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**THE RECOGNITION OF STATE
CRIME AND THE
SYRIAN UPRISING**
Nicholas Smith¹

Abstract:

This study aims to establish why state crime is not always recognised as such. The criminological analysis of state crime is a fledgling field of interest, although over the past decade there have been significant developments. As a result of these recent developments it is possible to theoretically interact with state crime. Through theoretical engagement, within a real life context, the phenomenon of recognition of state crime is explored. A case study of the recognition of state crime during the first 15 months of the Syrian uprising provides the real life context. An ‘adaptive theory’ approach is adopted promoting the flexible use of theory to examine the underlying reasons as to why some state crime is recognised whilst some is not. Appreciating that recognition of state crime does not occur in a vacuum, the context within which the Syrian uprising occurred was examined. Recognition of state crime during the first 15 months of the Syrian uprising was then subject to investigation through a multi-level structural framework influenced by the state crime literature. Theoretical concepts from the state crime literature are also employed as an analytical tool for understanding the complexities involved in the subject matter. In determining the underlying reasons as to why only some state crime is recognised the study proposes an account of recognition of state crime. Finally, potential areas for further research are highlighted to establish state crime, and the recognition of state crime, as worthy of concentrated inquiry across the social sciences.

Key Words: State Crime; Recognition; Syrian Uprising

Introduction

The study of state criminality is a relatively new development within the discipline of criminology and has yet to receive prolonged and concentrated inquiry. Utilising both legalistic and interpretive definitions of state crime, numerous instances of criminality

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arise. Despite the correlation between state criminality and the definition(s) drafted to encapsulate such behaviour, there appears to be a lack of recognition of state crime. This article aims to establish why there is inconsistency with regard to recognition of state crime. Therefore, the main research question is why are some instances of state crime recognised whilst others are not. A case study is employed to explore the crimes committed by the Syrian government during the first 15 months of the Syrian uprising, from January 2011 to March 2012. The insights provided by the case study facilitate the analysis of state crime within a real life context. Furthermore, engagement with the theoretical state crime literature has informed both the focus of the study and the construction of the analytical framework used to explore the recognition of state crime.

1 Methodology

Quantitative studies in the field of state crime are problematic as data is scarcely collected and often concealed by states (Ross et al., 1999). Therefore, a qualitative approach, in the form of a case study, has been adopted for this article. Case studies are the 'foundations' or 'building blocks' of knowledge within state crime literature (Rothe et al., 2009b: 7), and are an appropriate method of research for responding to 'how' and 'why' questions within real-life contexts (Yin, 2003; 2009). Keddie (2006: 20) has described case studies as 'an approach that uses in-depth investigation of one or more examples of a current social phenomenon'. There have been many criticisms of case study research that question its suitability for analysing social phenomena (Tellis, 1997a). However, Flyvbjerg (2006; 2011) argues that criticisms of case studies research, which question the methods ability to generalise, build theories and question the value of context-dependent knowledge, are over-simplified misconceptions.

Layder's 'adaptive theory' (AT) (1998) is used in order to assist in the construction of an analytical framework, capable of meaningfully exploring the recognition of state crime. AT is compatible with case study research and enables a more central integration of theory in the research process, which contrasts with approaches such as grounded theory (Glaser and Strauss, 1967). Crucial to AT are 'concept-indicator links', which can be viewed as theory-data links; these must not be purely behavioural (agency) or structural but a 'bridging' of both to accurately reflect social reality (Layder, 1998). Concept-indicator links encourage the use of 'orienting' and 'satellite' concepts. The 'orienting concept' provides 'an analytic unit around which coding and analysis take place' (Layder, 1998: 113). 'Satellite concepts' are

prominent theoretical constructs within the literature that are used to ensure in-depth examination. Utilising these concepts assists in steering the collection and analysis of data, generating concepts and theory elaboration. AT has been chosen for its flexibility and ability to link theory to social research in a manner which can expose the complex causality behind the recognition of state crime.

