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## An anarchist policing? Some suggestive examples from speculative fiction

*Un contrôle anarchiste : quelques exemples suggestifs tirés de la fiction spéculative*

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## AN ANARCHIST POLICING? SOME SUGGESTIVE EXAMPLES FROM SPECULATIVE FICTION

Jason Royce LINDSEY\*

Anarchists of the 19<sup>th</sup> and early 20<sup>th</sup> century assumed that crime was a symptom of the capitalist order and expected it to wither away in a future anarchist society. Yet, regardless of how much scarcity is eliminated and how different the economy becomes, wouldn't there still be crimes of passion? What about anti-social behavior related to brain chemistry and personality traits? In the 21<sup>st</sup> century, it is difficult to imagine a community of any significant size functioning without police to protect individuals from other individuals. Does this make anarchism too utopian? Is it possible to imagine a practice of policing a community that would satisfy anarchist thinking?

In an exception to many of his contemporaries, Malatesta acknowledged the difficulty for anarchism on this point. In an exchange of public letters on anarchist thinking and crime he states: "To me a policeman is worse than a criminal, at least than a minor common criminal; a policeman is more dangerous and harmful to society. However, if people do not feel sufficiently protected by the public, no doubt they immediately call for the policeman. Therefore, the only way of preventing the policeman from existing is to make

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him useless by replacing him in those functions that constitute a real protection for the public.” (Malatesta, 1921).

Yet, it is difficult to imagine what this replacement of traditional police functions would look like. Malatesta himself admits that one cannot simply say “the people” would police themselves for: “I know that the people is capable of anything: ferocious today, generous tomorrow, socialist one day, fascist another day, at one time it rises up against the priests and the Inquisition, at some other time it watches Giordano Bruno’s stake praying and applauding, at one moment it is ready for any sacrifice and heroism, at some other moment it is subject to the worst influence of fear and greed.” (*Ibid.*).

If one cannot rely on a popular or populist form of policing, then what is the alternative? Malatesta also suggests that any attempt to recreate the police function with specialists threatens to recreate the ills found in contemporary society: “Like Venturini, I do not want either individual liberty or the crowd’s summary judgement; however, I could not accept the solution proposed by Merlino, who would like to organize the social defence against criminals as any other public service, like health, transportation, etc., because I fear the formation of a body of armed people, which would acquire all the flaws and present all the dangers of a police corps.” (*Ibid.*).

Malatesta seeks not the spontaneous vigilante justice of the crowd, nor the creation of a specialist police corps, but some other alternative.

I suggest that this alternative would have to be a form of, “legitimate policing,” that could satisfy the objections of classical anarchists like Malatesta to an otherwise coercive institution and practice. Previous attempts to answer this topic by anarchist theorists invariably rely on the concept of self-defense. Instead, drawing on some insights from utopian (and dystopian) fiction, I argue that we can make a distinction between the use of coercive power that appeals to philosophical claims for its justification, and coercion that is justified by the facts of a past event. Thus, we can imagine some form of routine policing in an anarchist society grounded by factual

necessity rather than policing that masks the violence of a political or social system's ideology.

Our ability to make headway on such a difficult "detail" of anarchism reduces the validity of claims, too often accepted as trivially true, that anarchist theory is hopelessly utopian. If we can imagine fundamental practices of governance, (like policing), that are compatible with anarchist principles, then anarchism is less utopian than its detractors claim. In addition, this far-reaching theorizing is useful for thinking about our contemporary world. By considering the form of coercion and policing acceptable to an anarchist society, we gain some insight into the moral limitations of growing "security" efforts in our very real society.

I –

Classical anarchism assumed that, as the old socio-economic order withered away, so too would much of the behavior classified as "crime". This assumption is rooted in the view that the legal system in most societies is focused on protecting the institution of private property and defending the interests of Capital. Kropotkin supplies us with some statements that summarize this position from classical anarchism. For example: "Two-third of all breaches of law being so-called "crimes against property," these cases will disappear, or be limited to a quite trifling amount, when property, which is now the privilege of the few, shall return to its real source – the community." (Kropotkin, 1887: 366).

The abolishment of the coercive workplace and the disciplinary rules of a capitalist economy would presumably make the policing apparatus obsolete.

