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VIOLENCE AND THE STATE[1]

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Abstract

This paper explores the relationship between organized state violence and individual sensibilities. It moves from macro-social level discussions about the state and its formation through organised violence to micro-social level analyses of individual motivation and emotion. Drawing on the work of Norbert Elias we outline a framework for integrating political and economic analyses of state violence with the more subjective approach which focuses on the sensibilities involved in the perpetration of such violence. State violence needs to be understood both as an expression of state power and as comprising individual acts of aggression with complex social and psychological relations to other forms of interpersonal violence. We also conclude that civil society is the most effective mechanism for countering state violence.

Keywords: State violence; bureaucracy; legitimacy; Elias; civilizing process; civil society.

Resumo

Violência e Estado

Este artigo explora a relação entre violência estatal organizada e sensibilidades individuais. Ele se move a partir de discussões em nível macrossocial sobre o Estado e sua formação voltada à violência organizada, em direção a análises em nível microssocial de motivação individual e emoção. Com base na obra de Norbert Elias, esboçamos um quadro para a integração de análises políticas e econômicas da violência do Estado com a abordagem mais subjetiva que incide sobre as sensibilidades envolvidas na perpetração da violência. Violência do Estado deve ser entendida tanto como uma expressão do poder estatal, como compreendendo atos individuais de agressão com complexas relações sociais e psicológicas a outras formas de violência interpessoal. Concluímos que a sociedade civil é o mecanismo mais eficaz para combater a violência do Estado.

Palavras-chave: violência estatal; burocracia; legitimidade; Elias; processo civilizatório; sociedade civil.

This paper is concerned with 'organized physical violence in the most material sense of the term: *violence to the body'* (Poulantzas, 1978: 29). There may be a good case for defining violence more broadly in some criminological contexts (Salmi, 2004; Tombs, 2007) but what concerns us here is the close relationship between organized physical violence and the state. Not only do modern states claim a monopoly of legitimate violence in this sense (Weber, 1972); they also perpetrate or instigate most of the world's serious violent crime: the

infliction of pain, injury or death in contravention of legal or moral norms (Green and Ward, 2004). It is this *illegitimate* violence, or state crime, that concerns us here.

The claim of states to a monopoly of organized violence is codified in the form of law (Kelsen, 1967; Poulantzas, 1978). Much attention has been given in recent political theory to 'states of exception': forms of state power that suspend or abrogate the normal rules of law. As Agamben (2005) points out, drawing both on the fascist legal philosopher Schmitt and the Marxist writer Benjamin, states of exception may be *legally defined* spaces or times where the ordinary rules do not apply (Guantánamo Bay being the paradigmatic contemporary example), or *extra-legal* acts of violence, such as military coups, by which a state agency suspends or abrogates the existing constitution and seeks to institute a new one. In addition there are what may be considered *de facto* states of exception, when organs of the state do not expressly suspend or abrogate existing law but systematically act in contravention of it. In all three situations, state functionaries may be called upon to commit 'crimes of obedience': 'act[s] performed in response to orders from authority that [are] considered illegal or immoral by the larger community' (Kelman and Hamilton, 1989: 46), where 'the larger community' may comprise domestic and/or international audiences. In modern states, torture and murder cannot generally be carried out openly (O'Kane, 1996) – for the state to take open responsibility for death and suffering entails, almost invariably, a denial that it amounts to murder or torture (Cohen, 2001).

The difference between 'crimes of obedience' and 'ordinary' crime should not be overstated. Much gang violence and white-collar crime could be considered to fall within Kelman and Hamilton's definition. Whether the authority involved is a gang leader, a manager or a general, such crimes raise the central criminological question: how do people come to behave in ways that they know to contravene important social norms, norms which they have often themselves internalized? Moreover, by no means all state crimes are crimes of obedience. Many crimes are committed on the perpetrator's own initiative, but either consciously further the operative goals of a state agency or are tolerated by the agency in furtherance of its goals (Green and Ward, 2004).

To understand such crimes it is necessary to integrate macro-social accounts of state formation with micro-social accounts of individual motivation and emotion. As Tombs (2007: 543-4) remarks, this is a daunting task and 'theoretical development here remains at an early stage'. In an effort to make some modest contribution to such development, this chapter will examine the formation of the state monopoly of organized violence and the effects of state formation on the sensibilities and actions of state agents. We draw heavily on three theorists who, despite their differences, are centrally concerned with the formation and effects of the state monopoly of violence: Charles Tilly, Nicos Poulantzas and Norbert Elias.

