

That Was Then, This Is Now, What About Tomorrow? Future Directions in State Crime Studies

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Abstract Research and theorizing on state crime has come to play an important role in the fields of criminology and criminal justice for understanding the worst of crimes: those of powerful state agencies and agents. Since William Chambliss' (1989) ASC presidential address, scholars of state crime have made advances in theoretical modeling and analyzing core enactment and etiological factors of crimes of the state (e.g., Barak 1991; Friedrichs 1998; Grabosky 1989; Kauzlarich and Kramer 1998; Kramer and Michalowski 2005; Kramer et al. 2005; Michalowski and Kramer 2006; Mullins and Rothe 2008a, b; Pearce 1976; Ross 1995, 2000; Rothe 2009; Rothe and Mullins 2006, 2008). Nonetheless, the

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study of state crime still has a long way to go before it ever reaches the magnitude or legitimacy afforded to the study of traditional street crime. It is with this in mind that several leading scholars of state criminality have come together and reevaluated the state of state crime and the ways in which the field must move forward. This kind of inventory, where scholars examine the past, present and future of the field, is not without precedent. For example, almost a decade ago (Ross et al. 1999) explored the difficulty of conducting state crime research and made a series of recommendations on how it could be improved. Nearly 7 years later (Rothe and Friedrichs 2006) re-evaluated the state of state crime and called for more attention to those beyond US crimes of the state and include crimes of globalization and also international controls such as the International Criminal Court (Friedrichs and Friedrichs 2007; Rothe and Mullins 2006; Rothe et al. 2006, 2008). Since that time, there has been substantial movement by scholars of state crime in these other areas, yet, as we note, there still remains key issues that need to be addressed and overcome: it is with this that we again revisit the field of state crime.

Introduction

Research and theorizing on state crime has come to play an important role in the fields of criminology and criminal justice for understanding the worst of crimes: those of powerful state agencies and agents. Since Chambliss' 1989 ASC presidential address (1990), scholars of state crime have made advances in theoretical modeling and analyzing core enactment and etiological factors of crimes of the state (e.g., Barak 1991; Friedrichs 1998; Grabosky 1989; Kauzlarich and Kramer 1998; Kramer and Michalowski 2005; Kramer et al. 2005; Michalowski and Kramer 2006; Mullins and Rothe 2008a, b; Pearce 1976; Ross 1995, 2000; Rothe 2009; Rothe and Mullins 2006, 2008). Nonetheless, the study of state crime still has a long way to go before it ever reaches the magnitude or legitimacy afforded to the study of traditional street crime. It is with this in mind that several leading scholars of state criminality have come together and reevaluated the state of state crime and the ways in which the field must move forward.

After all, it is relatively well known amongst many criminologists that the study of white-collar crime, first introduced by Sutherland (1939), took decades before it was recognized as a legitimate area of study and flourished into a well established field. One cannot also deny the 'cold chill era' wherein studies and discussions of white-collar and corporate criminality were few and far between. Yet, with the numbers of daily atrocities that are occurring at the hands of governments, we cannot afford to let anymore time go by without advancing the study of state crime. Nonetheless, there are still fundamental questions scholars of state crime are grappling with in an effort to find some consistency in this subfield. Although, there is no doubt that definitional concerns remain amongst some state crime scholars, there are other pressing issues that have surfaced as state crime literature expands.

These coalesce around three central questions (1) Have states become more powerful or has the role and power of states been declining due to globalization? (2) What type of methods or research tools are needed to advance the study of state crime? and (3) What sort of directions should we, as experts on state criminality, consider for future pedagogy and/or political activism? It is in this spirit that we write this article that outlines the ways in which scholars of state crime could or should move the field in hopes that in the near

future such crimes will garner the same attention amongst criminologists as juvenile delinquency and other forms of street crime.

Has the Role, Power, or Relevance of the State Changed?

Although the problem of crimes by the state is important, we have to be cognizant that perhaps the power of states is declining and that other transnational actors like multinational corporations are becoming more powerful and less controllable. This trend became noticeable starting in World War I (Friedrichs and Friedrichs 2002, 2007). We must also take into consideration the powerful effects of globalism. In part, the effects of globalism has resulted in mass harms to people, especially within developing countries, that arise as latent consequences of the development and expansion of global capital where the roles of international financial institutions, transnational corporations, are increasingly blurring (Barak 2001).

