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Controlling Crimes by the Military

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Controlling Crimes by the Military

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Introduction

Since the creation of the first army, activists, military officers, politicians, and policymakers have witnessed, experienced, or chosen to address crimes committed by the military of various states.¹ Several mechanisms have been advocated, many of which have been implemented, to control the armed forces, in general, and its ability to engage in these types of crime in particular. Although many of these control mechanisms have been articulated before, they have not been conceptualized under the control of state crime literature, nor in a relatively comprehensive manner. This chapter provides a preliminary framework for this orientation.

In all countries the military is a powerful state actor.² In some authoritarian, totalitarian, or developing states, the armed forces even run the bureaucracy (Fidel, 1975: 1; Nordlinger, 1977: Chapter 1). The military of most countries has enormous resources,³ in particular weapons, which, in some countries, are used to promote and/or enforce their corporate interests. These resources are both a source of power and the means that enable the armed forces to commit state crimes.

In general, the problem of “crime and deviant behavior in the military context,” regardless of the state, “has been largely ignored and/or neglected by” academics (Bryant, 1979: 6). Where it has been addressed, the general focus is in the context
of work-deviance relationships or the criminal behavior of soldiers in combat situations (Bryant, 1979: 359). Consequently, it is only natural that a literature on controlling crimes by the military is also underdeveloped.

In order to build on this research, the author briefly reviews the work on what can be conceptualized as crimes by the military (also labeled “khaki-collar crime”) (Bryant, 1979); examines the mechanisms advocated (some of which have been implemented) to minimize, prevent, and ideally control these crimes; and suggests additional processes to control the military and prevent or deter it from engaging in state crimes. This analysis, although broad in scope, will help individuals, groups, and states implement existing mechanisms or suggest other more effective controls on crimes by the military.

Before proceeding, a number of definitional and conceptual vagaries should be clarified. In the main, the military is a collectivity of professional individuals (e.g., soldiers, officers, etc.) responsible for the protection and defense of their country or others they are ordered to protect or defend. Their services are used to counter external and occasionally internal real or perceived threats. Specifically, the military is sanctioned to use physical force to maintain the state’s national security and achieve foreign policy objectives. In general, they are distinct from a state’s national security/intelligence agency and police forces, but may interact with and perform similar functions as these governmental agencies.

Even though the armed forces throughout the world share similarities (e.g., command structures, discipline, military culture, rank systems, etc.), they also differ from one context (i.e., cultural, economic, ideological, political, etc.) and country to another (e.g., Janowitz, 1977). Consequently, the manner by which the armed forces is controlled varies from one context and country to another (e.g., Willimett, 1980: 250). Nevertheless, a number of general statements can be made regarding military crimes and their controls.

The General Literature on Crimes by the Military

The academic literature on military crimes and its control is embedded in seven traditional subtopics, including “civil-military relations,” “civil supremacy over the military,” “armed forces political activities,” “antiwar movement,” “military intervention in politics,” “national security studies,” and “military government.” This research has several commonalities. For instance, most of the work utilizes individual case studies or cross-national statistical research methods. Although case studies are primarily descriptive in nature, quantitative studies disproportionately focus on coups d’etats. Both types of analyses are prevalent in a variety of mediums including governmental reports, academic monographs, and journal articles.

Even though specific focus on crimes by the military in the previously mentioned literatures is uncommon, a comparison between war-making and organized crime has been made. Tilly (1985), for example, suggests that “[a]t least in the European experience of the past few centuries, a portrait of war makers and state makers as coercive and self-seeking entrepreneurs bears a far greater resemblance [to organized crimes] than do its chief alternatives” (p. 169). He argues that the army, as a group of organized criminals, is responsible for the interdependent and complementary acts of war-making, state-making, protection, and extraction (pp. 181–183). Tilly, however, does not go beyond this distinction to offer solutions for controlling these activities.