Producing a case study research design is an integral aspect of producing effective research (Tellis, 1997b). A contextual analysis is offered to appreciate that recognition of state crime does not occur in a vacuum. Also, a multi-level structural analysis is adopted which, combined with the contextual analysis, forms the orienting concept (Layder, 1998). The structural analysis will consist of an examination of the recognition of state crime at international, macro (national), meso (organisational) and micro (individual) structural levels. The result is an embedded single-case explanatory design which uses multiple units of analysis to enhance exploration and determine causal conclusions (Yin, 2009). Every case study has a certain 'boundedness', (Stake, 2005: 444), in this instance Syrian government crimes committed between January 2011 and March 2012 leads to an analysis of 15 months. Three central propositions are used to focus the study. First, the manifestation of recognition is not confined simply to two polar opposites. Second, a large variety of factors interrelate for recognition to transpire. Finally transition to post-recognition can only occur after certain actors at certain levels have recognised state criminality. Enhancing construct validity, external validity, internal validity and reliability is an important aspect of any research. This article has sought to use multiple data sources whenever possible. The use of computer-assisted qualitative data analysis software, Nvivo 9, produced a database which served as an inventory of data whilst maintaining a strong chain of evidence. Furthermore, a case study protocol was produced to form a guide for the data collection process (Yin, 2009). These measures have been used to increase the validity and reliability of the study.

A purposive sampling technique was used to identify the data to be collected. Led by the orienting concept (contextual and structural multi-level analysis), sources have been assessed on the basis of whether they are beneficial to understanding the unit of analysis, ultimately responding to the main research question and propositions. An analytic strategy based around coding and memo-writing was utilised to categorise collected data relevant to the orienting concept (units of analysis), ensuring that analysis remained closely linked to the research question and streamlining transition from collection to analysis (Layder 1998; Yin, 2009). Two analytic techniques

suggested by Yin (2009) were employed, informing the reportage of the case study. A chronological time series analysis of the context of the case study is explored linearly, whilst explanation building is utilised throughout the multi-level structural analysis. The case study is then explored through the lens of theoretical constructs from the state crime literature (satellite concepts) to illuminate the theoretical implications. The recognition of state crime is then subject to examination utilising Layder's notion of typology building (1998). Typology building possesses the advantageous effect of comparing variations of phenomena that assist in provoking theory generation and ultimately answering the research question.

2 Literature Review

This section will identify the central themes and issues within the criminological state crime literature in order to address the broader aim of ascertaining why only some state crimes are recognised. Crucial lines of inquiry will be examined and a partly overlapping dichotomy of the literature, based upon central themes and a chronological dissection of state criminality, is utilised. The dichotomy categorises the literature into 'pre-recognition', 'recognition' and 'post-recognition' appreciating the wider context within which recognition of state criminality occurs.

2.1 State Crime Debates

The lack of attention that state crime has received from criminological research has been widely highlighted (Barak, 1990; Cohen, 1995; Green and Ward, 2004). However, a steady development within the field has occurred as the topic is moving away from the periphery of criminological inquiry (Mullins, 2009; Lenning and Brightman, 2009). This change is demonstrated by the launch of the first ever dedicated state crime journal (ISCI, 2011). Defining the state itself can be a problematic prerequisite to research in this area. Green and Ward (2004) embrace Weber's (1997) notion that the state has a monopoly of the legitimate use of force. This standpoint also recognises 'proto-states' who may control areas, impose taxes or employ organised force (e.g. FARC in Colombia). The actions of institutions with public power or coercive institutions are also deemed to be actions of the state (Engels, 1968).

Being able to define state crime is central to the discourse. The two most prominent definitions are based upon harm and law respectively (Matthews and Kauzlarich, 2007). Zemiological definitions based upon social harms have been advanced (Schwendinger and Schwendinger, 1970), although Cohen (1996a) has questioned

the value of describing an array of social injustices as crime. Legalistic definitions are dependent on the law(s) chosen, which may be either domestic or international and have the benefit of using the predetermined terminology of the powerful. In contrast, Chambliss (2011) demonstrates that legally sanctioned behaviour includes some of the most heinous 'crimes' in history and therefore criminology should define its own scope. Thus, one can conclude that criminologists are unable to reach a consensus concerning the definition of state criminality. However, this should not be viewed as a stumbling block as one may advance arguments whereby the example utilised conforms to both definitions. This approach has been embraced.

