In this Topic, we widen our horizons to look at crime on a global scale. As the world becomes more interconnected, so the opportunities for crime that crosses borders increase.

At the same time, we are becoming increasingly aware of the risks posed by the harms we do to the global environment, such as global warming. In this Topic, we

examine sociologists' ideas about 'green crime'.

Our awareness of human rights abuses around the world has also grown. Very often, the perpetrators of these abuses are the same states that claim to protect their citizens' rights. Lastly, therefore, we look at state crimes.

Crime and globalisation

Globalisation refers to the increasing interconnectedness of society, so that what happens in one locality is shaped by distant events and vice versa. For example, David Held et al (1999) define globalisation as:

'the widening, deepening and speeding up of world wide interconnectedness in all aspects of life, from the cultural to the criminal, the financial to the spiritual'.

Globalisation has many causes. These include the spread of new information and communication technologies (ICT) and the influence of global mass media, cheap air travel, the deregulation of financial and other markets and their opening up to competition, and easier movement so that businesses can easily relocate to countries where profits will be greater.

The global criminal economy

As Held et al suggest, there has also been a *globalisation of crime* – an increasing interconnectedness of crime across national borders. The same processes that have brought about the globalisation of legitimate activities have also brought about the spread of *transnational organised crime*. Globalisation creates new opportunities for crime, new means of committing crime and new offences, such as various cyber-crimes.

As a result of globalisation, Manuel Castells (1998) argues, there is now a global criminal economy worth over $1 trillion per annum. This takes a number of forms:

Arms trafficking to illegal regimes, guerrilla groups and terrorists.

Trafficking in nuclear materials, especially from the former communist countries.

Smuggling of illegal immigrants, for example, the Chinese Triads make an estimated $2.5 billion annually.

Trafficking in women and children, often linked to prostitution or slavery. Up to half a million people are trafficked to Western Europe annually.

Sex tourism, where Westerners travel to Third World countries for sex, sometimes involving minors.

- **Trafficking in body parts** for organ transplants in rich countries. An estimated 2,000 organs annually are taken from condemned or executed criminals in China.
- **Cyber-crimes** such as identity theft and child pornography.
- **Green crimes** that damage the environment, such as illegal dumping of toxic waste in Third World countries.
- **International terrorism** Much terrorism is now based on ideological links made via the Internet and other ICT, rather than on local territorial links as in the past.
- **Smuggling of legal goods**, such as alcohol and tobacco, to evade taxes, and of stolen goods, such as cars, to sell in foreign markets.
- **Trafficking in cultural artefacts** and works of art, sometimes having first been stolen to order.
- **Trafficking in endangered species** or their body parts, for example to produce traditional remedies.
- **The drugs trade** worth an estimated $300-400 billion annually at street prices.
- **Money laundering** of the profits from organised crime, estimated at up to $1.5 trillion per year.

The global criminal economy has both a demand side and a supply side. Part of the reason for the scale of transnational organised crime is the demand for its products and services in the rich West. However, the global criminal economy could not function without a supply side that provides the source of the drugs, sex workers and other goods and services demanded in the West.

This supply is linked to the globalisation process. For example, Third World drugs-producing countries such as Colombia, Peru and Afghanistan have large populations of impoverished peasants. For these groups, drug cultivation is an attractive option that requires little investment in technology and commands high prices compared with traditional crops. In Colombia, for instance, an estimated 20% of the population depends on cocaine production for their livelihood, and cocaine outsells all Colombia's other exports combined. To understand drug crime, we cannot confine our attention merely to the countries where the drugs are consumed.

Global risk consciousness

Globalisation creates new insecurities and produces a new mentality of 'risk consciousness' in which risk is seen as global rather than tied to particular places. For example, the increased movement of people, as economic migrants seeking work or as asylum seekers fleeing persecution, has given rise to anxieties among populations in Western countries about the risks of crime and disorder and the need to protect their borders.

Whether such fears are rational or not is a different matter. Much of our knowledge about risks comes from the media, which often give an exaggerated view of the dangers we face. In the case of immigration, the media create moral panics about the supposed 'threat', often fuelled by politicians. Negative coverage of immigrants – portrayed as terrorists or as scroungers 'flooding' the country – has led to hate crimes against minorities in several European countries including the UK.

One result is the intensification of social control at the national level. The UK has toughened its border control regulations, for example fining airlines if they bring in undocumented passengers. Similarly, the UK now has no legal limits on how long a person may be held in immigration detention. Other European states with land borders have introduced fences, CCTV and thermal imaging devices to prevent illegal crossings. Another result of globalised risk is the increased attempts at international cooperation and control in the various 'wars' on terror, drugs and crime – particularly since the terrorist attacks of 11 September 2001.

Globalisation, capitalism and crime

Writing from a socialist perspective, Ian Taylor (1997) argues that globalisation has led to changes in the pattern and extent of crime. By giving free rein to market forces, globalisation has created greater inequality and rising crime.