Most of the critical analyses of the role of the military draws on the work of a number of so-called conflict theorists or progressive social scientists (e.g., Lasswell, 1941; Mills, 1956). Mills, for example, argued that, at least in the United States, a military-industrial complex exists that encourages the growth and conservatism of the military and fuels capitalism through the manufacture and sale of weapons. This theory, however, was later challenged by several researchers who, while admitting that a process like this could be discerned, argued that the military industrial complex was simply a caricature and a product of its time and place (e.g., Moskos, 1974).

Central to this counterargument was the evidence that
The military is not necessarily a conservative and rigidly obedient instrument; ... it can be a dynamic means for inducing and compelling change. It can [as the experience of many lessor developed countries attests], support revolutionary parties or it may be revolutionary itself.

Moreover, “military forces, despite their supposed discipline and cohesion, are themselves factionalized even before they intervene as rulers or coalition forces” (Bienen, 1968: xx). Finally, the armed forces “are not socially indivisible or ideologically coherent. There is diversity, especially between the ranks” (Martin, 1984: 191).

Alternatively, Lasswell (1941; 1962), in the garrison state hypothesis, advanced another “conspiracy type” analysis. He suggested that power relations in advanced industrialized democracies were changing “from the relatively mixed elite pattern of [the] nineteenth century to military-police dominance in the impending future” (1962: 51). According to him, in the garrison state,

(1) the power elites value power enough to resort to large-scale coercion when they [believe it will help support] their ascendance; and (2) the elites ... [believe] that the retention of power during at least the immediate and middle range future depends upon capability and willingness to coerce external or internal challengers. (1962:53)

Specifically, Lasswell argued that elites attempt to exert their coercive power through the military. Even though Lasswell’s theory is compelling and a number of studies have tested some of his hypotheses (e.g., Fitch, 1985; Walker and Lang, 1988), this research has been narrow in its focus. Regardless of how and why the military exerts power, more important are the criminal consequences of that power.

In general, studies examining the connection between the military and crimes have been content simply to describe those criminal actions (e.g., Liebknecht, 1917; Bryant, 1979); develop typologies of crimes by the military (Bryant, 1979: Chapters 3–5); and review its causes (e.g., Bryant, 1979: Chapter 2; Hakeem, 1946; Lunden, 1952; Tracy et al., 1971; Wagley, 1944). This literature, however, rarely discusses methods to control this type of organizational behavior.

First, as early as 1917, Liebknecht (1917: Chapter 4) discussed five “cardinal sins of Militarism,” including maltreatment of soldiers, the costs of supporting a military, being “a weapon [used] against the proletariat in the economic struggle,” being a “weapon against the proletariat in the political struggle,” and as “a menace to peace.” Although sophisticated for its time, Liebknecht’s “sins” are narrow in scope and ideological focus, and are therefore limited in applicability.

Others (e.g., Bryant 1979) identify “framing an officer, looting, malingering, going to sleep on duty, insubordination, mistreating prisoners of war, or failing to clean one’s weapon” (p. x). All of these crimes have been studied separately as well as in relationship to the military. Moreover, they are not unique to the military; police forces and national security agencies may engage in similar criminal actions.

In addition to these classifications, some critical theorists also categorize military spending as criminal in itself because it diverts resources from other prosocial policy areas (e.g., health, education, etc.) (e.g., Barnet, 1969). This argument, however, is perhaps an overextension of the term crime. Additionally, during and after coups d’etats, the military may engage in crimes (Nordlinger, 1977). However, classifying all coups as crimes would be misleading because some ameliorate coercive conditions where crimes by the military exist.

Second, some theorists offer a typology to classify military crimes. Bryant suggests two systems. The first consists of three broad categories: “(1) crimes against property; (2) crimes against persons; and (3) crimes against performance” (p. 8). The second, perhaps the more sophisticated one, classifies crimes according to context: “Intra-occupational,” “Extra-occupational,” and “Inter-occupational.” Intra-occupational crime refers to a violation of “norms internal to the military itself” (p. 8). These actions “may involve theft or misuse of government property, interpersonal violence, and inappropriate military behavior” (p. 11). Extra-occupational crime refers to “interaction or behavior” by military personnel that transgresses “the civilian normative system, abuses of or offenses against civilians or their property,
or the social activity between the members is judged to be inappropriate or detrimental to the military or offensive to civilian authorities” (p. 8). Finally, Inter-occupational crimes include “violations of norms concerning correct and appropriate behavior in regard to the enemy” (p. 11).

