Drawing the Line Once Again

Paul Goodman's Anarchism

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Despite the fact that anarchist theorists (from major figures like Peter Kropotkin and Emma Goldman to other lesser known writers and activists) have been actively involved in developing criminological perspectives and practices from the inception of the discipline, much of anarchism has been written out of the histories of criminology. Thus, the significant contributions of anarchism to criminology have been overlooked or forgotten. More recently the important undertakings of newer scholars such as Christopher Howell have contributed to the archaeology of criminological knowledge and uncovered crucial contribu- tions of anarchism.

The overlooking of anarchism has meant that important voices have been silenced or remain unheard. Among the more interesting recent commentators has been Paul Goodman. While Goodman is generally recognized as one of the most im- portant and influential inspirations of the New Left during the 1960s and 1970s, it is probably true that very few people asso- ciate his ideas with criminology.

Goodman's work addresses a range of issues of criminological concern, from causes of social harms through critical analy-

sis of responses to crime. His work prefigures recent developments in peacemaking criminology and restorative justice. The recent collection *Drawing the Line Once Again* offers a fine introduction the Goodman's criminological analysis, offering an outline of his communal anarchist criminology.

Goodman speaks against the proliferation of laws and penal- ties, covering issues that are neither crimes nor socially harm- ful, and such encroachments on judiciary autonomy as manda- tory sentencing and differential punishments—largely linked to race in the US. In his criticism of moral regulation, he notes that most (ever-expanding) laws of managed societies are ad- dressed toward the concerns of power rather real threats. In his view: "Many (I believe most) of the so-called crimes are really free acts whose repression causes our timidity; natural society has a far shorter list of crimes" (Goodman 2009, 47).

Goodman argues that the distinction between "political pris- oners" and "common criminals" is false. The common criminal has likely committed a political crime. Moral and property rela- tions under capitalism are, as Goodman suggests, "unthinkable without the prison system" (cited in Stoehr 2010, 11). As Goodman editor, and longtime colleague, Taylor Stoehr sug- gests, the prisons are largely reserved for those who do not con- form to the coercive social order, usually determined by pover- ty, class, racialism (2010, 14).

Goodman notes that the state permits "moral vices that fit well into the commodity system" while jailing people for expressing pleasures outside the system of exchange or that undermine the social discipline…thus, one may not steal, copulate in the park, or encourage the sexuality of children" (2009, 51). He concludes: "We must proceed on the assumption that the co- ercive society knows well which acts are a threat to it and which are not" (2009, 51).

Notably, Goodman does not speak of penal reform. He, more fundamentally, questions why prisons are allowed to

exist period. Indeed, he includes the penal system along with the mil- itary industries as the areas most urgently requiring cuts in pub- lic spending.

Goodman suggests that in asylums, around ninety percent are harmless and there is no need to confine them at all. In prisons, there is no point in confining the large percent who have committed one time crimes. These include crimes of passion, familial crimes. In his view, people should atone for the harm they have caused and get through their guilt, but this can be done and is more likely to be successful if they are accepted back into the community rather than if they are isolated and made desperate (Goodman 2011, 91).

There is little evidence that punishing some deters others. Most who do not engage in crimes such as theft or shoplifting, forgery, and so on do not do so because of their lifestyle and in- formal influences rather than formal legal risks or threatened punishments (Goodman 2011, 91). In this, Goodman's insights resonate with well developed theories in criminology such as the differential association theory of Edwin Sutherland and the social control theory of Travis Hirschi which provide similar explanations.

For Goodman, there is little evidence that we know how to rehabilitate or correct deviants within current dominant institu- tions of criminal justice. In the end prisons and asylums are "enclaves of the indigestible" and managed society simply seeks to keep "the whole mess out of sight" (2011, 91).

Goodman opposes views, such as those in classical crimi- nology or more recently rational choice theories, which view crime as the outcome of rational calculation, or assessment of costs and benefits. For Goodman:

The chief reason that so-called "moral legislation" has no influence in deterring vices is that temptation to the vices does not occur in the same psychological context as rational calcula- tion of legal risks —unlike business fraud or risking a parking

ticket. And it is likely that much authentic criminal behavior is compulsive in the same way. (2011, 91)

According to Goodman, the notion of exacting revenge for crime is an irrational and superstitious fantasy (2010, 117). Those who transgress the law have a share of the social world as their birthright (Goodman 2011, 92). His is an approach that speaks to, and in some ways prefigures, contemporary versions of restorative justice. The restorative justice approaches, even if not directly influenced by anarchism, reflect a "recurrent human impulse" (Goodman 2011, 92).

For Stoehr, alternatives, despite recent developments, have proved difficult for people, from criminologists, to legislative representatives, to regular citizens, to entertain largely "because the entire realm of crime and punishment has so long been ac- cepted as the sole prerogative of the State and its apparatus (2010, 18). It is the state that establishes, sets, and carries out the functions of law, procedure, and punishment. Indeed, crime is viewed and treated not as a transgression against a person or community but as a transgression against the state.

For an anarchist approach, the administering of true justice requires that all parties have a voice that is heard and assessed in face to face contact. Human expression and feeling must be respected (in a way the courts will not allow). For Stoehr:

In today's hectic criminal courts the victim has almost as little say as the offender, often not even testifying in court, while the community is "represented" by an array of state officials. The central roles are played by hired experts, the prosecuting attorney and the defendant's often state-appointed counsel, who also has an official role to play. Judge and jury listen to a drama in which the real character and history of all the important actors is almost totally unknown, and regarded as irrelevant. No one speaks for humanity. (2010, 18)

The criminal justice system is a prime example of the managed society and the state power which treats people as ob-

jects and things rather than human beings. In this, Goodman echoes C. Wright Mills' concerns about the "thingification" of humans and human social relations within liberal democratic capitalism.

"War is the health of the state," as Randolph Bourne has suggested. For Goodman, modern history in fact teaches no other lesson, from the personalistic wars of the sixteenth and seventeenth centuries to recent economic and geopolitical wars (2010, 114). In the ultramodern period, this lesson has been extended in the various social wars (against poverty, drugs, terror). His work provides keen insights into the character and content of these developing battles.

References

Goodman, Paul. 2010. *Drawing the Line Once Again: Paul Goodman's Anarchist Writings.* San Francisco: PM Press