Globalisation has created crime at both ends of the social spectrum. It has allowed transnational corporations to switch manufacturing to low-wage countries, producing job insecurity, unemployment and poverty. Deregulation means that governments have little control over their own economies, for example to create jobs or raise taxes, while state spending on welfare has declined. Marketisation has encouraged people to see themselves as individual consumers, calculating the personal costs and benefits of each action, undermining social cohesion. As left realists note, the increasingly materialistic culture promoted by the global media portrays success in terms of a lifestyle of consumption.

All these factors create insecurity and widening inequalities that encourage people, especially the poor, to turn to crime. The lack of legitimate job opportunities destroys self-respect and drives the unemployed to look for illegitimate ones, for instance in the lucrative drugs trade. For example, in Los Angeles, de-industrialisation has led to the growth of drugs gangs numbering 10,000 members.

At the same time, globalisation also creates criminal opportunities on a grand scale for elite groups. For example, the deregulation of financial markets has created opportunities for insider trading and the movement of funds around the globe to avoid taxation. Similarly, the creation of transnational bodies such as the European Union has offered opportunities for fraudulent claims for subsidies, estimated at over $7 billion per annum in the EU.

Globalisation has also led to new patterns of employment, which have created new opportunities for crime. It has led to the increased use of subcontracting to recruit 'flexible' workers, often working illegally or employed for less than the minimum wage or working in breach of health and safety or other labour laws.

Taylor's theory is useful in linking global trends in the capitalist economy to changes in the pattern of crime. However, it does not adequately explain how the changes make people behave in criminal ways. For example, not all poor people turn to crime.

> **Analysis and Evaluation**
> What advantages might there be for large companies in switching their production to a less developed country?

Crimes of globalisation

Rothe and Friedrichs (2015) examine the role of international financial organisations such as the International Monetary Fund (IMF) and the World Bank in what they call 'crimes of globalisation'.

These organisations are dominated by the major capitalist states. For example, the World Bank has 188 member countries, yet just five – the USA, Japan, Germany, Britain and France – hold over a third of the voting rights.

Rothe and Friedrichs argue that these bodies impose pro-capitalist, neoliberal economic 'structural adjustment programmes' on poor countries as a condition for the loans they provide. These programmes often require governments to cut spending on health and education, and to privatise publicly-owned services (such as water supply), industries and natural resources.

While this allows Western corporations to expand into these countries, it creates the conditions for crime. For example, Rothe et al (2008) show how the programme imposed on Rwanda in the 1980s caused mass unemployment and created the economic basis for the 1994 genocide (see below). Maureen Cain (2010) suggests that in some ways, the IMF and World Bank act as a 'global state' and, while they may not break any laws, their actions can cause widespread social harms both directly, through cutting welfare spending, and indirectly, as in the Rwandan case.

Patterns of criminal organisation

As we saw in Topic 5 with Winlow's study of bouncers in Sunderland, globalisation and de-industrialisation have created new criminal opportunities and patterns at a local level. Another local study of a post-industrial town, by Dick Hobbs and Colin Dunningham, shows similar results.

Hobbs and Dunningham found that the way crime is organised is linked to the economic changes brought by globalisation. Increasingly, it involves individuals with contacts acting as a 'hub' around which a loose-knit network forms, composed of other individuals seeking opportunities, and often linking legitimate and illegitimate activities. Hobbs and Dunningham argue that this contrasts with the large-scale, hierarchical 'Mafia'-style criminal organisations of the past, such as that headed by the Kray brothers in the East End of London.

'Glocal' organisation

These new forms of organisation sometimes have international links, especially with the drugs trade, but crime is still rooted in its local context. For example, individuals still need local contacts and networks to find opportunities and to sell their drugs. Hobbs and Dunningham therefore conclude that crime works as a 'glocal' system. That is, it is still locally based, but with global connections. This means that the form it takes will vary from place to place, according to local conditions, even if it is influenced by global factors such as the availability of drugs from abroad.

Hobbs and Dunningham argue that changes associated with globalisation have led to changes in patterns of crime - for example, the shift from the old rigidly hierarchical gang structure to loose networks of flexible, opportunistic, entrepreneurial criminals. However, it is not clear that such patterns are new, nor that the older structures have disappeared. It may be that the two have always co-existed. Equally, their conclusions may not be generalisable to other criminal activities elsewhere.

McMafia

Another example of the relationship between criminal organisation and globalisation is what Misha Glenny (2008) calls 'McMafia'. This refers to the organisations that emerged in Russia and Eastern Europe following the fall of communism – itself a major factor in the process of globalisation.

Glenny traces the origins of transnational organised crime to the break-up of the Soviet Union after 1989, which coincided with the deregulation of global markets.

