The Uncatchable Crook: Pursuing Effective State Crime Control

Daniel J. Patten
Western Michigan University

Preferred Citation Style (e.g. APA, MLA, Chicago, etc.)

ASA

Article 2

The Uncatchable Crook: Pursuing Effective State Crime Control

Daniel J. Patten
Department of Sociology
daniel.j.patten@wmich.edu

Michalowski (2013: 2010) asks, "Can a legal apparatus designed by powerful capitalist states address the social harms, particularly the systematic social harms, committed by those states?" Essentially, this concern is over the prevention of state, corporate, or state-corporate crime. As criminologists develop theories to explain crime, they also ostensibly strive to prevent crime; they may ask, "What good is a theory of crime, if it does not imply some successful prevention?" Crime prevention may well be the most important component of a criminologist's job. The fundamental problem with crime prevention occurs when searching for solutions. When addressing crimes of the state, popular solutions derived from criminology may not be applicable since the state imposes crime solutions. For instance, the United States incarcerates more individuals than any other nation—but how does a state incarcerate itself for a crime it has committed? When investigating state, corporate, and state-corporate crime, researchers conflict on the solutions to such crimes. While it is conventionally understood that the state can regulate itself through various mechanisms of checks and balances, researchers such as Michalowski (2013) exclaim that any such crime prevention is doomed to fail unless it resonates outside of the state. Here lies the pertinent controversy of how to prevent crimes of the state, when traditionally, the state has been the major mechanism by which to address crime.

This paper will highlight this controversy and describe how U.S. state crime is unique in that the U.S. holds such a powerful position in the world, allowing it to ignore many of the crime controls effective for preventing crimes of less powerful states. After demonstrating the difficulty of preventing state crime, this paper will review some of the theoretical and empirical

literature of mainstream and critical criminology to gather various ways to address state crime.[1] The major novel contribution of this paper is to apply theories of street crime to state crime in search of unique ways to potentially address state crime.[2] Lastly, this paper will briefly discuss a methodological suggestion, informed by mainstream criminology, of how to decipher the most effective prevention methods of crime. The importance of finding solutions to U.S. state crimes (or those of other powerful nations) cannot be overstated, and should be a mission for future criminologists, because it can lead to serious social harm such as torture, political imprisonment, extrajudicial killings, and enforced disappearances (Blum, 2004). Since the majority of criminologists spend their time studying street crime, this paper seeks to apply their conventional wisdom of controlling crime to the difficulties of state crime.

Definition of Crime

It seems that traditional criminology naively assumed that the state, as the main component used to curtail crime, could not commit crime itself. Of course, if an act or series of acts were not defined as crime, then there would be no apparent reason to rectify, punish, or address those acts. Thus, the debate over how to define crime is a prerequisite to addressing said crime. For the sake of this paper, crime is defined as a "blameworthy harm." Agnew (2011) discusses the ambiguity of blameworthy harm. Harm is, to a certain extent, based on the discretion of the researcher. Agnew explains that harm can be more precise when using human rights as an indicator, which Fagan describes (2005:1) as "the necessary conditions for leading a minimally good life." A blameworthy harm is most commonly described as being "avoidable," "preventable," or "unnecessary" (Agnew, 2011). Since the debate over how to define crime is another vast controversy, which this paper cannot address at length, understand that "crime" as used throughout the paper refers to blameworthy harms. The reason against using international law as the defining doctrine of crime will become apparent throughout the paper.

The Controversy

The controversy over how to prevent state crime is more complex than the choice between state reforms or intervention that comes from outside the state. Even the most well-versed scholars of state crime tend to debate themselves or offer recommendations from both sides of the argument. Michalowski and Kramer's (2006b) integrated theoretical model of state-corporate crime is one of the most sophisticated theoretical models dedicated to explaining state-corporate crime. In their comprehensive model, there are three levels of analysis and three catalysts for action. The three levels of analysis include institutional environment, organizational, and interactional, which correspond with the macro, meso, and micro levels of analysis respectively. The three catalysts for action include motivation, opportunity, and control, which are akin to an accumulation of many traditional criminology theories. All of these catalysts are considered potential causes of

state-corporate crime. Within this theoretical framework, it is hypothesized that having several intense motivations, access to opportunities to commit crime, and lax controls will lead to a greater likelihood of the commission of state-corporate crime. Therefore, this paper shall focus on the control element, as this directly implies various methods for crime prevention if the control components are strong.

