Why a Criminology of War?

University of Sheffield - Centre for Criminological Research Seminars, 2016

Dr Ross McGarry
University of Liverpool
Criminology is only beginning to consider the mass violence associated with war, armed conflict, and political repression” (Hagan et al., 2012: 482).
Criminology, war and the State

War has been tackled in various ways by sociologists and criminologists:

• Controlling populations and borders, *exploiting territory for capital gain* (Bonger, 1916)

• **War is criminogenic**: crime at war is unbounded whilst at ‘home’ it becomes pervasive in family life, criminal justice and public morality (Bonger, 1936)

• As nation building, competing for borders and resources; affording the state purpose (Park, 1941)

• War is a *crime when perpetrated without just cause* or in accordance with the laws of war (Mannheim, 1941)

• War is *white collar crime* when profiteering from the trade in arms, espionage and economic collusion with belligerent states (Sutherland, 1949)
Criminologists and ‘war’

- **The metaphor of war** (Steinert, 2003) – criminal justice and the ‘war on nouns’
- **Nuclear war and depleted uranium** (Kauzlarich, 1995; White, 2008) – evidencing the changing threat and risk from ‘war’
- **Sexual violence at war** is a prevalent and pervasive concern (Mullins, 2009; Bringedal Houge, 2016) – poorly understood and widely used as a weapon against women and men
- **Peacemaking, ‘ceasefire’ and activism** (McEvoy, 2003; Ruggiero, 2005 & 2006; Kauzlarich, 2007) – war-making can never be ‘just’ or justified
- **Cultural criminology of war** (Klein, 2011; Klein and Lavery, 2011) – rationalising war through public opinion
The ‘criminology of war’


“The disinclination of contemporary criminology to foreground war and armed conflict is all the more astonishing when one considers (a) that as an empirical area of study, war offers a dramatic example of mass violence and victimization in extremis; (b) that these issues of violence and violations of human rights are accomplished inter alia through state action...(c) that they often also involve concerted as well as individual (often gender-specific) human action and collusion; (d) that war and states of emergency usher in massive increases in social regulation, punishment and ideological control...new techniques of surveillance and, with that, a corresponding derogation of civil rights” (Jamieson, 1998: 480)
Criminology, war and Genocide

- **Genocide** has become a key focal point of violence and denial in extremis for criminologists.

- See inter alia: Alvarez (1997 & 2010); Jamieson (1999); Friedrichs (2000); Cohen (2001); Hagan and Greer (2002); Woolford (2006); Yacoubian (2006); Morrison (2007); Hagan and Rymond-Richmond (2009); Maier-Katkin et al. (2009); Karstedt (2011); Cameron (2012); Van Baar and Huisman (2012); Brown and Rafter (2013); Rafter and Walklate (2012).

- “War greatly increases the likelihood of genocide; the most lethal combination is an external war fought simultaneously with a civil war. State failure is sometimes precipitated by war, at others by political crisis, but in either case, it leads to massive instability that cascades through the population, reaping more instability and insecurity and potentially preparing the ground for genocide” (Rafter, 2016: 204).
The criminology of war – temporal problems?

• “The Vietnam and Iraq wars were violent bookends of a recent generation’s contribution to the crimes of aggressive war. American criminology has a neglected capacity and unfulfilled responsibility to explain where, why and how these “supremely” serious crimes occurred” (Hagan, 2015: 4).

• “When war has been addressed it has been previously treated as a ‘bounded historical episode with discernable beginning and end points’ (Jamieson, 2014: xiii) rather than as articulations of power, power relations, and (geo)politics within the international domain” (McGarry and Walklate, forthcoming: 1).
WAR ON THE WORLD
A ‘reawakening’ of interest?

- 9/11 and the Iraq War appear to be the centrifuge of many contemporary critiques (qua Scraton, 2002; Hayward and Morrison 2002)

Following in the footsteps of others?

- E.g. Whyte (2007): Western neo-liberal profiteering from Iraqi oil – qua Bonger (1916); Sutherland (1949)?

