The Cartography of responses to state crime: Understanding the linkages among state abuses/crimes/deviance/harms/illegalities/wrongs, resistance/control, and state organizational reactions

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The cartography of responses to state crime: understanding the linkages among state abuses/crimes/deviance/harms/illegalities/wrongs, resistance/control, and state organizational reactions

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Although a considerable amount of thoughtful scholarly research on state crime has been conducted and published, researchers have failed to assemble a comprehensive model of the process and reactions that begin after state crime has occurred and been detected. This article outlines a heuristic model that presents the major political actors that participate in this process and the relationships that can develop among them. In order to create the model, research that has been conducted on state crime is reviewed and integrated, difficulties with this work are analyzed, and recommendations about future research that can be conducted using the model are made.

Keywords: state crime; crimes of the powerful; resistance; control

Introduction

Since its original conceptualization by scholars such as Chambliss (1989), and with modifications by a handful of researchers (e.g. Barak, 1991a; Chambliss, Michalowski, & Kramer, 2010; Green & Ward, 2004; Ross, 1995/2000, 2000b; Rothe, 2009a), a significant amount of scholarship has been produced in the field of state crime. For those unfamiliar with the concept, state crime basically consists of abusive, deviant, harmful, illegal, wrongful, and criminal actions that states engage in against their citizens and those of other countries. This includes, but is not limited to, corruption, human rights violations, genocide, crimes against humanity, war crimes, etc. Despite disagreements about what to collectively call these reprehensible actions, for simplicity’s sake, this article refers to them as state crimes.

The majority of academic research that has been published on this subject has appeared as peer-reviewed articles and chapters in edited collections and/or books. With few exceptions, such as the work by political scientists, critical criminologists have disproportionately produced this scholarship. In general, the academic research on state crime is extensive, rich, impressive, and multidisciplinary, providing a thoughtful exploration of state crime’s complexity and nuance.

Needless to say, however, there are numerous shortcomings with this work. Most importantly: Scholars have primarily written about the component parts and processes of state crime, thus their efforts have tended to be atomistic in nature.

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Research is rarely integrated into a comprehensive overarching model. A model is important because it can:

1. Help to better integrate and organize scholarship in this field;
2. act as a heuristic device that can be tested;
3. be used to guide the next generation of research studies;
4. be used to better specify relations; and
5. help provide victims, activists, oppositional groups, and the state a better understanding, so that they can more effectively marshal their scarce resources and efforts.

Needless to say, there are numerous types of models in the social sciences. Some require more information/details and operationalization of concepts than others. Three useful and relevant kinds of initial models are the Heuristic, Dynamic, and Process models. These are building blocks toward more sophisticated empirical models in which data is collected and relationships among the data can then be tested (e.g. Ritchey, 2012; Sokolowski & Banks, 2009).

**Previous attempts to create models in the state crime field**

Over the history of research on state crime, a handful of partial explanations have been offered concerning the causes of state crime. In an effort to interpret and critique some of this work Lynch, Long, and Stretesky (2013) argue that a body of work by Mullins and Rothe (2008), Rothe (2009a), Rothe and Mullins (2009), and Rothe and Ross (2010), which they collectively refer to as Rothe et al., is flawed. They characterize the Rothe et al. approach as an ‘ad hoc approach to theory construction’ (p. 101) and then delineate the problems with this kind of theory construction and development. They also argue that a major shortcoming with this approach is that the explanations are overly complex. Lynch, Long, and Stretesky take specific aim at Rothe et al.’s use of a ‘levels of analysis’ approach (pp. 105–110). Although Lynch, Long, and Stretesky offer a provocative critique, they do not provide an alternative theory, and they conflate the terms ‘theory’ and ‘model.’ They suggest that in order to improve upon the current theoretical explanation, scholars should focus on just a handful of different kinds of state crime rather than the conceptual framework as a whole.

In an attempt to confront Lynch et al. (2013), Rothe (2013) argues that state crime is a complex process that demands no less of a sophisticated explanation. She suggests that in the case of state crime, it is problematic when we ‘assume a level of simplicity of human nature, for crimes of the state, a minimalistic means to address the intertwining of a host of factors that explain the phenomenon’ (p. 28). In order to further elaborate her approach, Rothe draws on existing criminological theories, which have been used to explain certain facets of state crime.

Although Lynch, Long, and Stretesky raise important points, and Rothe and others have made important contributions, their focus is disproportionately on explaining the multiple *causes* of state crime. While this analysis is necessary, less understood are the numerous reactions after state crime has occurred and/or discovered. More specifically, what processes occur after the detection and commission of state crime? Who (and or what types of organizations) engage in these actions? Do these behaviors appear to minimize the future commission of state crime? Do these
mechanisms encourage and sustain state crime once it has been committed, or do they have no effect at all?

In an effort to better understand this process, this article assembles a relatively comprehensive heuristic and dynamic model of the reactions to state crime (i.e. the process that begins after state crime has occurred and is detected), which I call the Cartographic Model of Reactions to State Crime. This article presents the major political actors that participate in this process and the relationships that can develop among them. In order to accomplish this task, it must be understood that the modern state is a complex entity. Meaningful explanations of state and opposition behavior should not be overly complex or simple.

Why is this subject matter important?

From Plato to Chomsky, scholars have attempted to answer a number of important questions about governance including: how shall entities be properly governed, and what is good governance (Bevir, 2012; Kooiman, 2003)? Although governance applies to all kinds of organizations, my focus is more limited to the democratic state, one of the most important and powerful kinds of organizations of our time.