Of the eighteen control mechanisms listed by Michalowski and Kramer (2006b), only one or two can be considered state solutions. Legal sanctions are the one control mechanism most akin to a state solution, in which some state regulatory agency imposes a legal sanction on the state itself. However, legal sanctions are more commonly imposed when a corporation is the offender, not the state itself. More likely, an international legal body would advocate for a criminal state sanction. Similarly, the other control mechanism that could potentially be generated by the state is international reaction. Polls of citizens around the world constitutes one part of international reaction, but international reaction can also constitute state reactions globally. However, international reaction tends to have very little effect on controlling state crime. For example, international polls before the Iraq War demonstrated that nearly all citizens of the world outside of the United States opposed the invasion of Iraq (Pew Research Center, 2003). Furthermore, the invasion of Iraq was a violation of the United Nations (UN) charter, and despite UN opposition, the United States uninhibitedly engaged in a war in Iraq (Kramer & Michalowski, 2005).

Some of the most prolific state crime scholars struggle with addressing crimes of the state. On the one hand, they declare that international law and agreements are either ineffective or established in favor of the United States, and on the other hand, simultaneously, they suggest that strengthening international law may be the course of action to prevent such crimes (Kramer, Michalowski, & Rothe, 2005). Focusing solely on U.S. state crimes, Peter Iadicola (2010) struggled with a similar conundrum. He offered three solutions to U.S. state crimes, one involving the UN, stating that it may be the most capable of holding the United States accountable for its crimes. Although he *does* articulate that any successful solution is likely to include efforts from both governments and civil society, he fails to mention the construction of the UN as primarily a diplomatic tool for the global powers including the United States. Kramer et al. (2005) suggest international law as a solution, but do not miss the fact that the United States exudes such dominance in the UN. They mention the U.S. rejection of the International Criminal Court (ICC) as well as the veto power bestowed to the United States, the United Kingdom, China, Russia, and France in the UN, which allows the dismissal of any allegations directed towards these countries. The ICC has been opposed by the United States in the past, only having been found effective in convicting relatively weak states, typically leaders of African nations (Rothe & Mullins, 2006). Consequently, the United States is virtually exempt from any conviction under international law. Despite these complications, many criminologists still advocate international law as a solution.

Interestingly, Ronald Kramer (2010: 128) criticizes international law for lacking "any effective enforcement mechanism." Compare this to a

scenario in which U.S. law existed as it stands today, but the police force along with the majority of the criminal justice system was removed. The result would likely be that illegal behavior would occur, but no corrective or retributive action could be taken since no law enforcement agency would exist. A situation much like this currently holds for state crime. The United States commits state crime[3] but with no state crime enforcement agency, no punishment is ever meted out. Kramer concludes that international law has normalized several state crimes, specifically the bombing of civilians. To understand what it means for a crime to be normalized, take the example of spitting on the sidewalk. Spitting on the sidewalk is an illegal act in many places, but if we recall the number of times we have seen someone else spit or we ourselves have spit on the sidewalk and the corresponding number of sanctions imposed when such actions have occurred, we likely would recall a very lopsided number. It is not uncommon that someone has spit on the sidewalk several times without ever facing reprimand, much less a formal sanction. Over time, individuals become socialized to the understanding that spitting on the sidewalk is not a terrible act and even acceptable to some degree. In a similar vein, Kramer (2010) argues that since the United States never faces any sanctions for their crimes, they become accustomed to committing crime and accept such atrocities as normal.

Bruce Arrigo (1999) explores the controversy in a unique way by focusing not on state crime, but on crime in a more general sense including street crime. Equipped with a critical criminological lens, he investigates how to achieve social justice, which, of course, is the goal of any criminologist presumably. He claims that although criminal justice has been a major focus of both mainstream and critical criminologists, social justice is often times neglected with little mention in the literature. Despite much explicit discussion of social justice, critical criminologists have situated it as an essential goal of any criminal justice system. Many times their critiques of the criminal justice system underline the social injustice perpetuated by the criminal justice system.

Overall, Arrigo (1999) concludes that the criminal justice system is a reactive edifice to behavior deemed by greater society as deviant. However, the criminal justice system is ill-equipped and incapable of promoting, fostering, and maintaining social justice. The criminal justice system, in its present configuration, will inevitably generate vast inequalities. Consequently, social justice and criminal justice are deemed incompatible and "fundamentally opposed to one another" (Arrigo, 1999: 270). In order to achieve social justice, radical changes are necessary in the criminal justice system. Although it is already in question if state crime can be addressed by the state, Arrigo and several other critical criminologists have taken this inquiry a step further to ask if the state, at least in the form of the criminal justice system, can be effective in preventing crime in general, including street crimes, corporate crimes, and state crimes.

Difficulties in Preventing State Crime

At this point, the controversy revolves around the options of preventing state crime, and whether the solutions to preventing state crime should

come from the state or outside of it. For the rest of the paper, the focus is not on state crime in general, but rather U.S. state crime because the U.S. holds a uniquely powerful position internationally, which differs from most states and makes it considerably more difficult to hold the U.S. responsible for its crimes.

