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# *Introduction*

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CRIME, CRIMINOLOGY AND THE MILITARY

**T**HE WESTERN WORLD has been engaged in sustained military activity since September 2001. While war and military operations have been, and continue to be, dominant landmarks on the historical landscape of the last century or so, the focus of attention on these issues from scholars in the social sciences has had a reasonably specific character. Research has tended to stem from strategic studies and international human rights rather than from detailed studies of changes in the ways militaries self-organise and operate in the field. Over this time we have seen militaries develop in size, organisation, professionalism, technology and extent of global engagement. In the same period, militaries and wars have become increasingly mediated through the mainstream media, and in more recent times, the burgeoning Internet and other forms of social media.

As institutions, militaries have become decreasingly closed off to external influence. In various ways the idea of a civil–military separation has been challenged by changes in broader governance arrangements. For example, in recent years civic accountability and machineries of governance have infiltrated the military, often in response to scandals within one or other of the services (army, navy, air force). Alongside changes in conventional military structures, there have been signs of more diffuse changes.

Militarism, in the sense of a particular mentality or lens that promotes a military orientation to the world, has become increasingly evident and taken a variety of forms. Greater economic liberalisation, including the tendency for governments to outsource key functions, has led, for example, to the proliferation of private military companies and the emergence of private military and security contractors (Uessler, 2008). The ‘new wars’ phenomenon (Kaldor, 1999) and the strategic focus within international security analyses upon the problems associated within so-called ‘failed’ or ‘failing’ states, has meant that as militaries focus more upon intra-state issues, issues of national security have increasingly assumed a domestic focus. The phenomenon of ‘lone wolf terrorism’ has reminded many of us that militarism is something ‘we’ face on our own streets and in our own neighbourhoods; it is not something that happens just to ‘others’ in faraway places. It is a feature of those who would attack us at close quarters as well as those who

attack our troops (Hamm and Spaaij, 2017). In such environments, away and at home, there are often few 'bright lines' to be drawn between warring parties and criminal groups, or between military combatants, criminals and local residents.

While then we are witnessing at an operational level the blurring of the realities of war fighting and criminal activity as armed groups resort to crime to sustain the pursuit of their military objectives and are involved in activities designated as war crimes, there has not been a commensurate recognition of these overlaps and intersections in scholarly study and analysis from within criminology. In this collection we examine a number of aspects of the convergence of these two fields—military activities and militarism on the one hand (see Huntington, 1957; Janowitz, 1964; Enloe, 1980) and the concerns, methods and analytical approaches of criminology (see Taylor, Walton and Young, 2013). As part of this collective examination it is important to address here some of the reasons why there has been relatively little attention to these intersections to date. The military and militarism are pervasive and highly legitimised national forms.

The military is often represented in popular culture with the national character as a higher expression of the human condition, as composed of selfless and duty-bound individuals working for the nation. But militaries, like any institution, have the potential for criminality, corruption and misconduct (see Bryant, 1979). As the Abu Ghraib scandal illustrated so vividly, military institutions consist of individuals of varying dispositions towards criminality as well as providing, and operating within environments in which crimes can occur. The somewhat sacred standing of militaries within many societies makes revelation of wrongdoing in these environments difficult so that the detailed examination of wrongdoing by scholars as well as investigators becomes arduous or even impossible. As armed state actors, military personnel can find themselves also engaged against groups and individuals who have been criminalised under national or international law, in effect playing a law enforcement role. The very casting of state operations against those engaged in drug trafficking as engagements in a 'war' against 'enemies' has contributed to a blurring of the lines between civil law enforcement and military operations, contributing to the 'police-isation' of the military and the 'militarisation' of policing in countries such as Iraq, Afghanistan, Mexico and Colombia. Similarly a renewed focus on 'war crimes' in the past two decades from events in places such as the former Yugoslavia, Timor-Leste and a number of African countries has, implicitly at least, begged the question of how persons accused of crimes of this kind can be brought to justice. The patent weakness and unsuitability of conventional police forces to undertake this enforcement work again raises issues of how, when and where military forces might contribute in law enforcement. Thus as scholars of policing, transnational crime or international humanitarian law, it is impossible for us to ignore the evidence of this convergence of challenges