Political philosophers and theorists, and many social scientists have tackled the question of governance in whole or in part. Unfortunately, no consensus exists among the classic texts in these fields concerning the best political arrangement for managing the affairs of the state. Why? Many discussions of this nature have been at an abstract level, where a multiplicity of definitions are used, conceptual confusion exists, and considerable disagreement proliferates with respect to the purposes of the state and the measures used to determine if the state has achieved its goals.

Most interesting, perhaps, is how the process of governance is dynamic. In other words, it is always changing; it does not exist statically or in a vacuum. Governments, and by extension their bureaucracies, must respond to changes in the wider society, including the forces of globalization, demographics, foreign relations, and advances in technology. Thus, understanding the relationship among these broad areas is important for the future of the democratic state. Moreover, it may help to prevent democracies from failing (i.e. insure that democracies remain democratic and that they do not slip into fascist dictatorships or other kinds of authoritarian regimes) (e.g. Chou, 2011; Keane, 2009; Kofmel, 2008). The following is my outline of one specific model to explain the reactions after state crime has occurred.

The cartographic model of reactions to state crime

Introduction

In general, the cartographic model incorporates the participation of five major political actors and seven basic processes. The relationships amongst these components are represented in Figure 1. The actors include victims (individually and collectively), activists (and opposition groups), the state (and its agencies), foreign countries, and international bodies. We could further subdivide these entities, and may do so later, but for simplicity’s sake, the processes consist of the following:
(1) State deviance, abuse, crimes, illegalities, wrongs, and/or harms;
(2) state implementation of internal control mechanisms;
(3) implementation of external control mechanisms;
(4) resistance by victims, activists, and oppositional groups;
(5) apathy;
(6) state/organizational resistance to control; and
(7) state/organizational public relations efforts.

**State abuses/crimes/deviance/harms/illegalities, and/or wrongs**

States have overwhelming power (Weber, 1948). Although other organizations (e.g. established religions, corporations, etc.) have considerable influence, and these have been examined in the context of analyses of crimes of the powerful (Barak, 2015; Friedrichs & Rothe, 2012; Pearce, 1976; Tombs & Whyte, 2003a), since the Peace of Westphalia (1648), which established religious tolerance in Europe and opened the door to modernism, the state has typically been granted exclusive powers, including the right to use legitimate violence/force in order to preserve the rule of law. State power is frequently abused when countries (more specifically, the people who work for them, and the bureaucracy that formulates and implements policies and practices) engage in deviance/abuse/crimes/illegalities/wrongs/harms. Parallel to these actions is a recognition that state actions may be *instrumental* – i.e. a result of careful planning – (known as a crime of commission), or they may happen simply by default (known as a crime of omission).
For states, like all other organizations, the major objective is to maintain and/or expand their power (Kauzlarich, Mullins, & Matthews, 2003). They do this through a variety of techniques (Turk, 1982). Moreover, the state does not need to resort to physical violence to maintain its power. It can exert its coercive will through the techniques of cultural hegemony (e.g. Gramsci, 1971/2012) and/or a process known as ‘Friendly Fascism’ (Gross, 1985). This is why, perhaps, some scholars and activists are interested in the growth, dominance, and normalization of the garrison (Bernazzoli & Flint, 2010) and/or the surveillance state (Marx, 1986; see also Bok, 1983).

Disproportionate, unchecked, and/or abusive state power is often the subject of concern of political activists, ideologues, and theoreticians/scholars. Activists and ideologues, for example Anarchists, Libertarians, Marxists, and Neomarxists, frequently and selectively use facts that specifically fit their arguments. Theoreticians/scholars, on the other hand, have a duty and obligation to carefully analyze and consider the facts without prejudice, in order to determine whether they support particular hypotheses. If they do not, then they should reject or modify the hypothesis, rather than the facts. The theory should fit the facts, not the other way around. Thus, ideologues and activists tend to be at odds with social scientists.

Not all states and their entities are identical. Some organizations are relatively more powerful than others. Power is derived from the possession and use of resources (Weber, 1948). We can probably agree that most large states and corporations have access to disproportionate resources, but use of these varies based on sophistication, skills, etc. Weber (1948) argues that states have a monopoly on the legitimate use of physical force within a given country. States gain power through a number of mechanisms (e.g. rule of law, taxation, etc.). Also important is the issue of legitimacy. The public must perceive the state and its actions to be legitimate, otherwise they will not trust it. When confronted with illegitimate authority, some members of the public will rebel against it (Gurr, 1970), while others may passively accept it (Turk, 1982).

Some may argue that the state’s use of violence is simply the tip of the dissenting iceberg. Indeed, because the state does not like to be criticized for its actions since this may cause it to lose power and/or legitimacy among its citizens, it frequently attempts to conceal its abusive actions. The origins of this kind of analysis can be traced back to numerous thinkers, including Gramsci (1971/2012) and Gross (1985), and is articulated by current scholarship on state crime (e.g. Rothe & Steinmetz, 2013). In many respects, this is part of the current critique of neoliberalism. In addition, it is also the role of government public relations efforts.