THE STATE AND ORGANIZED VIOLENCE

For Charles Tilly state-formation is driven by war and preparation for war. In his seminal work on the subject he arguesthat 'the pursuit of war and military capacity, after having created national states as a sort of by-product, led to a civilianization of government and domestic politics' (1992: 206). Military elites have to attract resources to sustain their campaigns. With the development of capital accumulation the means of extracting resources moves from direct appropriation to taxation, and the consolidation of state power over substantial territories in turn facilitates capital accumulation. States are in a continual, though not linear, process of development and war making remains central both to defining states and tofosteringtheir capacity for violence. Since the mid Twentieth century wars have become both more frequent and considerably more deadly, particularly for civilian populations (Kaldor, 1996), with six times as many deaths occurring per war (admittedly a crude measure) in the twentieth century as in the nineteenth (Sivard, 1996). In the 1960's civilians accounted for 63% of recorded war deaths, by the 1980's they accounted for 74% and according the

authors of the 'World Military and Social Expenditures' report that figure had grown in the 1990's (Sivard, 1996). The World Health Organisation (WHO) calculates that in 2000 some 360,000 people were killed as a result of collective violence or armed conflict (2002: 8); this represents twenty percent of all global violent deaths.

Tilly emphasises the diversity among European societies in their paths to state-formation, distinguishing between *coercion-intensive* political modes when ruling elites extracted revenues for war by direct coercion and *capital intensive* and *capitalized coercion* modes where rulers made deals with and later incorporated sections of the capitalist class into their states in the promotion of war (1992: 30-1; see also Mann, 1986/1993). In either case advanced liberal democracies have been shaped by violent internal upheavals, civil war, revolution and war between states. The colonial empires of the European states were forged and sustained by full-scale military mobilizations and in many cases only relinquished after prolonged periods of violent conflict.

The details of Tilly'smagisterial historical account do not concern us here.What we are concerned with is the relationship of violence to state formation, composition and finally, practice. We will draw particularly on comparisons between the formation of relatively stable territorial states and those states which are characterised as 'predatory' states (often in the form of military regimes) which tend to be characterised by overt forms of internal violence. As Tilly documents, military regimes by the late Twentieth Century had become a standard form of governance in the developing world with 60% of all East Asian states and 64% of all African states in the control of military forces.

While there is no one standard path to their formation, states, following Engels (1968), are defined by a number of common features: central bureaucracies, armies, prisons, courts, legislatures, police forces and public services. We will be concentrating our discussion on the claim by states to a monopoly of violence over a particular territory. For such a monopoly to exist it is not essential that the agencies that exercise it be legally defined as public bodies, so long as their coercive power is authorized by the state (Ryan and Ward, 1989: 69-70; Whyte, 2003). One measure of the coercive capacity of states is military expenditure. Evidence from the Stockholm International Peace Research Institute (2006) suggests that while the world saw an overall reduction in military expenditure following the end of the Cold War that decline has been sharply reversing since the late 1990's driven largely by the United States and its military operations in Afghanistan and Iraq. In 2004 the United States spent $455.3 billion in military expenditures (Stålenheim et al., 2007). 'World military expenditure is extremely unevenly distributed. In 2006 the 15 countries with the highest spending accounted for 83 per cent of the total. The USA is responsible for 46 per cent of the world total, distantly followed by the UK, France, Japan and China with 4-5 per cent each.' In terms of real growth rates in military expenditures Central Africa recorded a huge 18.2% increase between 1995 and 1999 (compared with pre-Iraq war North America which demonstrated a 1.3% decline: Stålenheim et al., 2007).

> If the current growth in worldwide military spending continues, by the end of 2006 it will have passed the highest figure reached during the Cold War. After year-on-year increases since 1999, global military spending this year is estimated to reach an unprecedented $1,058.9 bn, which is roughly 15 times annual international aid expenditure (Control Arms Campaign, 2006: 6).

According to the Control Arms Campaign a state's involvement in armed conflict is directly related to its debt burden – around 20% of Third World debt has been identified as a direct result of arms imports (Control Arms Campaign, 2004).

Legitimacy

As we write, Egypt is in the grip of a mass popular uprising against the brutal and hated regime of Hosni Mubarak. The police and pro Mubarak gangs have been shooting and beating demonstrators in Cairo's Tahrir Square. Here the violence of coercive government is at its most visible. Despite the fact that in much of the world public compliance is secured through consensual forms of governance, coercive governance is rarely far from the surface (Gramsci, 1971). Cover (1986: 1,607) brings this out nicely when he points out that although most convicted defendants walk to the cells 'without significant disturbance to the civil appearance of the event [it] is… grotesque to assume that the civil facade is "voluntary"… most prisoners walk into prison because they know they would be dragged or beaten into prison if they do not walk'.