2.2 Pre-recognition – Etiology

Examining the causes of state criminality and the context within which instances of it occur is crucial to understanding the topic of state crime. Rothe and Mullins have sought to identify the 'causal elements and their relationships' (2009:114) by building upon the work of Kauzlarich and Kramer (1998) and Kramer and Michalowski (1990). Their integrated theory draws on routine activity theory by identifying four enablers of criminality; motivation, opportunity, constraints and controls. Each catalyst is subject to four different levels of analysis; the international arena, macro denoting the analysis of the social structure or the state, meso which focuses on organisational level analysis, and the micro or interactional level which scrutinises individuals. The theory has been applied to explore the causes of specific instances of state criminality, thereby highlighting the complexity of the subject area (Mullins, 2009; Lenning and Brightman, 2009; Rothe, 2009).

Maier-Katkin et al. (2009) also propose an etiological explanation of state crime deriving from criminological theory. The multi-level model produced explored the causality of state criminality and stresses the importance of analysing different structural levels, specifically societal, community, group and individual level analysis. One of the principle aims of their theory is to assert the irrelevance of individual-level theories based on solitary factors as an adequate explanation of state criminality. Instead, as their theory demonstrates, they support multi-level, multi-factor and non-linear etiological explanations which appreciate the broader cultural, social, political and economic conditions of the particular state in which criminality occurs.

The approaches taken by Rothe and Mullins (2009) and Maier-Katkin et al. (2009) to explain the conditions under which state criminality occurs have similar themes running throughout. First, the two conceptions attempt to derive substantial causal

elements from the historical, political, social, economic and cultural tendencies of society and its structure. Secondly, both theories appreciate the numerous factors which interact with one another in various ways to create certain outcomes. Finally, both models recognise the importance of analysing on the basis of different structural levels. Highlighting the similarities behind these two theories enhances their related assertions, resulting in a stronger demonstration that the subject matter is inherently complex and can best be tackled when adopting a multidimensional explanatory method.

2.3 Pre-recognition – Criminality

A crucial criminological exploration of state criminality is Schwendinger and Schwendinger's interpretation of the nature of crime and the criminal actor (1970). The authors argue that violations of human rights should be classified as criminal behaviour, thereby moving away from legalistic definitions of criminal behaviour. The 1980s witnessed an appeal to address state crime from a criminological perspective (Chambliss, 1989). Barak (1990) observed a lack of progress and scarcity of input from criminologists concerning state crime and identified some of the core components of the literature such as definitional debates, the ubiquitous presence of state crime regardless of ideology and the significance of human rights. The importance of the conceptualisations of social control (Garland, 2001) and social justice (Schwendinger and Schwendinger, 1970) are also stressed. It has been purported that the discourses of crime and politics are thoroughly entwined; Cohen (1996a) highlights elements such as corruption, state crime and the criminalization of political conflict to illustrate this point.

The complicity of states with regard to their criminality has been theoretically examined. Various types of state complicity in crime have been identified and placed within a continuum (Kauzlarich et al., 2003). In order of gravity, state complicity has been divided into; explicit acts of commission, implicit acts of commission, explicit acts of omission and implicit acts of omission, which form the typologies of state complicity. Instances of state crime have also been compartmentalised into, various, and often interrelated, types of state crime. A non-exhaustive list would include; corruption, torture, genocide, war crimes, terrorism (Green and Ward, 2004), crimes of empire (Iadicola, 2010), crimes of globalisation (Rothe et al., 2006) and environmental state crime (White, 2010).