and functions. Yet, at least within criminology, there have been few attempts to date to map out and explore these convergences. The difficulties of undertaking fieldwork in conflicted and contested spaces where these crimes occur is undoubtedly a deterrent (Goldsmith, 2003). Against a background of such considerations, it perhaps then is hardly surprising that we are yet to see the real emergence of a *criminology of the military* in the sense that we seek to develop in this volume.

#### WHAT IS CRIMINOLOGY OF THE MILITARY/MILITARY CRIMINOLOGY?

Our approach to this question in part reflects the broad nature of *criminology*—the study and understanding of the sources of and nature of crimes, and official and societal responses to them—as applied to the *military* sphere. This latter term, in turn, is intended to incorporate not just the structures and operations of conventional military forces, but also the influence of *militarism* and military-type ideas and practices outside the confines of conventional military institutions and environments. Our scope, therefore, is not limited to state military forces. Groups such as insurgency groups, paramilitary police forces and private military companies, because of their use of military methods and/or participation in armed conflicts, fall within the intended purview of this volume.

In terms of the scope of the concept of *crime*, we intend to look at crimes committed *by*, *within* and *against* those military and military-like entities under consideration here. In the first category, this would include crimes in war or in war-like conditions committed by personnel engaged in those activities as well as crimes committed while serving in military forces (Goldstone, 2002; Meron, 1993; Neier, 1998; Razack, 2004). Obviously, war crimes fall within this first category. In the second, we include crimes committed by personnel against other personnel; they may take any number of forms (eg theft, assault, fraud) but the critical aspect is their occurrence between personnel in the same organisation. In the third category, the focus is on military personnel as victims of externally directed crimes. These could be as victims of war crimes or as victims of civilian criminal actions against them (eg the fatal attack on off-duty soldier Lee Rigby in London by two self-declared al-Qaeda supporters). Within this category, offences such as fraud, theft and deception committed against military organisations (ie as organisational victims) would also be included. As criminology typically also examines *responses to crimes*, a full criminology of the military also needs to look at the various institutions and processes of criminal justice as applied to military issues and settings. Thus, in addition to examining civilian policing and law enforcement, it must also address matters of prosecution, conviction and punishment. There may well be, indeed are, responses distinct or unique to the military sphere, such as military courts and prisons,

which also fall within the purview of this volume's approach (Danner, 2004; Puar, 2004).

If we are correct in our assertion that criminology of the military (or for brevity's sake, military criminology) is in its infancy, there are nonetheless signposts or pathways from other areas of scholarship providing some guidance in this fledgling field. Military criminology can be linked to several discrete bodies of literature. First, there is the sociology of the military developed since World War II through the work of Samuel Huntington, *The Soldier and the State* (1957) and of Morris Janowitz, *The Professional Soldier* (1964). This work informs the study of the work of soldiers as well as of the military as an organisation. This latter aspect is sometimes referred to as the field of civil–military relations (Feaver, 1996; Feaver and Kohn, 2001), which considers how militaries related to civil authorities and the public in democratic societies. Secondly, the sociology of deviance provides a number of themes that have potential application. One is the sub-field of organisational deviance and study of the dark side of organisations (Vaughan, 1999), which informs the manner in which institutions like the military constitute settings in which various forms of deviance are possible, encouraged and even normalised. Also within the tradition of the sociology of deviance lies the study of techniques of neutralisation, the development and socialisation of repertoires of justification and excuse for deviant actions (Sykes and Matza, 1957). Thirdly, and closely connected through notions such as *state crime*, is the work of critical criminology, which has over time worked to extend the gaze of criminology (Taylor et al, 2013: xiii).