While this point is indeed relevant, and is true in some cases, there is also the fact that some states are actually increasing their power (Rothe 2009). When it comes to crimes of the state, especially the most atrocious ones including genocide, crimes against humanity, and war crimes, globalization or transnational corporations do not play a primary role. Recent work has strongly highlighted the etiological factors which colonialism plays in most recent atrocities (i.e., Mullins and Rothe 2007, 2008; Rothe and Mullins 2008; Rothe et al. 2008). Colonialism was driven by political, ideological as well as economic interests. Indeed, corporate entities were central in both the motivational and enactment elements of Europe's attempted domination of the globe. In the post-colonial environment, economic inequity continued to be a large determinate in the global place of former colonies. Most former African colonies, for example, found themselves with some measure of political sovereignty but little in the way of economic independence. Yet, transnational corporations played little if any role in, say, Mobutu Sese Seko's reign of brutality in Zaire.

The dominance of transnational corporations comes into play in the more egregious cases of state crimes of the past decades are often more in line with opportunistic profit taking than any central role in motivating or facilitating mass criminal atrocities. For example, recent examinations of illegal mineral expropriation in the Democratic Republic of Congo (DRC) highlight the role that transnational corporations and international market places (i.e., the Swiss FreePort system) played in facilitating Rwanda and Uganda's theft of Congolese gold from the Ituri region of Orientale Province (see Mullins and Rothe 2008a, b; Rothe and Mullins 2006). Yet, these companies did not directly encourage the conflict or even the massive human rights violations and crimes against humanity committed in the region. These crimes were driven by broader political and economic factors within the DRC itself. The corporations were simply taking advantage of existing disorder and violence.

Additionally, the issue of states closing their borders from international finance institutions, transnational corporations, international social controls and/or aid organizations speaks to the deepening of state power (Rothe 2009). The extension of executive power by the Bush administration in the US is indeed a case in point, but it is not the only example of this. For example, contrary to international political pressures, Sudan has closed its borders on several occasions, to ensure non-interference during the ongoing genocide in Darfur. Another example includes the unexpected payback of loans to the international monetary fund (IMF) in protest to the mandated interventionist policies by countries such as Argentina, Serbia, and Indonesia. States are tightening their borders, including the

European Union, when it comes to issues of immigration. As such, we should be cognizant of the specific cases and not make generalizations of the power of the states declining or increasing.

Further, we must not fail to see the current era as unique or different from the past centuries in terms of global interconnectivity. Save for technological facilitation of more easeful communication, today's global economy is not more or less integrated than it was a century ago, merely larger in scope. To some degree, all historical junctures are unique, while simultaneously, exhibiting broader trends that can be seen within human social experience.

On the other hand, there is the argument that while subaltern states may, at times, erupt into genocidal violence or civil war, or engage in acts of resistance to the dominant institutions of international power, it is useful that state crime analysts remember that the core capitalist states remain the greatest source of state-supported harm, violence and injury. Indeed, genocidal atrocities, crimes against humanity, and brutal civil wars are highly visible and horrific, not only because they result in dramatic violence and death, but because they reveal both that the rules of human social co-existence can be fragile even in so-called "civilized" countries such as the former Yugoslavia, and how readily the human capacity for empathy can be eviscerated along with the bodies of the enemy "other" (Hiinton and Lifton 2004; Kressel 2002). Some scholars of state crime have suggested that there is a danger, however, that the contemporary necrojournalism of atrocity threatens to overwhelm our recognition that the capitalist organization of the world into an increasingly materially affluent North and an increasingly impoverished and desperate South, is the basis of a far greater volume of death and suffering in the form of what could be called "soft" atrocities; atrocities that do not come from the sharp edge of a knife, the blunt force of a club, or the tearing force of a bullet, but from slower and seemingly more "natural" forms of death and suffering. These include the hundreds of millions each year who die from preventable starvation or disease, who suffer the pains of untreated treatable illnesses, who lose their history and community as the result of economic displacement and forced relocation, and all of the other ways millions of humans suffer from the toxic combination of historic residue from domination by colonial powers and present inequalities in the global capitalist market system (Enloe 2007; Farmer 2005). These types of harms can be considered state crime because their existence and continuance can be laid directly at the bounteous table of the capitalist states of the North who not only work aggressively through policies and power to block any change to the current status quo, but who, in league with the capitalist foundations of their nations, also seek to increase and extend the capacity of these corporate states to transfer wealth from poorer nations to richer ones (Roy 2001).