The United States actively attempts to circumvent international law. International law is viewed as a threat to the United States and is something to be persistently disregarded (Bartholomew, 2006). A National Defense Strategy Doctrine created by the Bush Administration reveals explicit negligence for international law. It states the need for the U.S. government to maintain complete autonomy and "global freedom of action" to use any measure in order to secure U.S. interests (U.S. Government, 2005). Furthermore, it discusses international conventions as a challenge to the United States, pitting the United States against the world. If the United States only accepts international agreements that are nearly one-sided, it is unlikely that U.S. state crimes can be alleviated via such international laws.

Some famous Presidential doctrines exemplify the United States' struggle to be ungovernable, and yet the ultimate rule makers of the world. Thomas Jefferson's doctrine applied directly to the Native Americans at the time of the country's founding and implied that the only way to avoid trouble with neighbors is to dominate them (Williams, 2007). Early on, the United States emphasized security over diplomatic foreign policy. Instead of engaging in a cooperative effort to coexist, the United States historically adopted an imperial orientation. The Monroe Doctrine later demarcated the boundaries of U.S. jurisdiction by declaring that North and South America were off limits to any European powers; and if others did not heed this warning, they would face grave consequences (Sexton, 2011). More recently, the Bush Doctrine has expanded these borders by allowing complete U.S. discretion to declare war based on the reasoning that pre-emptive war against terrorist nations is justified (Renshon & Suedfeld, 2007). These doctrines taken together demonstrate U.S. imperial ambitions and neglect for the sovereignty of other nations as well as international law that disallows such proactive aggressions of war.

Not only has the United States decreed by doctrine their imperial ambitions, it has also historically neglected international authority. *Nicaragua v. The United States* is a paramount case when highlighting the failures of international law on controlling U.S. state crime for two reasons. First, it is the only case of state crime committed by the United States taken to court to date that concluded with a guilty verdict (International Court of Justice, 1986). The World Court of Justice (later known as the International Court of Justice) found the United States guilty on several accounts of state crime, most notably the sponsoring of terrorist acts that attempted to overthrow Daniel Ortega and the Nicaraguan government. In this case, the United States executed an overthrow to preserve U.S. interests and maintain unilateralism. As the only international court case to deliver a U.S. guilty verdict for state crime, this case paints a picture of the United States as an unlikely court defendant. One may wonder – if the United States has not committed many crimes, then wouldn't few convictions be warranted? Although the focus of this essay is not to demonstrate the various crimes committed by

the United States, this paper does identify a few examples. William Blum's (2004) hefty book addresses (illegal) U.S. military interventions since World War II (WWII), a list that is quite extensive despite the brief time frame. With the vast number of crimes committed by the U.S. and only a single conviction, the efficacy of international courts must be questioned. Not only should we address this issue historically, but also with an eye toward the future of addressing state crime, particularly crime committed by states as powerful as the United States.

Second, and perhaps more importantly, despite the International Court of Justice's conviction, the United States faced no punishment after Nicaragua v. The United States. Initially, the United States denied the jurisdiction that the court had over them and did not acknowledge the trial, emphasizing state sovereignty over any international authority. Imagine a murderer skipping his day in court and announcing to the courts that they have no right to prosecute him. Such a scenario is hard to imagine, because the murderer would likely face an even harsher punishment after his defiance. Yet, in the case of the United States, its immense international power was reason enough to avoid sanction. Such a global power imbalance is quite the obstacle when addressing state crime, a non-issue when addressing mainstream crimes (e.g., FBI index crimes) or even when addressing state crime committed by less powerful states. Even more foreboding when considering how to control U.S. state crimes, this case was later completely dismissed. Nearly five years after the conviction, a U.S. sponsored candidate took office in Nicaragua and retracted the U.S. conviction. Thus, the only conviction faced by the United States ended in a complete exoneration of guilt; thereby, the conviction could be forgotten, not only in American history, but among other countries more critical of the United States as well.

Using Theory to Prevent State Crime

Despite the differences between state and street crime, it is also important to understand that they are both crime in the sense that they are blameworthy harms. Thus, when using theory to engender crime prevention methods, the strategies for preventing street crime offered by mainstream and critical criminologists should not be hastily abandoned. In order to address the apparently unsolvable dilemma of addressing state crime, theories explaining street crime may actually shed some light.