The task of critical criminology, it has recently been claimed, is to

widen th[e] lens so as to, first include within its scope a whole series of substantive areas previously obscured forgotten or simply placed within the realms of another discipline state crime, corporate and white collar crime, crimes of safety in the workplace, racist and hate crimes, domestic violence, crimes against women, crimes of war and genocide (Taylor et al, 2013: xiii).

Our aim in this volume is use a variety of criminological approaches to illuminate the manner in which crime or socially transgressive practices and cultures permeate the military and are, indeed, pervasive to and embedded in the institution and the activities within which it engages. In the next section, drawing further on the literature of criminology, we look at several key themes in the intersection of these two disciplinary fields of inquiry.

#### THEFT, FRAUD, SEXUAL VIOLENCE: CRIMES IN THE MILITARY

Edwin H Sutherland (1983), a leading thinker in American criminology in the mid-twentieth century, challenged his fellow criminologists in two ways

relevant to the study of militaries and militarism. The first was to point to the incidence of crimes and other harmful conduct that took place in ostensibly respectable institutional settings. While his focus was upon corporations and the incidence of white-collar crime, there is an obvious parallel here to military institutions. The second challenge was to focus upon the importance of environments in which pro-criminal values, attitudes and skills were transmitted by experienced individuals to newcomers in those settings. He indirectly then anticipated a number of the crucial features in understanding the commission of war crimes by military forces as well as the occurrence of crimes within military institutions against military personnel. His interest in social learning reminds us of the important impact of groups and institutions in influencing behaviour, while by pointing to the crimes of the 'reputable', he was reminding us that crime is not always a socially segregated activity by 'others'. At the same time, those 'reputable environments', he pointed out, were inclined to resist the characterisation of their activities as 'disreputable'.

Early intimations of a military criminology were expressed in studies of soldier delinquency in Chicago School style (Gibbs, 1957; Trenaman, 1952; Hakeem, 1946; Schneider and LaGrone, 1945). This form of military criminology developed on the foundations of the sociology of deviance and organisational sociology, looking at the crimes within the military in Britain and the United States as crimes of the workplace. Outside criminology's focus on 'blue-collar' and white-collar crime, this work introduced the idea of 'khaki'-coloured crime.

A focus on 'normal' or conventional crimes committed by military personnel (eg sexual assault of other military personnel), however, was rare. There was a much stronger scholarly emphasis on the 'pathologies of war', in other words the crimes committed while actively engaged in war fighting, a tendency which remains true until today. Bryant (1979) noted:

[M]ost of the literature in the area of military crime however, focused exclusively on war atrocities as a crime ... The limited literature on military crime has tended to be narrow in focus on the offenses committed and has not addressed the full range of behaviors deviant to the military norm and regulation (Bryant, 1979: 38).

An adequate criminology of the military, we emphasise, must incorporate crimes committed in war-like settings as well as away from such environments. We propose here not to lose sight of Sutherland's injunction to consider crime in organisational settings in the case of the military. An additional perspective that is salient is to reflect upon military activities as forms of *labour or work*. Though in some cases this work will involve the use of lethal violence, not all military crimes will do so. Nor will they always be 'out of the ordinary' in the settings in which they occur. In understanding the nature of the challenges veterans face after discharge, it is important also to recall the close working environments that influenced how military tasks

were undertaken and often had a formative influence on those who undertook those tasks. Military criminology therefore stands to gain by drawing where appropriate upon the relevant literatures on organisational and workplace deviance (Mars, 1973).