All of this, of course, does not address the more hard edged atrocities committed by powerful nations in the form of wars of aggression, counterinsurgencies and low intensity warfare. Whether it is the US invasion and occupation of Iraq, the Russian counterinsurgency in Chechnya, or the Chinese repression of Tibet, modern corporate states stand quite ready to commit modern atrocities, that is, to kill, maim and orphan tens of thousands of civilians in their pursuit of power. Fighter pilots and other warriors in service of capitalist states, as well as the citizens who support them have been convinced that the only way to preserve their society is to push the button or pull the trigger that will turn civilians by the hundreds into dead "collateral damage" (Collins and Glover 2002). However, locked as we are in the prison-house of Western capitalist culture, we tend to believe that our own "war heroes" are somehow distinctly different than people in poor nations who have been convinced to kill with machetes or clubs in order to protect their "way of life." Thus, it is

important for students of state crime to develop analytic tools to recognize and analyze *all* of the harms caused through the use of state power, whether by power-grasping dictators in the developing world or corporate serving bureaucrats in the developed world (Hillyard et al. 2004; Michalowski 2007). Nearly 75 years ago, Thorsten Sellin (1936) recognized the need for criminologists to develop their own determination of their subject matter rather than rely on politically pre-determined laws to do that bit of analytic heavy-lifting for them. Grounding state crime studies in a social injury/social harm perspective offers one avenue of reducing the potential limitations of allowing its subject matter to be significantly determined by the vagaries of international politics.

Without stepping back into the quagmire of past definitional debates that still remain to some degree amongst scholars of state crime, it is worth noting that whether a social harm or legalistic standard is used in teaching, research, or other forms of pedagogy, the point to take with us as the field moves forward is how do we best address new issues in moving the study of state criminality forward?

What Sorts of Methods or Research Tools are Needed to Advance the Study of State Crime?

To date, the majority of research on state crime has looked at definitional and conceptual issues, typically through the detailed examination of selected cases of state crime (or more frequently state-corporate crime). As with any field, such work is the foundation upon which understanding is built. It is recognized that a considerable amount of important work has been accomplished at this conceptual level and that it is time to move on to more sophisticated analyses.

Case studies are an important building block in the emerging study of state crime and in the broader area of political crime. Nevertheless, this almost exclusive focus has limited the analysis of state crime to the cases at hand and theoretical developments brought forth by that case. We may also need to consider more sophisticated research designs for the case studies we do. This should build off the methodological literature of the 1970s in comparative political science and comparative sociology including most similar systems designs and most different systems designs (e.g., Ragin 1987). This approach should be regarded as an iterative process. First generation explanations in a field of inquiry such as state crime, which is descriptively rich, need to be periodically reexamined and will provide the foundation for future and more complex research.

Despite the wealth of excellent case studies, little has been done to provide an overall assessment of the full extent of our knowledge or to construct a conceptual context that allows us to compare and contrast existing studies. With a firm body of cases published, it could very well be time for a meta-analysis or other directly integrative project.