Yet, the anarchist commitment to individual freedom also raises an immediate concern. If there is anything consistent within the many threads of anarchism, it is a focus on individual freedom. Even if we imagine a radically different economic system that has only voluntary labor, isn't it likely that non-economic crimes would still occur? Within contemporary societies we know that much of the most violent, interpersonal crime is driven by individual pathologies.

How could an anarchist society protect the more vulnerable, including children, from abuse and violence?

If we turn again to Kropotkin for the view from classical Anarchism, the answer is found in the radical reformation of society. Kropotkin recognizes that changes to the capitalist order would not eliminate crime completely. He plainly states in a discussion about crime and prisons: “There surely will remain a limited number of persons whose anti-social passions – the result of bodily diseases – may still be a danger for the community.” (Kropotkin, 1887: 368). However, Kropotkin rejects the idea of prison or asylums for such individuals. He imagines instead that such individuals would be reintegrated into a tightly knit, anarchist community that reeducates and rehabilitates them. The comparison he draws on is with the approach of smaller communities in Europe that took care of individuals considered insane or “mad” within the village, rather than exiling them to an asylum or prison<sup>1</sup>.

From within the anarchist canon, Kropotkin’s thoughts on crime are a good example of how anarchist thinkers viewed the topic as part of a grand, wholesale reform of society. Kropotkin’s discussion of reintegrating the mentally ill back into a tightly knit community has echoes in one of the pieces of speculative fiction discussed below. This approach suggests that cultural norms from within future, reformed communities would provide the “policing” necessary in an anarchist society.

Alternately, there is a less utopian approach in anarchist theory to the problem of policing based on the concept of self-defense. In his debate with Venturini cited earlier, Malatesta suggests that an idea of self-defense may be the way forward with the question of crime: “Therefore I agree that the principle I put forward, i.e. that one has a right to resort to material force only against those who want to violate someone else’s right by material force, does not

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<sup>1</sup> This comparison will be more familiar to readers from Foucault’s (1988) much more exhaustive discussion.

cover all the possible cases and cannot be regarded as absolute. Perhaps we would come closer to a more comprehensive formula by asserting the right to forcible self-defence against physical violence as well as against acts equivalent in manner and consequences to physical violence.” (Malatesta, *op. cit.*).

Nonetheless, Malatesta also quickly recognizes the shortcomings of this approach. He states that: “We are entering a case by case analysis though, which would require a survey of different cases, leading to a thousand different solutions, without touching the main point, the greatest difficulty of the question yet, i.e. *who would judge and who would carry out the judgements?*” (*Ibid.*).

The concept of self-defense invites speculation about when the individual has a right to act in self-defense versus when that threshold has not been reached. We can imagine other debatable scenarios about when an individual should or should not interfere with another adult’s actions for the latter’s benefit, such as an individual threatening self-harm.

However, this initial assumption that self-defense can be focused upon individual action is contradicted by anarchist philosophy itself. Anarchist philosophy often appealed to the ideal of self-defense to justify resistance to social wrongs. The anarchist assumption is that the free individual must be able to defend himself from the unwanted domination of others. To empower the individual becomes critical so that he can resist aggressive action coming from other elements of society. Thus, anarchists have often styled various forms of resistance to capitalist society as the self-defense of the community. Beyond just removing the fetters of the state, anarchism has often argued that positive efforts are needed to free the individual like worker education, forming cooperatives, or radical restructuring of work.

This broad conception of self-defense is a logical step within anarchist theory given its prioritization of individual well-being over any commitment to protect property. This shift of focus to the individual’s health (physical and emotional) is a key difference

between anarchism and liberalism. For the anarchist theorist, the solution to reducing interpersonal conflict in society is not a robust regime of property rights. Instead, the anarchist focus on the conditions of labor, and whether the individual is thriving in his environment, includes a shift to less tangible elements of well-being. Classic examples include the anarchist concern with instilling respect for the individual laborer in society or whether labor allows for individual creativity and self-expression

Thus, the broad range of action that anarchism has associated with self-defense, including organizing workers in various ways, fails to focus on the problem of defining acceptable uses of policing individual behavior. Instead, the discussion of self-defense justifying coercion in Anarchism is a broader argument about the tactics justified by class conflict. Classical anarchism's view of justifiable coercion, based on self-defense is an argument about social justice and defending an entire class of people.