Neighborhoods and State Crime

Building collective efficacy in neighborhoods may be an essential step towards curbing state crime. Collective efficacy is defined as the ability of community members to control other members' behavior (Sampson, Raudenbush, & Earls, 1997). Of course, if the state is the object of control, then this efficacy must be expanded to allow for the control of an outside force. Given that many criminologists discuss the need for grassroots movements to address state crime, it could be helpful to turn to criminological theories concerning neighborhood level variables allowing for collective efficacy. If neighborhoods are disorganized in the sense described by social

disorganization theories (Shaw & McKay, 1942), then it is unlikely they could collectively challenge the state when they're unable to control crime in their own communities.

Bursik and Grasmick's (1993) model incorporates three levels of community social control including the private, parochial, and public. The most basic form of control exerted by the neighborhood is at the private level. Groups within the neighborhood initiate this form of control. These groups address criminal behavior by allocating social support or threatening to remove it. The private level refers to friends or like-minded neighbors of the criminal. The parochial refers to acquaintances in the neighborhood who do not have sentimental attachments. Local institutions in the neighborhood such as stores, schools, churches, or voluntary organizations exert parochial forms of social control. Lastly, the public level of social control includes institutions found outside the neighborhood. The ability to secure goods, services, and support from agencies outside the neighborhood is essential. Paramount to the public level of control is the relationship between neighborhood residents and the police department. This last form of social control is problematic since it is heavily reliant on the state. However, this does not necessarily have to be the case. Instead of securing resources for state-based institutions or the police department, neighborhoods may secure resources from non-governmental institutions and most essentially from wealthier neighborhoods with similar causes.

Criminologists interested in the neighborhood level of control often overlook agency. For instance, Sampson (2012) identifies himself as a structural determinist[4], but adds the caveat that individuals are also important. Despite this recognition of individual importance, little of his study actually investigates the individual's influence on the neighborhood. Sampson would likely argue that neighborhood change could be brought about through civic engagement and activism. However, both of these influences are discussed as structural outcomes of neighborhood characteristics. He describes a scenario when he ran into a protest group at the corner of a street, and he seemed to assess such action as a step towards change through agency. This begs the question: does such protest arise only when neighborhood circumstances allow for such action? If we assume the answer is no, neighborhoods may be the spawning grounds for grassroots organizations capable of challenging the state by improving collective efficacy. The importance of social movements in controlling state crime will be the subject of later discussion in this essay.

Using the State Against Itself

The most intriguing advice offered by Bursik and Grasmick (1993) is to incorporate gang members as part of the solution to gang crime and violence. A program that offers gang members the voice and opportunity to legitimate means can gain valuable insights from individuals who have actually committed similar crimes. With this "insider information," a more apposite crime prevention program could be implemented. Similar to businesses and governments hiring cyber criminals to create security software to ward off hackers, these programs use the criminals themselves to

develop a prevention program that addresses the motivations for committing such crimes and any opportunities for its commission. Using this logic, ex-military generals, politicians, and government employees are invaluable resources to any state crime prevention program. For instance, John Perkins (2004) wrote an exposé about working for an international consulting firm that collaborated with the International Monetary Fund and World Bank. He discusses the several crimes (in his words) committed by these organizations. The book itself helps to inform individuals on state crime, but someone like John Perkins could be instrumental to devising plans for the prevention of state crime.

Parenting, Schools, and State Crime

Both Hirschi (1969) and Gottfredson and Hirschi (1990) argue that interventions are necessary in parenting and the school system. Although state crime was not the focus of Gottfredson and Hirschi's (1990) self-control theory of crime, their general theory may apply to how to reduce state crime. They argue that crime can be reduced to the trait of low self-control, and that this trait is developed in the early stages of life due to poor parenting. The minimum standards for good parenting and for instilling values of self-control in a child are: (1) parents must monitor their child; (2) they must recognize when deviant behavior occurs (or, when low self-control manifests itself situationally); and (3) behavioral episodes exhibiting low self-control must be punished by the parent. Although state crime is understood to some extent as organizational crime, individuals are also integral in the occurrence of state crime. For example, during WWII, the U.S. military firebombed the city of Tokyo, which resulted in over 185,000 casualties (Tirman, 2011). These bombings were executed under the authorization of General Curtis Lemay who verbalized the strategy behind the excessive bombing of Tokyo by stating, "bomb and burn them until they quit" (Pape, 1995:92). With a person in a position of such power behind state crime, mainstream criminology can help to explain and prevent such individual behavior. General Lemay's quotation paints a picture of an angry man who might have lost self-control. Parenting classes addressing Gottfredson and Hirschi's standards for good parenting may help reduce state crimes of such nature.