Legitimacy is the key to defining state crimes. Violence can be illegitimate (state crime) or legitimate; how, then, do we define 'illegitimate'? In one of the most fiercely contested examples of the exercise of coercive power by the British state, the 1984-85 miners' strike, the legitimacy of the police role was starkly called into question. The police methods were overwhelmingly supported by government, the courts and the media, but from the perspective of those policed, and their many supporters, their actions were brutal, violent and illegitimate (Green, 1990). Other examples of criminological work which challenges state legitimacy from the perspective of the policed include Ní Aolain (2000), Pickering (2002) and Rolston (2001) on Northern Ireland; Scraton et al. (1995) on the Hillsborough disaster; and Cunneen (2001) and McCulloch (2001) on policing in Australia. In any case where legitimacy is challenged, precisely where the boundaries of legitimate coercion are drawn depends largely on whose perspective is adopted. This is not to endorse some kind of postmodern relativism, but rather to insist that the criminologist's choice of perspective must be informed by normative criteria of social justice and human rights which resonate with both state discourses and those of domestic civil society (Green and Ward, 2004).

For example, the 2007protest by Burmese monks against the abuses of the military regime was particularly resonant within Burmese society because of the moral authority monks hold there. By turning upside down their begging bowls, in an act of shocking defiance, they were explicitly refusing the alms traditionally offered by the military rulers and their families. The moral impact was enormous because in refusing alms the monks were denying the military the spiritual approval – and hence the legitimacy – contingent on the ritual of giving charity to the clergy (Mydans, 2007).

Different kinds of States and their relationship with legitimacy

Elsewhere (Green and Ward, 2004, Ch. 11) we have distinguished between capitalist, state capitalist and predatory states. Many, but clearly not all, capitalist states are liberal democracies. State capitalist states are those that directly control the means of production, often using repressive strategies to force the pace of production – the leading contemporary example being China. Predatory states are those – mainly in Africa – where the state elite governs largely in its own interests with little regard for economic development or popular legitimacy.

Most of the literature which explicitly defines itself as criminological focuses on the liberal democracies; notable exceptions include Rawlinson (2001; 2007, forthcoming) and Piacentini (2004) on Russia; Trevaskes (2007) on China; Stanley (2006, 2007) on Timor Leste and Chile (Bacic and Stanley, 2005); and Jefferson (2005) on Nigeria. There is, however, a substantial body of literature which may not be shelved under 'criminology' but deals with central criminological themes with reference to states in Africa (e.g. Bayart et al., 2003; Blundo and de Sardan, 2007); Asia (e.g. Barber and Schweithelm, 2000; Smart 1999; McCoy, 1999) and Latin America (e.g. Píon Berlin, 1989; Feitlowitz, 1998; Schirmer, 1998; Dorfman, 2003).

One of the key themes that emerges from this literature concerns the closely related phenomena ofpatrimonialism and clientelism.Patrimonialism (Weber, 1968) is a form of authority exercised through personal ties between rulers and subordinates rather than through impersonal, bureaucratic rules, with no clear distinction between the ruler's private resources and those of the state. When patrimonial rule is hidden behind a façade of rational-legal governance it is often referred to as 'neo-patrimonialism' (Theobald, 1999; Médard, 2002). Neo-patrimonialism can be distinguished from clientelism, where patron-client relations coexist with and contaminate a genuinely rational-legal system of rule (Green and Ward, 2004: 22). There is no clear dividing line between these phenomena; they exist on a continuum.

As Clapham (1982) has observed, the relations between clientelism and violence are equivocal. Someclientelist political arrangements may obviate the need for direct violence by enabling the needs of potentially rebellious groups to be met. In the example of South East Asia, Khan (1999) describes how some states have appeased local opposition to the unequal distribution of resources through corruption and patronage, by redistributing some of the revenue extracted (in corrupt exchange for subsidies, credits and infrastructural support) from the developing capitalist class to its political opponents. In this way corruption might be seen as an alternative to violence. Neo-patrimonial rule, however, frequently involves high levels of state violence. This is especially true of states with economies primarily dependent on the extraction of natural resources by and for the benefit of foreign owned corporations. Bougainville in Papua New Guinea is provides an example ofsuch a state, in which violence is directly involved in the productive process, specifically in the extraction of Bougainville's copper and gold resources. When in 1988 indigenous land-owners closed a particularly rich copper/gold mine, the PNG government in collusion with mining giant Bougainville Copper Ltd and the Australian government waged a campaign of terror against the civilian population in order to isolate militant landowners. What followed was a bitter and bloody ten year civil war, during which the PNG government (following the refusal of Australia and New Zealand to provide direct military support) recruited mercenaries from the British private military company Sandline Internationalto assist its violent campaign against the Bougainville Revolutionary Army (BRA) (Lasslett, 2007, unpublished PhD thesis).

The predatory state is an extreme form of patrimonialism where the state makes no attempt at serving any kind of public interest and dedicates itself to enriching its own elite. The Democratic Republic of Congo, Charles Taylor's Liberia and, for much of its recent history, Sierra Leone exemplify this pattern. In these circumstances the only way an indigenous bourgeoisie can accumulate wealth is through its control of the state, relying on rents from natural resource expropriation (protection of which is sometimes contracted out to private military corporations: Whyte, 2003) and the expropriation of international aid (Schatzberg, 1988; Theobald, 1990; Szeftel, 1998).