Under communism, the Soviet state had regulated the prices of everything. However, following the fall of communism, the Russian government deregulated most sectors of the economy except for natural resources such as oil. These commodities remained at their old Soviet prices – often only a fortieth of the world market price. Thus anyone with access to funds – such as former communist officials and KGB (secret service) generals – could buy up oil, gas, diamonds or metals for next to nothing. Selling them abroad at an astronomical profit, these individuals became Russia's new capitalist class – often popularly referred to as 'oligarchs'.

Meanwhile, the collapse of the communist state heralded a period of increasing disorder. To protect their wealth capitalists therefore turned to the 'mafias' that had begun to spring up. These were often alliances between former KGB men and ex-convicts. Among the most ruthless were the Chechen mafia.

However, these mafias were unlike the old Italian and American mafias, which were based on ethnic and family ties, with a clear-cut hierarchy. The new Russian mafias were purely economic organisations formed to pursue self-interest. For example, the Chechen mafia originated in Chechnya, but soon began to 'franchise' its operations to non-Chechen groups. 'Chechen mafia' became a brand name that they sold to protection rackets in other towns, so long as they always carried out their word – otherwise the brand would be damaged.

With the assistance of these fluid and violent organisations, the billionaires were able to find protection for their wealth and a means of moving it out of the country. Criminal organisations were vital to the entry of the new Russian capitalist class in the world economy. At the same time, the Russian mafias were able to build links with criminal organisations in other parts of the world.

> **Activity** Webquest
>
> Global crime networks
>
> ...go to www.sociology.uk.net

Green crime

Green or environmental crime can be defined as crime against the environment. Much green crime can be linked to globalisation and the increasing interconnectedness of societies. Regardless of the division of the world into separate nation-states, the planet is a single eco-system, and threats to the eco-system are increasingly global rather

than merely local in nature. For example, atmospheric pollution from industry in one country can turn into acid rain that falls in another, poisoning its watercourses and destroying its forests. Similarly, an accident in the nuclear industry – such as the one at Chernobyl in Ukraine in 1986 – can spread radioactive material over thousands of miles, showing how a problem caused in one locality can have worldwide effects.

'Global risk society' and the environment

The above examples also show that most of the threats to human well being and the eco-system are now human-made rather than natural. Unlike the natural dangers of the past, such as drought and famine, the major risks we face today are of our own making.

Ulrich Beck (1992) argues that in today's late modern society we can now provide adequate resources for all (at least in the developed countries). However, the massive increase in productivity and the technology that sustains it have created new, 'manufactured risks' – dangers that we have never faced before. Many of these risks involve harm to the environment and its consequences for humanity, such as global warming caused by greenhouse gas emissions from industry. Like climate change, many of these risks are global rather than local in nature, leading Beck to describe late modern society as 'global risk society'.

A striking example of how the global nature of human-made risk can produce crime and disorder comes from Mozambique

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Box 2.2   The Bhopal disaster

On the night of 2 December 1984, the US majority-owned Union Carbide pesticide plant at Bhopal, India, started leaking cyanide gas. The plant was no longer in active production and had fallen into disrepair. All six safety-systems failed to operate and 30 tons of gas spread through the city. Half a million people were exposed and some estimate that over 20,000 died. (Union Carbide acknowledges only 3,800 deaths and claims the explosion was caused by sabotage.) 120,000 continue to suffer effects such as cancers, blindness, breathing difficulties, gynaecological disorders and birth defects. As one survivor has said, 'the lucky ones are the ones who died on that night'. Heavy metals have been found in the breast milk of women living nearby. Fifteen years after the accident, local groundwater was found to contain up to 6 million times more mercury than normal. Campaigners say the site has never been cleaned up. No one has ever faced a criminal court.

The approach of traditional criminology to Bhopal focuses on the breaches of safety legislation and failure to follow proper maintenance procedures. The approach of green criminology takes a wider view, noting the advantages for the company in locating their plant in a country with weak health and safety and environmental protection legislation.

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in 2010. The story starts thousands of miles away, in Russia, where global warming triggered the hottest heatwave in a century, causing wildfires that destroyed parts of the country's grain belt. The resulting shortage led Russia to introduce export bans and pushed up the world price of grain.

The knock-on effect in Mozambique, which is heavily dependent on food imports, was a 30% rise in the price of bread. This sparked extensive rioting and looting of food stores that left at least a dozen dead. Mozambique's own harvest had been hit by drought, possibly also the result of global warming. At the same time, international speculators were engaging in what the World Development Movement called 'gambling on hunger in financial markets' (Patel, 2010).

Green criminology

But what if the pollution that causes global warming or acid rain is perfectly legal and no crime has been committed – is this a matter for criminologists? We can identify opposed answers to this question.

Traditional criminology has not been concerned with such behaviour, since its subject matter is defined by the criminal law, and no law has been broken. The starting point for this approach is the national and international laws and regulations concerning the environment. For example, Situ and Emmons (2000) define environmental crime as 'an unauthorised act or omission that violates the law'. Like other traditional approaches in criminology, it investigates the patterns and causes of law breaking.

