**CD18 – State Crime**

In this section, we shall delve into the complex and nuanced topic of state crime. To begin with, we shall examine the diverse range of definitions attributed to state crime, along with an exploration of the several types of state crime that are commonly identified. Furthermore, we shall seek to understand the underlying rationales for why state crime is committed, and identify the complexities and challenges associated with investigating and analysing state crime.

**Definitions**

Let us now delve deeper into the multifaceted and complex definitions of state crime. As observed in other areas of study, there exists no uniform definition of crime. Green and Ward have defined state crime as any form of illicit or deviant conduct conducted by or with the complicity of state agencies. This encompasses any unlawful activity conducted by government officials, employees, or governmental departments such as the Department of Education, Military, or Department of Justice. These illegal activities can either violate statutory laws or contravene the societal norms and values. However, the matter is not as straightforward as it seems, as the government holds the power to draft laws that can provide legal coverage for their actions. Consequently, it becomes necessary to examine more nuanced definitions of state crime, such as the concept of domestic law, social harm, and Zemiology. Moreover, it is essential to analyse the perspective of international law and human rights, as these factors play a vital role in comprehending state crime. This lecture shall introduce several new terminologies and notable sociologists that have contributed significantly to the field of state crime research.

Chambliss proposes another prominent definition of state crime. He defines state crime as any action that is legally recognized as a criminal act but is committed by state officials while executing their duties as representatives of the state. This definition is more specific than that of Green and Ward, as it includes any government employee who breaks the law while performing their duties, regardless of their rank or position. For instance, the ongoing MP expenses scandal exemplifies this type of state crime, where MPs claimed expenses beyond the permissible limits as part of their job benefits. While this action was not a private criminal act, the MPs committed it while performing their duties as state officials. It is crucial to acknowledge that this definition is limited to the legal framework within a particular country, also known as domestic law.

Michalowski's definition of state crime is based on the study of Zemiology, which focuses on the harm caused by state actions. According to Michalowski, state crime includes not only illegal actions but also those legally permissible actions that have similar harmful consequences as illegal actions. In other words, the focus is on the impact of state actions rather than the actions themselves. For example, the UK's austerity policies can be considered a state crime under Michalowski's definition, as they have caused harm to people in the form of a decline in public services and difficulties in accessing necessities. While these policies may not be technically illegal, their impact on people's lives is like that of illegal actions, thus making them a form of state crime.

The definition of state crime provided by Rothe and Mullins emphasizes the importance of both domestic and international laws. According to their definition, a state crime occurs when an action is taken by or on behalf of the state that violates these laws. The violation of international laws can include acts such as war crimes or crimes against humanity, while the violation of domestic laws can include acts such as police brutality or government corruption. Rothe and Mullins' definition also highlights the complicity of the state in these crimes, meaning that it is not just the actions of individual state officials that constitute state crime, but the actions taken by or on behalf of the state. This includes actions taken by state agencies, such as the military or police, as well as actions taken by government officials. The example of the Gulf War and the falsified reports of weapons of mass destruction highlights how state crime can occur on an international level. In this case, the actions of the US government and potentially the UK government violated both international and domestic laws, as they were based on false information and resulted in the loss of numerous lives and significant harm to the affected regions.

 Schwendinger posits that state crime refers to any violation of fundamental human rights committed by the state or its agents. These agents may include military police or officials within the government, with the definition being grounded in the United Nations Declaration of Human Rights written in 1948. While this definition appears comprehensive, it may not apply to all countries as not all have ratified the Declaration. For instance, the United States, though instrumental in its creation through the contributions of Eleanor Roosevelt, did not ratify it. This is because they asserted that their constitution already encapsulates the rights within the Declaration. Many other countries have also not signed the Declaration. Therefore, it may be challenging to hold them accountable for breaching a standard they have not adopted. With the existence of multiple definitions of state crime, it becomes challenging to enforce any function as an instance of state crime.