While we do not embrace the more typical negative view of case studies as a weak method (see also Yin 1984 for a more detailed discussion of the strengths of case studies)—rather we strongly advocate the opposite—we do recognize the inherent limitations of basing analysis on one (or in a few studies a handful of) data point.¹ There are some things which simply cannot be done using a strictly qualitative approach. While few scholars would suggest this is the only valuable form of research, or even that it is the most valuable form of academic inquiry, it is a central aspect of scientific methodologies. Further, if there is any desire within the body of state crime scholars to bring our insights to

¹ We use the term data point as a single typed measurement.

bear on criminology overall, we must begin at least tentative tests of the theories we have developed. Doing so requires additional procedures and methods be brought to the table. A means to achieve this could take the form of being more strategic with our resources and perhaps develop some sort of matrix or chart and determine what information on state crime we have and don't have. An analysis of state crime in individual countries, incidents of state crime, and processes would provide a better contextual and more comprehensive approach to the subject of state crime. As such, perhaps expanding the extant case studies of state crime would aid in creating a firm database foundation. As more research accrues on the subject of state crime, more refined explanations may be constructed and political activists will be more focused in their efforts (Ross 2000).

An expansion of case studies could aid in the 'legitimacy' and understanding the complexities of state crime: creating a database using the existing cases to identify all motivational, opportunity, and control mechanisms that were factors in the crimes for a meta-analysis and theory testing. Research of this nature represents the basis of all further theory development, testing, analysis, and, perhaps more important, policy formation and implementation.

While many state crime scholars embrace various stands of critical epistemologies, we also do not discount the usefulness of extant statistical and ethnographic methods. As we have all ready suggested in this paper, there are internal debates within state crime studies over the power of the state, the effects of globalization, and indeed the very definition of the phenomenon. The use of statistical tools can assist us in ferreting out trends, outliers, and the overall power of various proposed etiological relationships. Other study foci have embraced such approaches because of their usefulness in advancing understanding. We should do the same. This is not to suggest other approaches should be abandoned, rather we should use all the tools available to us to enhance and develop our understanding of state crimes.

A couple of major impediments to this type of inquiry exist in our field. First, there are no large data bases suitable for secondary analysis to test extant theories and counterfactuals. Theories of street crime are so often tested because there are numerous, large data sets conducive to this line of inquiry (e.g., NCVS, NIBRS, UCR, NYS, NLSY, ADD-HEALTH, etc.). Second, funds are often not available from our standard sources (e.g., in the US the National Institutes of Justice) for research on state crime. While these are problems, they are not insurmountable ones. To help rectify this basic shortcoming we could develop a database of all acts of state crime. The creation of a database on state crime could take the following approach:

1. Delineate the variables available: the scope of the enterprise (e.g., country, years, etc.).
2. Make a short list of hypotheses and variables that are important to gather data on.
3. Cull through existing databases (e.g., Human Rights Watch, Amnesty International, Transaction, Polity II, etc.).
4. Develop a search strategy for missing cases and variables.
5. Perform relevant statistical tests on hypotheses.

Some have argued that the study of state crime has been very American focused. By necessity conversations about state crime have to include the work of others in other countries. Allied social scientists are framing state crime in different terms (e.g., human rights violations, supranational criminology, law and legal studies), but nonetheless have made great contributions to the understandings of state criminality. As such, we can integrate more fully with the supranational criminologists, political scientists, scholars of globalization, and human rights experts. While a few scholars of state crime have already

began integration efforts in their scholarly work, conferences, and communications, a larger goal should be to increase this awareness and integration for all scholars of state crime.

With these efforts in mind, it seems that if we are to take a more holistic approach to our subject matter, we cannot ignore the importance of using comparative methodologies. It may well be that to further the field, academically and from a realpolitik perspective, we must examine the types of state governments operating and the levels of state criminality that exist, as can be measured. Simply, theoretically and pedagogically it would be useful to examine the types of state governments and types of state crimes that are engaged in under respective regimes.

After all, we do know that the comparative approach has proved fruitful for understanding the types of governments more likely to participate in torture. For example, states that ratify treaties outlawing torture do not necessarily have a better record for adhering to their obligations than do those that do not (Hathoway 2004). Likewise, states that have a worse record of using torture are slightly more likely to ratify the Convention than those who have been found to use torture less. Comparing democratic with non-democratic states, 24% of non-democratic states with better torture ratings have signed the convention compared to 40% of nondemocratic with worse torture ratings. Moreover, among democratic states, 57% of those with better torture ratings ratified the Convention compared to 62% with worse torture ratings. While 43% of dictatorships signed and ratified the Convention, torture is the most prevalent amongst the 60% democratic governments.