The advantage of this approach is that it has a clearly defined subject matter. However, it is criticised for accepting official definitions of environmental problems and crimes, which are often shaped by powerful groups such as big business to serve their own interests.

Green criminology takes a more radical approach. It starts from the notion of *harm* rather than criminal law. For example, Rob White (2008) argues that the proper subject of criminology is any action that harms the physical environment and/or the human and non-human animals within it, even if no law has been broken.

In fact, many of the worst environmental harms are not illegal, and so the subject matter of green criminology is much wider than that of traditional criminology. For this reason, green criminology is a form of *transgressive criminology* – it oversteps (transgresses) the boundaries of traditional criminology to include new issues. This approach is also known as 'zemiology' – literally, the study of harms.

Furthermore, different countries have different laws, so that the same harmful action may be a crime in one country but not in another. Thus, legal definitions cannot provide a consistent standard of harm, since they are the product of individual nation-states and their political processes.

By moving away from a legal definition, therefore, green criminology can develop a *global* perspective on environmental harm.

This approach is like the Marxist view of 'crimes of the powerful'. Marxists argue that the capitalist class are able to shape the law and define crime so that their own exploitative activities are not criminalised or, where they are, to ensure that enforcement is weak. Similarly, green criminologists argue that powerful interests, especially nation-states and transnational corporations, are able to define in their own interests what counts as unacceptable environmental harm.

Two views of harm

In general, nation-states and transnational corporations adopt what White (2008) calls an *anthropocentric* or human-centred view of environmental harm. This view assumes that humans have a right to dominate nature for their own ends, and puts economic growth before the environment.

White contrasts this with an *ecocentric* view that sees humans and their environment as interdependent, so that environmental harm hurts humans also. This view sees both humans and the environment as liable to exploitation, particularly by global capitalism. In general, green criminology adopts the ecocentric view as the basis for judging environmental harm.

Application

What rights if any do (a) animals and (b) the physical environment have? Do humans have more rights than animals and the environment? If so, what are they?

Types of green crimes

From a green criminology perspective, Nigel South (2014) classifies green crimes into two types: primary and secondary.

Primary green crimes

Primary green crimes are 'crimes that result directly from the destruction and degradation of the earth's resources'. South identifies four main types of primary crime:

Crimes of air pollution Burning fossil fuels from industry and transport adds 6 billion tons of carbon to the atmosphere every year and carbon emissions are growing by around 2% per annum, contributing to global warming. The potential criminals are governments, business and consumers. According to Walters (2013), twice as many people now die from air pollution-induced breathing problems as 20 years ago.

Crimes of deforestation Between 1960 and 1990, one-fifth of the world's tropical rainforest was destroyed, for example through illegal logging. In the Amazon, forest has been cleared to rear beef cattle for export. In the Andes, the 'war on drugs' has led to pesticide spraying to kill coca and marijuana plants, but this has created a new green crime, destroying food crops, contaminating drinking water and causing illness. The criminals include the state and those who profit from forest destruction, such as logging companies and cattle ranchers.

Crimes of species decline and animal abuse 50 species a day are becoming extinct, and 46% of mammal and 11% of bird species are at risk. 70-95% of earth's species live in the rainforests, which are under severe threat. There is trafficking in animals and animal parts. Meanwhile, old crimes such as dog-fights and badger-baiting are on the increase.

Crimes of water pollution Half a billion people lack access to clean drinking water and 25 million die annually from drinking contaminated water. Marine pollution threatens 58% of the world's ocean reefs and 34% of its fish. The Deepwater Horizon oil spill caused massive harm to marine life and coasts. Criminals include businesses that dump toxic waste and governments that discharge untreated sewage into rivers and seas.

Secondary green crimes

Secondary green crime is crime that grows out of the flouting of rules aimed at preventing or regulating environmental disasters. For example, governments often break their own regulations and cause environmental harms. South suggests two examples of secondary crimes.

State violence against oppositional groups States condemn terrorism, but they have been prepared to resort to similar illegal methods themselves. For example, in 1985 the French secret service blew up the Greenpeace ship *Rainbow Warrior* in Auckland harbour, New Zealand, killing one crew member. The vessel was there in an attempt to prevent a green crime, namely French nuclear weapons testing in the south Pacific. As Day (1991) says, 'in every case where a government has committed itself to nuclear weapons or nuclear power, all those who oppose this policy are treated in some degree as enemies of the state'.

Hazardous waste and organised crime Disposal of toxic waste from the chemical, nuclear and other industries is highly profitable. Because of the high costs of safe and legal disposal, businesses may seek to dispose of such waste illegally. For example, in Italy, *eco-mafias* profit from illegal dumping, much of it at sea. As Reece Walters (2007) notes, 'the ocean floor has been a radioactive rubbish dump for decades'. For example, 28,500 rusting barrels of radioactive waste lie on the seabed off the Channel Islands, reportedly dumped by UK authorities and corporations in the 1950s.