Nonetheless, when we do turn more explicitly to questions of justifiable individual coercion, we can imagine scenarios that include coercion to stop someone from harming himself, which would be acceptable even to the staunchest anarchist. Alex Butterworth has shown how anarchists reacted to government surveillance and persecution in the 19th century by, at times, policing their own ranks for informants and collaborators (Butterworth, 2011). Beyond highly contextual examples, real and hypothetical, that raise questions of justifying self-defense or an intervention into another person's self-destructive behavior, can we imagine a broader distinction about coercion that would render its social practice and institutionalization legitimate to anarchist thinking? What if we are not talking about class conflict and social justice but the conflict between two individuals living within an anarchist society?

## II –

There are suggestive, though fictional, examples for us to consider. Despite their imaginative origins, these insights point to a

common, important distinction: coercion based on facts that are retrospective as opposed to possible events. The first of these speculative examples is a dystopia from Philip K. Dick's short story, "The Minority Report." What makes Dick's imagined society oppressive is the slow reveal of an agency devoted to heading off "future crime". In other words, crime that has yet to occur. In the film version of Dick's story, the very idea of "future crime" turns upon whether individuals can choose what they will do. In the original short story, an individual who oversees the "pre-crime" unit is, due to his unique position, able to choose between destinies (Dick, 2013: 417-487).

In our real world, the parallel to this fiction is the attempt to establish an all-pervasive and predictive form of security in the technology of profiling. In the United States, we see an increasing amount of sophisticated profiling in air travel security conducted by the TSA. Recent public disclosures show that the TSA uses many different databases to compile a profile of each air traveler (Stellin, 2013). However, the technology of profiling individuals is not limited to air travel security. There is growing predictive technology that attempts to classify and forecast a broad range of human behavior. Are we able to predict the future behavior of an individual based upon state of the art data mining and analytics?

Such dreams of all pervasive security also open the door to states expanding their surveillance power. In Philip K. Dick's, "The Minority Report," the authorities exploit a group of abnormal individuals with psychic powers to predict future crimes. In our world, states attempt to predict future behavior based on vast amounts of information culled from databases. In the United States, the program that was most ambitious in this area was known as "Total Information Awareness". Before Congress reduced funding for the program, it attempted to combine large amounts of open source information, including marketing information, consumer credit reports, and phone logs to generate profiles of individuals. The goal of the TIA program was to develop profiles that led to the



interdiction of security risks, primarily terrorism, but other criminal activity too, long before it occurred<sup>2</sup>

Recent controversies surrounding the National Security Agency in the United States reveal that this trend is still alive and well. As leaked documents show, the NSA can acquire vast amounts of information on every individual in the US who uses a cell phone, email, or online social network. The reach of this agency apparently includes experiments to track the physical location of individuals based on their cell phone activity. In testimony before Congress, the head of the NSA stated that he could not rule out the future use of this experimental tracking technology, because it was impossible for him to predict the future security needs of the United States. Subsequent revelations have shown that the NSA has already engaged in tracking individuals' physical locations by using their cell phone data (Gellman & Soltani).

Turning from the dystopian to the utopian, in another fictional example, Iain M. Banks' *The Culture* novels present us with the picture of a very advanced human society that operates on anarchist principles<sup>3</sup>. The Culture is just that, a culture or way of life rather than a state. Nonetheless, in Banks' novels the characters we meet are mostly engaged in a form of intelligence work or policing. The various characters work for or are contacted by a unit of the culture known as "special circumstances". This paramilitary or intelligence

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<sup>2</sup> This program is described in detail in Shane Harris (2010). A declassified description of the project is available as well in a conference paper by Admiral John Poindexter and two other authors. See: John Poindexter, Robert Popp, and Brian Sharkey (2003). This paper is remarkable in that it at least provides us with the logic behind developing this massive surveillance program.