STATES AND SENSIBILITIES

The above discussion has been concerned mainly with macro-level themes of state formation and political economy. Much of the work we have discussed has come from disciplines such as politics, development studies and international relations. Equally important from our perspective, however, are insights drawn from psychology and anthropology into the ways in which ordinary state functionaries, as well as their victims, experience the delivery of state violence.

Critical criminologists have, often with good reason, been dismissive of traditional criminology's excessive focus on the study of individual motives. However in an effort to understand the structural nature of crime and criminal justice practice critical criminology has tended to throw the baby out with the bath water by largely ignoring war crimes, genocide or torture which demand a detailed examination of individual

motivation and action (see Staub, 1989; Milgram, 1974; Haney and Zimbardo, 1973). We would argue that much is to be learned from understanding the processes by which individuals come to cast off their socialised inhibitions against violent and cruel behaviour, particularly in the contest of state sanctioned violence.

In this section we outline a framework for integrating political and economic analyses of state violence with a more subjective approach which focuses on the sensibilities involved in the commission of such violence.

Elias and the 'Civilizing Process'

Norbert Elias's *The Civilizing Process* (2000 [1939]) shares with Tilly's work a concern with long-term historical processes of state formation. Elias's major contribution, however, lies in the connection he makes between these process and changes in social structure and changes in the 'structure of affects' (2000: 169). As states emerge with a monopoly of organized physical force or violence, they 'pacify' the public space within their territories (ibid, 70). Alongside an increasingly complex and differentiated economic system, a new 'drive-economy' develops which inhibits the public expression of aggression as well as bodily functions like spitting and excretion. The 'pleasure of physical attack… is now reserved to those few legitimized by the central authority (e.g. the police against the criminal), and to larger numbers only in exceptional times of war and revolution' (ibid, 169-70). Over many generations, the restraint of public displays of bodily functions, including violence, 'is enforced less and less by direct physical force' and more by the pressures of social institutions, including the family; 'the social commands and prohibitions become increasingly a part of the self, a strictly regulated superego' (ibid, 158). Elias accepts the Freudian account of repression and the unconscious as at least roughly accurate, but insists that it is the product of specific historical processes, not some universal human condition.

Although Elias's theory owes much to Weber, his account makes the concept of *legitimate* authority less central than Weber does. Legitimacy, in Elias's historical account, seems largely to be an effect of the brute fact of overwhelming physical and economic power, coupled with the increasing complexity of the state, which makes simple despotism impossible. Elias uses the term 'civilization' in two senses: it is both the process of repressing aggressive and other 'drives', and an ideological concept which serves to legitimize state authority and colonial expansion. The second, ideological, meaning of 'civilization' is a product of the civilizing process; but as 'civilized' virtues come to be seen as a mark of the inherent superiority of the races and classes that display them, their historical origins as effects of violent domination are forgotten (ibid, 43). As Emsley (2007: 125) rightly reminds us, Elias's theory is not a Whig account of inexorable human progress.

There is, in fact, a striking amount of common ground between Elias's account of state formation and that of Poulantzas (1978). Both writers correlate the rise of state-monopolized violence with the withdrawal of the direct use or threat of physical violence from economic relations. Both deny any necessary *causal* priority of economic change over changes in state formation,[2] although Poulantzas assigns the former an *analytical* priority that Elias does not. Both recognize the importance of forms of bodily training and self-control which cannot be equated with 'ideology'; here Elias (2000: 372-3, 408) anticipates Foucault, from whom Poulantzas (1978: 29, 64-9) evidently learned (Hall 1980). Both argue that while forms of discipline or habitus[3] – formation in families, schools and other institutions reduce the need for *direct* physical violence in the public sphere, these processes depend upon the state monopoly of violence:

> a continuous, uniform pressure is exerted on individual life by the physical violence stored behind the scenes of everyday life, a pressure totally familiar and hardly perceived (Elias, 2000: 372).

> *State-monopolized physical violence permanently underlies the techniques of power and mechanisms of consent; it is inscribed in the web of disciplinary and ideological devices; and even when it is not directly exercised, it shapes the materiality of the social body on which domination is brought to bear* (Poulantzas, 1978: 81, original italics).

As Eisner's (2001) review of research shows, the historical evidence from Western Europe that has accumulated since *The Civilizing Process* was published provides strong support for its main theses (if anything, Eisner's simplification of Elias's theory leads him to understate its success). Elias, however, concerned himself only with European trends, and many African and Latin American countries now experience homicide rates comparable to mediaeval Europe. Homicide rates for those aged 10-29 range 'from 0.9 per 100 000 in the high-income countries of Europe and parts of Asia and the Pacific, to 17.6 per 100 000 in Africa and 36.4 per 100 000 in Latin America' (WHO, 2002: 25). The explanation of these massive differentials is a major challenge for criminology and social theory, and clearly raises a question about how far an Eliasian perspective can be applied to non-European societies.