**Types of State Crime**

Eugene McLaughlin has categorized state crimes into four groups, namely, political crimes, crimes committed by security and police forces, economic crimes, and social and cultural crimes. Political crimes refer to those acts committed by the state or its agents to maintain power or suppress opposition. Crimes by security and police forces include acts of torture, extrajudicial killings, and illegal surveillance by law enforcement personnel. Economic crimes involve corrupt practices such as embezzlement, bribery, and money laundering by state officials. Lastly, social, and cultural crimes pertain to the violation of human rights, such as discrimination based on race, gender, or sexuality. By using these categories, one can assess whether a state is engaging in criminal activities that fall under any of these classifications, which helps to understand the extent of state crime in a particular society.

The categorization of state crime is an important aspect to examine when analysing the actions of governments. Eugene McLaughlin is a sociologist who has categorized state crime into four categories: political crimes, crimes by security and police forces, economic crimes, and social and cultural crimes. Political crimes refer to actions such as corruption, censorship, and war crimes. Political corruption involves the misuse of public funds for personal gain or the granting of government contracts in exchange for bribes, which can include non-monetary favours. In the context of the COVID pandemic, examples of political corruption include the granting of contracts to companies with no prior experience in PPE production or the creation of a "VIP lane" for friends of political parties to access contracts. Electoral fraud or vote rigging is another form of political crime where the election outcome is manipulated through actions such as voter suppression. Political censorship involves the distortion, concealment, or falsification of information that citizens receive from news outlets and can include the spread of fake news or calculated releases of information. War crimes encompass illegal wars and crimes committed during wars, such as the Abu Ghraib prison crimes or the bombing of civilians or areas of no strategic value. War crimes are considered more prosecutable due to the international war crimes tribunal in The Hague, established after the Nuremberg and Tokyo trials post World War II.

The next type of state crime is crimes by security, or police forces. And these can be subsetted into four sections, genocide, torture, imprisonment, without trial, and the disappearance of dissidents. Genocide is the most extreme form of state crime committed by security or police forces. It refers to any act committed with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group. The Holocaust is the most well-known example of genocide, but other examples include the Cambodian genocide under the Khmer Rouge regime, the Rwandan genocide in which the Hutu targeted the Tutsi minority, and the Bosnian genocide that targeted Bosnian Muslims and Croats by the Bosnian-Serb Army. These cases show how state actors can use their power to systematically eliminate a particular group of people based on their identity.

Torture is another common form of state crime committed by security or police forces. It involves inflicting severe pain on someone as a punishment or to force them to do or say something. Examples of torture include the use of waterboarding at Guantanamo Bay and Operation Demetrius in Ulster, Northern Ireland, during the Troubles. Torture can also take the form of psychological abuse, such as sensory deprivation or sleep deprivation, which can have long-lasting effects on the victim's mental health.

Imprisonment without trial is a violation of human rights that occurs when someone is detained in a prison or psychiatric facility without knowledge of why or for how long. The United States' indefinite detention of citizens on suspicion of terrorism at Guantanamo Bay is an example of this. In the UK, there was an attempt to introduce this after the July 7 bombings in 2005, but it was not successful. Currently, people can be detained for up to 28 days with a court order, and if there is not enough evidence to convict at the end of that time, they must be released. However, there are still people in Guantanamo Bay who have not been convicted of terrorism and have been held for years without sufficient evidence.

Finally, the disappearance of dissidents refers to cases where individuals who speak up against the government or its policies suddenly go missing. While there are rumours of this happening in countries like China, Russia, and Saudi Arabia, there are concrete examples of this occurring in Mexico, where students disappeared in 2014. This type of state crime is often used to silence opposition and in still fear in the population.