Research on children and corporal punishment has revealed that the use of corporal punishment in childhood is associated with increased aggression (Gershoff, 2002). Although such aggression is thought to manifest in violent street crimes, it may also lead to violent state crimes such as the Tokyo bombing. Much of the country is worried about the "sadist in the bushes," but what about a sadist in the Oval Office? Mark Colvin (2000) suggests a "nationwide parent-effectiveness program." Parents would enroll in classes that teach them how to discipline their children in a non-coercive manner, free of physical discipline, that maintains consistency and avoids humiliation.

Schools provide a unique challenge when considering state crime, because most schools are publicly run with the curriculum mandated by the government itself. Any policy that would take place in public schools would

first have to come from the state. These policies would likely not be effective at addressing state crime for this reason. Instead, once collective efficacy can be established in neighborhoods or larger communities, the communities should play larger roles in education since education is linked to crime in many mainstream criminology theories (Hirschi, 1969; Gottfredson & Hirschi, 1990; Bursik & Grasmick, 1993; Sampson, 2012). It would likely take a grassroots organization to mobilize an effective school system of this nature.

Strain and State Crime

The American cultural ethos represented by the idea of the "American Dream" promotes criminogenic norms by which individuals are reinforced through socialization to adhere to a strong drive for economic achievement (Messner & Rosenfeld, 2013). There are four essential foundational values attributed to the American Dream. First, people are motivated to be goal-oriented and aspire to the highest reaches of speculation (i.e., achievement). The approval of competition in the United States far surpasses that of any other industrial nation. The outcome of these aspiring goals typically defines the worth of an individual. Second, individual rights and autonomy are of the utmost importance (i.e., individualism). Individuals are often left to fend for themselves as solo competitors against their community members to validate personal worth. Third, the American Dream and its culture have massive influence over nearly every member of society, thus few are able to escape the pressures of individual achievements as indicators of inherent worth (i.e., universalism). Fourth, success in America is nearly universally defined by accumulation of wealth, both material and monetary (i.e., materialism). Other nations are materialistic to a similar degree; however, the U.S. uniquely uses money as a quantitative metric of success.

Contemporaneously, social structure influences crime in America as well. Four social structures are highlighted in Messner and Rosenfeld's (2013) version of anomie theory: economy, polity, family, and education. The authors postulate that high crime is a result of the power imbalance of these four social institutions. The economic system dominates these other realms of society through three interrelated ways. First, noneconomic goals such as family responsibilities, learning, or voting are *devalued* and viewed as means to an economic ends rather than valued for any inherent worth. Second, various *accommodations* are made for economic incentives in the specified other social institutions. For example, family obligations are likely to be secondhand to economic or professional responsibilities. Third, the economic sector *penetrates* the other institutional domains. For instance, politicians propose to run the country like a business with "bottom-line" rationality, and testing becomes more important as an outcome than learning in schools. Ostensibly, these same forces drive U.S. state crimes, similar to the effect of these forces on individual crime, according to Messner and Rosenfeld.

Both liberal and conservative policy recommendations will not be able to reduce the high level of serious crime (including state crime) in the United States. Instead, two overarching approaches must be adopted to deal with

the cultural and social structural circumstances responsible for high crime levels. First, great lengths must be taken to strengthen the noneconomic sectors of society (i.e. family, education, and polity) while simultaneously reducing the stranglehold of the capitalist free-market mentality of economics to rebalance social institutions. Second, cultural regeneration must occur that addresses the criminogenic nature of the American Dream. Such a goal can be accomplished by devaluing financial success as the only form of validating self-worth, reducing the emphasis on individualism, and replacing individualism with a community commitment and collective goals. These two suggestions derived from Messner and Rossenfeld's (2013) work should help reduce individual competition and strengthen the sentiment of community, leading to a stronger foundation for the type of social movements needed to challenge the state.

Collective Action and Other Critical Crime Approaches

The neighborhood or community's collective efficacy is likely one prerequisite to building a strong grassroots movement capable of challenging the state. Likewise, grassroots movements are likely a prerequisite to a successful parenting or school program devoted to preventing state crime via the ways discussed above. Iadicola (2010) describes what these movements might look like specifically. The examples in his paper include a massive global demonstration occurring in over 500 cities worldwide consisting of approximately 30 million people against the U.S. invasion of Iraq, ubiquitous efforts to resist U.S. military bases in various countries around the world, war tribunals outside the jurisdiction of international law in investigation of myriad state crimes, and a multinational banding of critical international lawyers to reconstruct law.

In addition, technology has allowed for new ways of fostering collective action unavailable before. Physical congregation is no longer essential to protest a social injustice. DeKeseredy (2011) realizes the potential of social networking sites such as Facebook and Twitter for giving the oppressed and disenfranchised an outlet to be heard, disseminating electronic petitions, organizing physical demonstrations, inoculating people against the misinformation of the media, and coordinating corporate boycotts. Iadicola (2010) also points to boycotting as a way for a collective of individuals to circumvent the power of corporations by affecting their bottom dollar.