Case studies have been identified as powerful tools in developing understanding and explaining the criminality of states. An illustration of this point is the assertion by

Friedrichs that the Holocaust should be classified as *the* crime of the twentieth century (2000). Another prominent case study within the subject area is Kramer and Michalowski's exploration of the invasion and occupation of Iraq by US and coalition forces (2005). Ultimately, the authors utilise the Nuremberg Charter and international humanitarian law to establish the actions of US and coalition forces as a war of aggression and therefore criminal.

2.4 Recognition

There is a limited amount of research which specifically and effectively analyses the recognition of state crime from a criminological perspective. Stan Cohen has identified the political rhetoric of atrocity as central to the recognition (or more commonly non-recognition) of state criminality. Cohen (1993) investigates a 'culture of denial' permeating social and political structures, which is designed to conceal the presence of state criminality. Continuing research in the field, Cohen (1996b) analyses government responses to human rights reports demonstrating the complexity and array of factors which can result in full denial, full acknowledgement or the varying standpoints in between. A more substantive analysis of this perspective can be found in Cohen's book entitled 'States of Denial' (2001) which, through analysing denial in a variety of ways, isolates the different manifestations of denial. Perpetrators deny knowledge of atrocity and/or responsibility because they were acting out of obedience to authority, conformity, necessity or self-defence. Further examples include the denial of injury, the denial of the victim, condemnation of the condemners, an appeal to higher loyalty and moral indifference. Official accounts which deny criminality tend to utilise literal denial (nothing happened), interpretive denial (what happened is something else), implicatory denial (what happened is justified), counter-offensives and partial acknowledgement.

Another useful study concerning the recognition of state crime focuses on the methods utilised by states in order to exonerate themselves from punishment (Jamieson and McEvoy, 2005). The analysis focuses on the notion of states 'othering' perpetrators and victims as a technique of distancing themselves from their own criminality. For example, perpetrators are 'othered' through the use of private military firms whilst victims are othered by the territorial manipulation of jurisdiction exhibited in the example of Guantanamo Bay.

Post-recognition – Control and Responses

It has been argued that, despite the importance of causality, the most pressing issue in the state crime sphere can be located in the response to criminality (Ross, 1998). When analysing the control of state crime, academics tend to utilise Ross' (1995) notion that controls can be separated into two distinct categories namely internal (self-regulatory) and external (enacted against states) control initiatives. Acknowledging this dichotomy, Ross and Rothe (2008) propose a third area of interest; the 'ironies of controlling state crime' can be described as the repercussions of the implementation of control(s) designed to halt state crime. The aim of the authors in producing such an analysis is to emphasise the significance of caution when adopting strategies of control.

The relatively recent formation of the International Criminal Court (ICC) has made the 120 states that have ratified the Rome Statute judicially accountable for their actions. However, the effectiveness of the ICC has been questioned. The disparity between states which have and have not ratified the Rome Statute means that the ICC 'risks becoming a symbolic venue for the imposition of a hegemonic political-cultural global order', despite its unparalleled jurisdiction (Mullins et al., 2004: 304). Utilising the case study of torture and prisoner abuse in the Iraqi prison Abu Ghraib to form a foundation for the analysis of the effectiveness of the control of state crime, prominent state crime scholars have concluded that political and legal structures prevent the ICC from having the teeth to deter and respond effectively to state criminality (Rothe et al., 2009a).

Post-recognition – Accountability and Reconciliation

The 'justice' process that occurs after a minority of instances of state criminality has been examined by Cohen (1995). The underlying difficulty is deemed to be the conflict between reconciliation and accountability. On a philosophical level Cohen attributes this difficulty to the variation of moral reasoning processes, namely contrasting deontological and consequentialist principles.

This literature review has unpacked the literature concerning different aspects of state criminality, creating a partly overlapping thematic dichotomy in the process. The dichotomy enabled the clarification of the recognition of state crime within its broader subject area. The themes and insights presented in this section directly provide the analytical framework and theoretical constructs against which the inherent complexities surrounding the recognition of state crime are critically analysed in the following sections.

