

CHAPTER XII

THE ESSENCE OF LEGISLATION IS ORGANISED VIOLENCE

WHAT is legislation ? And what enables people to make laws ?

There exists a whole science, even more ancient, mendacious, and confused, than political economy, the servants of which in the course of centuries have written millions of books (for the most part contradicting one another) to answer these questions. But as the aim of this science, as of political economy, is not to explain what now is and what ought to be, but rather to prove that what now is, is what ought to be, it happens that in this science (of jurisprudence) we find very many dissertations about rights, about object and subject, about the idea of a State, and other such matters, which are unintelligible both to the students and to the teachers of this science ; but we get no clear reply to the question—what is legislation ?

According to science, legislation is the expression of the will of the whole people ; but as

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those who break the laws, or who wish to break them and only refrain from doing so through fear of being punished, are always more numerous than those who wish to carry out the code, it is evident that legislation can certainly not be considered as the expression of the will of the whole people.

For instance, there are laws about not injuring telegraph posts ; about showing respect to certain people ; about each man performing military service,¹ or serving as a juryman ; about not taking certain goods beyond a certain frontier ; or about not using land considered to be the property of someone else ; about not making money tokens ; not using articles which are considered to be the property of others, and about many other matters.

All these laws and many others are extremely complex, and may have been passed from most diverse motives, but not one of them expresses the will of the whole people. There is but one characteristic common to all these laws, namely, that if any man does not fulfil them, those who have made these laws will send armed men, and the armed men will beat, deprive of freedom, or even kill, the man who does not obey the law.

If a man does not wish to give, as taxes, such part of the produce of his labour as is demanded

¹ It must not be forgotten that conscription, with which we in England are only threatened, already exists in Russia. —(Trans.).

of him, armed men will come and take from him what is demanded, and if he resists he will be beaten, deprived of freedom, and sometimes even killed. The same will happen to a man who begins to make use of land considered to be the property of another. The same will happen to a man who makes use of things he wants to satisfy his requirements or to facilitate his work, if these things are considered to be the property of someone else; armed men will come, and will deprive him of what he has taken, and, if he resists, they will beat him, deprive him of liberty, or even kill him. The same thing will happen to anyone who will not show respect to those whom it is decreed that we are to respect, and to him who will not obey the demand that he should go as a soldier, or who makes money tokens.

For every non-fulfilment of the established laws there is punishment: the offender is subjected, by those who make the laws, to blows, to confinement, or even to loss of life.

Many constitutions have been devised, beginning with the English and the American and ending with the Japanese and the Turkish, according to which people are to believe that all laws established in their country are established at their desire. But everyone knows that not in despotic countries only, but also in the countries nominally most free—England, America,

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France, and others—the laws are made not by the will of all, but by the will of those who have power, and therefore always and everywhere are such as are profitable to those who have power: be they many, or few, or only one man. Everywhere and always the laws are enforced by the only means that has compelled, and still compels, some people to obey the will of others, *i.e.* by blows, by deprivation of liberty, and by murder. There can be no other way.

It cannot be otherwise. For laws are demands to execute certain rules; and to compel some people to obey certain rules (*i.e.* to do what other people want of them) can only be effected by blows, by deprivation of liberty, and by murder. If there are laws, there must be the force that can compel people to obey them. And there is only one force that can compel people to obey rules (*i.e.* to obey the will of others)—and that is violence; not the simple violence which people use to one another in moments of passion, but the organised violence used by people who have power, in order to compel others to obey the laws they (the powerful) have made—in other words, to do their will.

And so the essence of legislature does not lie in Subject or Object, in rights, or in the idea of the dominion of the collective will of the people, or in other such indefinite and confused conditions; but it lies in the fact that people

who wield organised violence have power to compel others to obey them and do as they like.

So that the exact and irrefutable definition of legislation, intelligible to all, is that : *Laws are rules, made by people who govern by means of organised violence, for non-compliance with which the non-complier is subjected to blows, to loss of liberty, or even to being murdered.*

This definition furnishes the reply to the question : What is it that renders it possible for people to make laws ? The same thing makes it possible to establish laws, as enforces obedience to them, namely, organised violence.