Reducing social inequalities is the goal of many critical criminologists as outlined by Arrigo (1999). Efforts to restructure the economy by raising the minimum wage to a livable wage; reducing unemployment and underemployment by adopting a Keynesian economic philosophy dedicated to full, quality employment; eliminating temporary work agencies (at least as they exist now); strengthening unions; nationalizing health care and retirement plans; and increasing spending for pre-school education, child-care facilities, and affordable housing can be effective in reducing social inequalities. Although the government may need to implement these policies, the alleviation of social inequalities will provide the foundation for more collective neighborhoods and stronger grassroots movements, which then allows citizens to challenge the state's international criminal behavior more effectively.

Messner and Rosenfeld (2013) and DeKeseredy (2011) describe the social Darwinist ideology present in the United States. Citizens are pitted against each other in harsh competition in nearly every facet of life. Furthermore, Klein (2012) demonstrates that U.S. citizens are in favor of an aggressive warmongering state, thus perpetuating state crime. Cultural criminologists explore the way symbolic imagery and messages shape individual lives and build understanding (Ferrell, Hayward, & Young, 2008).

Given the cultural environment conducive to allowing or neglecting state crime, the media may offer an outlet to reverse these cultural trends. Collective action to create publicly owned media, in contrast to media owned by major corporations, is probably a good first step. Typically, the difficulty for these alternative forms of media is in reaching large audiences, but they are likely to become more effective as social networking and media grows. DeKeseredy (2011) describes the importance of building a "culture of support" that reintegrates transgressors instead of stigmatizing them, similar to reintegrative shaming theory (Braithewaite, 1989). Reintegrative shaming could be adopted for international crime as well. More importantly, this culture of support should deemphasize fierce competition and attempt to establish a partnership or collaboration of effort that not only unites the country but the world as well. However, the strong cultural influences present in the world today will likely be the main obstacle to changing the culture itself.

Method for Finding The Best Solution to State Crime

To determine which of the various potential control mechanisms may be most effective in addressing state crime, a comprehensive evaluation study similar to those done with mainstream crime control policies would be the most fruitful. Of course, a major evaluation study like this would face several unique obstacles and would only uncover the effective strategy that has actually to some degree been implemented already. Therefore, an evaluation study of state crime control may look quite different from its mainstream counterpart.

In order to understand what such a study would look like and to outline the unique obstacles aforementioned, the recommendation of nationwide parental-effectiveness teaching courses will be used as an example. Keep in mind, each recommendation mentioned above can be evaluated in a similar way and the nationwide parental-effectiveness teaching course is just an example. Since it is unlikely that a researcher would be able to implement such a policy to study its efficacy at alleviating state crime, a comparative evaluation study would most likely have to compare state-corporate crimes of nations that have such a policy to those without. If no country has implemented this policy, it would be virtually impossible to test its effectiveness empirically. Therefore, any comparative evaluation study would be limited to recommendations that have already taken place.

Another essential obstacle relates to the difference between U.S. state crime and another state's crime. As mentioned earlier, the United States uniquely possesses global power unparalleled by most states, and thus a comparative study between the United States and other countries may not provide any applicable findings. For example, if a study concluded that state

crimes decreased in Rwanda while remaining stable in the United States, and Rwanda had a nationwide parental-effectiveness program and the U.S. did not, one could not simply conclude that the United States could reduce its state crime if such a program was implemented. Regardless of how such a program is implemented, it is important to note that U.S. state crimes and Rwandan state crimes are not the same. While the United States has global power to harm the citizens of sovereign nations such as Pakistan or Oman, Rwanda is notorious for its genocide in which its government played a role. Thus, the results of such a study may really only show that the parenting courses are effective in eliminating state crimes of a "weak" state rather than one as powerful as the United States. To simplify the analysis, the outcome variable should be limited to a specific type of state crime that can be operationalized, such as manipulation of global currencies or killing of foreign citizens. The United States, being a unique global power, should only be compared with similarly positioned nations such as the United Kingdom, France, China, or Russia, and even then should be considered with great caution.

In regards to the dependent variable, state crime has no clearance rate or crime rate, unlike conventional crime evaluation studies. Although limiting the dependent variable to a single type of state crime will help mitigate this issue, it is still no easy task to calculate the amount and/or severity of state crime(s) that have occurred, especially considering that the study must cover a substantial duration of time in history, such as a decade, to reveal if the state crime solution has effected change or not. Given the amorphous subject material, quantitative studies most likely will not fit the bill. Case studies are already the dominant research method in state crime (Michalowski & Kramer, 2006a), but few of them qualitatively evaluate solutions of state crime. As previously discussed, more than one case is necessary to evaluate a solution's effectiveness, but the documentation of information can follow a similar qualitative format as most case studies have done with state crime.