3 Discussion

This section will examine state criminality during the first 15 months of the Syrian uprising. The data is examined through a variety of lenses which have been informed by the literature review, research question, propositions, orienting concept (analytical framework) and satellite concepts. A contextual time series analysis of the case study provides the foundation for the multi-level structural analysis, to explore the recognition of state criminality.

3.1 Context of the Syrian Uprising

The Syrian uprising began as part of the Arab spring, a series of leadership transitions in the Middle East and North Africa with protests across much of the Arab world. The Arab spring can be viewed as a revolutionary wave (Katz, 1999). The motivational factors leading to such wide-ranging civil disobedience are understandably varied and embrace geographically divergent ideological and structural concerns, such as poverty, human rights violations and corruption, although a full etiological explanation is beyond the scope of this discussion (Anderson, 2011; Bellin, 2012).

In Syria, protests began in January 2011 producing localised and fragmented congregations of citizens striving for political reform. February witnessed an increase of protests being reported from within Syria, as resistance to the rule of Bashar al-Assad's Baathist regime started to become the fundamental aim. State actors began to clamp down on dissent, utilising aggressive tactics to disperse protestors (Human Rights Watch, 2011b; Human Rights Watch, 2011c; Williams, 2011). On 6 March 15 boys aged between 10 and 15 were arrested, detained and tortured after being caught spray-painting anti-regime slogans. The societal reaction to this incident has been called 'the spark that lit the Syrian uprising' by media outlets (Macleod, 2011) and as the spontaneous catalyst of the uprising by scholars (Ismail, 2011). Consequently, anti-regime protests gathered more support, repeatedly clashing with security forces. The tone of the uprising changed dramatically on the 18th of March as thousands of protesters gathered in a number of cities, including Dara'a, which witnessed the first mass reported deadly crackdown on dissidents by security forces (Amnesty International, 2011b).

Further protests and violence spread across Syria in March, with security forces continuing to arrest, detain, torture and murder dissidents (Amnesty International, 2011d). Subsequently, 'the challenge to the regime moved from local acts of

confrontation with representatives of the regime to a nationwide uprising against the regime as a whole' (Ismail, 2011: 539). These developments led to the most serious unrest during Bashar al-Assad's reign (Aljazeera, 2011b). Since March 2011 protests have amplified despite the use of lethal force by Syrian state forces. The opposition to the Assad regime became more unified with the creation of several organisations such as the Local Coordination Committees of Syria (LCCs), which consist of networked local groups which aim to organise protests and report events from within Syria. Those within the Syrian Armed Forces encountered the harsh reality of enforcing the regimes deadly clampdown on dissent or face execution, resulting in many soldiers defecting (HRW, 2011a). One group of defected soldiers formed the Free Syrian Army (FSA), whose 'members' are united by their aim to topple the Assad regime. A coalition of opposition groups and individuals entitled the Syrian National Council (SNC) was formed in August 2011. It states its aims as legally overthrowing the Assad regime, ensuring that the 'revolution' is peaceful, rejecting foreign military intervention and promoting a rights-based democratic system (Syrian National Council, 2011). Groups that support the Assad regime have also formed, for example so-called 'shabiha' gangs (League of Arab States, 2012) consist of plain clothed citizens who aim to disrupt protests and 'operate on behalf, or with the acquiescence, of state forces' (Amnesty International, 2011b: 5).

Amongst the escalation of violence and the formation of increasingly organised rival factions the United Nations High Commissioner for Human Rights, Navi Pillay, warned the Security Council of the danger of Syria sliding into civil war (UNSC, 2011a). By the end of February 2012, it was claimed that more than 7,500 people had lost their lives, 25,000 refugees had been registered in neighbouring countries and up to 200,000 people had been internally displaced (UNSC, 2012a).