Another element that should be discussed is Poulantzas (1972, 1978) theory about the relative autonomy of the state. He maintains that while democracies believe they can control the machinery of government, in reality, frequently state agencies operate independently. In his conceptualization, Poulantzas reacts against the instrumentalist Marxist explanations of the state. He suggests that the state’s power is more nuanced than direct. Building on Gramsci (1971/2012), he argues that the elites do not need to use force against the less powerful, since they can obtain the consent of the masses through cultural hegemony, utilizing a series of techniques, including public relations and ideology. Part of this tendency is the state’s ability to capitalize on security crises (e.g. terrorism, pandemics, etc.) which eventually normalizes the modern security state. Over time, because of a confluence of factors, many members of the public are
willing accomplices to these tendencies. Elements of the security state seep into fashion, culture, tourism, and everyday activities. From tourists visiting New York City, purchasing NYPD shirts, to visitors in Washington, D.C., sporting caps emblazoned with the FBI or CIA insignia, to the DEA sponsorship of a museum, many members of the public accept the necessity of and fail to question the work of criminal justice and national security agencies. The growth of dark or thano-tourism, particularly in such places as prison museums and former concentration camps, has a similar kind of effect. The interpretation at such sites often trivializes the oppression and/or repression that occurred at the hands of the state, as well as the historical events that preceded it. This tendency can also be seen in the proliferation of cultural industries that benefit from using images and symbols from prisons, corrections, etc. In sum, the state accumulates various forms of power, which it uses to support its crimes.

Far more important than providing yet another detailed analysis of the various types of state crimes is the identification of the broad range of individuals, groups, and organizations that respond to this type of crime, in addition to an examination of the mechanisms used by these political actors. In short, just because we can accurately describe one or more acts of state crime, bring a considerable amount of information to bear on this explanation, and/or know the causes of a phenomenon, does necessarily mean we know how to prevent deter, and/or control these actions.

Actors who respond to state crimes range from lone wolves to social movements to the state itself. On its own, the state is not omnipotent, and there are viable mechanisms, strategies, and entities to control its activities. The state is subject to scrutiny, change, and reform not only from inside its agencies, but from outside of them too. On rare occasion, due to a multiplicity of factors, the government may change its policies and practices because of different kinds of pressure (Ross, 1995/2000, 2000b, 2010). Also, state crime is not a constant; it varies based on agency, historical circumstances, prior history, societal conditions, political stability, economic climate, and type of government (Rothe, 2009a, pp. 143–149). Thus, one would expect that reactions ebb and flow over time as well.

However, reactions to state crimes are complicated and complex. It is not simply a matter of resistance or control, as many scholars of state crime suggest. Indeed, there is a continuum of reactions to state crime, including public apathy (Cohen, 2001), prevention, challenges, redress, and/or the abolishment/dismantling of the state (Martin, 1995/2000). Each response utilizes different resources (i.e., actors, expertise, and experience), and these may be used (successfully or unsuccessfully) under different conditions.

Lasslett (2012), for example, suggests that different kinds of state crime will provoke alternative kinds of reactions. He argues that,

in comparison to state terrorism, grand corruption is going to generate a different set of dilemmas, which will shape the course of denial and resistance … On the other hand, state terrorism is usually administered by a broad alliance of actors positioned within numerous public and private agencies. (p. 127)

Lasslett adds,

it becomes apparent that the state crime event must be related to the strategically defined interests of specific power networks. It may be that a degree of exposure is in fact welcomed by certain state managers. For example, exposure could undermine the
position of a rival power network, or it may send a message to certain social groups that the state is seeking to intimidate. (p. 128)

Before outlining this complex process, the reader should keep in mind that this article is not meant to be an exercise in semantics, but is motivated by a desire to better specify the most relevant political actors and processes in order to specify meaningful relations. Once this is accomplished, then we can look for gaps in the research and blind spots in policy development, implementation, and evaluation.

In sum, state crimes can provoke five basic actions:

1. State implementation of internal control mechanisms;
2. Implementation of external control mechanisms;
3. Resistance by victims, activists, and oppositional groups;
4. Apathy; and
5. State/organizational public relations efforts.

State implementation of internal control mechanisms

In a perfect world, state bureaucracies administer the affairs of a country in a fair, just, and impartial fashion. They are also competent in managing the complicated affairs of the state. In order to maintain their legitimacy, many states and their agencies have internal control mechanisms, typically at the executive level, that are responsible for monitoring subordinate branches/divisions and that act appropriately to ensure that not only is the agency achieving its objectives, but that there are no abuses. Although there is a role for constraints on state crime, controls are more desirable. Constraints ‘are not expected to control or block criminogenic behaviors engaged in by states or organizations. Instead they serve as potential temporary barriers before or during an act’ (Rothe & Kauzlarich, 2010, p. 184). In many countries, this process is typically the responsibility of ombudsmen, Offices of Management and Budget, inspector generals, and/or integrity officers. Controls are not simply reactions to state crimes since they seek to minimize the frequency of occurrence and to prevent their recurrence. This approach accepts the fact that states (or selected actors) may abuse their power. For example, many big city police departments utilize ‘early warning indicator’ mechanisms to detect problem officers, ones that may engage in corruption or excessive violence. Once they are identified by these systems, officers can be either issued warnings and/or dismissed. Likewise, correctional officers who engage in deviant actions can be sanctioned by a variety of mechanisms, internal and external, to the facility in which they work.

Numerous domestic state criminogenic agencies (i.e. those capable of engaging in crimes) have been accused of, and have actually engaged in, state crimes, and as a result, different control mechanisms have been articulated, implemented, and analyzed (Ross, 1995/2000, 1998, 2000b, 2010; Rothe, 2009a, Chapter 9; Rothe & Kauzlarich, 2010). The most prominent state organizations include, *inter alia*, the police (Menzies, 1995/2000), national security/intelligence agencies (Gill, 1995/2000), the military (Ross, 1995/2000), and educational institutions (Cabrera, 1995/2000), to name a few.

