by committing a crime. Unless she wants to. Crime can be a transgressive thrill. It can make you feel better about yourself.

Vengeance

You might say, aren't you talking about vengeance? I say, yes, that's part of it, and why not? Vengeance is a universal social phenomenon. Adam Smith wrote that "retaliation seems to be the great law that is dictated by nature."[40] Francis Bacon wrote that "revenge is a kind of wild justice."[41] You find it even in anarchist primitive societies. Let's try to understand what it is before condemning it prematurely.

Vengeance isn't just an emotional outburst. Of course emotion enters into it, but you can say that about prayer, or laughter, or

[40] Adam Smith, *The Theory of Moral Sentiments* (New Rochelle, NY: Arlington House, 1969), 117.

[41] Francis Bacon, "Of Revenge," *The Essayes*, ed. John Pitcher (Harmondsworth, Middlesex, England: Penguin Books, 1973), 73. By way of full disclosure I must add that Sir Francis (later Lord Verulam), a government prosecutor and later the highest judge (Lord Chancellor) of England, immediately added, "which the more men's nature runs to, the more ought the law to weed it out." Sir Francis implicitly admits that, as Adam Smith said, the will to vengeance comes naturally. Lord Verulam himself did some time for corruption in the Tower of London, the world's first country club prison.

gambling, or anything that people do. In fact, vengeance is most effective when you carry it out after your immediate anger dies down. As they reputedly say in Sicily, "revenge is a dish best eaten cold."[42] And if anybody understands revenge, it's the Sicilians.

Vengeance isn't an internally generated impulse. Vengeance is a response. It's a response to something that somebody does to you that harms you somehow *and* that you think is wrong. And while emotion does enter into it, often, so does calculation. Vengeance is really just criminal self-help where the purpose is mainly getting even, not getting compensated.

Is that irrational? Not necessarily. If honor is a high value for you, as it is for me, getting even may be more important than getting compensated. Unavenged wrongs can rankle even to the point of physical distress. But in many cases, whether you're touchy about your honor or not, getting compensated isn't possible anyway — for reasons previously discussed. That doesn't mean you have to let the bastard get off scot free.

Some of my enemies have gotten away with plenty, but my retaliation hurt them, sometimes permanently. It may not be all they've got coming, but, for all they know, I'm not through with them. They worry about that. They really do. And they should. And every time they worry about me, that punishes them a little bit more. There are some people worrying right now, just because I'm in town.[43]

Extralegal retaliation is one form of an honored anarchist practice, direct action. Anybody who thinks vengeance can't be an appropriate anarchist response, should think about the Wobbly slogan: "We never forget." Or consider the anarchist bombings and assassinations of the late 19th and early 20th centuries, which were often announced to be reprisals for specific state actions, often actions taken against anarchists. Some anarchists now question the morality or prudence

[42] I've been unable to find a source for this saying, unless it's Mario Puzo, author of *The Godfather*, a work of fiction, or Francis Ford Coppola, who directed the films.

[43] This essay is based on a presentation I made at the 11th annual B.A.S.T.A.R.D conference on April 10, 2011, in Berkeley, California. For the background to these remarks about my Bay Area enemies, see Bob Black, *The Baby and the Bathwater: The Unspeakable Truth about Processed World* (1½ ed.; Berkeley, CA: Slobboviated Press, 1985), which will soon be available online at The Anarchist Library.