



## State Crimes

### Introduction

We tend to think of the state as protecting us and keeping us safe, upholding and enforcing laws. However, the state can also break the law too.

**Activity:** Before reading further, what is your understanding of state crime? Write a paragraph on what you think it involves, then re-read the paragraph at the end of this Factsheet to see how you did.

The information in this Factsheet would be relevant to exam questions on the topic of Crime and Deviance.

Cohen (2001) suggests that the scope of criminology needs to be expanded to include crimes committed by the state.



For Green (2004) in *State Crime: Governments, Violence and Corruption*, state crimes are illegal or deviant activities perpetrated by, or with the complicity of state agencies.

State crimes can be considered as one of the most serious forms of crime for the following reasons:

- The power of the state enables it to commit large-scale crimes with masses of victims. Michaelowski & Kramer (2006) argue 'Great power and great crimes are inseparable.'
- State crime undermines the system of justice, its power to make law means it can also avoid defining its own actions as criminal.

The following are generally examples of state crimes:

- Torture
- Corrupt policing
- War crimes
- Genocide
- State sponsored terrorism
- Illegal imprisonment of citizens
- Illegal treatment or punishment of citizens
- Corruption
- Assassination
- Other violations of human rights

**Activity:** Take any one of the above examples of state crimes and find an example of it and do some research to make a case study.

States can and do commit crimes that contravene laws within their own countries.

State crimes can be covered up, and it is rare that they result in prosecutions, this is because the state has the power to decide which offences are prosecuted. It is also true that they are difficult to define. States define what crimes are and have the power to avoid defining its own acts as criminal.

There are however, organisations that have been set up to counter state crimes:

**United Nations or the UN:** is an intergovernmental organisation set up in 1945 after the Second World War, to prevent another such conflict. Its mission is to preserve world peace.



**Activity:** Do some further research into the UN and make notes.

### The Geneva Conventions

There are four treaties:

**First:** The First Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in the Field.

**Second:** The Second Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea.

**Third:** The Third Geneva Convention, relative to the Treatment of Prisoners of War.

**Fourth:** The Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War.

**Activity:** Do some further research into the Geneva Convention and make notes.

### The Universal Declaration of Human Rights (UDHR)

The UDHR is an historic document adopted by the UN General Assembly. It consists of 30 articles affirming an individual's rights. The Declaration was the first step in the process of formulating the International Bill of Human Rights. O'Byrne (2012) asserts that states are now increasingly assessed by the extent to which they preserve human rights, and also by the extent to which they fail to do so through injustice, or discrimination, torture, violence, slavery or genocide.

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Principle of National Sovereignty makes it difficult for external authorities (e.g. the UN) to intervene or apply international conventions against genocide, war crimes, etc.

Some criminologists have introduced the idea of **transgressive criminology** – this means that criminologists should study actions which do harm to others, whether they are traditionally regarded as crimes or not. Green & Ward (2012) argue that crimes should be considered as violations of human rights and, suggest this definition: state organisational deviance involving the violation of human rights.

This definition reinforces the notion that state crimes are committed on behalf of, or with the compliance of state agencies, and are implementing official or unofficial state policy.

Human rights issues are regularly reported in our news media, with violations a relatively common aspect of the news agenda. For Green & Ward (2012) human rights involve a wider package of basic social and economic rights – such as: security, subsistence and well-being, civil and political rights – including rights to life, liberty, free speech, voting, equal treatment before law and no imprisonment without a fair trial.

It is clear from this list that the human rights aspect adds a large spectrum of crimes under the banner of state crime and includes the notion of social harm rather than simply law-breaking – it also widens things out to include such things as denial of basic welfare services as a consequence of state corruption, state-induced famine and other deliberate denials of basic human rights.

### Torture

A form of state crime which, it can be argued, is perpetrated in every known nation, this is if the term is interpreted to include mental as well as physical suffering imposed by state officials to obtain information.

**Activity:** There are numerous examples of state torture. Look at the list below, and choose one example to do further research and make into a case study:

- Mass executions of Shi'ite Arabs took place at Abu Graib and Al Radwanayah Prisons in Iraq in 1993
- Torture and mass murder of political opponents of General Gaddafi in Libya, up to the overthrow in 2011
- Imprisonment and torture of those held at Guantanamo Bay detention facility – a United States military prison in Cuba
- British army and the torture of IRA suspects in Northern Ireland in the 1970s.

### Corrupt policing

Some of the most obvious examples are officers who will steal: money, drugs, weapons, etc., commit other crimes whilst on duty (e.g. sexual assault, expecting other officers to ignore criminal activity, ignoring criminal activity by other officers, commit crimes while on duty). These practices may be committed by individual officers or small teams of officers.

**Activity:** Can you find any real examples of police corruption in the UK?

### War crimes

R.J. Rummel calculated that from 1900-1987 over 169 million people had been murdered by governments.

War crimes involve illegal acts committed during wars, such as murder, ill-treatment and torture, enslavement of civilians or prisoners of war, and plundering and looting of property.

**Activity:** Go through the list of examples of war crimes below and do some research into one of them to form a case study:

- In 2008, former Bosnian President Radovan Karadzic was arrested and charged with war crimes for trying to exterminate Bosnian Muslims and Bosnian Croat civilians during the Bosnian War – 1992-1995
- Israel has been condemned for targeting civilian populations in the Israel-Palestine conflict
- The Nuremberg trials after World War II set up to prosecute Nazi's
- Former Yugoslavian President Slobodan Milosevic trial for war crimes
- Former Iraqi President Saddam Hussein, who was found guilty by an Iraqi Court.