3.2 Responses and Recognition – International

Various actors within the United Nations (UN) recognised the crimes committed by Syrian authorities in 2011. The UN Secretary-General (UNSG) and the UN Human Rights Council (UNHRC) both criticised Syrian authorities in March and April respectively (UNSG, 2011; UNGA, 2011a). In July, advisors to the UNSG highlighted the likelihood that crimes against humanity had been committed by Syrian authorities (UN, 2011). The UN Security Council (UNSC) condemned the Syrian government for violations of human rights in August (UNSC, 2011b). In September, the UNHRC published a report that recommended a referral of Syrian authorities to the ICC (UNGA and UNHRC, 2011). The UN General Assembly (UNGA) also adopted a

resolution condemning Syrian authorities (UNGA, 2011b). Amid this criticism Russia and China twice vetoed UNSC resolutions, condemning Syrian authorities (UNSC, 2012e). In early 2012, a UN Commission of Inquiry reported that Syrian security forces and officials are responsible for gross systematic human rights violations (UNHRC, 2012b). During March 2012, the UNHRC adopted a resolution condemning systematic abuses of human rights committed by Syrian authorities (UNHRC, 2012a). Furthermore, Kofi Annan was appointed as the Joint Special Envoy of the UN and the League of Arab States on the Syrian crisis producing a six-point plan for peace in Syria which received backing from the Security Council presidential statement (UNSG, 2012; UNSC, 2012d).

The League of Arab States first condemned the actions of Syrian authorities in August 2011, calling for acts of violence against civilians to cease. Following this condemnation, Syria accepted an Arab League led peace plan in early November to stop violence and initiate dialogue with the opposition (Black, 2011). However, reports emanating from Syria conveyed a message of sustained violence (Chulov, 2011), and soon after Syria was suspended as a member state of the Arab League (Aljazeera, 2011a). During December and January the Syrian government allowed Arab League monitors access to the country in order to inspect the nation's progress pertaining to the accepted peace plan, the mission ended at the end of January 2012 amid deteriorating violence and criticism of both the monitors and Syrian authorities (Urquhart, 2012). In February the Arab League called for a joint UN and Arab League peacekeeping mission (Muir, 2012), as previously mentioned.

Other intergovernmental organisations including the European Union (EU, 2011; EU, 2012), NATO, the Cooperation Council for the Arab States of the Gulf and the Organisation of Islamic Cooperation also condemned the actions of Syrian authorities.

3.3 Responses and Recognition – Macro

In August 2011 the political leaders of the UK, France and Germany released a joint statement condemning Syrian authorities and calling for Bashar al-Assad to relinquish power for the benefit of Syrian citizens (HM Government, 2011). The United States has also been critical of Syrian authorities. President Barak Obama (Bull, 2011), Secretary of State Hillary Clinton (The Guardian, 2011) and US Ambassador to the United Nations Susan Rice (Rice, 2011) have all condemned Syrian forces. Russia and China have also condemned the actions of Syrian forces, despite having vetoed resolutions concerning the situation in Syria. Egypt, Saudi

Arabia, Turkey, Jordan, Israel and Iraq have all disapproved of the use of violence, detention and torture in Syria. However, the government of fellow neighbouring state Lebanon has stated its support for the Assad regime, and Syria's ally Iran has supported the Assad regime through anti-western rhetoric and claims of assistance (Tisdall, 2011).

Representatives of the Assad regime have offered an alternative interpretation of the uprising. Assad himself has blamed various actors and groups for the unrest within the country. Assad has linked causes of the uprising to foreign conspirators, satellite television channels (Marsh and Chulov, 2011), armed gangs and terrorists (Borger and Pearse, 2012), and al-Qaeda (Blomfield, 2012). There has also been a similar stance from Syria's Permanent Representative to the UN, Bashar Ja'afari, who blamed terrorists (UNSC, 2012b), and claimed that UNSC discussions concerning the Syrian uprising are in conflict with the role and responsibilities of the institution (UNSC, 2012c). President Assad's considers Syria's UN membership as 'a game we play. It doesn't mean you believe in it' (Walters, 2011), demonstrating his hostility towards the UN.