Using a comparative approach would also seem to be an important direction for understanding the specific crimes (i.e., traditional rape and genocidal rape techniques, motives, drives) using extant theoretical tools at our disposal. It seems we have a whole body of criminological research aimed at understanding 'street' crime that may well prove useful for understanding similarities and differences of the types of crimes.

Criminologists should be uniquely qualified to address both the parallels and differences between conventional forms of crime such as murder and rape, and such crimes carried out as part of a state endeavor. Conventional crime has, of course, been a staple of both media news reporting and the entertainment industry, especially in its more sensational manifestations. State crime has been addressed by the media more selectively, and all-too-often as something other than crime. One strain of criminological inquiry has examined how public images of crime are shaped, and especially how they are influenced by media representations (Rothe and Ross 2008). Here, too, criminologists should be able to make useful contributions toward understanding how the public develops images of different forms of crime (conventional and state), how such images are specifically influenced by media representations, and how these differential public images in turn influence the policies and practices of political actors. Of course such political actors both influence and are in turn influenced by public images of crime, and this complex dynamic as it relates to state crime in particular calls for further examination.

The process of defining crime, and the processes whereby some forms of harm come to be defined as criminal and others do not, has been long addressed by criminologists, especially those working in some strain of conflict or critical criminology. Here again criminologists should be able to contribute somewhat unique insights into the processes whereby some forms of state-generated harm are defined as crime, and others are not. What are the specific benefits of defining state-generated harm as crime, as opposed to characterizing such harm in some other way?

For example, it has been suggested that developing a victimology of state crime offers the opportunity to provide a subjective and constructionist definition of state crime

victimization that may escape the trappings of outsider conceptualizations. Case in point, interviews with Hurricane Katrina survivors suggest that many regard themselves as victims of state negligence, but it is unclear whether this sentiment is shared by social scientists, those in the polity, or in the general public (Faust and Kauzlarich 2008; Kauzlarich 2007). Outsider and insider definitions of state crime do not need to be mutually exclusive in the conventional sense, and the extent to which these definitions differ or corroborate should be a major agenda item for future research on state crime. As we have learned with the debates over the US invasion and occupation of Iraq, official definitions of the illegality of the war differ in space and time, as all social phenomena do, and understanding how all social actors involved and observant of state harm or crime come to see the policies or actions as criminal will provide a deeper vantage point for scholars of state crime.

Criminology has over time accumulated a huge body of knowledge about the policing, prosecuting, and penalizing of conventional crime, as well as, more recently, other forms of crime such as white collar crime. Here again criminologists should be uniquely situated to provide insights on both the parallels and the differences—which are certainly significant—between the policing, prosecuting and penalizing of conventional and white collar forms of crime, and the policing, prosecuting and penalizing of state crime. What have criminologists learned from their traditional studies of such processes that can usefully be applied to the immensely more complex challenges of successfully addressing state crimes?

What Sorts of Directions Should we Consider for Future Pedagogy?

Perhaps a significant point here is whether or not we are going to be content to play with each other in our own little sandbox. If not, what sorts of directions should scholars of state crime consider, given that nearly all US state crime scholars have actively contributed to this piece. Additionally, we need to ask ourselves, why are we doing what we do?

As many of us are instructors we cannot neglect what we do in the classroom. Sometimes all we hope to accomplish is to stimulate and sustain student interest so they may question their activities if and when they get a job with the state. Nonetheless, is that enough? Are we content in just passing knowledge on to our students hoping they make a change? Additionally, in any given academic field, teaching about subjects that are peripheral to the core curriculum presents several challenges that are not necessarily present with classes that are part of the mainstream course offerings. This is evident in the subject matter of genocide (Day et al., 2003) and in the field of white-collar crime in general (Rothe and Ross 2008). Unlike crimes of the state, the issues associated with street crime and the resultant victimization are far less removed for these students and are thus easier to understand and identify with. Other barriers to teaching this subject matter include: the approach of the course pertaining using a harm based versus legalistic approach, the visual nature of today's students, the demands of the curriculum and the general practitioner-oriented goals of our students (Ross and Rothe 2007). Beyond scholars of state crimes' effort to move the field along by way of teaching, there are other relevant, and perhaps as or more, effective means.