<sup>3</sup> The "Culture" novels by Iain M. Banks include the following titles: *Consider Phlebas* (1987), *The Player of Games* (1988), *Use of Weapons* (1990), *The State of the Art* (1991), *Excession* (1996), *Inversions* (1998), *Look to Windward* (2001), *Matter* (2008), *Surface Detail* (2010), and *The Hydrogen Sonata* (2012). They are available from New York: Orbit, Hachett Book group in several different editions.

organization does not have too many rules and it operates outside of the Culture's day-to-day norms. It and the more diplomatic "Contact" organization are tasked with inter civilizational relationships (in Banks's science fiction this replaces international relations).

Much like the future crime present in Philip K. Dick's "The Minority Report", the most controversial question in the Culture is over the predictions and longer term strategies pursued by the Culture's hyper intelligent machines, simply known as "minds". These machines can create extremely detailed simulation programs tailored for the problems faced by the Culture. Their forecasts and predictions for what the Culture should and should not do through "Contact," and "Special Circumstances" are debated by the society for several reasons.

The most relevant of these fictional controversies for our present discussion is that the Culture's hyper intelligent "minds" can scan the brains of humans and construct starkly accurate models for their predictive programs. Thus, in the imagined world of the "Culture" surveillance is practically perfect. The machine "minds" can make a copy of a human's mind and thus, the human's thought processes. The result is that one of their simulation programs is, in effect, a controlled version of reality since it features the same human brains responding to a situational problem. However, the invasion of privacy required to replicate a human being's mind creates an ethical dilemma within the Culture. Banks presents this as a difficult choice for the "minds" of the Culture when they seek to keep the civilization secure from threats. This choice becomes one of the primary tensions in the novels.

The second controversy that is described by Banks is very reminiscent of Philip K. Dick's world in, "The Minority Report". Banks imagines that with even perfect information attempts to model the future can still fail to anticipate what will happen. As Banks describes "The Chaos problem meant that in certain situations you could run as many simulations as you liked, and each would produce a meaningful result, but taken as a whole there would be no

discernible pattern to them, and so no lesson to be drawn or obvious course laid out to pursue; it would all depend so exquisitely on how you had chosen to tweak the initial conditions at the start of each run..." (Banks, 2012: 299-300).

For the machine "minds" of the Culture these variabilities are an interesting phenomenon, but they are also frustrating in that they eliminate certainty from the difficult decisions they must often make about the security of the Culture. Because of this uncertainty, there is an even greater moral tension when the "minds" turn to predictive simulations which violate the Culture's norms about privacy.

From this fictional universe, Banks presents us with an interesting intuition. In an anarchist society, the use of coercion based on prediction and profiling seems out of the question. To generate realistic, and hence useful, profiles (or "simulations" in the universe of the Culture) a massive amount of information must be gathered. The amount of surveillance this necessitates places such "simming" largely out of bounds for the minds of the Culture. Furthermore, even in cases where the minds are worried about the security of the Culture itself, they face another philosophical objection. Even if the emergency seems to justify breaching privacy for a realistic simulation, can the accuracy of the simulation ever be guaranteed enough to justify the costs to privacy of gathering the required information? Is invading privacy to the extent needed for absolute security ever justifiable?

Thus, in both Dick's dystopia of "the Minority Report" and in Banks' utopia of "the Culture" we find objections to the use of predictive policing that relies on the profiling of individuals. The future orientation of such coercion challenges the ideal of individual choice and free will. On the other hand, do these fictional examples suggest forms of policing that are more acceptable to an anarchic or at least highly libertarian society?

There are also arrangements in, "the Culture", for dealing with individuals who commit crimes of passion. Typically, they are placed under the surveillance of one of the Culture's hyper intelligent machines. This supervision lasts until their behavior

demonstrates that they are no longer a threat to others. Similarly, in Ursula K. Le Guin's *The Dispossessed* we learn that the anarchist society envisioned therein also has arrangements for remaining forms of crime.<sup>4</sup> However, in the society Le Guin imagines there is much more social pressure than in "the Culture." In *The Dispossessed*, we learn that an individual is regarded as at least eccentric if not distastefully selfish because he tends to hoard various items for his individual use. Individuals are socialized to live near others in shared living space. Thus, Le Guin's imaginary anarchist society substitutes traditional policing with strong cultural norms and customs. This is reminiscent of Kropotkin's 19<sup>th</sup> century description of small, tightly integrated villages supervising individuals who have violated the community's norms.

