

**TONY
MARTIN,
PEOPLE'S
HERO:
A LIBERTARIAN
COMMUNIST
VIEW**

DAVID MURRAY



Lenin, in *State and Revolution*, discusses how crime would be dealt with under workers' power. He states that no special institution would be needed for this, that criminality would be dealt with "by the armed people themselves, as simply and as readily as any crowd of civilised people even in modern society interferes to put a stop to a scuffle or to prevent a woman from being assaulted." (Ch V, Sect 2)

Most readers of this will not agree with Lenin's analysis of the capitalist state and its liquidation by workers' revolution. The significance of Lenin's remark is that he could take it for granted that such an example in 1917, in a country emerging from monarchical absolutism would carry force with his readers. Yet in Tony Blair's "inclusive", "tolerant",

"multi-cultural" Britain people might well be deterred from taking such protective action by the fear that if they damaged the assailant then it would be they who would be standing in the dock. This fear can only be enhanced by the recent conviction of Tony Martin on a charge of murdering a burglar.

THE LEFT'S ATTITUDE TO CRIME

Surely there is a "dialectical" irony in that of all the public responses to this case, that which is least likely

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FOR LIFE, LIBERTY AND PROPERTY

to support Martin is that political sensibility derived from Lenin. I myself am a marxist from that tradition of council communism and workers' autonomy which has always opposed Leninism. In recent years one of the things which has most estranged me from my erstwhile "comrades" on the Left has been their attitude to crime. All sections of the left have consistently attacked the police, whilst doing nothing to promote citizens' self-defence. They have spouted absurd slogans about theft as being "workers' shopping" whilst failing to support council estate residents who have organised against muggers, twockers (taken-without-owner's-consent-ers — ed.) and vandals. We now see this indifference to the safety and security of working people in the manifesto for the Socialist Alliance in the London mayoral elections. Its only reference to one of the major concerns of Londoners — the safety of their persons and property — is to "tackle police racism and corruption".

I am aware that many readers will consider that what I write here is wildly inconsistent with the fact that I am a communist. It is not — though it is inconsistent with what communism is commonly taken to be. That it is so taken is no doing of mine.

"WE"

It is curious that in practice — though not in theory — the Left finds itself supporting the position of *The Guardian* editorial on the Martin verdict that "The reason we set up a criminal justice system was to end the injustices which blood feuds, private revenge and lynch law created." (April 20, 2000) Liberals, Scrutonite Conservatives and Social Democrats may be able to go along with the breathtaking arrogance of this "we". I find myself vastly more on the side of libertarian pro-capitalists in rejecting the meaningfulness of this "we". I reject the historicist notion of a collective political agent whose identity has persisted across many centuries.

THE STATE HAS RENEGED

But, for the argument's sake, let us accept that the State's function is indeed to act in the interest of the collective against the criminal few, whilst suppressing private revenge. It is perfectly clear that the British state is now not fulfilling its part of the Hobbesian contract. But if the state no longer protects its citizens, who have abrogated their right of self-defence, then surely — by that theory itself — the right of self-defence reverts to the citizen.

All press reports on where Tony Martin lived depict an area where decent citizens lived in continual and reasonable fear of burglary and vandalism. The state had there reneged on its part of the "Social Contract" partly through parsimony, partly through bureaucratic

incompetence. Yet all sections of the respectable consensus have bewailed the fact of someone "taking the law into their own hands".

Libertarian communists are in agreement with libertarian pro-capitalists that this is precisely where "the law" should be. Though of course, we are in fundamental disagreement as to the nature and content of that law!

TONY MARTIN WAS DEFENDING HIS HOME

Admittedly, there are complicating factors in the case of Martin, such as that the burglars were retreating. However these factors are only paramount if one assumes that the householder was obliged to behave in the rational way expected of a reasonable person in a situation where they are not under threat. But surely it is absurd to expect this! In a situation of threat it is unreasonable to expect persons to behave in the way that they would in a non-threat situation. When someone is under threat, then the burden of responsibility is on the persons who have created the threatening situation.

The *Guardian* editorial remarks that "Of the two burglars who broke in, one was so badly injured he could only crawl for help; the other died in the garden." So what?! Tony Martin was defending his home and himself in the way that he felt appropriate. It may have been that *in fact* that degree of force was unnecessary. But at the time it must have seemed reasonable to Martin to shoot.

It is worth noting here a parallel with the case of paratrooper Lee Clegg, who was convicted of the murder of a twocker. Now a car being driven at speed towards a military checkpoint constitutes a lethal threat. It is reasonable to respond to this with lethal force. A retreating enemy is still an enemy, and hence a legitimate target. That this is so is independent of one's position on Irish Nationalism and the union of the North with the UK.

THE RIGHT TO SELF-DEFENCE IS ABSOLUTE

So why is it that the political consensus from Leninists to Blairites has no time for Martin? Because to support him would be to affirm the right to the use of force by persons and groups in self-defence which would subvert the authoritarian statism of this consensus. Any political position which is committed to the autonomy of persons and groups must affirm that the right to self-defence is absolute. It therefore follows that both libertarian capitalists and libertarian communists should promote the acceptability of the ethic that burglars might encounter lethal force and that the law should be lenient on the householder.