Illegal dumping often has a *globalised* character. For example, Fred Bridgland (2006) describes how, after the tsunami of 2004, hundreds of barrels of radioactive waste,

illegally dumped by European companies, washed up on the shores of Somalia.

In other cases, Western businesses ship their waste to be processed in Third World countries where costs are lower and safety standards often non-existent. For example, as Rosoff et al (1998) note, the cost of legitimately disposing of toxic waste in the USA is about $2,500 a ton, but some Third World countries will dispose of it for $3 a ton. Similarly, transnational corporations may offload products (such as pharmaceuticals) onto Third World markets after they have been banned on safety grounds in the West.

Illegal waste disposal illustrates the problems of law enforcement in a globalised world. The very existence of laws to regulate waste disposal in developed countries pushes up the costs to business and creates an incentive to dump illegally in Third World countries. In some cases, it is not even illegal, since less developed countries may lack the necessary legislation outlawing it.

Environmental discrimination is how South (2014) describes the fact that poorer groups are worse affected by pollution. For example, black communities in the USA often find their housing situated next to garbage dumps or polluting industries.

Evaluation of green criminology

Both the strengths and the weaknesses of green criminology arise from its focus on global environmental concerns. It recognises the growing importance of environmental issues and the need to address the harms and risks of environmental damage, both to humans and non-human animals.

However, by focusing on the much broader concept of harms rather than simply on legally defined crimes, it is hard to define the boundaries of its field of study clearly. Defining these boundaries involves making moral or political statements about which actions ought to be regarded as wrong. Critics argue that this is a matter of values and cannot be established objectively.

State crimes

As we saw in Topic 3, Marxists and critical criminologists argue that traditional criminology focused on the 'crimes of the streets' and ignored the 'crimes of the suites' committed by big business. Like corporate crime, state crime is another example of the crimes of the powerful, and Marxists argue that we should investigate state crimes as well as those of capitalism.

Penny Green and Tony Ward (2012) define state crime as 'illegal or deviant activities perpetrated by, or with the complicity of, state agencies.' It includes all forms of crime committed by or on behalf of states and governments in order to further their policies. State crimes do not include acts that merely benefit individuals who work for the state, such as a police officer who accepts a bribe.

State crime is perhaps the most serious form of crime for two reasons.

1 The scale of state crime

The state's enormous power gives it the potential to inflict harm on a huge scale. For example, Green and Ward (2012) cite a figure of 262 million people murdered by governments during the 20th century. As Michalowski and Kramer (2006) note:

'Great power and great crimes are inseparable. Economic and political elites can bring death, disease, and loss to tens of thousands with a single decision.'

2 The state is the source of law

It is the state's role to define what is criminal, uphold the law and prosecute offenders. However, its power means that it can conceal its crimes, evade punishment for them, and even avoid defining its own actions as criminal in the first place. State crime undermines the system of justice and public faith in it.

States of all kinds, including democracies such as Britain and the USA, have been guilty of crimes, but the principle of national sovereignty – that states are the supreme authority within their own borders – makes it difficult for exter authorities such as the United Nations to intervene.

Case studies of state crime

Eugene McLaughlin (2012) identifies four categories of state crime:

1 **Political crimes**, for example corruption and censorship.

2 **Crimes by security and police forces**, such as genocide, torture and disappearances of dissidents.

3 **Economic crimes**, for example official violations of health and safety laws.

4 **Social and cultural crimes**, such as institutional racism.

In this section, we consider a number of case studies that illustrate different types of state crime.

Genocide in Rwanda

The UN defines genocide as 'acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group'. In 1994, Rwanda was the scene of 'the 20th century's fastest genocide' (Straus 2015, 2016).

Rwanda became a Belgian colony in 1922 and the Belgians used the minority Tutsi to mediate their rule over the Hutu majority. But Hutus and Tutsis were not separate ethnic groups – they spoke the same language and often intermarried. Rather, they were more like social classes: Tutsis owned livestock and Hutus did not; Hutus could become Tutsis if they could afford to buy cattle. However, the Belgians 'ethnicised' the two groups, issuing them with racial iden cards, and educated the two groups separately.

Rwanda gained independence in 1962 and elections brought the majority Hutus to power. By the 1990s, an escalating economic and political crisis led to civil war, with Hutu hardliners in the government attempting to cling on to power by fuelling race hate propaganda against the Tutsis. The shooting down of the Hutu president's plane in 1994 triggered the genocide. In a hundred days, 800,000 Tutsis (along with moderate Hutus) were slaughtered, legitimated with dehumanising labels describing Tutsis as 'cockroaches' and 'rats'. Initially, the killing was done by marauding groups of Hutu militia. Later, many Hutu civilians were forced to either join in the killing or be killed themselves, and a third of the Hutu population are estimated to have actively participated in the genocide.

State-corporate crime

State crimes are often committed in conjunction with corporate crimes. Kramer and Michalowski (1993) distinguish between 'state-initiated' and 'state-facilitated' corporate crime.