As Elias was well aware, the great decline in serious non-state violence in Europe over the past eight centuries is in stark contrast to the staggering levels of mass murder and torture by modern governments (Rummel, 1994). There is a 'contradiction between the code of non-violence within states and the code of permitted violence in inter-state affairs… between the code of total non-violence valid for the majority of citizens and the code of licensed violence, more or less under public control, valid for the police and other armed forces' (Elias, 1987: 81). Again, we must remember the European focus of these remarks, but we shall tentatively assume that this observation is broadly true for most societies with effective states (including, for example, Rwanda, where state formation predated colonial rule), even though their levels of interpersonal violence may be much higher.

Elias says frustratingly little, in general terms, about how this contradiction is resolved, but there seem to be two main possibilities (Ward and Young, 2007; Green and Ward, 2009). State violence may be seen as compatible with the code of civilized behaviour because it is under control: rational, disciplined, and either lawful or justified by some kind of 'higher law' such as national security. Or state violence may be *exempt* from control: soldiers, police and other functionaries (together in some cases with non-official personnel recruited to the state's cause) may be licensed to indulge violent passions in ways denied to the general population. These two ideal types correspond, more or less, to the two main types of masculinity that Huggins et al. (2002) identified in their sample of Brazilian torturers and murderers: the 'bureaucratic functionary' and the 'personalistic cop' (a third type, 'blended masculinity', combines elements of the other two).[4] Huggins found that both types had their uses: 'bureaucratic functionaries' were efficient torturers, while 'personalistic cops' could be left to murder on their own initiative.

Bureaucracy and violence

In the existing literature on state violence, we tend to find an emphasis on *either* the bureaucratization of violence – rational planning, the division of tasks and the separation of decision from action – *or,* less frequently, its emotional, irrational or symbolic aspects. Outstanding examples of the former include the classic psychological studies of Milgram (1974) and the Stanford Prison Experiment (recently revisited by Zimbardo, 2007); Kelman and Hamilton's *Crimes of Obedience* (1989); Bauman's (1989) seminal sociological study of the Nazi genocide; and the studies of US military power and policy by Kauzlarich and Kramer (1998) and Kramer and Michalowski (2005). The latter camp includes several anthropological studies to be found in the

excellent collections by Hinton (2002) and Sluka (2000); Graziano's (2002) 'psychosexual' account of the Argentinean dictatorship; Scheff's (1994) study of the emotional roots of war; and the brief but suggestive treatment of torture and state terrorism by Katz (1988). It is harder to find work which integrates the two approaches satisfactorily. Cohen (2001) makes a start but, as his subtitle indicates, is concerned with 'knowing about atrocities', rather than their actual perpetration. In the important work of Huggins et al. (2002), the ethnographic insights of the earlier chapters (written mainly by Huggins) feel less than completely integrated in the conclusion (written mainly by Zimbardo), which leans strongly toward the 'bureaucratic' school. Our own book (Green and Ward, 2004) draws on both strands of research and makes some attempt to integrate them in particular contexts, but we would be the first to admit that there is still a long way to go. It is here that Elias's linkage of state formation and sensibilities seems, for all its limitations,[5] a promising starting point.

It is essential to recognise both that state violence is always under some degree of bureaucratic control – otherwise it would not be *state* violence – and that is alwayslikely to be associated with strong emotions, as is any intense physical experience. In general state agencies appear to be highly calculating, goal-directed organizations (Kauzlarich and Kramer, 1998). The stance of rational detachment, of aiming for long-term gains rather than immediate emotional satisfaction, is a central element of the 'civilized' sensibilities and is also, of course, essential to capitalism. Yet, as Elias (1987) argues, it is a particularly difficult attitude to take to violent conflict.Revenge and retribution retain a powerful emotional appeal in virtually all societies. So it is not surprising if state responses to violence sometimes seem to embody what some anthropologists characterize as a logic of ritual – providing emotional satisfaction through their symbolic appropriateness – rather than utilitarian calculation (Aretxaga, 2000; Mahmood, 2000; Ward and Young, 2007).

Bureaucratic organization and state violence are an inherently unstable combination. Bureaucratic organizations may seek to achieve their objectives within legal rules, or they may determine that a 'state of exception' exists and the rules have to be broken (In practice, state agencies will often pursue a complex mixture of both courses.). If the agency seeks to confine its workers to legitimate means (or means that can be presented as legitimate) it is likely to generate strain between their official objectives and the means for achieving them (Passas, 1990; Kauzlarich and Kramer, 1998). If, on the other hand, it sanctions the use of clearly illegitimate means the resulting secrecy and impunity creates motives and opportunities for crime that can easily run out of control.