Not only have errant state agencies been addressed in the domestic realm, so too have particular illegal state actions against groups and/or constituencies, such as labor (Tunnell, 1995/2000), indigenous peoples (Cunneen, 2008, 2013), political
exiles (Israel, 1998), and refugees (Pickering, 2005). Complementary studies have looked at control mechanisms in particular countries (e.g. Doig, 2011; Grabosky, 1989; Ross, 2000a).

An agency under investigation may conduct its own inquiry, or the review may be done by an external mechanism. This is why, for example, in many police departments, in order to minimize corruption and cover-ups, high profile investigations are typically performed by law enforcement agencies external to the one under examination. Because of the analysis, and resultant recommendations, the bureaucracy may variously terminate and/or hire new personnel, may retrain existing workers, and/or may choose to disband the agency.

**Implementation of external control mechanisms**

Numerous external control mechanisms, existing both outside of the bureaucracy and outside the states, have been articulated and used to deal with state crime, including domestic and international processes (Ross, 1995/2000, 2000b; Rothe, 2009a, Chapter 8). Those operating inside the state include criminal law, interest groups, and opposition political parties. External legal mechanisms include international law, international humanitarian law, international human rights law, and laws of air, sea, and space. Redress of state crimes is also controlled through international bodies, such as the United Nations, the International Court of Justice (Yarnold, 1995/2000), and the International Criminal Court (Mullins, Kauzlarich, & Rothe, 2004; Rothe & Mullins, 2006). External controls can also be attempted through regional mechanisms like the European Court of Human Rights (Schoultz, 2014).

External control may also be sought through transitional justice mechanisms, like international criminal tribunals (e.g., former Yugoslavia, Rwanda, etc.) (Michalowski, 2013), domestic trials, truth commissions, reparations, and lustration efforts (Stanley, 2009). Mechanisms that transcend both domestic and external areas include news and social media attention.

External control mechanisms, however, are also fallible. The above bodies and processes are not without their criticisms (e.g. Molina, 1995/2000; Ross & Grabosky, 2014; Ross & Rothe, 2008; Rothe & Kauzlarich, 2010; Rothe & Mullins, 2006, 2008, 2009). Frequently, they fail to achieve their objectives. In terms of international law, for example, Molina argues rather than hold states criminally responsible for international criminal acts, the trend in international law since World War II has been the opposite: to hold individuals internationally accountable for wrongful acts, even if state governments are thought to be culpable. (p. 350)

Rothe and Mullins argue that controls are supposed to ‘completely block’ acts of state crimes, and they apply ‘inevitable after’ state crimes have occurred. ‘In other words, a criminal action would not occur due to controls, and if it did, there would be ex post facto legal repercussions’ (Rothe & Kauzlarich, 2010, p. 169).

Moreover, in general, initiatives to control states may lead to additional state crimes. Ross and Rothe suggest that controlling state crime may lead to unanticipated reactions, such as censure, scapegoating of opposition entities, obfuscation, retaliation, defiance/resistance, plausible deniability, improving the agency’s ability to hide and/or explain away crimes, relying on self-righteousness, redirection/
misdirection, and fear mongering. Building upon this argument, Ross and Graposky (2014) argue that well-meaning states that want to intervene against state crime by engaging in moral suasion/negation, economic/trade sanctions, humanitarian intervention, and armed intervention may actually inadvertently precipitate increased pain and suffering or even the deaths of victims of state crime.

State implementation of internal controls can lead to:

1. Implementation of external control mechanisms;
2. Resistance by victims, activists, and oppositional groups; and
3. State/organizational resistance to control.

**Resistance by victims, activists, and oppositional groups**

Victims, activists, and oppositional groups often focus their efforts on resisting state crime (e.g. Lasslett, 2012; Pickering, 2002, 2005; Stanley, 2009; Tombs & Whyte, 2003a, 2003b). According to Stanley and McCulloch (2013),

Resistance ranges from the small, silent and personal through to the multitudinous, spectacular, and momentous … It may be violent or non-violent, passive or active, hidden or open, verbal or physical, spontaneous or strategic, local or global, and frequently a combination of some or all. (p. 4)

This resistance may include a range of responses from social protest, to defiance, to leveraging the news and social media to inform the public regarding negative state activities.

There is a relatively long history of scholars in the state crime tradition writing about resistance to state crime. One of the first researchers to write about resistance to state crimes was Barak (1991b). He notes,

resisting all forms of state criminality in the world today is no simple enterprise because it calls for challenging existing and prevailing ideologies of militarism and paramilitarism. The struggle for world peace and social justice—and the reduction in all forms of crime by the state—also necessitates a decreasing role in the state political police apparatuses as well as an expanding role in multilateral co-operation among all nation-states. (p. 278)

A quarter of a century ago, he also believed that the end of the Cold War might lead the United States to change its course in terms of an aggressive foreign policy. Barak cites public disapproval of American foreign policy actions (e.g., Nicaragua) during the late 1980s as hopeful developments. He advocates for countries to sign on to what he calls the third generation of rights, which ‘attempt[s] to maximize the realization of human rights for all peoples of the world [more] than the first and second generation of rights did’ (p. 279). Barak adds, ‘the third generation of rights calls for international cooperation. These rights are evolving out of the condition of global interdependence confronting humanity today’ (p. 280).