How would an anarchist society cope with an individual who is pathologically violent, or one who abuses family members? In the imagined utopias of Le Guin and Banks, the difficulties remain in instances where custom is not enough. When custom and social norms fail, and when individuals begin to interfere with the freedom of others, these imaginary societies have a mechanism of supervision, but it is based on the past behavior of the individual, not suppositions about his future behavior. There is no winning argument in the worlds of, "the Culture", or *The Dispossessed* for gathering large amounts of information on each individual and then attempting to predict what they will do next. In the world imagined by Philip K. Dick, the attempt at policing the future is ultimately a failure due to the unpredictability and indeterminism of human free will.

### III –

Drawing together these observations from classical anarchism and speculative fiction; what can we conclude about the possibility of a legitimate form of anarchist policing? Furthermore, what do

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<sup>4</sup> See Ursula K. Le Guin (1974: 267), *The Dispossessed*.

such broad speculations tell us about policing in our very real world?

First, any attempt at policing that attempts to be predictive, will clash with anarchist principles. The imagined examples we have of such law enforcement inevitably require massive surveillance. We have tangible examples in our world of highly intrusive surveillance that uses the latest technology and individual consumer information to predict what individuals will do. In the work of both Dick and Banks, there is philosophical speculation about the accurateness and utility of such efforts given the freewill of human beings. Furthermore, their portrayals of the level of surveillance necessary for omniscient profiling relays a clear dystopian warning.

Another difficulty illustrated by Philip K. Dick's story is that predictive policing and profiling imposes an impossible form of responsibility on the individual. The individual is being forced to assume responsibility for actions that he has not taken. Arguably, an authority can assert that there is a high probability that the individual is likely to commit a crime, but there is a spectrum of possibility here. By profiling individuals, the police are not intervening in an unfolding plot. Instead, there is a claim that based on past surveillance results; the individual is likely to commit a crime. This denies the possibility of individual moral choice. It is an assumption against human free will.

In contrast, a form of policing that is plausibly compatible with anarchist views of the individual must be based on retrospective facts. After the individual has committed a crime, fair procedures could establish the sequence of events. The individual would be judged based not on his profile or predictions about his action, but based on behavior from a specific set of events. This past behavior could then be cited for punishing the individual, placing them under supervision, or surveillance, etc. Moreover, the burden on the individual from predictive policing seems morally questionable. How can I be held responsible for actions that I have not even committed, but might commit if I conform to the past behavior of others?

Common Law has as a basic principle the dictum that ignorance of the law is no defense for breaking it. Nonetheless, we have a strong moral intuition that holding individuals responsible for obscure or archaic laws and regulations is not just. William Ophuls has complained about this situation in the contemporary United States arguing that: “The volume and complexity of statutes and the rapidity with which they are amended makes a mockery of the legal fiction that ‘ignorance of the law is no excuse.’ Even full-time specialists find the labyrinth daunting, and the bureaucrats who inflict the laws on the public repeatedly err in their interpretation of them.” (Ophuls, 2011: 14).

This problem in the US illustrates our philosophical intuitions in this area. For most of us the idea of proportionate justice requires that an individual knowingly breaks the law. Otherwise, the idea of punishment as deterrence becomes incomprehensible. If our philosophical intuitions suggest that individuals breaking obscure laws in ignorance should not be judged harshly, then what can we say about an individual being judged for possible, future behavior based on the observation of others? Is it philosophically plausible to assert that the idea of punishment in this case resembles our usual assumptions about individual guilt?

In our world, the idea of predictive policing is geared toward preventing political extremism. In other words, attempting to police people over the metaphysical ideas we have of the best political order or society. Most security service attempts at profiling terrorists are aimed at predicting who will become radicalized. These attempts essentially police the philosophical commitments of individuals. The justification for this policing is the danger posed by extremists. However, the threat to society by this form of policing is great too, given the amount of information an agency requires to build reliable profiles and the moral compromises it is willing to make to do so.

Of course, the logic of such forms of policing is obvious. If a sect of radicals has in the past engaged in terrorism, then logically one could try to head off further attacks by identifying similar radicals (or even potential radicals). However, a very old

observation in political philosophy is that a gulf exists between speech, actions, and an individual's intent. Policing that tries to intervene at the level of individual philosophical and political convictions will inevitably become intrusive. Many individuals hold unusual or extreme opinions about government and society. A serious attempt to create a reliable system of identifying an even smaller subset of individuals who may commit a crime because of those beliefs is likely to require massive surveillance of everyone.