The first of these possibilities is complicated by the fact that legal rules, as interpreted by state officials, are generally flexible enough to take a good deal of strain without being unequivocally broken (McBarnett, 1981). As is well-known from studies of policing, legally-defined powers are 'open-textured' (Hart, 1994, Dixon 1997), providing a structure for discretion which is supplemented by police 'working rules'. In some circumstances the 'working rules' will sanction patently illegal violence (see e.g., Uildriks and van Mastrigt, 1991, Skolnick and Fife, 2003), but there is a very large 'grey area', where the boundary between 'legitimate force' and violent crime has to be judged according to such criteria as public reaction and the police's own 'official' professional standards (Klockars, 1996) as well as the interpretation of legal standards by institutions such as coroners' juries (Shaw and Coles, 2007).

Violent police crime is often emotionally cathartic, providingrelief from boredom and opportunities for 'action-oriented hedonism' (Holdaway, 1982), revenge and expressions of solidarity (e.g. Cancino, 2001) but often it isalso functional to the maintenance of police power. The police mandate in liberal democracies is to exercise the state's monopoly of legitimate force while displaying the minimum of overt violence within pacified social spaces (Bittner, 1975; Steinert, 2003). One way of achieving this is to exploit the 'paradox of face': as Muir (1977: 41) puts it, '*The nastier one's reputation, the less nasty one has to be*'. The price of this

strategy is that police have to be genuinely nasty to those who defy them, especially if they do it in front of onlookers (Worden, 1996). In Choongh's (1997) study of two English police stations, young lower-working class men who were perceived as insufficiently respectful to the police were arrested so that they could be brought to the police station, subjected to various humiliating orders, and beaten if they showed continued defiance. Though clearly illegal, this was an effective way of reminding the policed of the violence 'stored behind the scenes' of everyday policing.

The second possible relation of a state bureaucracy to legal rules – the 'state of exception' that explicitly sets the state above ordinary law – is also complicated by the difficulty of knowing where legality begins and ends, particularly within an 'exceptional form of state' (Poulantzas, 1978) such as a military dictatorship. Schirmer's (1998) remarkable interviews with Guatemalan generals and military lawyers show them repeatedly insisting that national security takes precedence over law, but equivocating as to whether this precedence of security (or 'state of exception') is itself a legal norm. Osiel (2002) reports that the Argentinean officers he interviewed believed intensely in the legitimacy of their fight against 'international communism' and were encouraged in this by their ultra-reactionary Catholic priests. Whether or not it is 'technically' legal, state terror distinguishes itself from state-defined crime by its civilizing mission: to pacify society through a rational application of the state's monopoly of violence. In times of crisis, a perceived threat of chaotic, disorganized violence provides a potent justification for increased state coercion (Hall et al., 1978, Ch. 9).

To justify the torture and murder of political opponents it may be necessary to equate every form of dissent with violent subversion. There is a certain rationality in such distortions of reality (cf. Píon-Berlin, 1989; Graziano, 1992), which serve to legitimize ruthless political strategies; but state terror tends to amplify its own paranoia, both because interrogation under torture is always likely to confirm the interrogator's suspicions, and because different units within the state compete with each other to identify 'subversives'. The classic example of paranoia run wild is the 'great terror' in Stalin's USSR (Getty and Naumov, 2000).

The combination of impunity and secrecy associated with state terror creates a criminal opportunity structure which officials can use to pursue private interests. Under the Argentinean and Brazilian military regimes, for example, police not only tortured detainees, and murdered them to cover up their torture, but became involved in a range of crime such as smuggling, drug-dealing and extortion, creating acute tensions and sometimes violent conflict within the apparatus of repression (Andersen, 1993; Marchak, 1999, Huggins, et al. 2002). A similar pattern can be seen in the USA, for example in New York in the early 1990s, where local 'crews' of police were able to impose their own extra-legal conception of order on their neighbourhoods while enriching themselves through drug-dealing (Chevigny, 1995; Chin, 1997).

The impression of cool, rational planning at the top level of some highly violent regimes is in stark contrast to the terror inflicted on new recruits. Soldiers and police being trained for torture and murder undergo a systematic process of brutalization (see e.g. Gibson, 1990; Remhi, 1999; Conroy, 2000; Huggins et al., 2002; Haritos-Fatouros, 2003).Through experiences such as violent assault and punishment, humiliation, enforced contact with blood and excrement, and impossible or contradictory orders, trainees are given a clear message that they have entered an enclave where the ordinary rules of pacified social space do not apply. Such training serves to break down the recruit's personality, desensitize him to pain (and so to the pain of others), induce a state of unquestioning dependence on and obedience to his superiors, and produce a sense of pride in the recruit's hard-won new identity as a tough, disciplined servant of the state (Huggins et al., 2002). Paradoxically, it seems that many perpetrators of 'bureaucratic' violence are shaped by a training that systematically violates norms of bureaucratic rationality.