Friedrichs (2009–2010) writes,

a prospective criminology of crimes of the state … draws upon the historical record to identify … the forms of resistance to crimes of states that have been most effective, and then factors in new emerging conditions that might affect such resistance going forward. Criminological knowledge would specifically draw upon what has been
learned about other forms of crime and control of such crime to discern what might be useful in relation to resisting crimes of states. A prospective criminology of crimes of states also ideally identifies the circumstances in which state crimes have the highest probability of occurring, the key decision-makers and governmental entities or organized groups and communities that are best positioned to undertake resistance, broadly defined, and optimal strategies to reach these entities in ways that make a measurable impact on the prevention of crimes of states. (p. 6)

Friedrichs further maintains that, ‘criminological scholarship that examines resistance to state crime is well advised to begin with a clear conception of the forms of resistance being addressed, as well as the forms not being addressed’ (p. 9). Most of the research on resistance to state crime consists of well-researched and argued case studies of resistance (e.g. Iadicola, 2009; Kramer, 2009; Morrison, 2009; Rothe, 2009b; White, 2009).

Many writers, like Stanley and McCulloch (2013), argue that ‘resistance is underdeveloped and unanalyzed as a fundamental aspect of state crime scholarship’ (p. 1). They add, ‘criminologists have generally failed to consciously consider a number of key questions related to resistance, such as: how are state crimes contested, prevented, challenged or stopped?’ Additionally, Stanley and McCulloch suggest, ‘state crime scholarship, by highlighting the power and impunity of the state, without adequate attention to the ongoing history of resistance, paradoxically may consolidate state power by creating a sense of powerlessness, undermining people’s confidence to act’ (p. 2). Perhaps it may, but then again, perhaps it may not.

Lasslett (2012) admits that resistance strategies ‘generate a particular balance of forces which, depending on the conjecture, may be favorable or unfavorable to state crime research and the control of state criminality’ (p. 130). He warns against simple observations and/or conclusions. Those engaging in resistance must understand that the strategies of resistance, the state, and selected power groupings within the state are

in a process of structural fluctuation, they are also changing as agents on both sides of the struggle recalibrate their strategy to meet new challenges. Therefore the relational paradigm cannot make predictions about the course the struggle will take, nor is it exhaustive in content. (p. 131)

McCulloch and Stanley (2013), suggest that everyone

can choose their own path of resistance, and every resistant act they undertake will connect them to other actions and other resisters. For those of us who live in liberal democracies, the costs of resistance may not be as high as for those in repressive regimes. (pp. 227–228)

Needless to say, although this research makes an important contribution to the literature, there are four major difficulties with the work on resistance as applied to state crime research. First, most of the scholarship on this topic does not adequately define resistance. Friedrichs, for example, states ‘[i]ndependent of such specificity, the term “resistance” is subject to much confusion and misunderstanding’ (p. 9). By extension, the scholarship in this area fails to adequately distinguish between resistance and control, and does not articulate the linkage between resistance and the more important goals of controlling or even stopping state crime. This body of
work also does not integrate well with the vast literature on social protest (e.g. Gamson, 1968, 1975).

Second, some researchers who examine resistance, either mischaracterize and/or ignore the control of state crime. Friedrichs (2013) writes, ‘the notion of “controlling state crime” has an obvious affinity with “resisting state crime,” but the former term incorporates “state-driven” initiatives, while the latter generally does not. [...] The potential role of social movements, for example, was acknowledged in this context, but deemphasized’ (p. 20). This is not completely true as there is no ordering mechanism. Moreover, the introductory chapter to Controlling State Crime (1995/2000) and the book’s contents outline both state and non-state created, managed, and directed control mechanisms. The book acknowledges entities external to the state organizations that victims and their allies can use, as well as those that external actors can form and/or engage in.

Third, the literature on resistance to state crime has generally ignored work in cognate scholarship, including research on dissent (Franks, 1989) and social movements (e.g. Gamson, 1968; McAdam, Tarrow, & Tilly, 2001). According to Turk (1982),

> dissent is characteristically a higher-class form of resistance, especially insofar as it is an articulate elaboration of a reasoned political philosophy. Grumbling, diffuse complaints, or emotional rhetoric with little if any empirical grounding or logical coherence are more likely to characterize the “dissent” of those lower-class persons who do speak out against the given order. (p. 100)

Indeed, there are several theories of resistance that researchers of state crime have ignored. Three of them include counter-movements, counter-hegemony, and infrapolitics (Mittelman, 2000). Counter-movements are most closely associated with Polanyi (2001), whose work focuses on who, why, and what people are resisting. Counter-hegemony, derived from Gramsci (1971/2012), looks at how people resist. And Scott (1990, 2008) analyzes when and how powerless people resist. Research examining these processes typically depends on intensive case studies to build arguments and narrow interpretations. Polanyi explores the issue at the international level and suggests that failed international economic policies lead to protest movements. This kind of reaction is typically conducted in a collectivized or organized fashion that tries to change government structures in place. This perspective understands that there can be submerged networks that do not have formal organizational structures (Mittelman, 2000). Hibbard (2003) explains that ‘counter-hegemony is declared, collective, organized, and revolutionary resistance to unfettered capitalism. Infrapolitics are undeclared, singular or collective, unorganized, and reformist or revolutionary forms of resistance to the invisible hand of greed’ (p. 3).