Another promising lead from sociological criminology arises from notions of organisations as conflicted in their aims and thus placing individuals working within them under strain. Robert Merton reminds us that any organisation can experience the ‘unanticipated consequences of purposive social action’ (1936: 895). In a similar vein but more recently, Diane Vaughan has observed that ‘any system of action inevitably generates secondary consequences that run counter to its objectives’ (1999: 273). Crime in these settings will often be unanticipated and also frequently counterproductive to the realisation of military objectives. However we must leave open the possibility that not all responses necessarily will be counterproductive. The military, like corporations, is capable of exhibiting structural ambivalence. In both settings, what is legal and what is considered acceptable or indeed necessary can be found to exist in a state of tension or to conflict (Beaton-Wells and Haines, 2009; Braithwaite, 1985, 2013). Here, applying this principle to military affairs, ‘winning the battle’ by the use of unlawful means may further the strategic objective of military success, albeit not by legitimate means. It is, in essence, the ‘dirty hands’ problem. From a regulatory perspective, an unintended consequence of strict enforcement of military law in battle or warfare conditions might be the loss of military effectiveness and efficiency, potentially prejudicing the achievement of the strategic goal of ‘winning the war’ (cf Anechiarico and Jacobs, 1996).

Crimes by and within the military that have been researched include the relationship between sexual exploitation and rape (Seifert, 1994; Morris, 1996; Zurbriggen, 2010). These crimes have been explained in terms of shortcomings of military culture (Winslow, 2004; Razack, 2004), the military personality (Wolfendale, 2007; Segal, 1997; Theweleit, 1989) and the military institution (see Goffman, 1961). The military scandal, often a sexualised expression of male-dominated military contexts, has often been linked to exploitative crimes of a sexual or other physical nature (see Connor and Andrews, 2013; Wadham, 2004, 2005; Evans, 2013).

Militaries, while distinctive institutions because they wield military power on behalf of the state or some other political authority, are also examples of what Erving Goffman has called ‘closed institutions’. They share historically with hospitals and asylums a lack of external scrutiny that leads to a closed environment in which wrongdoing is less easily detected and more readily covered up. These features indicate the criminogenic potential of such institutions, including the military. They also point to the difficulty they pose for oversight and accountability.

The issue of accountability leads us to consider the question of military justice and the formal processes of institutional accountability through

courts or other means. Militaries historically have convened their own justice systems, including criminal codes, systems of managing complaints, handling incidents, policing and investigation, prosecution, defence and sentencing. However the entire edifice of military criminal justice has largely been overlooked or bypassed by criminologists, despite the core elements of these systems remaining utterly recognisable as subjects for potential criminological attention. By default these themes have mainly been left to investigative journalists and commissions or boards of inquiry, where they have been addressed publicly at all. In recent years, these mechanisms have increasingly drawn upon explanations of organisational culture and systemic malfunction, and are reflected in the literatures on police misconduct, corruption and criminality. However we are yet to see an 'organisational culture' turn among scholars in relation to the study of crime, misconduct and injustice in military settings. In this collection, there is an attempt by Wadham to redress this particular area of neglect through attention to the persistent and entrenched nature of misconduct.

#### CRIMES BY THE MILITARY: WAR AND INSTITUTIONAL ABUSE

In this volume we examine different conceptions of war as well as of militarism. According to Münkler (2005: 3), in the past few decades 'War has lost its well-defined contours'. The changing nature and diverse forms of 'war' imply a range of criminological considerations. Münkler's observation refers partly to the proliferation of internal conflicts involving military methods and personnel in contrast to interstate wars between national armies. One example of this blurring is the engagement of insurgency groups and indeed state militaries in forms of organised and transnational crime as ways of financing their political and military campaigns. Another is the expansion of militarism as a principle of organisational design and institutional practice. Graham (2009) refers to the shift from 'battlefields' to 'battlespaces' in reflection of the proposition that more places are now subject to war-like measures. As will be noted later in this volume, the proliferation of sites of military interest and engagement are not confined to physical spaces but increasingly include cyberspace. The primary implication of these trends is that the contexts in which crimes by the military can occur are now more numerous and diverse in nature.