It is, perhaps, an encouraging sign of the success of the civilizing process that such extreme measures are needed to produce professional torturers and killers. Milgram's and Zimbardo's experiments make it seem all too easy to induce very cruel behaviour in the average citizen, but to adopt torture or murder as part of one's way of life in a generally peaceable modern society is not such an easy matter. Even getting people to kill 'legitimately' in war, particularly at close quarters, is much harder than was once believed. A famous study by Marshall (1947) reported that only 15-20% of allied soldiers in World War II fired their weapons at the enemy. According to the US military psychologist Dave Grossman, the most advanced armed forces have responded to such findings by developing realistic simulations of killing that condition and desensitize recruits, producing a 'killing ability' that 'amounts to nothing less than a technological revolution on the battlefield' (1996: 158-9).

O'Donnell (2003: 758) notes the parallels between military training – or, he might have added, the training of torturers – and the 'violentization' that Athens (1992) claims is necessary to produce a 'dangerous violent criminal' in civilian life, but he also points out that such an explanation does not seem to fit the way violence was aroused in the Bosnian war or the Rwandan genocide. We seem to see here two different patterns of initiation into extreme violence. One involves breaking down any humane sensibilities in novice violence workers, producing 'hard men' whose identity is bound up with their ability to perform violent tasks unflinchingly (although in practice their work often gives rise to acute stress and 'burnout': Huggins et al., 2002). The other involves creating what de Swaan (2001) calls 'enclaves of barbarism': bounded spaces or situations in which ordinary rules do not apply, so that people can perform atrocities within the enclave but resume their ordinary habitusand sensibility when they leave. There may be a sense of what Lifton (1986) calls 'doubling', where the actor sees the self playing a role in violence as quite distinct from his everyday self:

> [I]t is as if I had let another individual take on my own living appearance, the habits of my heart, without a single pang in my soul. This killer was indeed me, as to the offence he committed and the blood he shed, but he is a stranger to me in his ferocity. I admit and recognize my obedience at that time, my victims, my fault, but I fail to recognize the wickedness of the one who raced through the marshes on my legs, carrying my machete. (Rwandan genocide perpetrator interviewed by Hatzfeld, 2005: 43).

This murderer – not a regular state functionary, but a civilian ordered to kill by state officials – distinguishes clearly between his 'obedience', which is normal conduct in an authoritarian culture such as Rwanda's (Hintjens, 1999), and his 'ferocity' and 'wickedness' which strike him (remembering the experience fromhis laterposition as a prisoner who has confessed) as alien to his normal self. This is more than a simple 'crime of obedience': theperpetratorbegins to participate out of fear, deference or conformity but then (like the guards in Zimbardo's simulated prison) gets 'carried away' with his new role, performing it with zeal, passion and perhaps even pleasure.

Hierarchical decision-making and interpersonal aggression operate together to produce what de Swaan (2001: 68) calls the 'bureaucratization of barbarism'. Violence may be performed with cold detachment or with pleasure and abandon; both types, as in the Nazi death camps (Sofsky, 1997), may exist side by side. What is essential, argues de Swaan, is the *compartmentalization* of violence. Victims must be dehumanized by propaganda and the zones of killing and torture set apart spatially, temporally and/or psychologically from the world of everyday life. Such compartmentalization, however, is difficult to sustain (Ward and Young, 2007). The Rwandan *genocidaires* did not return, as they seem to have anticipated, to a life of farming enriched by the property they had looted; they were driven into exile and triggered a war that engulfed the neighbouring

Democratic Republic of Congo (Nzongola-Ntalaja, 2002, Ch. 7). The 'enclaves of barbarism' at Abu Ghraib and Guantánamo Bay have become bywords for cruelty and probably the best propaganda tools al-Qaeda possesses.

Civil society

Despite the horrifying levels of state violence in many parts of the world, there have also been dramatic changes for the better in much of Latin America, Eastern Europe, Turkey and parts of Africa (notably Sierra Leone and Liberia). While recognising that these developments are not necessarily unilinear (and notingthe significant rise in global military expenditure following the post-Cold War decline: Stålenheim at al., 2007) it is also clear that the most significant force for change in terms of reforming violent states is organized civil society (Risse et al., 1999). The 'spiral model' formulated by Risse and Sikkink suggests a 'boomerang pattern' of influence and change 'when domestic groups in a repressive state bypass their state and directly search out international allies to try to bring pressure on their states from outside' (Risse and Sikkink, 1999). Internal opposition movementsand human rights organisations link with transnational networks who in turn place pressure on international donor institutions and powerful states in order to influence repressive regimes. There are, however, very real problems with relying on NGOs to bring about fundamental change to state practice. Their historic relationship as 'brokers' between neoliberal international donors/governments, domestic regimes and local organisations inevitably compromises the nature and scale of political change required to address state violence (Petras, 1997; and with particular reference to Turkey see Green, 2002). Nonetheless we think it reasonable to assertthat those NGOs and political movements explicitly campaigning for an end to gross human rights violations have had a qualified impact which accords with the basic tenets of the 'spiral model' ...