Fourth, resistance does not always result in control. Resistance, like control, can lead to unintended consequences and increased state crimes (Ross & Grabosky, 2014; Ross & Rothe, 2008). Again, analyses of resistance to state crime often ignores the voluminous literature on social protest that suggests that protesters can engage in actions for multiple reasons, including the emotional and social benefits (e.g. fraternity). Although Stanley and McCulloch (2013) question what qualifies as ‘effective resistance,’ they do not answer this question succinctly. They state,
Despite the desirability of collective action and the aim of changing state behavior, it is too narrow a frame to consider effective resistance only as collective actions or in terms of that which impacts discernibly on the state. What might be deemed effective resistance thus varies and depends very much upon the immediate political struggles and social contexts (White, 2009–2010, p. 50). Indeed effective resistance is difficult to measure. Stanley and McCulloch (2013) add, ‘what can be defined as effective resistance remains ambiguous and that “outcomes” may change or be seen differently over time’ (p. 9).

In sum, although the work on resistance has covered numerous state crimes, much of this research sees resistance as an end in and of itself.

Resistance by victims, activists, and oppositional groups can lead to:

1. Implementation of internal control mechanisms;
2. Implementation of external control mechanisms;
3. State/organizational resistance to control; and
4. State/organizational public relations efforts.

Apathy

Often when confronted by state crime, many people and organizations respond in an apathetic manner. This includes individuals and entities that fail to inform themselves about political matters and/or who choose not to act on their political beliefs (Ricci, 1984, p. 154). For different reasons, these constituencies may be variously alienated, isolated, marginalized, and unattached (Dean, 1960; Rosenberg, 1951). Alternatively, states both powerful and weak, may decide that it is not within their best interests to respond to state crime within or outside their borders. Apathy must not be confused with legitimation, a situation where ‘people [not only] accept the power structure in which they live, but also that it is right for them to do so’ (Turk, 1982, p. 30). There are several different types of legitimacy (Turk, p. 30–35), and significant numbers of the general public may be willing to believe that their government is acting in their best interests by using methods that others consider questionable or criminal (e.g. torture, illegal invasions/occupations, and assassinations by drones).

According to Ross (2000a), ‘participating involves a series of cost-benefit calculations made by individuals of affected communities, some of whom rationalize that they stand more to lose… than gain in criticizing’ the state (p. 119). In particular, for a number of reasons, they may not have time to protest social injustices of various types. Apathy may also be the result of conformity, ‘a learned belief in the infallibility of authority, ignorance about how to effect change in democratic systems, inequality, or a feeling that [if the issue does not directly] affect me personally, why get involved’ (Lamb, 1975).

One of the most relevant treatments of apathy in the state crime literature is Cohen’s States of Denial: Knowing about Atrocities and Suffering (2001). He argues that when confronted with information about state crimes (in particular human rights violations and genocide), a range of actors, including the general public, cultures, states, perpetrators, witnesses, and victims, may react with apathy. Cohen states that denial ‘refers to the maintenance of social worlds in which an
undesirable situation (event, condition, and phenomenon) is unrecognized, ignored or made to seem normal’ (p. 51).

Cohen examines numerous contexts of denial and explains this phenomenon, pulling heavily from the psychological, sociological, and theological literature. He concludes that over time, abusers start to disassociate themselves from their actions, and the public either has difficulty fathoming the abuse and/or suffers from compassion fatigue. Cohen is critical of a variety of academics, from those who critique the state through the postmodern lens focusing on ironies, to those who work on behalf of the state that engages in abuse, to those who strongly advocate that there are two sides of every story or other forms of moral relativism. Cohen is not necessarily pessimistic. He does see some sectors, like the news media and various social movements, as being well placed to respond to state abuses. He also advocates fraternity as a mindset to counter denial.

Although Cohen’s work is important, it can be criticized on a number of criteria. First, occasionally he makes sweeping generalizations. For example, he states, ‘our knowledge is not dependent on chance. It is permanent and continuous’ (p. 295). He also has a tendency to use flowery language or opaque references, which end up confusing the reader. Apart from terms like ‘fraternity,’ he does not specify a logical way to get citizens involved while avoiding tribal conflicts. Cohen also frequently digresses. Just as he is winding down his book, he states, ‘we know more about visual representation than about verbal reception, the meaning attributed to what is perceived’ (p. 296). Likewise, Cohen includes an extended description of the work of photographer Dianne Arbus (p. 297) and an explanation of why his perception of the artist was different from that of a friend. The utility of this content is not clear and is questionable for the overall narrative.

During the past century, at least in the United States, despite efforts to increase the franchise and make it easier to vote, turnout has generally declined (Bennett, 1986). Some scholars (e.g. Abramowitz, 1980) argue that although the number of people who participate in other kinds of political activity (e.g. writing a letter to a political official, engaging in campaign activities, etc.) pales in comparison to those who vote, the amount of individuals engaging in these types of political behavior has increased.

The concept of apathy is not monolithic. Lippman (1925), for example, suggested that citizens should devote “an unlimited quantity of public spirit, interest, curiosity, and effort” in all matters political (1925:25). He also recognized that this standard is difficult to achieve. Others such as Pateman (1970) and Kramer (1972) have argued that too much political interest can assist the basis of political tendencies and thus subvert democracy.

Apathy from the public can lead to increased state crimes.

**State/organizational resistance to control**

Most states have significant resources to deal with victims, critics, and opposition to state crimes. This can be accomplished via a continuum of actions from ignoring the claims of resisters, to engaging in public relations activities, to taking meaningful steps to resolve the problem and prevent it from occurring again.

To begin with, states can and do make changes to lessen the frequency and intensity of state crimes, but in the case of advanced industrialized democracies, this often occurs long after the abuse, usually after careful analysis (sometimes
overwhelming research findings), and frequently when there is a change in leadership. There is a whole social science of evaluation research that attempts to determine if government policies are well conceived and implemented properly, and if they achieve their stated goals.