Alternatively, crimes committed by the military could be categorized as nonviolent and violent. Those actions comprising the nonviolent end of the continuum are corruption, nonviolent illegal arrests, and nonviolent maltreatment of soldiers. At the violent end of the spectrum are various forms of violence, such as property destruction, kidnapping, assault/brutality (including rape), torture, murder/assassination, sanctioned massacres, and genocide. Meanwhile, violations of international law and war crimes can encompass both violent and nonviolent acts.

Military crimes can also be classified as crimes of commission or omission. In the main, crimes of commission may include “intimidation of the civilian authorities” and “threats of non-co-operation with or violence towards civilian authorities” (Finer, 1962: 140), illegal violence, and violation of international law. On the other hand, crimes of omission may encompass “failure to defend the civilian authorities against violence” (p. 140).

Third, although some studies of morale, discipline, and courts-martial have advanced causal theories, no hypotheses, models, or theories concerning the causes of military crime in general have been advanced. Nevertheless, a number of general factors have been identified as being important, including “the opportunity structure of the military system;” “the sociocultural and geographical settings in which the military normally operates;” “the informal pressures and strains inherent in military culture;” “the structured subversion of organizational goals frequently component to military enterprise” (Bryant, 1979: 7); the detachment between user and victim of military weapons and equipment” (Bryant, 1979: 354); and, “equipment may be so complex that in certain emergencies the individual in charge may not be able to control it properly” (Bryant, 1979: 355). Even though the types, typologies, and causes of military crimes are

### Controlling Crimes by the Military

important to its study, more central to the purpose of this chapter is a consideration of the controls.

### Literature on Controlling the Military

Periodically, informed observers of the military will selectively mention controls on crimes by the military. The most common types of controls that have been articulated are conventional civilian criminal codes, military law, and international treaties (Bryant, 1979: 6). Within these broad categories, some academics (e.g., Barnek, 1969; Galbraith, 1969: 52–60; Martin, 1984) have listed a number of alternative mechanisms to control the military. Although a necessary beginning, this literature lacks a theoretical framework, primarily focuses on the United States, and therefore may have limited applicability to other countries.

Scholars Huntington (1957) and Nordlinger (1977), however, offer more sophisticated treatments, identifying types of controls on the armed forces that citizens can use. Huntington, for instance, offers two broad suggestions: an unstable process called “Selective Civilian Control: Maximizing Civilian Power” and a stable situation labelled “Objective Civilian Control: Maximizing Military Professionalism.” Even though Huntington has sensitized us to the broad problems and contours of controlling the military, his work has been subjected to a series of critiques (e.g., Abrahamsson, 1972; Janowitz, 1960; Tilly, 1993) that he did not feel was necessary or has not been able to refute.

Alternatively, Nordlinger (1977) outlines three models of civilian control: traditional, liberal, and penetration. In the traditional model,

military intervention presupposes a conflict between soldiers and civilian governors; and conflict in turn requires some differentiation between the two groups. [Thus] in the absence of significant differences between civilians and soldiers, the civilians may quite easily retain control because the military has no reason . . . to challenge them. (p. 11)
In the liberal model, Nordlinger argues that "civilian control is explicitly premised upon the differentiation of elites according to their expertise and responsibilities. Civilians holding the highest governmental offices... are responsible for and skilled in determining domestic and foreign goals, overseeing the administration of laws, and resolving conflicts" (p. 12).

Finally, in the penetration model, Nordlinger suggests that "Civilian governors obtain loyalty and obedience by penetrating the armed forces with political ideas (if not fully developed ideologies) and political personnel. Throughout their careers officers (and enlisted men) are intensively imbued with the civilian governor's political ideas" (p. 15).