The *Challenger* space shuttle disaster in 1986 is an example of *state-initiated* corporate crime. This occurs when states initiate, direct or approve corporate crimes. In the case of *Challenger*, risky, negligent and cost-cutting decisions by the state agency NASA and the corporation Morton Thiokol led to the explosion that killed seven astronauts 73 seconds after blast-off (Kramer 1992).

The *Deepwater Horizon* oil rig disaster in the Gulf of Mexico in 2010 is an example of *state-facilitated* corporate crime. This occurs when states fail to regulate and control corporate behaviour, making crime easier. The rig, leased by BP, exploded and sank, killing eleven workers and causing the largest accidental oil spill in history, with major health, environmental and economic impacts. The official enquiry found that while the disaster resulted from decisions by the companies involved (BP, Halliburton and Transocean), government regulators had failed to oversee the industry adequately or to notice the companies' cost-cutting decisions.

War crimes

We can distinguish between two kinds of war-related crime:

Illegal wars Under international law, in all cases other than self-defence, war can only be declared by the UN Security Council. On this basis, many see the US-led wars in Afghanistan and Iraq in the name of the 'war on terror' as illegal. For example, Kramer and Michalowksi (2005) argue that to justify their invasion of Iraq in 2003 as self-defence, the USA and UK knowingly made the false claim that the Iraqis possessed weapons of mass destruction.

Crimes committed during war or its aftermath For example, Whyte (2014) describes the USA's 'neo-liberal colonisation' of Iraq, in which the constitution was illegally changed so that the economy could be privatised. Iraqi oil revenues were seized to pay for 'reconstruction'. In 2004 alone, over $48 billion went to US firms. But poor oversight by the occupying powers meant it is unclear where much of this went, and 'cost-plus' contracts (where all the contractor's costs are met automatically by the government, regardless of what they are for) led to enormous waste. This case is also an example of state-corporate crime.

Kramer and Michalowski identify other crimes committed during the Iraq War, including torture of prisoners. A US military inquiry into Abu Ghraib prison found numerous instances of 'sadistic, blatant and wanton criminal abuses' of prisoners. Nine soldiers were convicted, the highest-ranking being a staff sergeant. No commanding officers were prosecuted. Personnel from private companies were also implicated but none were prosecuted.

Kramer (2014) also notes how the terror bombing of civilians has become 'normalised'. This began in the 1930s and continued through the Second World War with the American fire-bombing of 67 Japanese cities and atomic bombing of Hiroshima and Nagasaki. No trials for war crimes took place. Indiscriminate and often deliberate bombing of civilians has continued in recent conflicts in Iraq and Syria.

Activity Webquest

State-corporate crime and war

...go to www.sociology.uk.net

Defining state crime

As we have already seen with green crime and corporate crime, defining crime of any kind is not straightforward, and this is particularly true of state crime. In this section, we look at some of the definitions sociologists have put forward.

Domestic law

Chambliss (1989) defines state crime as 'acts defined by law as criminal and committed by state officials in pursuit of their jobs as representatives of the state'.

However, using a state's own domestic law to define state crime is inadequate. It ignores the fact that states have the power to make laws and so they can avoid criminalising their own actions. Furthermore, they can make laws allowing them to carry out harmful acts. For example, the German Nazi state passed a law permitting it to compulsorily sterilise the disabled. This definition also leads to inconsistencies. For example, the same act may be illegal on one side of a border but legal on the other.

Social harms and zemiology

This recognises that much of the harm done by states is not against the law. Michalowski (1985) therefore defines state crime as including not just illegal acts, but also 'legally permissible acts whose consequences are similar to those of illegal acts' in the harm they cause.

Similarly, Hillyard et al (2004) argue that we should take a much wider view of state wrongdoing. We should replace the study of crimes with 'zemiology' – the study of harms, whether or not they are against the law. For example, these harms would include state-facilitated poverty.

This definition prevents states from ruling themselves 'out of court' by making laws that allow them to misbehave. It also creates a single standard that can be applied to different states to identify which ones are most harmful to human or environmental wellbeing.

However, critics argue that a 'harms' definition is potentially very vague:

● What level of harm must occur before an act is defined as a crime? There is a danger that it makes the field of study too wide.

● Who decides what counts as a harm? This just replaces the state's arbitrary definition of crime with the sociologist's equally arbitrary definition of harm.

Labelling and societal reaction

Labelling theory argues that whether an act constitutes a crime depends on whether the social audience for that act defines it as a crime. The audience may witness the act either directly or indirectly, for example through media reports.

This definition recognises that state crime is socially constructed, and so what people regard as a state crime can vary over time and between cultures or groups. This prevents the sociologist imposing their own definition of state crime when this may not be how the participants (perpetrators, victims and audiences) define the situation.

However, this definition is even vaguer than 'social harms'. For example, Kauzlarich's (2007) study of anti-Iraq War protestors found that while they saw the war as harmful and illegitimate, they were unwilling to label it criminal. By contrast, from a 'harms' or an international law perspective, the war can be seen as illegal.