Turkey in the first decade of the Twenty-first Century presents a usefulillustration of the combined impact of domestic and transnational civil society. From being a state characterised by brutality, endemic violence and torture Turkey has moved to a self-conscious position in which human rights now explicitly (though in practice very unevenly) form part of the government's legitimising discourse. From the late 1990's, but especially since 2002, there has been an acknowledgement by the Turkish Justice and Development Party (AKP) government that state violence exists – that it is increasingly unacceptable – and a zero-tolerance stance on torture has been adopted.[6] European Union accession (partially frozen in 2007) has played a critical role in the direction that the reform process has taken but it has been the active interrelationship between domestic[7]and international human rights and cultural NGOs[8] that hascreated fertile conditions for European consideration of Turkey. Turkey's conditional entry into the EU depends upon improvement in the arena of human rights and activity in these realms, especially when associated with externally sponsored interventions (such as the Foreign and Commonwealth Office; or the Council of Europe's Committee for the Prevention of Torture (CPT)), is a marker that the country is moving in the right direction – in the direction of good governance, improving human rights and recognition of minority rights.

Between 2002 and 2006 Turkey witnessed real and important human rights progress[9] – certainly according to the CPT, the European Council and INGOs like Human Rights Watch and Amnesty International. In 2003 substantial reforms in terms of the abolition of torture began to be apparent and it was generally agreed that torture could no longer be said to be "widespread". More recentreports suggest thatill-treatment in police stations continued to occur, butsystemic elements of torture, such as the use of electric shocks appear to have been eliminated (Amnesty International, 2004). In 2007 fewer incidents of torture were reported than in previous years but killings in disputed circumstances by security forces in the East of the country continued as did excessive force in dealing with demonstrations (AI, 2007)

CONCLUSION

Criminology has far to go before it can develop an adequate criminological understanding of state violence, since the discipline has not only neglected the state but has a woefully myopic understanding of violence. Violence in all its many forms needs to be understood in relation to long-term historical changes, global configurations of culture and state formation, and its global and local economic context. State violence needs to be understood both as an expression of state power and as comprising individual acts of aggression with complex social and psychological relations to other forms of interpersonal violence.

We have argued that civil society is the most effective mechanism for countering state violence. Here, in addition to trade unions, political movements and human rights based NGOs we must also include those elements of civil society committed to challenging political and social processes in which minorities and their cultures are systematically devalued. We have seen how central the process of dehumanization has been in facilitating torture, war crimes and genocide (Green and Ward, 2004). In this context criminology since Becker (1963) has a valuable and successful track record in humanizing those the state has defined as outsiders, deviants and outcasts, and the arena of state crime offers real possibilities for an extension of this work.

An international criminology must learn from and extend its own domestic humanizing discourse to bigger questions concerning state violence of the order discussed in this chapter. In a short chapter it has been impossible to do more than scratch the surface of these complexissues, but we hope to have provided some pointers for future research.

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NOTES

[1] This paper appeared in slightly abridged form in R. Coleman, J. Sim and S. Tombs (eds.) *State, Power Crime* (London: Sage, 2009). It owes a great deal, especially as regards our discussion of Elias, to Peter Young, though he is not responsible for any violence we may have done to Elias's theories. Thanks also to Steve Tombs and Joe Sim for their perceptive comments on an earlier draft.

[2] In this respect, what Poulantzas (1978: 42-3) writes about Pierre Clastres could equally well be applied to Elias.

[3] The term used by Elias in the original German and, following its popularization by Bourdieu, in the latest (2000) translation.

[4] There is little research on women's involvement in state violence, but what little there is does not suggest that they behave very differently from men (Hunt, 1985; Westmarland, 2002; McKelvey, 2007).

[5] This is not the place for a critique of Elias, but his treatment of colonialism, the position of women and nature of capitalism are all, at best, distinctly thin.

[6] On the 3rd of September 2007 in the Turkish Grand National Assembly Prime Minister Raycip Tayip Erdogan, re-asserted his government's stance: '*I want to especially underline something again. It is our zero tolerance for torture within this period… Yes, I say this assertively, zero tolerance for torture'* <http://www.ihd.org.tr/press/press20070906.html>.

[7] e.g. Human Rights Association of Turkey, the Islamic Mazlumder and the Turkish Human Rights Foundation.

[8] What Risse and Sikkink (1999) have termed 'transnational advocacy networks' for the dissemination of international human rights and environmental related norms.

[9] There have been nine reform packages in all, six overseen by the Justice and Development Party (AKP). They have included the abolition of the death penalty in peace-time, the abolition of the ban on minority languages in education, the repeal of the ban on broadcasting in languages other than Turkish and the abolition of the State Security Courts. A new Penal Code, revised for the first time in 78 years, which entered into force in June 2005, introduced measures making it easier to convict members of the state security services for human rights violations, provides for tougher penalties for torturers, criminalises genocide, crimes against humanity and the trafficking in people.