According to Nordlinger, none of the models of control "can be applied in all types of polities and securely relied upon to ensure civilian supremacy" (pp. 10–11). Therefore, civilian control is problematic, and thus one would expect a high frequency of coups (p. 19). Even though Nordlinger has highlighted the variety of different types of civilian control, he has neglected other types of constraints, and his models of control lack a certain amount of specificity important when considering controls for the military.

Suggestions for Alternative or Improved Methods to Control Crime by the Military

Introduction

There are at least twenty-nine methods that analysts, military officers, and/or concerned citizens and organizations have suggested and/or implemented to control crimes by the military. These mechanisms can be grouped under five interrelated headings: individual/self-control; control by the military establishment (e.g., internal controls), control by government institutions, control by foreign actors, and control by the public. Each of the mechanisms are reviewed separately but ordered, from least to most important, under each heading.

Controlling Crimes by the Military

in terms of their hypothesized importance. Moreover, it must be understood that these controls are not mutually exclusive; in other words some mechanisms may overlap with other strategies, and if they are not carefully implemented, they might even increase military crimes.

Individual/Self Control

Soldiers can minimize actions they consider criminal, committed by their organization, by disobeying orders given by their superiors. This, however, is particularly difficult for armed forces personnel because there are often severe consequences for insubordination. In an attempt to circumvent this dilemma, Kelman and Hamilton outline two basic recommendations by which soldiers can "(1) reduce[e] the impact of binding forces by counteringact[ing] the effects of rule and role orientation, respectively, and (2) enhance[e] the impact of opposing forces by buttressing the effects of value orientation" (1989: 321–322). Their discussion of specific suggestions, however, seem extremely difficult to implement in traditional military settings where authority is centralized.

Alternatively, in most armies, there is an internal or external complaints system that allows soldiers and officers the opportunity to file grievances. In some armed services it is an effective organization, while in others it is simply a public relations mechanism. In the United States, for example, the Inspector General of the army, a staff organization, "receiv[es] complaints of any kind from all personnel. All Army personnel, enlisted men and officers alike... have a right to register complaints directly with an Inspector General officer instead of taking them up with their immediate superiors" (Evan, 1962: 189). This unit is "an organizational anomaly in granting all Army personnel a legal right to lodge complaints directly with IG officers, for, in effect, it sanctions the circumventing of the chain of command in certain circumstances" (p. 190). Despite armed forces personnel's use of this process, there are a number of obstacles to due process with this system (pp. 191–194).
Controlling Crimes by the Military

of professionalism. Some (e.g., Huntington, 1957) argue that professionalism serves as an important deterrent to military intervention in politics. Others (e.g., Abrahamsson, 1972; Stepan, 1973) suggest that it has a contradictory effect, thereby encouraging military lobbying, coups d’État, and processes that frustrate the control of military crimes.

Furthermore, interservice rivalry can serve as a control on military units (Huntington, 1961; Lang, 1972: 118–119). The competition over scarce resources among the navy, army, and air force often creates a situation in which one unit monitors the other’s weaknesses in order to gain some sort of advantage when negotiating with other state agencies. On the other hand, concerned citizens must be on guard for “logrolling,” which can serve to increase military expenditures and diffuse overall defense priorities.

Finally, “all military entities have attempted to enforce discipline and compliance with orders with regulated sets of norms and a system of sanctionative military justice” (Bryant, 1979: 26–27). Historically, the penalties, often quite barbaric, included flogging, burning the tongue with a hot iron, and death (Spencer, 1954: 61–78). Currently, most armed forces have a Code of Military Justice, manuals of military law, and judges, advocates, all of which specify infractions and possible penalties (Ujevich, 1969). There are also nonjudicial punishments that superiors may administer. Some of these are admonition, reprimand, restriction, extra duties, reduction in rank, loss of wages, delay of pay, detention to barracks, correctional custody, and confinement on bread and water or diminished rations (Knudten, 1970: 481). The most severe sanction, however, are courts-martial. But given the similarity of some of these controls to those used in nonmilitary environments, it is doubtful that they are effective in deterring crimes.10

Government Control of Its Military

Most government organizations that control state crime exert their power at the state level, sometimes at great costs to their institutions and members. Seven strategies can be used by governments to control crimes by the military. These

Control by the Military Establishment

There are six types of internal controls that military organizations can utilize to minimize or prevent crimes by members of their organization. They are, from least to most important, in terms of predicted importance, proper training, improving soldiers general level of education in nontraditional subjects, discipline, professionalism, fostering interservice rivalry, and threatening or using warnings, counseling, and court-martial.