The vast apparatus of surveillance necessary for profiling individuals suggests something more than an extension of our current crime interdiction capabilities. The push to so called, "broken windows" policing relies on a data driven form of interdiction<sup>5</sup>. In this case the data is based on crimes reported by neighborhood to predict where police should focus their efforts. However, the shift toward profiling is different. Suspect profiling looks at the past behavioral patterns of convicted criminals or, within the security services, "known extremists" to predict the behavior of different, unique individuals. Data driven interdiction that examines crime rates in different neighborhoods is based on events rather than behaviors.

Thus, there is an important sleight of hand behind the proposition that profiling individuals is the same thing. One is making a different philosophical argument when one claims that my future behavior can be predicted based on the past behavior of other individuals who are like, but not, me. This assumption denies a whole host of variables that cannot be obtained from any data source. Specifically, forms of policing based on profiling and predictive trends cannot rest on the same moral foundation as that of traditional policing, which cites past events. This critical difference suggests that the growing use of profiling for security and policing requires a stronger philosophical justification.

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<sup>5</sup> For the essay that gave this form of policing its name see: James Q. Wilson, and George L. Kelling (1982: 29-38). For a critique of this theory of policing see: Bernard E. Harcourt (2001).

**IV –**

There is another complication with policing in an anarchist society. Arguably, the one argument that unites the very disparate camps of anarchism together is their rejection of sovereignty. For all anarchists, the claim that states possess something we can call sovereign power is either an immoral argument or an illogical one. The objection is that the state cannot realistically be the ultimate authority in all areas on every subject. There is also a fear of the vast coercive power the idea of sovereignty transfers to the state.

The analogue for this concern with policing is the obvious question of how much authority and coercion would be acceptable under what conditions. Recent controversies in the United States over the use of force by police shows the practical concern here. There have been numerous, well publicized incidents where routine traffic stops or other small infractions have escalated into deadly encounters. The life and death power of the police in such situations is like the unlimited, sovereign power states claim to possess. In a sense, the police are the embodiment of the state when they claim to exercise ultimate authority in the state's name.

Just as anarchism rejects the principle of state sovereignty, it is difficult to imagine how an anarchist society could condone today's guidelines for deadly force in policing. If anarchist theory rejects the plausibility of the state possessing an all-encompassing authority, then it is extremely difficult to imagine how it could allow for individual state agents to have the power of life and death. On the other hand, one can imagine anarchist thinkers supporting actions by a law enforcement officer that protects an individual from harm. Indeed, if anarchism seeks to liberate individuals from coercive interference, then the efforts of policing to protect the vulnerable from abuse or crimes of passion seems compatible with anarchist ideals.

This line of reasoning suggests that the compatibility of policing with anarchist philosophy depends upon two broader issues. The first is the object or goal of this policing. Are police activities oriented to protecting individuals from the abusive behavior of other



individuals? The second closely related issue is one of proportionality. Does the amount of coercion used in policing correspond to the level of threat it seeks to prevent?

In an anarchist society, we can imagine that the grounds for police action would be greatly circumscribed compared to today's real world "probable cause". With fewer behaviors classified as crime, given the abandonment of policing for the sake of a capitalist order, the scope of police authority would be greatly diminished.

Under what occasions could anarchist policing ever accept the idea of deadly force? Here perhaps is where the old insight of self-defense fits into an anarchist theory of policing. The current controversies in the US involving the use of deadly force would be unacceptable because of the escalation to deadly coercion over routine policing of traffic and other laws. The only way we could imagine the use of deadly force being allowed would be conditions of self-defense, or the defense of a bystander in an extreme situation.

Do any of these observations show that an anarchist society is incapable of providing something as basic to governance as policing? The examples from speculative fiction and the contributions cited above from anarchist theorists point to two objections with policing.