The link between war and warfare on the one hand, and crime on the other, is hardly a new one. In addition to the emergence of international humanitarian law in the nineteenth century, classifying certain features of the conduct of war as unlawful and indeed criminal, there is also the key role played by militaries in state formation, which through violence, exploitation and plunder enabled some political leaders to prevail over opposition. Here the critical role of militaries engaged essentially in organised crime



as a technique of state formation (Tilly, 1985) is a salutary reminder that military victories ultimately impact upon whether particular activities are remembered as heroic actions rather than crimes of a base and illegitimate kind.

Power, a central construct of critical criminology in defining certain behaviours as *crimes of the powerful*, is clearly pertinent to our understanding of when militaries commit war crimes and other kinds of crime. As armed state actors, militaries commonly wield significant and, at times, overwhelming power in various battlespaces. This power can sometimes be manifested in how incidents are framed and responsibility is allocated ('victors write the history books'), contributing to an avoidance of responsibility by the victor or more powerful warring party. However, the idea of asymmetrical warfare challenges the idea that conventional military power will necessarily prevail over less structured armed actors. The latter may have local alliances with the population or knowledge of the terrain that enables them to frustrate, or indeed resist, military defeat by conventional forces. In such circumstances, either side may commit crimes of war. But in addition, in such circumstances, conventional military forces are more likely to resort to illegal methods to advance their objectives. The My Lai massacre of civilians committed by US soldiers in Vietnam on 16 March 1968 is an example of how perversely military power can operate in asymmetrical settings (see, eg, Hersh, 1970).

While not widely studied by criminologists until recently, the subject of international humanitarian law, the more recent return to use of international criminal courts and tribunals, and the emergence of a *responsibility to protect*, have provided significant themes for criminological exploration. Some have focused more directly on themes of specific criminological interest than others, such as the operation of international courts and their successes in prosecuting and convicting in war crime cases (eg Bosco, 2013).

Of related criminological significance, at least in theory, is the post-World War II expansion in the area of international human rights and particularly the efforts by groups such as Human Rights Watch and Amnesty International to monitor and report on the actions of state agents, especially military, police and other security forces. For many decades this work has been the concern of human rights lawyers as well as field workers. The breaches that they detect and report upon are commonly breaches of domestic law where they occur, as well as in breach of human rights principles if not also international humanitarian law. The heavy incidence of military personnel in the abuse statistics reported by human rights monitoring groups again points to an often substantial involvement of the military in crimes such as murder, mass rape, disappearances and torture. Yet despite the abundance of suitable cases for examination, criminologists in general have shied away from this area as a field of research. War and indeed conflict, as noted earlier, present real challenges to the kinds of sustained

fieldwork associated with criminological research. They are also examples of crimes of the powerful that tend to be difficult to investigate or research because of the powerful interests typically opposed to such investigations. As the media has increasingly focused upon the ‘new wars’ of the last few decades, in addition to the reports of human rights monitors, our understanding of crimes by the military has depended heavily upon investigative journalists in the field such as Mark Danner and Paul McGeough (see eg Danner, 2004; McGeough, 2003).

#### HOW THIS COLLECTION DEVELOPED

In May 2013 Flinders University Law School convened a two-day symposium entitled *Crime and Justice Challenges for the Contemporary Military*, attracting national and international scholars from England. This conference covered subjects such as scandals and abuse within the Australian Defence Force (ADF), military legal approaches to justice for organisational crimes of physical and sexual abuse, and the extension of male violence to peacekeeper exploitation of local inhabitants in East Timor. International humanitarian law (IHL) matters such as stability operations and the rule of law in occupied territories and the role of the International Criminal Court (ICC) were discussed, as were the post-military criminal experiences of many veterans. The symposium showcased military criminology as a scantily researched subject in its own right, and a field that is inherently interdisciplinary in nature, drawing on law, development studies, gender and violence and, of course, criminology, the sociology of deviance and international studies.