Initially, armed services train their personnel in a variety of skills, functions, and methods of carrying out particular orders. “When new recruits are going through training, they are learning how to live in a totally different world. The drill sergeants and other instructors are basically working a clean slate. Everything that that private learns is from them. Whatever they put on that slate, either good or bad, will most likely influence that soldier in the future.”9 The amount of training and the emphasis on different techniques varies from one context to another. In general, one can predict that the greater the training, the more effective soldiers will be in their duties.

Additionally, soldiers should be taught and trained in such nonmilitary subjects as civil and human rights, ethics, and international law. These efforts, however, might simply train them to better conceal their activities or prepare more sophisticated arguments to justify their crimes.

Discipline, hierarchy, and the chain of command are also important organizational attributes of the military. “This involves the ordering of virtually all the statutes of the Army in a strict hierarchy and specifies that all communication, upward and downward, shall be through channels” (Evan, 1962: 190). These processes not only can prevent individual soldiers and officers from engaging in military crimes but also can help those higher up in the chain of command force those subordinate to them to engage in unfavorable actions, including crimes.

Moreover, professionalism can serve to reinforce chains of command, hierarchy and prior training and can thereby minimize individual soldiers’ and officers’ acts of crime. Scholars, however, are divided about the so-called benign effects
mechanisms, ordered from least to most important, include better regulations on lobbying by the military and their contractors, collecting accurate data on crimes by the military, strengthening human rights organizations, providing selective amnesty for soldiers and officers who commit crimes; reducing military spending and converting military industries, decreasing the size of the military, and abolishing the military.

First, with respect to lobbying, many corporations invest a considerable amount of money attempting to convince the military, and those responsible for overseeing this institution, of the necessity of purchasing more and better weapons of destruction (Thayer, 1969). Not only do corporations engage in lobbying, but the armed forces itself, using taxpayers’ money, attempt to influence politicians (Fullbright, 1971; Goodspeed, 1962: 44; Parenti, 1983: 100–101). Even though many states have legislation concerning the proper conduct of lobbyists, informed observers of the military have argued that controls on this activity restrict access to timely and accurate information.

Second, given the closed nature of the military, data on individuals (i.e., soldiers, officers, etc.) and groups (e.g., military units) who engage in military crimes are difficult for the public and in particular researchers to obtain. Military actors are reluctant research subjects, and information obtained regarding their illegal actions is often obtained from insiders, such as disgruntled employees, and from nonmilitary sources, such as the victims themselves and from friends and families of victims and witnesses, whose reliability is questionable. Ethnographic studies of military involvement in crimes could improve this area of research. A careful analysis of information and propaganda distributed by the state and that obtained from other, nongovernmental sources would also be useful. Better and more comprehensive data could be collected if data sets of various monitoring agencies are combined. Regardless of the strategy, rarely is this type of work conducted.

Third, both domestic and international state- and nonstate-sponsored human rights organizations should be strengthened by increasing their resources. Efforts to combat human rights abuses have occurred at four major levels: national, international, regional, both governmentally and non-

governmentally directed. In general, foreign human rights organizations are better at monitoring abuses that occur in another country because they are less likely to be co-opted by domestic agencies. Consequently, since resources are limited, the lion’s share should be directed to external rather than domestic human rights bodies.

Fourth, those charged with committing military crimes could selectively be offered amnesty if they agree to inform on others who engaged in similar types of actions. This promise would encourage disgruntled people who work for regimes that practice or allow military crimes to occur to provide information to outside sources. Periodically, some criminogenic regimes of this type crumble (e.g., East Germany), and their records become accessible to the public for intensive analysis, judicial review, and remedy.