### Genocide

This is the attempt to eliminate by mass murder, people who belong to a particular ethnic, national or religious group, which will be carried out by a state or with the state's support. As truly shocking as this is, there are numerous examples.



**Activity:** Go through the list of genocides below and do some research into one of them to form a case study:

- Hitler's Nazi policy to systematically murder Jews in Concentration Camps during World War II
- Rwanda – during 100 days in 1994, around 937,000 Tutsi's and moderate Hutus were killed
- Darfur – an area of Sudan, it is estimated that 300,000 people died between 2003-2009.

**Exam Hint:** It is always a good idea to give good and, where possible, up-to-date examples to illustrate topics such as this one. So, watching broadcast news bulletins, reading newspapers or looking at news websites such as The Huffington Post is recommended.

### State sponsored terrorism

This is where the state either carries out terrorist acts or supports others that do.

**Activity:** Choose one of the following countries, all of which have been accused of state sponsored terrorism at some time, and do some research to form a case study: USA, Russia, India, Saudi Arabia, Iran, Sudan, Israel, UK, Libya.

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### Corruption

This is the organised plunder of national resources by the ruling elite.

**Activity:** Find one example of state corruption and make notes.

### Assassination

This is sometimes called targeted killing, and these have been used as instruments of state power. It is widely reported that the American CIA made numerous attempts to assassinate Cuban leader Fidel Castro – all unsuccessful. The Russian state is also quite widely believed to have been behind the 2006 murder by radiation poisoning of Alexander Litvinenko in London.

**Activity:** Do some research into the nerve agent attack in Salisbury, UK in March 2018, and make notes.

### Theory on state crime

From a Weberian perspective, Eugene McLaughlin (2001) argues that because the state claims a monopoly of the legitimate use of force, it can also claim the right to use force, whenever it is seen as being in the public interest. The problem with this however, is that there is usually no agreement about what constitutes public interest.

**Activity:** It has been argued by a significant number of people that the UK and US governments action in Iraq was illegal. Do some research into this issue and decide if you agree with the UK and US governments or the people who argued it was illegal.

Herman and Julia Schwendinger (1970) critical criminologists suggest that we should define crime in terms of the violation of basic human rights, instead of the breaking of legal rules. For them, states that deny people's human rights should be regarded as criminal. In essence, the Schwendingers object to the idea that 'a man who steals a paltry sum can be called a criminal, while agents of the state can legally reward men who destroy food so that price levels can be maintained whilst a sizeable portion of the population suffers from malnutrition.'



From this perspective, the definition of crime is political. They argue that the sociologist's role should be to defend human rights, if necessary against the state and its laws. This is therefore, an example of transgressive criminology – as it oversteps the traditional boundaries of sociology.

**Crimes of obedience model**, developed by H.C. Kelman and V.L. Hamilton (1989) emphasises conformity to rules rather than rule-breaking. For them, violent states encourage obedience by those who carry out state-backed human rights abuses, including: torture, murder, genocide etc., even if they personally see them as deviant and immoral acts. This is achieved, they argue, in 3 ways:

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1. **Authorisation** – making it clear to individuals that they are acting in accordance with state authority and official policy
2. **Dehumanisation** – here the state promotes a monolithic cultural identity, based on the marginalisation and social exclusion of minorities, who are portrayed as sub-human species to whom normal rules of behaviour simply do not apply – this enables discrimination, torture, genocide etc. to be acceptable to ordinary people
3. **Routinisation** – actions are organised in a way that they become part of a regular routine, therefore, be performed in a detached way that denies perpetrators the need or even opportunity to raise moral questions or make decisions about the acts they are committing.

All of the above can be applied to what happened in Nazi Germany – the Holocaust. Jews could be subject to an act of genocide because Nazi's were: 1) Made to believe they were acting in accordance with state authority, 2) Made to believe that Jews were sub-human and therefore normal rules of civilised behavior did not apply, and 3) made to believe that their actions were routine and therefore performed in a detached way. Bauman (1989) argues that the Nazi genocide of Jews was made possible by these 3 processes.

**Activity:** Do some research into the recent situation in Myanmar and the treatment of the Rohingya Muslims, to see if these 3 processes can be applied?

### Neutralisation theory

Stanley Cohen (1996) draws on Sykes & Matza's 1957 work identifying the five neutralisation techniques that delinquents use to justify their behaviour – in order to examine the ways in which states deny or justify their crimes. He shows how states use the same techniques when attempting to justify human rights violations:

- **Denial of victim** (they exaggerate, they are used to violence).
- **Denial of injury** (they started it, we're the victims).
- **Denial of responsibility** (I was just obeying orders).
- **Condemning the condemners** (it's worse elsewhere).
- **Appealing to higher loyalty** (the self-righteous justification, the appeal to the higher cause, whether the nation or revolution).

For Cohen, they seek to negotiate or impose a different construction of the event from what might appear to be the case, as he argues that these techniques do not seek to deny that the event has happened.

**Activity:** Write a paragraph about the Holocaust, incorporating both – crimes of obedience model and neutralisation theory.

**Exam Hint:** In a response to an exam question on state crime – you would need to include the following (all of which are included in this Factsheet):

- Some form of definition, highlighting how difficult it is to prove state crime, because of the power a state holds
- Categories of state crime, with good examples/ case studies
- Organisations set up to counter state crime
- Differing theoretical perspectives.