It is also unclear who is supposed to be the relevant audience that decides whether a state crime has been committed, or what to do if different audiences reach different verdicts about an act.

It also ignores the fact that audiences' definitions may be manipulated by ruling-class ideology. For example, the media may persuade the public to see a war as legitimate rather than criminal.

International law

Some sociologists base their definition of state crime on international law – that is, law created through treaties and agreements between states, such as the Geneva and Hague Conventions on war crimes. For example, Rothe and Mullins (2008) define a state crime as any action by or on behalf of a state that violates international law and/or a state's own domestic law.

The advantage of this is that it does not depend on the sociologist's own personal definitions of harm or who the relevant social audience is. Instead it uses globally agreed definitions of state crime. International law also has the advantage of being intentionally designed to deal with state crime, unlike most domestic law.

However, like the laws made by individual states, international law is a social construction involving the use of power. For example, Strand and Tuman (2012) found that Japan has sought to overturn the international ban on whaling by concentrating its foreign aid on impoverished 'microstates', including six small Caribbean island nations, to bribe them to vote against the ban.

Another limitation is that international law focuses largely on war crimes and crimes against humanity, rather than other state crimes such as corruption.

Human rights

Some sociologists use human rights as a way of defining state crime. Human rights include:

● **Natural rights** that people have simply by virtue of existing, such as the right to life, liberty and free speech.

● **Civil rights**, such as the right to vote, to privacy, to a fair trial, or to education.

Herman and Julia Schwendinger (1975) argue that we should define state crime as the violation of people's basic human rights by the state or its agents. States that practise imperialism, racism, sexism or economic exploitation are

ommitting crimes because they are denying people their asic rights.

isse et al (1999) argue that one advantage of this definition that virtually all states care about their human rights nage, because these rights are now global social norms. his makes them susceptible to 'shaming' and this can rovide leverage to make them respect their citizens' rights.

or the Schwendingers, the definition of crime is inevitably olitical. If we accept a legal definition (that crimes are mply whatever the state says they are), we become ubservient to the state's interests. The Schwendingers rgue that the sociologist's role should be to defend uman rights, if necessary against the state's laws. Like the 1arms' approach, their view is an example of *transgressive imi gy*, since it goes beyond the traditional boundaries f criminology, which are defined by the criminal law.

owever, Stanley Cohen (1996; 2001) criticises the chwendingers' view. While gross violations of human ghts, such as torture, are clearly crimes, other acts, such as conomic exploitation, are not self-evidently criminal, even we find them morally unacceptable.

here are also disagreements about what counts as a uman right. While most would include life and liberty, ome would not include freedom from hunger. However, reen and Ward (2012) counter this with the view that erty is not much use if people are too malnourished to xercise it. Therefore if the state knowingly permits the xport of food from a famine area, for example – like the itish government did during the Irish famine of the 1840s then this is a denial of human rights and a state crime.

xp' ining state crime

'hile genocides may be ordered and organised by leaders states, they cannot happen without the cooperation ordinary soldiers, police and civilians. For example, in oth Rwanda and Nazi Germany, genocide needed the volvement of a large proportion of the population.

'hy and how do large numbers of normally law-abiding tizens become involved in atrocities? We now examine ome possible explanations.

he authoritarian personality

dorno et al (1950) identify an 'authoritarian personality' at includes a willingness to obey the orders of superiors ithout question. They argue that at the time of the Second 'orld War, many Germans had authoritarian personality pes due to the punitive, disciplinarian socialisation itterns that were common at the time.

milarly, it is often thought that people who carry out torture id genocide must be psychopaths. However, research iggests that there is little psychological difference between

them and 'normal' people. For example, Arendt's (2006) study of the Nazi war criminal Adolf Eichmann showed him to be relatively normal and not even particularly anti-Semitic.

Crimes of obedience

Crime is usually defined as deviance from social norms. However, state crimes are crimes of conformity, since they require obedience to a higher authority – the state or its representative. For example, in a corrupt police unit, the officer who accepts bribes is conforming to the unit's norms, while at the same time breaking the law. Conforming to one norm means deviating from the other.

Research suggests that many people are willing to obey authority even when this involves harming others. Sociologists argue that such actions are part of a role into which individuals are socialised. They focus on the social conditions in which atrocities become acceptable or even required.

For example, according to Green and Ward (2102), in order to overcome norms against the use of cruelty, individuals who become torturers often need to be re-socialised, trained and exposed to propaganda about 'the enemy'. States also frequently create 'enclaves of barbarism' where torture is practised, such as military bases, segregated from outside society. This allows the torturer to regard it as a '9 to 5' job from which he can return to normal everyday life.