This small symposium led on to a two-day international workshop at the International Institute for the Sociology of Law, in Onati, Spain in July 2014. The chapters presented here derive in substantial measure from the papers given at that event.

#### OVERVIEW OF THE COLLECTION

Ross McGarry and Emma Murray begin this collection with a Left realist criminological engagement with the military. The chapter carefully outlines the trajectory of sociological criminology’s engagement with the military. McGarry and Murray take us beyond the seminal Khaki Coloured Crime to propose a methodological and theoretical frame for making sense of the military and its personnel beyond a disciplinary or institutional frame. The authors raise two key questions: (i) how *have* the military and its personnel been approached as a site of criminological analysis to date, and (ii) what *could* a more fully developed ‘criminology of the military’ entail?

They direct us towards critical ethnographic military studies and propose a version of Lea and Young's (1984) concept of *relative deprivation*, pointing to the formative influence of different military environments in engagement in deviant and criminal actions. In concluding, McGarry and Murray remind us that this topic would benefit from a wider perspective, advocating for postcolonial military studies that take heed of Connell's Southern Theory and include studies of militaries and their environments in other parts of the world from those usually examined (for the most part, the Anglosphere).

In the next chapter by Willem De Lint, 'Means of Advancing Militarism: Shock, ideology and Ethos' de Lint describes the phenomenon of security creep in late-modern societies. Security creep, or militarisation, is 'the mechanism by which militarism becomes relatively more prolific in the ethos' (p 43). Noting that militarism comes in ebbs and flows, when it flows it is often through the critical event, supported by, and productive of, swells in authoritarianism and xenophobia. De Lint asks the question: 'What are the features of the process by which militarisation creeps into the quotidian?' and leads us through an analysis of several signature events that precipitated authority bubbles and the increasing diffusion of militarism into civil society. These features, the irruptive security spectacle, ideological coup and national-cultural coup, express the manner in which liberalism and authoritarianism are interconnected, and that irruptive sovereign violence is both legitimising as well as responsive. And military might is increasingly, especially after 9/11, becoming the likely course of action in an era of strong ideological militarism.

In Chapter 3 Gernot Klantschnig examines the world of state crime in Nigeria and Guinea-Bissau—Africa's first narco-state—driven by the use of the sovereign military. Klantschnig assesses the extent and also the limits of the state-organised crime nexus in the African sub-region. The postcolonial state of African nations has resulted in some areas of the region turning to criminalisation of sections of the state machinery, including the military, where '[c]riminalisation of politics and the state may be regarded as the routinisation, at the very heart of political and governmental institutions and circuits, of practices whose criminal nature is patent' (p 68). The two case studies demonstrate different forms of state involvement in criminal enterprise, largely drug trafficking. But Klantschnig qualifies this growing interpretation, arguing that state criminalisation is often an outcome of weak states with weak policing, judiciary and rule of law. Paradoxically, he suggests, efforts to strengthen the state through technical assistance development aid may unwittingly contribute to the stabilisation of conditions in ways beneficial to the ongoing involvement of state officials in organised crime.

In Chapter 4, the issue of private military contractors (PMCs) is considered. Adam White observes how private military contract work has grown significantly over the past two decades, as has academic interest in this field. White's chapter, rather than focusing on their activities in the battlespace,

draws our attention to the transition of PMCs from the battlefield to civilian life. The chapter seeks to shed light on the criminological elements of this transition, drawing on the evidence that these men often move from regular military involvement into forms of criminal activity. White provides an interesting review connecting criminology and the international relations literature on the marketisation of militarism through the growth of private contractors in the space of conflict and war. Upon their return from service in the field, the private contractor is commonly stereotyped as a law-breaking trigger-happy mercenary or at least an accident waiting to happen. Indeed many private contractors have become stuck in a world gazing over their muzzles, recognising their inability to return to mainstream society. But those who do choose to return to civilian life are not met with the relative support and recognition of soldiers of national defence forces.