First, a form of predictive policing or profiling in the interests of security is incompatible with anarchist thinking. The research literature supporting this form of policing claims to be based on past actions and facts. However, the vast amounts of information that security services are acquiring in their attempts at profiling people suggests something deeper. Attempts at policing and security through predictive profiling is an application of coercion against either individuals based on the past actions of others, or the broader philosophical, religious, and political beliefs they hold. In either case, this is a weak justification for coercion against human beings. It discounts the individual characteristic that anarchists are most concerned with protecting: individual free will.

Second, an anarchist society would only accept police actions that are proportional to the risks posed by a crime. Turning back to

speculative fiction, Le Guin's imagined anarchist society in *The Dispossessed* seems very demanding culturally on the individuals within it<sup>6</sup>. This requirement arises in part from the living conditions of the population. It also points to the cultural self-regulation in the society she imagines. One suspects then, that legitimate coercion against individuals in an anarchist society would be reserved for those cases or actions that lead to a substantial harm. Policing of individuals and suspicion requiring surveillance is conceivable, but only on the grounds of their past behavior. Behavior that justifies such intervention in an anarchist society would be "crime" because it broke the strong culture and customs of such a community, causing harm to another individual.

Both of these conclusions are highly suggestive for our very real society. Policing with profiling rests upon judging the individual by the actions of others or prosecuting them (including intrusive surveillance) based upon their metaphysical beliefs. Current descriptions of such efforts obscure this critical distinction. Nonetheless, the new technology of profiling future behavior based on the analysis of vast surveillance is a far cry from our traditional notions of justice and policing. If states are to continue to pursue such policing efforts, then a fuller philosophical justification for them is required.

As for the utopian nature of anarchism, fictional descriptions of anarchist societies describe a culture in which individuals must show a great deal of tolerance toward others. Le Guin describes a society in which cultural norms are quite rigorous. Banks describes a society in "the Culture" that possesses a high degree of free speech and acceptance for the behavior of others. Kropotkin long ago speculated that anarchist society would have to regulate any remaining criminal behavior within tightly knit communities. The goal of such interventions would be to reintegrate the individual in

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<sup>6</sup> For the best discussion of Le Guin's writing and anarchism see: Laurence Davis and Peter Stillman (2005).

society. Are these outlandish, utopian ideas such a bad suggestion for our own world and times?

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### **Summary**

Anarchists of the 19<sup>th</sup> and early 20<sup>th</sup> centuries assumed that crime was a symptom of the capitalist order and expected it to wither away along with other social pathologies. Yet, regardless of how much scarcity is eliminated and how different the economy becomes, wouldn't there still be anti-social behavior and crime? Drawing upon insights from utopian (and dystopian) fiction, I make a distinction between the use of coercive power that appeals to philosophical claims for its justification, and coercion that is justified by the facts of a past event. Thus, I argue that we can imagine some form of routine policing in an anarchist society grounded by factual necessity rather than policing that masks the violence of a political or social system's ideology. By considering the form of coercion and policing acceptable to an anarchist society, we gain some insight into the moral limitations of growing "security" efforts in our very real society.

**Key-words:** Malatesta, Kropotkin, anarchism, policing, utopian fiction.

### **Résumé**

Un contrôle anarchiste : quelques exemples suggestifs tirés de la fiction spéculative

Les anarchistes du XIX<sup>e</sup> et du début du XX<sup>e</sup> siècle ont supposé que le crime était un symptôme de l'ordre capitaliste et s'attendait à ce qu'il se dissipe avec d'autres pathologies sociales. Pourtant, indépendamment de la quantité de pénurie éliminée et de la différence entre l'économie, il n'y aurait pas encore de comportement antisocial et de crime? S'appuyant sur

les connaissances de la fiction utopique (et dystopique), je fais une distinction entre l'utilisation du pouvoir coercitif qui fait appel aux revendications philosophiques pour sa justification et la coercition qui est justifiée par les faits d'un événement passé. Ainsi, je prétends que nous pouvons imaginer une forme de police de routine dans une société anarchiste fondée sur une nécessité factuelle plutôt que sur une police qui masque la violence de l'idéologie d'un système politique ou social. En considérant la forme de coercition et de maintien de l'ordre acceptable pour une société anarchiste, nous avons une idée des limites morales des efforts croissants de «sécurité» dans notre société très réelle.

**Mots-clefs: Malatesta, Kropotkin, anarchisme, police, fiction utopique.**

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