Fifth, military spending should be reduced and capped. Even though the Cold War is over, the military budgets of many countries in the world are increasing at exponential rates (Russett, 1970; Sivard, 1974–1988; Tilly, 1993: 209). According to Barnet (1969), because “the pursuit of national security through the arms race is a matter of faith rather than logic, arms spending is at present impossible to control” (p. 16). In order to decrease and limit military spending, respective units of the military should be encouraged to increase competition among themselves for the allocation of scarce resources (p. 188), the peace lobby should be strengthened, constituencies that do not economically depend on the military spending could spearhead the protest (Russett, 1970: 7), and taxpayers and soon-to-be taxpayers (e.g., students) should complain to their elected and appointed politicians and bureaucrats about this problem, ask them for specific solutions, and hold them accountable, particularly during election time or renewal of their contracts. 11

Sixth, although an expensive process, more military industries should continue to convert to peaceful production (e.g., Martin, 1984). Many of the military suppliers have nonmilitary divisions that make products or provide services that are prosocial in nature. For example, military contractors such as Otis produce elevators, Litton manufactures office furniture and microwave ovens, Grumman produces canoes,
and Lockheed and Boeing make airplanes for commercial use. Activists should continue to lobby resistant shareholders of these companies to encourage their boards to dedicate more of their production toward the nonmilitary sector.

Seventh, closely connected to decreasing military spending and conversion of military industries is reducing the size of the military. Most full-time military units consume a phenomenal amount of resources. An alternative strategy is to establish a “lower manpower ceiling” for the armed forces of each country. This option might mitigate political influence by the armed forces and place control back with legislators (Russett, 1970: 188). Downsizing the military should be coupled with disarmament, transarmament, and other arms control and reduction methods (Roberts, 1967a; 1967b; Galbraith, 1969: 52–60). Although historically it has been the practice of militaries to disarm their enemies, perhaps states could assume this task as an internal matter. Part of the way that this might be accomplished is by “remov[ing] weapons from the military budget” (Galbraith, 1969: 60). Nevertheless these processes should not be implemented so recklessly as to hinder the ability of the state to maintain internal and national security (Roberts, 1967a).

Last and perhaps the most radical suggestion, is to abolish the military (e.g., Liebknecht, 1917; Martin, 1984: 193; Martin, this volume). In the armed forces place, militias (e.g., Nicaragua after the fall of Somoza) can be organized. However, militias should not be interpreted as a panacea as they may tend to lack the discipline and training of standing armies and may thereby act as vigilantes, carrying out such things as personal, ethnic, and religious vendettas.

Control of the Military by Foreign Political Actors

There are at least five methods that foreign actors (e.g., agencies, institutions, and states) can pursue to minimize crimes by the military. These processes are, from least to most useful, the greater use of war crimes trials, minimizing the number of dependent economies, encouraging a more proactive media, preventing the creation of national security states, and cutting off economic support to countries where military crimes take place.

Controlling Crimes by the Military

To begin with, only a handful of war crimes trials have occurred. They have helped bring to justice many individuals who have engaged in crimes against humanity. However, those trials that have taken place suffer from a number of problems. For example, “[d]efendants in war crimes trials often . . . [argue] . . . that they were carrying out the orders of a superior” (Akehurst, 1982: 278). To aggravate matters, war crimes are poorly defined and “this failure of definition makes it highly [arbitrary] to impose responsibility on leaders of defeated nations” (Falk, Kolk, and Lifton, 1971: 45). There have also been a series of questions concerning procedure at these trials (e.g., Minear, 1971).

Additionally, dependent economies should be minimized or prevented from being established, because in these contexts the military is more apt to come to power. Such economies require the repression of the working- and lower-class and peasants. The military is the best candidate to accomplish this task due to its coercive ability (Evans, 1979). Additionally, in the process of increasing military spending, the typical capital deficiency leads the military to draw on foreign capital and to repress civilian economic demands in order to amass the necessary resources (Luckham, 1973a; 1973b). In sum, the penetration of foreign capital into dependent economies increases the military establishment’s power and autonomy relative to other factions (Klare and Arnsen, 1981).