Lastly, since historical methods are likely preferred, there are several issues with accumulating or acquiring data - be it quantitative or qualitative - on state crime that make research more difficult. With the state's power of censor, corporate and government records are commonly missing data points (Tombs, 1999). In addition, archival information frequently has entire sections missing (Berg & Lune, 2011). Information placed in archives depends on a subjective decision as to what information is considered essential and germane (Hill, 1993). When qualitative or quantitative studies with small samples are prominently utilized, missing data becomes an exponentially threatening problem. Consequently, only partial information is available, severely limiting what data can be analyzed. The paucity and nonexistence of dedicated databases to state and corporate crime further complicates data retrieval (Rothe, 2009). Whereas conventional crime researchers have several databases dedicated to their particular research focus, these databases are resources that state and corporate crime researchers must proceed without.

Resolving the Controversy

Deciphering effective ways to reduce or eliminate state-corporate crime may not allow for any major advancement into the study of state crime. It will however allow for criminologists and practitioners to move forward in attempting to address the crimes in existence. Addressing state crime is not an easy feat, and certainly there is much work to be done. Once potentially effective strategies for limiting state crime are identified through the method discussed above, the likely next step involves identifying *how* to implement strategies to curb state crime when the state is unlikely to submit passively to such demands or restrictions. Identifying effective control strategies is half the battle, but the truly arduous task comes after. Once there is an understanding of how to control state crime, individuals must act despite the many constraints they are likely to face against a state unwilling to change. Sacrifices must be made if major reforms to a criminal state are to take place.

It should not be surprising that the conclusion to this essay is fairly depressing. The resolution of the defined controversy is a small step towards putting an implementation in place. And yet, a long struggle is ahead before even that small step can be taken. That struggle, of course, has been outlined throughout this paper. Yet, theories of street crime may actually help advance this struggle. Although it might be appealing to many criminologists to dismiss the task of controlling state crimes as too daunting, this paper hopefully contributes to making state crime control more feasible.

Notes

1. Mainstream and critical criminology is a commonly assumed distinction for criminologists. Agnew (2011: 2) defines mainstream criminology as a "focus on acts that are in violation of the criminal law, particularly individual acts of violence, theft, and drug use", whereas critical criminology "focus[es] on a much broader range of 'crimes' than mainstream criminolog[y], including acts that are not in violation of the criminal law," such as the acts of states, for instance.
2. Street crime is the category of crime that mainstream criminologists mostly focus on, including crimes against persons (e.g., assault, battery, homicide, domestic violence, and robbery), crimes against property (e.g., burglary, arson, auto theft, shoplifting, and vandalism), and drug crimes. State crime, on the other hand, refers to crimes committed by a government or government agency (e.g., genocide, torture, and aerial bombardment of civilians).
3. See Blum (2004) for a short list of U.S. state crime committed, all of which went unpunished.
4. A structural determinist views social structure, in this case, as an overlying factor that deterministically affects outcomes and processes. In other words, people placed within a particular social structure will follow predictable processes to predicted outcomes with little to no influence on those processes and outcomes due to actual human autonomous behavior.

References

Agnew, R. (2011). *Toward a Unified Criminology: Integrating Assumptions about Crime, People, and Society*. New York, NY: New York University Press.

Arrigo, B. A. (1999). S*ocial Justice/Criminal Justice: The Maturation of Critical Theory in Law, Crime, and Deviance.* Belmont, CA: West Wadsworth.

Bartholomew, A. (2006). Empire's Law and the Contradictory Politics of Human Rights. In A. Bartholomew (Ed.), *Empire's Law.* London: Pluto Press.

Berg, B. L., & Lune, H. (2011). *Qualitative Research Methods for Social Sciences* (8th ed.). Boston, MA: Pearson.

Blum, W.. (2004). *Killing Hope: U.S. Military and C.I.A. Interventions since World War II*. Monroe, ME: Common Courage Press.

Bursik, R. J., & Grasmick, H. G. (1993). *Neighborhoods and Crime: The Dimensions of Effective Community Control.* Lanham, MD: Lexington Books.

Braithwaite, J. (1989). *Crime, Shame, and Reintegration.* Cambridge, UK: Cambridge University Press.

Colvin, M. (2000). *Crime and Coercion: An Integrated Theory of Chronic Criminality.* New York, NY: St. Martin's Press.

DeKeseredy, W. S. (2010). *Contemporary Critical Criminology*. London: Routledge.

Fagan, A. (2005). Human Rights. *Internet Encyclopedia of Philosophy*. Retrieved from http://www.iep.utm.edu/hum-rts/.