Then, in Chapter 5, Cornelius Friesendorf looks at the murky area of soldiers engaged in crime fighting. The military have traditionally been considered inappropriate for crime fighting because they can use disproportionate force and do not have skills in crime scene preservation or the securing of evidence for legal prosecution. Friesendorf takes us through case studies of Bosnia and Kosovo, looking at army practices within military policy contexts. Friesendorf draws together detail on the Bosnian and Kosovian criminal contexts, describing the involvement of the British Army in the search for war criminals and in tackling organised crime, including human trafficking, illegal logging and the illegal movement of goods across borders. The key question arises: why was the British Army more proactive in the fight against crime in Bosnia and Kosovo than soldiers from other troop-contributing countries? The different prior experiences of military forces is seen as one factor: in the case of the British Army, its long-standing involvement in Northern Ireland in both trying to keep the peace and deal with organised crime. The chapter outlines a range of divergent theoretical approaches to understand how militaries, in this case the British military, fight crime in war-torn countries, how they actually do that crime fighting, and what the effects of their practices are.

In Chapter 6, the volume turns to the area of international criminal law. Grant Niemann looks at the intersection of international criminal law and national military law, arguing that a distinct criminology and penology for international crime is yet to fully emerge. His chapter outlines the historical relationship between the state and its soldiers within the context of enforcement of international criminal law. Niemann argues that for those states that have ratified the Rome Treaty of the ICC, reliance on national laws relating to military discipline do not satisfy the 'complementarity' obligations to bring offenders to justice before their national criminal courts. This is significant because there has been a divergent set of obligations for state parties and non-state parties to the Rome Treaty of the ICC. Indeed all state parties, Niemann argues, have partially lost this freedom of choice and the

'complementarity' principle requires states to match their jurisdiction with the ICC's jurisdiction and their crimes with the ICC's 'core crimes'. The examination of this phenomenon occurs through the analysis of three cases. One is the Australian case of a commando regiment conducting a night-time raid in Uruzgan Province, Afghanistan in 2009, with fatal and injurious outcomes for local women and children. Two of the Australian military personnel were charged with 'manslaughter by negligence' under the Defence Force Discipline Act 1980. Niemann argues that this countered previous practice, where similar crimes against the person were conducted outside of combat operations. Niemann argues convincingly that the military prosecutor for the Australian Defence Force (ADF) chose domestic law as a means of shielding the soldier, and protecting the state, from the prosecution of a war crime. The cases against these two personnel provided the opportunity for Australia to meet its international obligations as the crime met the test of complementarity, but Australia avoided the opportunity to bring its soldiers before the ICC under the jurisdiction of the Rome Treaty.

In Chapter 7 Ben Wadham describes the contemporary military conundrum of developing a diverse workforce, post-conscription, while transforming the monocultural and prejudicial cultures of masculinity that characterise defence forces. He highlights this as a gendered problem, in particular one of masculinity, but focuses here on the organisational accounts of military misconduct and sex scandals. Using a sex scandal as a case study, he draws upon the criminological canon and argues that the study of individual techniques of neutralisation, can be reconsidered as *techniques of naturalisation* when considering organisational accounts of social transgression. The chapter demonstrates the range of criminological theories, such as the dark side of organisations (Vaughan, 1999) and Cohen's (Cohen, 2013) institutional denial, which can be used to understand how the Australian military have, until recently, been characterised as ignorant or devious in their depiction of soldiers' misconduct as the acts of a few bad apples. Wadham draws upon his own notion of camouflage to describe how militaries engage in image work in order to maintain a particular representation and thus attempt at every opportunity to depict themselves as part of the natural order, an unquestionable national icon.