Alternately, states can ignore the claims of victims and critics. Whether the news media or victims bring this information forward, the state (both politicians and the bureaucracy) may decide to ignore the claims (Cohen, 2001). Although state employees may sympathize with the plight of victims, they also know that by acknowledging the abuse, they may be subjected to significant sanctions (e.g. loss of job, prestige, promotion chances, demotion, and less than desirable working conditions) from their superiors (Chomsky, 1998) and/or co-workers. This is perhaps why there are so few whistleblowers, and the shortage and effectiveness of laws that support this kind of activity. In short, few state employees are willing to speak up about state abuses.

Do states do more than just ignore? Do they engage in activities that weaken or discourage the public’s future attempts at holding them accountable for their crimes, through legislation, bureaucratic policies, and even retaliatory measures? Are there any mechanisms similar to the placing of caps on lawsuits for medical malpractice or corporate malfeasance? Yes. Some state legislatures have considered bills that would prevent citizens from videotaping police officers in public, though most of these bills have not been passed. Alternatively, in the case of the Crime Bill of 2004, the US government placed a limit on the number of times that a person sentenced to a death penalty can file an appeal. States can also make it very costly to pursue a legal claim. The cost of documents and processing fees means that only the truly rich can afford to fight the government, which has established the rules of engagement (Bachrach & Baratz, 1962). Finally, several whistleblowers not subject to government protection have been prosecuted.

Moreover, states can engage in satisficing activities. For example, they can go through the motions by enacting superficial changes in policies, practices, and laws that they know will have minimal impact at reducing the frequency and intensity of state crime. For example, shortly after the abuses of Iraq prison Abu Ghraib came to public attention, the US government indicated that it would close and demolish the prison. Although the prisoners were transferred and the prison was padlocked, the administrative structure remained intact. Moreover, this did not end arbitrary detentions and forced confessions from terrorism suspects in Iraq and elsewhere.

State organizational resistance to can lead to:

1. Resistance by victims, activists, and oppositional groups;
2. apathy;
3. external control mechanisms; and
4. state/organizational public relations efforts.

State/organizational public relations efforts

When states are confronted with information about their real or alleged crimes, they can engage in a variety of public relations activities. This consists of subtle approaches that states may take in order to create positive impressions of themselves and to temporarily defuse resistance or efforts at control. According to Turk
(1982), ‘public relations ploys though not insignificant, constitute a much less crucial dimension of information control than efforts to chill or stifle other than approved discourse, or try to influence directly policy decisions by higher authorities’ (p. 132).

Public relations activities are typically methods of communication that use icons, myths, symbols, and other actions that attempt to either educate the diverse and numerous audiences about the organization’s pro-social and social justice actions and intentions, and/or divert attention away from the situation that is causing distress. This may include communicating the organization’s desire to introduce new but vague polices and practices, and agreeing to change the organizational structure, including the way decision-making and oversight is accomplished. The state may also selectively release information on how the organization is accomplishing its goals as a public relations technique.

The state may also hamper an investigation, and/or solicit and receive the support from other political actors. This may involve delegitimizing the criticism and opponents, minimizing public perceptions regarding the severity of their actions/events, blaming the victim, and sanctioning selected offending government workers (i.e. sacrificial lambs).

This suppression and/or repression may include silencing the opposition by harassing, arresting, and/or incarcerating its citizens (Turk, 1982). It may also use rhetorical devices to delegitimize the critics’ actions and arguments. This approach may backfire and be interpreted as too heavy-handed. According to Turk, ‘among the standard forms of suppression are censorship and confiscation, disruption of resistance or conventional oppositional activities, and the punishment of receivers as well as transmitters and originators of prohibited communications’ (p. 132).

Additionally, state criminogenic agencies can deflect responsibility away from themselves and towards others. States can stereotype activists and oppositions (Turk, 1982). Turk suggests ‘at the extreme, the process of stereotyping eventuates in dehumanization: The enemy is judged to be so inhumanly evil or contemptible that anything may be done to “it” without subjectively compromising one’s own humanity and sense of morality’ (p. 71). He adds, ‘the negative stereotyping of one’s enemies is matched by the positive stereotyping of oneself and one’s allies’ (p. 71).

Jamieson and McEvoy (2005) discuss the ‘range of strategies employed by states to obfuscate their responsibility in state crime through othering, both perpetrators and victims’ (p. 504). In this instance, ‘othering’ is a way to interpret people, places, and things as different and/or other than the person/organization accused of an unpalatable action. In terms of othering perpetrators, Jamieson and McEvoy suggest this is done by perfidy (defining others as being disloyal), the existence of special forces established to deal with hostile elements, collusion with vigilantes, and allowing private entities, like mercenaries, to commit abuses. Othering may also include appeals to nationalism or religion, and even claims of sexual assault (Rothe, 2009a, pp. 148–154). With respect to othering the victims, the state does this by carrying out illegal operations against its own citizens in foreign countries, using the services of foreign countries, and suggesting that the victims are people ‘to whom normal rules do not apply’ (Jamieson & McEvoy, 2005, p. 517). States and their respective agencies can also engage in information control (Turk, 1982, pp. 129–137), such as censorship and a reduction in the legal methods (e.g. whistleblower legislation) for exposing state irregularities.
In some respects, the creation of laws can also be seen as a public relations exercise. Governments can pass new laws restricting legal abuse, but if resources for implementation are not forthcoming, then the law is almost useless. According to Turk (1982),

to authorities, a legal system is desirable as long as they believe that it facilitates their acquisition and exercise of power, while protecting and justifying the good life which power enables them to enjoy. To subjects, the desirability of a legal system depends mainly upon its perceived effectiveness in restraining the authorities from at least the grosser forms of exploitation, thus giving the relatively powerless some hope of a tolerable and perhaps better life. (p. 37)