From a study of the My Lai massacre in Vietnam, where a platoon of American soldiers killed 400 civilians, Kelman and Hamilton (1989) identify three general features that produce crimes of obedience:

- **Authorisation** When acts are ordered or approved by those in authority, normal moral principles are replaced by the duty to obey.
- **Routinisation** Once the crime has been committed, there is strong pressure to turn the act into a routine that individuals can perform in a detached manner.
- **Dehumanisation** When the enemy is portrayed as sub-human, normal principles of morality do not apply.

Modernity

Some commentators argue that the Nazi Holocaust represented a breakdown of modern civilisation and a reversion to pre-modern barbarism. However, Zygmunt Bauman (1989) takes the opposite view: it was certain key features of modern society that made the Holocaust possible:

- **A division of labour** Each person was responsible for just one small task, so no-one felt personally responsible for the atrocity.
- **Bureaucratisation** normalised the killing by making it a repetitive, rule-governed and routine 'job'. It also meant that the victims could be dehumanised as mere 'units'.
- **Instrumental rationality**, where rational, efficient methods are used to achieve a goal, regardless of what

the goal is. In modern business, the goal is profit; in the Holocaust, it was murder.

- Science and technology, from the railways transporting victims to the death camps, to the industrially produced gas used to kill them.

The Holocaust was a modern, industrialised mass production 'factory' system, where the product was mass murder. For Bauman, the Holocaust was the result not of a breakdown of civilisation, but of the very existence of modern rational-bureaucratic civilisation.

evaluation

Not all genocides occur through a highly organised division of labour that allows participants to distance themselves from the killing. For example, the Rwandan genocide was carried out directly by large marauding groups.

Ideological factors are also important. Nazi ideology stressed a single, monolithic German racial identity that excluded minorities such as Jews, Gypsies and Slavs, who were defined as inferior or even sub-human. This meant they did not need to be treated according to normal standards of morality.

Thus, while the modern, rational division of labour may have supplied the means for the Holocaust, it was racist ideology that supplied the motivation to carry it out. A decade of anti-Semitic propaganda preceded the mass murder of the Jews and helped to create many willing participants and many more sympathetic bystanders.

The culture of denial

According to Alvarez (2010), recent years have seen the growing impact of the international human rights movement, for example through the work of organisations such as Amnesty International, and this is bringing pressure to bear on states.

As a result, Cohen (2006) argues, states now have to make a greater effort to conceal or justify their human rights crimes, or to re-label them as not crimes. Cohen is interested in the ways states do this. While dictatorships generally just flatly deny any human rights abuses, democratic states have to legitimate their actions in more complex ways. In doing so, their justifications follow a three-stage 'spiral of state denial':

Stage 1 'It didn't happen'; e.g. the state claims there was no massacre. But then human rights organisations, victims and the media show it did happen: 'here are the graves; we have the photos'.

Stage 2 'If it did happen, "it" is something else'; e.g. the state says it was self-defence, not murder.

Stage 3 'Even if it is what you say it is, it's justified', e.g. to fight the 'war on terror'.

Techniques of neutralisation Cohen examines the ways in which states deny or justify their crimes. He draws on the work of Sykes and Matza (1957), who identify five neutralisation techniques that delinquents use to justify their deviant behaviour. Cohen shows how states use the same techniques to justify human rights violations:

Denial of victim 'They exaggerate; they are terrorists; they are used to violence; look what they do to each other.'

Denial of injury 'We are the real victims, not them.'

Denial of responsibility 'I was only obeying orders, doing my duty.' This justification is often used by individual policemen, death camp guards etc.

Condemning the condemners 'They are condemning us only because of their anti-Semitism (Israeli version), their hostility to Islam (Arab version), their racism.'

Appeal to higher loyalty Self-righteous justifications that claim to be serving a higher cause, whether the nation, Zionism, Islam, the defence of the 'free world', natio security etc.

These techniques do not deny that the event has occurred. Rather, 'they seek to impose a different construction of the event from what might appear to be the case'. For example, Cohen (2006) argues that in its 'war on terror', the USA had to publicly justify its coercive interrogation practices, which Cohen describes as 'torture lite'.

These included hooding, shaking, sleep deprivation, the use of stress positions and 'water boarding' (simulated drowning). The US claimed that these techniques were not torture because they merely induced stress and were not physically or psychologically damaging. Cohen sees this as a neutralisation technique aimed at normalising torture.

Topic summary

Globalisation brings **transnational organised crime**, e.g. trafficking drugs and people, as well as **de-industrialisation** and insecurity, leading to increased crime, and **'glocal'** criminal organisation with fluid networks and 'franchises' rather than mafia-style fixed hierarchies.

We now live in **global risk society**, where human-made threats include massive environmental damage. **Green criminology** adopts an **ecocentric** view based on **harm** rather than the law. It identifies both primary and secondary green crimes.

The **state** has the power to commit massive abuses. **Definitions** of state crime may be based on domestic or international **law, social harms** or **human rights**. **Explanations** include **authoritarian personalities**, re-socialisation, modernity and the **culture of denial**.