Ferrell, J., Hayward, K., & Young, J.. (2008). *Cultural Criminology*. Los Angeles, CA: Sage.

Gershoff, E. T. (2002). Corporal Punishment by Parents and Associated Child Behaviors and Experiences: A Metaanalytic and Theoretical Review. *Psychological Bulletin*, 128(4), 539-579.

Gottfredson, M. R., & Hirschi, T. (1990). *A General Theory of Crime*. Stanford, CA: Stanford University Press.

Hill, M. R. (1993). Archival Strategies and Techniques. Q*ualitative Research Methods*, 31. Thousand Oaks, CA: Sage.

Hirschi, T. (1969). *The Causes of Delinquency*. Berkley, CA: University of California Press.

Iadicola, P. (2010). Controlling Crimes of Empire. *Social Justice*, 37(2), 98-110.

International Court of Justice. (1986). Military and Paramilitary Activities In and Against Nicaragua (*Nicaragua v. United States of America*). Archives of International Court of Justice, Peace Palace: The Hague.

Klein, J. R. (2012). Toward a Cultural Criminology of War. *Social Justice*, 38(3), 86-103.

Kramer, R. C. (2010). From Guernica to Hiroshima to Baghdad: The Normalization of the Terror Bombing of Civilians. In W. J. Chambliss, R. J. Michalowski, & R. C. Kramer (Eds.), *State Crime in the Global Age*. Cullompton, England: Willan.

Kramer, R., & Michalowski, R. (2005). War, Aggression and State Crime: A Criminological Analysis of the Invasion and Occupation of Iraq. *The British Journal of Criminology*, 45(4), 446-469.

Kramer, R., Michalowski, R., & Rothe, D. (2005). "The Supreme International Crime": How the U.S. War in Iraq Threatens the Rule of Law. *Social Justice*, 32(2), 52-81.

Messner, S. F., & Rosenfeld, R. (2013). *Crime and the American Dream* (5th ed.). Belmont, CA: Wadsworth.

Michalowski, R. J. (2013). The Master's Tools: Can Supranational Law Confront Crimes of Powerful States? In E. Stanley & J. McCull-

och (Eds.), *State Crime and Resistance.* London: Routledge.

Michalowski, R. J., & Kramer, R. C. (Eds.). (2006a). State-Corporate Crime: *Wrongdoing at the Intersection of Business & Government*. New Brunswick, NJ: Rutgers University Press.

Michalowski, R. J., & Kramer, R. C. (2006b). The Original Formulation. In R. J. Michalowski & R. C. Kramer (Eds.), *State-Corporate Crime: Wrongdoing at the Intersection of Business & Government*. New Brunswick, NJ: Rutgers University Press.

Pape, R. (1995). *Bombing to Win: Air Power and Coercion in War*. Ithaca, NY: Cornell University Press.

Perkins, J. (2004). Confessions of an Economic Hit Man. New York, NY: Plume.

Pew Research Center. (2003). *Views of a Changing World*. Washington, D.C.: The Pew Research Center for the People and the Press. Retrieved from http://www.people-press.org/files/legacy-pdf/185.pdf.

Renshon, S. A., & Suedfeld, P. (Eds.). (2007). *Understanding the Bush Doctrine: Psychology and Strategy in the Age of Terrorism*. Routledge: New York, NY.

Rothe, D. L. (2009). State Criminality: *The Crime of All Crimes.* Lanham, MD: Lexington Books.

Rothe, D. L., & Mullins, C. W. (2006). *State Crime: Current Perspectives*. New Brunswick, NJ: Rutgers University Press.

Sampson, R. J. (2012). *Great American City: Chicago and the Enduring Neighborhood Effects*. Chicago, IL: The University of Chicago Press.

Sampson, R. J., Raudenbush, S. W., & Earls, F. (1997). Neighborhoods and Violent Crime: A Multilevel Study of Collective Efficacy. *Science*, 277(5328), 918-924.

Sexton, J. (2011). *The Monroe Doctrine: Empire and Nation in Nineteenth-Century America*. New York, NY: Hill and Wang.

Shaw, C. R., & McKay, H. D. (1942). *Juvenile Delinquency in Urban Areas*. Chicago, IL: University of Chicago Press.

Tirman, J. (2011). *The Death of Others: The Fate of Civilians in America's Wars*. New York, NY: Oxford University Press.

Tombs, S. (1999). Death and Work in Britain. *Sociological Review,* 47(2), 345-367.

United States Government. (2005). *National Defense Strategy of the United States of America.*

Williams, W. A. (2007). *Empire as a Way of Life*. New York, NY: Oxford University Press.