Finally, states do not always need to convince their citizenry that they will enact new policies, practices, and laws. As Turk notes,

the transformation of power into authority is accomplished by conditioning the great majority of people to accept power relationships as real, inevitable, unavoidable, and perhaps even right. The longer a polity endures, the more accustomed people become to thinking and living in ways supportive of the status quo. (p. 78)

Ultimately stopping state crime may mean the abolishment of the state. Martin (1995/2000), in an eloquent essay written two decades ago, argues this very point. Until society is prepared to move in this direction, those interested in this subject will have to be content with simply understanding the process by which the state engages in crimes and the multiplicity of reactions after it does.

State public relations efforts may lead to:

(1) Implementation of external control mechanisms;
(2) resistance by victims, activists, and oppositional groups; and
(3) apathy.

Discussion and conclusion

The previous discussion (including the process outlined in Figure 1) has attempted to describe, in a rather parsimonious fashion, a conceptual framework and explanation for better understanding the complex processes that may occur after the commission of state crime. This, of course, begs the question: Where do we go from here? One major goal should be an attempt to test this model or selected aspects of it and to refine it as much as possible. Scholars or teams of researchers may focus on a single actor, process, or situation to see if it conforms to the model. For example, Friedrichs has tried to apply the state crime concept to the Holocaust, which he calls the ‘biggest state crime’ of the century (Friedrichs, 2000). This may be a fruitful line of inquiry.

Three different approaches might be considered: a most similar system design, a most different system design, and a single country case study. The first option might be for scholars to choose three representative states among, say, an advanced democracy, a developing nation, and a totalitarian state. Perhaps we could look at how each of these polities addresses the various components of the model. This approach, however, may be too ambitious. For example, data from a totalitarian state may be very hard to access and would most likely be unreliable. The second approach is more promising. With this kind of research design, we can hold the
important factors constant. If we could identify three typical advanced industrialized democracies, say for example, the United States, the United Kingdom, and Australia, we might be able to get some meaningful analysis.

Alternatively, it might be prudent to begin with a single case study, perhaps of the United States, where relevant information is more accessible than other countries. If this study proves fruitful, we could then systematically introduce other cases to fill out the analysis.

Finally, perhaps a study could look at one governmental agency in a single polity over a specified period of time. Given the frequency of contact that the average citizen has with the criminal justice system, an intense investigation of the cartography of state crimes and control by the criminal justice system in the United States is warranted. This could provide a convenient starting point.

This article has reviewed and categorized a considerable amount of scholarly work and assembles it into a rather parsimonious heuristic model. Unfortunately, too much of the scholarship in the field of state crime consists of case studies with higher order work (i.e. model and theory building) being a secondary, if not distant, concern. Those who attempt to address model and theory building are often criticized by others who believe that the concept of state crime is too nebulous and/or state crime researchers should limit their analysis to one or more types of state crime. This approach, however, would defeat the purpose of developing one or more overarching models or theories of state crime or subcomponents of such. This article has examined the dynamic process concerning the reactions to state crime and assembled it into a model that serves as a building block for further operationalization, collection of data, and eventual testing.

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Notes
1. An earlier version of this article was presented at the Institute of Political Science, Pontifica Universidad de catolica de Chile, August 7, 2014. Special thanks to Barbara Barraza Uribe and Cassandra Mehlig Sweet for organizing this event.
3. Researchers pursuing this line of inquiry must be careful that their work is not inadvertently assisting the state to better counter activists and oppositions.
4. Additional criticisms of Lynch et al. (2013) can be made, including the fact that their suggestion lends itself to ‘ad hoc’ analysis more than the Rothe et al. approach, but for the sake of brevity this is tangential to the arguments developed in this article.
5. McCulloch and Stanley (2013) suggest that ‘State Crime and resistance are imbricated in a “dance” … of “intimate relations” … where each moves, reshapes and reforms in relation to the other’ (p. 225).
6. Cartography, in this context, refers to the charting of organizational and/or institutional relations in the context of state crime and control.
7. This description does not mitigate the possibility of scholars/researchers bringing their own biases into the research process. This writer is not arguing that social science is value free. In this case, objectivity is introduced as an ideal.
8. Numerous examples abound including public service announcements from state social welfare agencies (e.g. Partnership for a Drug Free America).
9. If one wants to develop theories or models of state crime and its control, then we must move away from descriptive analyses of case studies and specify relations among actors and processes.
10. Rothe (2009a, Chapter 10) makes a distinction between controls and constraints. Under constraints, she includes nongovernmental and intergovernmental agencies, news media, citizen tribunals, international financial institutions, and international reactions from states and citizens’ social movements. Similarly, in the context of intelligence agencies, Gill (1995/2000) presents controls and oversight as different kinds of responses.
12. Turk calls this ‘evasion’ and states that, ‘evasion has been a characteristically lower-class form of calculated resistance, for those experienced in powerlessness learn to avoid rather than to seek confrontations’ (p. 103).
13. For an extended application of this concept as it relates to police use of excessive force, see, for example, Ross (2000a, Chapter 5).

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References