The concept of economic crime can be divided into two distinct categories. The first type is characterized by violations of health and safety laws, whereby governments knowingly permit health and safety breaches in public services to reduce costs or maximize profits. This phenomenon is exemplified by the Chernobyl nuclear disaster, which resulted from a lack of proper training and implementation of systems at a government-run nuclear power plant. Another example is the Flint, Michigan water contamination crisis, where the government ignored the fact that the water was undrinkable and failed to take action to remedy the situation. Even today, Flint is grappling with the ongoing challenges of clean-up. Lastly, the Challenger shuttle disaster serves as a prime example of government negligence in which potential issues with certain parts of the shuttle were disregarded, leading to a catastrophic event during launch.

The second type of economic crime is characterized by economic policies that cause harm to the citizenry despite the government's knowledge of the negative consequences. Austerity measures implemented by the government provide an apt illustration of such policies. Despite multiple warnings by international agencies, charities, and fiscal think tanks that these policies would be detrimental to the public, they were still put into effect. In summary, economic crimes can take on different forms, but what they all have in common is that they involve governments knowingly putting their citizens at risk to serve their own interests.

The final category of State crime that we will examine is social and cultural crime. Social crime refers to institutional racism, whereby certain groups in society are specifically targeted by police forces, or where policies and procedures implemented by state agencies are institutionally racist. For example, ethnocentric curriculum in education is a form of institutional racism perpetuated by the Department of Education and other government agencies. Cultural crime, on the other hand, involves the destruction of Indigenous and native culture and heritage, either through physical destruction or through symbolic violence. Examples of physical destruction include the ISIS destruction of churches, shrines, and mosques, and the US destruction of Native American sights and lands. Symbolic violence involves the forced assimilation of Indigenous children into institutions, which have caused immense trauma and suffering. These institutions aimed to eradicate Indigenous culture and heritage by indoctrinating children into a more culturally acceptable way of life. Social and cultural crime are deeply rooted in systemic inequalities, and addressing these issues requires significant structural changes within society.

**Causes of State Crime**

There are three main theories that explain the existence of state crime: integrated theory, modernity, and social conditions. These theories build upon our understanding of crime and deviance and provide a more comprehensive explanation for state crime.

Green and Ward’s integrated theory suggests that state crime arises from similar circumstances as blue collar, white collar, and corporate crime. Specifically, the theory identifies three key features that interconnect to produce state crime: opportunity, motivation, and failures of control. Failures of control refer to the lack of consequences or limited consequences for states and governments in terms of their criminal actions. Opportunity refers to the means and methods available to commit the crime, while motivation often centres around financial gain, which is understandable in a capitalist society. While individual motivations may differ from those of government agencies, it is the incorporation of these three elements that leads to state crime.

According to the renowned sociologist Zygmunt Bauman, the emergence of modern society and its distinctive characteristics have enabled state crime to take place. Bauman attributes this phenomenon to the division of labour, which divides responsibility among different individuals, rendering each person only accountable for their individual role in the larger system. This division of labour allows individuals to dissociate themselves from any personal responsibility, claiming that they were merely fulfilling their assigned duties. However, this leads to the collective irresponsibility of the state. Bauman also highlights the process of bureaucratization, whereby the normalisation of repetitive and routine tasks renders individuals unable to comprehend the broader context of their actions. This is further compounded by the dehumanization of victims of state crime, where those affected are reduced to mere numbers and statistics rather than being viewed as human beings. Bauman also references the concept of instrumental rationality, as espoused by Weber, which emphasises the efficiency of achieving goals regardless of the consequences. Thus, in the case of austerity measures, the aim of reducing national debt takes precedence over the negative effects on those affected. Scientific and technological knowledge is also employed to justify state crime as a necessary means to an end. Collectively, these four features of modern society enable the perpetration of state crime.

Kelman and Hamilton argue that state crimes differ from citizen crimes in that they are primarily acts of obedience rather than deviance. State crimes are often committed under the guise of "just following orders," a defence popularized by Nazi war criminals in the aftermath of World War II. The authors identify three key factors that enable crimes of obedience: authorization, routinization, and dehumanization. Authorization refers to the legitimization of state actions by individuals in positions of power, which can override personal moral objections. The process of routinization involves the normalization of these actions as part of everyday life, leading individuals to perform them without questioning or critical reflection. Finally, dehumanization occurs when state actors view victims as subhuman or less than human, thereby justifying their actions and rendering traditional moral norms irrelevant.