3.4 Responses and Recognition – Meso

NGOs have released numerous reports pertaining to the Syrian uprising. Accordingly, Human Rights Watch (HRW) have published a number reports. One report categorises the actions of Syrian security forces as crimes against humanity, implemented through state policy (HRW, 2011e). Another report concluded, once again, that the Syria government should be liable for crimes against humanity (HRW, 2011d). In December 2011, HRW examined the violence suffered by protestors, determining that human rights abuses are the direct result of state policy (HRW, 2011a). Furthermore, another report identifies the extent of extrajudicial killings of citizens by security forces (HRW, 2012).

Amnesty International (AI) also published a number reports concerning the conduct of Syrian authorities during the uprising. AI's first report argues that Syrian authorities committed extensive human rights abuses (AI, 2011a). Also, deaths in detention have increased substantially since the beginning of the unrest (AI, 2011b). AI has further claimed that the regime used intelligence agencies to monitor and harass critics of the regime in other countries (AI, 2011e). Syrian authorities are also alleged to have employed medical staff as 'instruments of repression' in the name of quelling resistance (AI, 2011c: 4). AI has scrutinised ill-treatment and torture of detainees

through victim testimony (AI, 2012). Anti-conflict NGO International Crisis Group (ICG) released a series of reports portraying a brutal regime which systematically violates various human rights through its institutions (ICG, 2011a; 2011b; 2011c; 2012a; 2012b; 2012c). Various NGOs including AI (UNGA, 2011c), UN Watch (UNGA, 2011e) and the Cairo Institute of Human Rights (UNGA, 2011d) have communicated their opinions regarding the Syrian government's human rights violations to the UNHRC.

3.5 Responses and Recognition – Micro

Individual level recognition of state crime during the uprising is especially important. It is argued that the reaction to the ill-treatment of the group of boys, as previously mentioned, had come to be viewed as illegitimate in the wider context of the Arab spring. As demonstrations grew in stature, security forces utilised deadly force thereby galvanising the protesters. This galvanisation process continued as security forces fired live ammunition at a funeral (Batty, 2011) and shelled various cities (Macleod and Flamand, 2011), provoking the notion that the government is an illegitimate entity.

The role of media, technology and social media has also strengthened opposition to the Syrian government. Certain media outlets based in the Arab world, such as Aljazeera, are independent and less hegemonic than their rivals, often broadcasting dissidents and issues of human rights (Herb, 2011). The development of the internet, and the technology required to access it, has strengthened the prominence of social media. The role of social media in the Arab Spring has been analysed and is deemed particularly influential during times of unrest (Ghannam, 2011; Howard et al., 2011). Consequently it can be argued that the increased magnitude of individual recognition of state crime in Syria can be associated with notions of illegitimacy, strengthened by mass media, technology and social media.

3.6 Analysis

Theoretical constructs (satellite concepts) from the literature are now applied to the case study. Using a zemiological or legalistic definition, the actions of the Syrian authorities can be classified as state crime. The behaviour of the Syrian government falls within the criminal conduct specified in Article 7 of the Rome Statute (UN, 1998). The systematic use of state crime as policy, positions the high-ranking members of the Assad regime in the most severe conceptualisation of state complicity (Kauzlarich et al., 2003). Officials have used a combination of implicatory and interpretive denial

(Cohen, 2001), in combination with 'othering' perpetrators and victims, to absolve responsibility (Jamieson and McEvoy, 2005). The uprising has resulted in the introduction of external controls that have yet to evidence a positive impact upon the criminality of the Syrian state (Ross and Rothe, 2008).