Criminologists of state crime can reflexively consider how their scholarship, their criminological work, could engage in social criticism, and contribute to the practical and political effort to prevent and control state crimes. That is, what Bourdieu (2003) calls “scholarship with commitment”, producing a type of public criminology of state crime.

After all, within the sociological tradition there are repeated calls for the development of some form of an “emancipatory” project or public sociology: “the synthesis of theory and practice” or “theoretically informed action” (Appelbaum 1988, p. 43) provides one starting point. For the Frankfurt School “critical theorists,” the task of theory was practical not just interpretive; that is, “it should aim not just to bring about correct understanding, but to create social and political conditions more conducive to human flourishing than the present ones” (Finlayson 2005, p. 4). More recently, Agger (2000, p. 259) issued another call for the development of a *public sociology* arguing that, “sociological writing must address major public issues, attempting to influence the public and policy.”

Many of those who do work on corporate, state or state-corporate crime (Barak 1991; Friedrichs and Friedrichs 2007; Green and Ward 2004; Kauzlarich and Kramer 1998; Michalowski and Kramer 2006; Rothe 2006; Slapper and Tombs 1999; Tombs and Whyte 2003) take seriously the idea of a public criminology and trace the policy implications of their work in an effort to change social structures and reduce human suffering. As Michalowski and Kramer (2006, p. ix) point out:

[W]henver we turn grave wrongs such as the Nazi Holocaust, the death and destruction of the Iraq war, or the loss of loved ones due to preventable occupational or consumer hazards into scholarly narratives, we risk rendering bloody events bloodless, transforming tears and anguish into sterile words, turning painful events into detached prose. So at the outset we want to remember the suffering, about those who suffered, and those who wronged them in their quest for political dominance or economic gain.

As such, we can engage in both scholarship and praxis that can make a difference, which can reduce the needless suffering caused by states crimes that can help to transform legal and social systems in an effort to bring about greater peace and social justice in the world. After all, our expertise and knowledge of penal systems, policing, and agents of social control better positions state crime experts to use their skills and expertise in the field. Already the international criminal court, specifically the prosecutorial chamber, is calling for criminologists to participate more in researching particular subjects. They are, quite simply, requesting a criminology of international crimes (Rothe and Mullins 2008). Not only does the ICC want to know if their strategies are an effective and efficient use of their limited resources, but they are seeking a body of scholars to act as expert witnesses and consultants to help them carry out the important work of the court. Unlike many US courts, the ICC, and to a lesser extent the international criminal tribunals, recognizes the usefulness of academic work in informing the development of legal codes, investigations, and prosecutions. Perhaps as importantly, they are looking for scholars to aid in addressing issues of victimization’s needs and desires.

Summary

There are multiple issues that face any new academic field; a criminology of crimes of the state is no different. However, due to the nature of the subject matter there are inherently unique impediments which must be overcome and addressed. This paper has attempted to address these issues with the hope that: (1) more scholars will familiarize themselves with the field; (2) additional discourse will occur, which may result in further cooperation amongst criminologists in general and scholars of other interrelated areas of expertise; and

(3) the field will continue to grow and take a central role within what is typically referred to as ‘traditional criminology’.

Having said this, there is some very positive signs that the field has not only emerged and continues to grow with the ability to contribute to international social justice, but also that is gaining further legitimacy within US criminology and perhaps even more so in the European circles including practitioners throughout the world. It is with this belief that we have come together to not only evaluate what the state of state crime research is, but how best to continue its movement and legitimacy into the public realm as well. By writing this paper and our participation in several conferences and/or expert meetings, we have become committed to becoming more visible and legitimized as a collectivity that is *sui generis*. While it took nearly a half of a century for white-collar crime to become a common lexicon and topic of study, a criminology of state crime struggles to become incorporated into university curriculum (Ross and Rothe 2007), international symposiums, and permanent working groups and we do not foresee a slowing down of the need for our field or the policy recommendations that come from the body of literature that continues to grow.

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