Moreover, the media must be more vigilant in exposing crimes by the military and the links that states have in creating, maintaining, and influencing military crimes (Herman and Chomsky, 1988). Rarely do journalists (investigative or otherwise) expose military crimes. And those who do, in some contexts, have reason to fear for their lives. Reporters are logical targets for regimes afraid of exposure. Efforts must be made to make it safer for the press to document crimes by the military including giving journalists protection tantamount to diplomatic status. Also, tougher sanctions against regimes that threaten, injure, or kill journalists should be implemented. We must also encourage reporters to take a more investigative role in developing and researching news stories about military crimes. Journalists, if they are going to be effective in this area, must also
improve their skills, by learning appropriate foreign languages, visiting foreign countries, and being on guard for self-censorship. With proper safeguards in place, it would be useful if a series of grants and awards were to be developed and distributed for reporting on military crimes.

Furthermore, in national security states the military is more likely to engage in crimes against real or suspected opponents to the regime. Activists and politicians must work harder to prevent the creation of these types of countries. One way national security states are created is through support by foreign powers. Historically, militaries in national security states have been trained and funded by the superpowers (Tilly, 1993: 207). This relationship has established a precedent whereby weapons from the superpowers are donated or sold to the national security states that use them against their citizens. The superpowers should tie military support and sales of weapons not only to the human rights violations of client states, but also to improvement in reductions in the amount of military crimes.

Finally, and closely connected to controlling national security states, is cutting off economic aid to countries where military crimes are allowed to take place. The superpowers have supported (through financial assistance, low-cost loans, etc.) a series of authoritarian regimes (e.g., Brazil, Chile, Guatemala, etc.), whose militaries have routinely engaged in crimes against their own peoples (e.g., Herman, 1982: 23). Not only does this foreign financial support often get channelled into the coercive duties of the military, but it also draws money away from necessary prosocial government services at home. Once again, support must be connected to human rights performance and the commission of military crimes.

**Control by the Public**

Most importantly, the military must be controlled by the public. This process is generally referred to as civilian supremacy. According to this doctrine,

the head of state and the apparatus of government should be civilian and, under no circumstances, be drawn from serving members of the military or police. Sometimes, however, principle and practice diverge, as when the leaders of coups, or those associated with them, drop their military rank and assume civilian status. (Willimett, 1980: 253)

In general, six controls by the public can be identified. They are, from least to most important, public protest, draft evasion or desertion, conscientious objection, challenging bureaucratic truth, the support or establishment of public organizations to monitor the military, and self-education.

First, public protest, ranging from demonstrations to civilian defense, has been relatively effective in minimizing military crimes (Tilly, 1985: 183). For example, during the 1960s and early 1970s antiwar demonstrations were relatively successful in stopping American involvement in the Vietnam War. Additionally, during the early 1980s the “Mad Mothers of the Plaza de Mayo” held a “silent vigil outside the Argentinean Government House for their...children” who disappeared during the “Dirty War” (Herman, 1982: 30). Because of the international media attention and some books written about the victims, this vigil was relatively helpful in releasing some of the individuals who were held incommunicado or in letting the mothers know where their children were buried. Moreover, “civilian defense,” which includes “non-cooperation with an opponent’s orders, obstruction of his actions, defiance in face of his threats and sanctions, attempts to encourage non-compliance among his troops and servants, and the creation of a parallel system of government” (Roberts, 1967b: 9), was relatively effective in frustrating the Nazi actions in occupied countries during World War II.

Second, draft evasion or desertion, which under most criminal codes is a criminal offense, is another strategy to control crimes by the military. The logic behind this suggestion is that the lower the manpower of the armed forces, the less the number of soldiers that could potentially engage in military crimes. By the same token, an argument might be made that those individuals who evade the draft or desert would be least likely to engage in military crimes. Nevertheless, draft evaders and deserters often engage or support protest. Some of the
Controlling Crimes by the Military

violence, human rights, and international law. Besides the
written medium, other means of education can be used
including academic and international awareness conferences. For
example, the first Latin American Congress of Relatives of the
Disappeared, held in San Jose, Costa Rica, January 20–24, 1981,
attracted considerable media attention and thereby increased its
educational value (Herman, 1982: 8–17).