Chapter 8 explores the concept of military penalty in the US armed forces since the early 2000s. Mark Halsey and Andrew Goldsmith focus on the 'perverse' relationship between the military industrial and penal industrial complex. The authors cogently argue that this alliance between the military and the penal produces a penalty marked by the imperative for retribution or vengeance. The chapter outlines the litany of war-time excesses, for example through rituals of degradation at Abu Ghraib or interrogation (torture) practices at Guantanamo Bay. Halsey and Goldsmith outline four key ideas that sit alongside this principal notion of retribution, which they articulate across the chapter: (1) military penalty is dictated by state vengeance;

(2) war-time penalty is marked by extreme forms of status degradation; (3) US military personnel are characterised by heavily racial and sexual forms of othering; and (4) these phenomena articulate across the military and penal industrial assemblage. The concerning conclusion is that US military penalty are storing houses for non-people in non-places prosecuted by the state-directed mortification of the subject and subjecthood.

In Chapter 9, Yorick Smaal and Graham Willett focus on military justice and homosexuality at the height of World War II. Smaal and Willett examine the ways in which military officials attempted to deal with homosexual practice (referred to here as *homosex*) both as a legal issue and as a vexatious disciplinary problem. The chapter shows how military culture deploys formal military law and social opprobrium, or informal disciplining for rogue personnel. Smaal and Willett successfully uncover the hidden and subterranean modes of cultural discipline that the military historically deploys—keeping things in house and within the ranks. Homosexuality was considered a threat to national security and the war effort, but with every hand on deck, it represented an intractable matter for military commanders. This chapter describes a history of military justice attempts to regulate and punish homosexual conduct in the Australian and US militaries. While military law attempted to discipline the deviant soldier, policy initiatives attempt to understand and explain it. The use of discharges was not uncommon, we are told. Nevertheless, the matter always fell between turning a blind eye and employing a mix of military justice and military rough justice.

Lastly, in Chapter 10, James Sheptycki and David Mutimer contribute an epistemological focus to the subject of criminology of the military, as an area both of teaching and of research. In common with some of the earlier chapters in the collection, this chapter engages with what might be described as the inherent interdisciplinary nature of this field, one inviting, and indeed requiring, constellations of scholars to form to examine the different expressions and combinations of ideas and practices. Some of the challenges in bringing disciplinary perspectives together here are illustrated in the example given of the different meanings given to realism in criminological and international relations discourses. Militaries, they suggest, constitute extremely rich opportunity structures for the commission of many different crimes. They propose the ambitious aim of examining the diverse intersections between militarism and crime in teaching and research through ensuring that analyses include intra-organisational, inter-organisational and extra-organisational dimensions.

## CONCLUSION

At the time of finalising this volume (August 2017), many in the world are reflecting on the implications of a spate of recent terrorist attacks upon

civilians in cities such as Paris, London, Sydney and Manchester. One of the key questions facing authorities is how to respond to, and indeed to prevent, these activities. Inevitably, discussions have focused upon whether the police need more powers, equipment and training, and whether there is an expanded role for the military in responding to incidents of a terrorist character. Both questions point to the rising demand for more militarism in public policy responses to this challenge, whether this be in the form of greater licence to military units to play a role on the streets of our cities or in the formation of mobile special armed police units that can respond, as we saw in the recent London Borough Markets attack, quickly in order to ‘neutralise’ the attacks before too much damage and harm is caused. These developments reflect many of the challenges we have addressed in different ways in this volume: the responsibility to tackle crimes of a transnational or international nature, and how states, militaries, police forces do, and should, respond to these crimes and their perpetrators. The times we live in are likely to continue to pose a range of questions that can inform a criminology, or more likely, criminologies of the military, looking forward as well as to our present circumstances. As forms of militarism become indistinguishable from everyday conceptions of security, it is crucial we retain some critical distance as scholars and members of the public in our survey of these developments so that these changes and official responses to them are properly understood in terms of their impact and especially their unintended as well as intended consequences.

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