The contextual and multi-level analysis of recognition of Syrian state crime during the first 15 months of the uprising has identified a broad model of how recognition of state crime develops. Context was the essential element in the selected case study, as it informed recognition of state crime at the various structural levels. For example, at the micro level the Arab spring provided the context within which many Syrian citizens, who had been denied human rights for their entire lives, initiated an uprising. The first proposition stated that there is a spectrum of recognition along which various typologies can be constructed. Examination of the case study has shown that various levels of recognition of state crime can be organised typologically. 'Non-recognition' relates to denial (Cohen, 2001) and 'othering' (Jamieson and McEvoy, 2005). 'Passive recognition' involves the condemnation of alleged state criminality. 'Active recognition' concerns the attempt to bring a halt to criminality, for instance the external controls imposed upon Syria by the Arab League. Lastly 'full recognition' can be viewed as the attempt by various actors, with differing influence, to do everything within their authority to cease the criminality of states. It must be noted that these typologies may be utilised legitimately or illegitimately by actors.

The second proposition asserts that a vast array of factors interconnect to produce the context within which various types of recognition of state crime transpire. These factors are, among others, political, geographical, ideological, economic and religious. Therefore prominent concepts such as geopolitics, control, power and hegemony are key factors influencing the recognition of state crime.

The third proposition stated that the transition from the recognition of state criminality to the post-recognition phase is a gradual process, dependent on the types of recognition at different structural levels. Due to the timing of this study, the length of the ongoing criminality of the Syrian state is uncertain and post-recognition has not occurred, however widespread recognition has occurred. To analyse an ongoing case at this intersection demonstrates that in Syria recognition has largely occurred at the micro, meso, macro and international level, but still post-recognition has not been realised.

This section has sought to ascertain why only some state crimes are recognised. To achieve this aim the case study of Syrian state criminality during the Syrian uprising was analysed through an analytical framework and theoretical concepts, informed by the state crime literature. A multi-level structural analysis of the case study highlighted the varied nature of recognition of state crime. Case study analysis stressed the importance of context, which is pivotal in determining whether recognition of state crime will ensue. Furthermore, the analysis of the propositions to the findings of the case study demonstrated the influence of context in shaping the array of factors and notions which impact upon recognition, among the various structural levels investigated.

Conclusion

This study has sought to determine why state crimes are not always recognised as such. In order to respond to this research aim the case study of Syrian state criminality during the first 15 months of the Syrian uprising was selected. The case study methodology was informed by the state crime literature and was integrated with adaptive theory to analyse recognition of state crime. A multidimensional explanatory method was utilised to investigate the recognition of state crime. The analytic framework consisting of a contextual time series analysis, combined with a multi-level structural analysis, illuminated the issue of the recognition of state crime within a real life context, whilst simultaneously appreciating the underlying complexity of the subject area. Furthermore, the use of three propositions relating to issues raised by the literature review proved to be advantageous in focusing the scope of the study.

A literature review was conducted to explore the main themes and concepts present within the criminological state crime literature. The use of a thematic dichotomy facilitated the compartmentalisation of the state crime literature into three constructed phases – pre-recognition, recognition, and post-recognition – thereby acknowledging the need to situate the recognition of state crime within its broader subject area. The most prominent issues arising from the literature review were the complexity of the state crime, the benefit of typology building, the situation of recognition within the broader topic of state crime and the multi-level analysis required to adequately explore the research question.

Analysis of the case study demonstrated the importance of context as the main underlying foundation upon which complex interrelating factors influence the multiple structural levels at which recognition of state crime can occur. The analysis responded to the research aim by employing a variety of theoretical, conceptual and

analytical constructs relevant to the research area, in order to examine an alternative interpretation of the topic which appreciates the organic nature of the recognition phase of state crime. Examining the context of the Syrian uprising, as well as the recognition of state crime at international, macro, meso and micro structural levels, formulated the arrangement of the analysis. Furthermore, assessment of the propositions revealed different types of recognition, a myriad of factors influencing recognition and the uncertainty of recognition developing into post-recognition.

However, the main conclusion emanating from the study is the need for further research. Multidisciplinary studies would be particularly useful in order to harness insight from across the social sciences. The stimulus provided by interacting with concepts such as power, control, legitimacy, hegemony and geopolitics would positively advance the study of state criminality. Future research, embracing these concepts, should focus upon contextual and interrelating factors to inform a more complete understanding of the processes and underlying notions present in the recognition of state criminality.

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