The phenomenon of obedience to authority has been extensively studied in psychology, most notably in Stanley Milgram's obedience experiments. The combination of authorization, routinization, and dehumanization can create a context in which state crimes are seen as acceptable or even necessary. For example, in the Holocaust, Nazi propaganda portrayed Jews, Romani, and other marginalized groups as subhuman, making their extermination seem like a moral duty rather than a crime. The acceptance of state crimes as obedience to authority represents a challenge to conventional understandings of criminality and morality and requires critical reflection on the role of power and authority in shaping social norms and values.

**Why is state crime so serious?**

The concept of state crime, as defined by Zemiology, refers to one of the most serious forms of crime due to the extensive harm caused. This type of crime impacts not just individuals, but entire populations. Michalowski and Kramer have suggested that great power and great crimes are inextricably linked, with economic and political elites being able to cause death, disease, and loss to tens of thousands of people with a single decision. This can be seen in the context of the COVID-19 pandemic, where government decisions have led to the deaths of thousands of individuals.

It is worth noting that the state, being the source of law, has the power to conceal its crimes, making them harder to detect and to hold accountable. Moreover, the state can change laws to benefit its actions. The issue of national sovereignty makes it challenging for international bodies such as the United Nations to intervene. While such bodies can monitor the actions of member states, they lack tangible power and may be unable to hold governments accountable for state crimes.

One of the significant problems with state crime is the culture of denial. Governments may manipulate individuals into thinking that their actions are not wrong. The 24-hour news cycle and human rights movements have forced states to become better at hiding and justifying their crimes. Cohen has referred to this as the spiral of state denial, where governments use denial, justification, and neutralization to justify their actions. For instance, during COVID-19, the UK government initially denied holding parties, only to later admit to them and justify them as a work event.

Sykes and Matza's neutralization theory helps to understand this phenomenon. The theory posits that individuals who engage in deviant behaviour use various techniques of neutralization to justify or rationalize their actions.

The five techniques of neutralization, according to Matza and Sykes, are:

1. Denial of responsibility - The offender denies personal responsibility for their actions, attributing the behaviour to external circumstances or forces beyond their control.
2. Denial of injury - The offender denies that their actions have caused harm or injury to others.
3. Denial of the victim - The offender denies that the victim is innocent or undeserving of the harm caused to them.
4. Condemnation of the condemners - The offender condemns those who criticize or punish their behaviour, portraying them as hypocrites or unjust.
5. Appeal to higher loyalties - The offender appeals to a higher value or loyalty, such as loyalty to a group, ideology, or cause, to justify their behaviour.

According to Matza and Sykes, individuals who engage in deviant behaviour use these techniques to rationalize their actions and reduce cognitive dissonance. These techniques allow individuals to temporarily neutralize or suspend their moral values and beliefs, allowing them to engage in deviant behaviour without feeling guilt or shame.

**Studying State Crime**

In the realm of sociological research, state crime is a subject of interest, yet it poses several obstacles for scholars. Cohen has identified these difficulties as being strategies of denial and justification. The phenomena of state crime are challenging to scrutinize as the government may engage in gaslighting, reclassify crimes, exercise censorship, and wield power to hinder research. Since state crime is not usually prosecuted at a national level, there are no official statistics or victim surveys available, and sociologists often must rely on secondary sources like media coverage, which can be sensationalized, and subject to government censorship.

Green and Ward have cautioned that the investigation of state crime can be precarious and complicated as scholars risk endangerment and governmental manipulation. As White has suggested, states can use their power to impede sociological inquiry. Researchers may seek access to information using the Freedom of Information Act, but the government has the authority to grant or deny such requests, and it is often refused when the information is deemed sensitive. Thus, researching state crime is challenging, and the information that is available is primarily theoretical and speculative, lacking empirical evidence to verify or refute it.