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STATE-CORPORATE CRIME AND HARM

The term state-corporate crime first appeared in 1990, when Kramer and Michalowski (2006, p 15) defined this phenomenon as signifying 'illegal or socially injurious actions that occur when one or more institutions of political governance pursue a goal in direct co-operation with one or more institutions of economic production and distribution'. For Michalowski, Kramer and other scholars, state-corporate crime and harm can be initiated and facilitated by states. Thus corporations engage in illegality at the prompt, or with the approval, of state institutions, while state actors fail to prevent, respond to or indeed collude with such illegality. More recently, Lasslett (2010, para 4) has usefully expanded upon this concept, thus: 'Corporate-initiated state crime occurs when corporations directly employ their economic power to coerce states into taking deviant actions'. 'Corporate-facilitated state crime' occurs 'when corporations either provide the means for states criminality (e.g. weapons sales), or when they fail to alert the domestic/international community to the state's criminality, because these deviant practices directly/indirectly benefit the corporation concerned' (Lasslett, 2010, para 4) These are important conceptual developments in the study of the crimes of the powerful.

The conceptual lens of state-corporate crime and harm has been applied to a range of events and contexts. From the explosion of the space shuttle Challenger and the crash of valujet Flight 592, to the technological underpinnings of the Holocaust, the contemporary seizure of natural resources in occupied Iraq and beyond, and the oil spill in the Gulf of Mexico, to a variety of harms and crimes committed in conflict zones, occupation and the 'war on terror', as well as to diverse sectors such as the Latin American shrimp industry, the Nigerian oil sector, and the arms trade (see Green and Ward, 2004; Michalowski and Kramer, 2006). These various indicative areas make it immediately clear how state-corporate activities can produce harms which affect vast numbers of people and other organisations, emanating from a range of activities and sectors, across local, national and even global contexts.

Noting the extent to which the concept of state corporate crime and harm has proven productive and significant, Tombs (2012) recently sought to extend and develop it. In so doing he stressed the inter-dependencies – the symbiotic relationships – between states and corporations. First, he emphasised the fact that the corporation is a creation of the nation-state, and is maintained through a great deal of state activity. Corporations are wholly artificial entities whose very existence is provided for, and maintained, through the state via legal institutions and instruments, which in turn are based upon material and ideological supports. Certainly it is the case that maintaining the conditions of existence of contemporary corporations, even, or perhaps especially, in 'free' markets, requires an enormous amount of state activity. The logical corollary of this claim is that just as states create and sustain markets, so too can and do they create and sustain criminogenic markets, that is, markets that are conducive to, or facilitate, the production of harms and crimes. The

corporate form and the state are thus inextricably linked to the extent that, in contemporary capitalism, each is a condition of existence of the other.

At the most basic and manifest level, states appear complicit in corporate crime and harm production through omissions, specifically in terms of their failures to: put into place more effective legal regimes; to enforce adequately existing laws; and to respond effectively to violations of such laws. A second way in which states may be and appear complicit in corporate crime and harm production is through their formal, often intimate, relationships with the corporate sector. These relationships take various forms, such as, states' (local, regional, national) effective role as joint partners with the private sector in various forms of economic activity, as out-sourcers and contractors of economic activity, and as key purchasers of corporate goods and services. These generally proceed through contracts, new regulatory regimes, regulatory reform, or a combination of each. The significance of such relationships increases as states formally withdraw from directly providing goods and services, both under longer term conditions of neo-liberalism, and more specifically within the claims for fiscal crisis upon which the economics and politics of austerity are based.

If, then, states and corporations produce crime and harms via their symbiotic relationships, to the extent that these symbioses become deeper and more prevalent, then it is expected that such crimes and harms will proliferate.

STEVE TOMBS

See also: Legal Crimes – Lawful But Awful

Readings

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