Summary

This review of control mechanisms on crimes by the
military has been intended as an organizational tool in order to
understand processes that have or could be implemented to
prevent military crime as well as to identify those controls that
need strengthening. In general, the greater the number of types
of controls utilized, the less likely or often that soldiers and by
implication the military will engage in crimes.

Further Research and Praxis

Since the range of controls articulated in this chapter is rather
broad in scope, further research and specificity is warranted. To
begin with, because it is difficult for researchers to penetrate or
conduct ethnographic research on the military, perhaps the next
and most fruitful step is to interview victims of crimes by the
military and ask them what they believe would be the most
important controls on military crimes. Alternatively, because the
types of crimes that the military engages in vary in the degree of
seriousness, solutions for each type of crime may have to be
dealt with separately. Thus, perhaps individual researchers
might choose one type of military crime and intensively explore
both its causes and controls in a limited number of contexts (e.g.,
countries, armies, time periods). Moreover, a series of case
studies might be assembled to determine the conditions under
which each of these methods of control have succeeded or failed.

Citizens, politicians, and the military have an obligation to
monitor crimes by the armed forces and to suggest or improve
means by which military crimes can be controlled or prevented. While labeling abhorrent actions committed by the military as “crimes” may seem like a semantic device, it is a first step in reconceptualization and combatting these actions. This approach allows us to move beyond the traditional public administration and policy literature by examining these actions in more critical literature found in other relevant fields, such as criminology, criminal justice, law, political science, and sociology. Crimes by the military should not be treated as business as usual but as transgressions that need to be addressed legally and morally and most important prevented from reoccurring.

NOTES

1. An earlier version of this chapter was presented at the Canadian Association for Security and Intelligence Studies Annual Meeting, Calgary, June 11, 1994. Special thanks to Nancy Jacobson and Sam Matheson for research assistance, and to Tom Brewer, Paul Bond, Natasha J. Cabrera, David Charters, Frank Williams III, and anonymous internal reviewers for comments.

2. In this chapter, the author uses the expression “crimes committed by the military” and “military crimes” interchangeably. Military crimes, as articulated in this chapter, are those actions that, in general, violate a legalistic and a moral conception of crime. They also include the acts of mentally stable and unstable soldiers (e.g., Corporal Lortie’s actions in the Quebec National Assembly). Although some observers may suggest that the acts of mentally unstable individuals should be excluded, the military bears responsibility for supervising individuals in their employ.

3. According to Galbraith (1969: 23), at least in the United States, “military power is not confined to the [Armed] Services and their contractors—what has come to be called the military-industrial complex.” Those who support the military power include intelligence agencies, foreign service officers, university scientists, “defense-oriented organizations as RAND, the Institute for Defense Analysis and Hudson Institute,” and the Armed Services Committees of the Senate and House of Representatives (Galbraith, 1969: 23–24). Additional supporters include veterans’ associations (Liebknect, 1917: 170).

4. There are a variety of resources that militaries possess, including money, weapons, experience, personnel, and organization.

5. This definition builds on Huntington (1957: Chapter 1).

6. This chapter is not concerned with such mechanisms as the national guard; however, its proscriptions could apply to this organization.

7. This idea might suggest that all war-making is wrong; however, my intention is simply to point out that war-making for expansionistic purposes is morally wrong.

8. It must also be recognized that some crimes, such as illegal drug use among soldiers, are dealt with more severely by the military of some countries than are the crimes that occur in the mainstream criminal justice system.

9. These controls, in turn, fall under two dimensions of control (formal and informal; and location; external and internal [e.g., Rycroft, 1975]).


11. See, for example, Bryant (1979: 31–33) for a review.

12. Reducing military expenditures or personnel can also lead to crimes; increases stress among military personnel, which in turn motivates them to engage in crimes.

13. This, Kelman and Hamilton (1989) call a crime of obedience.

14. Those preoccupied with the maintenance of national security.

15. See Roberts (1967a) for a series of excellent case studies where civilian resistance has been utilized.

REFERENCES


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