Treading new ground?

- **Security:** Hudson (2009); Welch (2010); White (2012) - political economy of private military contractors
- **Justice:** Braithwaite & Wardak (2013); Wardak & Braithwaite (2013) - restorative justice and democratic rule in Afghanistan; Degenhardt (2015) - ‘legitimising’ military force through narratives of ‘crime and justice’;

- **Victimisation:** the ‘soldier as victim’ (McGarry and Walklate, 2011); PMCs as ‘victims’ (forthcoming); O’Sullivan and Walters (forthcoming) – the environment as a ‘victim’ of war
Paradigms and ‘ironies’

• “First of all the paradigm sorts the violence into two sorts: pro-social and anti-social. Pro-social violence is perceived as a response to anti-social violence – it is more normatively distinct, although in actuality it is behaviourally virtually indistinguishable” (Young, 2007: 168)

• “Whatever the righteousness of the cause, this is a narrative which engenders violence, and a certain element of recklessness – the willingness to sacrifice others and to sacrifice oneself for others. It has uncanny similarities both sides of the line of terror” (Young, 2007: 168)

• War is one of the ‘ten ironies’ of critical criminology (Young, 2011)
Paradigms and ‘ironies’

“What precisely links war with crime, apart from violence? In the current war against terrorism, the notion of the enemy and that of the criminal have converged and, with this, the practices of the military apparatus were utilised in conjunction with the techniques of arrest and incarceration that are typical of the criminal justice system” (Degenhardt, 2012: 31)
Centrefolds of the discipline?

• Jamieson (1998): criminology focuses on how war affects ‘routine’ crimes and avoids broader structural issues relating to the state

• “Some criminologists may avoid looking at war perhaps because, as authorized violent behaviour, war is seen as part of the necessary running of state interests, akin to bureaucratic rationalism and law enforcement” (Ruggiero, 2006: 194)

• A lack of requisite analytical skills and resources within the discipline to tackle state and corporate crime and victimisation (Tombs and Whyte, 2002)

• Commodification of a ‘market-led’ criminological enterprise within higher education institutions compromising critical pedagogy (Walters, 2002) – ‘deviant knowledge’ (Walters, 2007)

• A ‘hierarchy of credibility’ (Becker, 1967) discouraging a critical analysis of state institutions and state perpetrated violence
The criminology of war: more than a ‘critical criminological’ endeavour?

i. Recognition of the specific historical moments in which wars occur;

ii. Deeper philosophical understanding of morality and the social production of immorality by states during war;

iii. Legal and conceptual knowledge of how war and crime are defined politically and how their contingent nature becomes transformative for the everyday lives of citizens (both foreign and domestic);

iv. A more sophisticated understanding of the ways in which gender is reordered during war to prioritise militarised masculinities;

v. A fuller account of emotion and trauma as pervasive consequences of war violence. Particularly related to a critical view of how essentialist concepts of gender merely assume violence as being reproduced as normative assumptions of masculinity and subjugated femininity (Jamieson, 1998).
The criminology of war: more than a ‘critical criminological’ endeavour?

• “The distinction between crime and warfare has become far more complex than it was when Mannheim was writing, and it is punctuated by reference to law and politics in both directions” (Degenhardt, 2012: 32)

• Presences and absences?
• Bounded historical episodes or continuums of violence across time?
• Collapsing of the ‘outside’ (war) with the ‘inside’ (criminal justice)?
• More than simply a ‘European’ and ‘American’ concern?: wither Southern Theory (Connell, 2007)?
• The military institution: the preserve of military sociology only?
• Trauma (back to Bonger) and the politics of vulnerability?
The fundamental symmetry of conventional war and terrorism, let us detail the actors themselves. It is an irony that the combatants in such conflicts are strikingly similar in their social characteristics. Young men, the dispossessed, those at the bottom of the social structure provide the recruits for both war and terrorism.

In the First World, recruits are disproportionately from ethnic minorities, the lower working class – those who join because of a lack of work and a desire for educational advancement” (Young, 2007: 157)
Key References


