

War, Crime and Military Victimhood

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Abstract Within this article the lived realities of violent crimes relating to the British military are explored taking influence from left realist criminology to develop Bryant's (Khaki-collar crime: deviant behavior in the military context. The Free Press, New York, 1979) notion of *Khaki-Collar Crime*. Situated within the context of victimology, our attention is drawn to the ways in which two British military personnel have been perceived as victims and offenders of violent crime within public and legal domains. Using these events as a touchstone for critical analysis it is suggested that several key concerns relating to the 'unification' of war and criminal justice are illuminated by employing the concept of 'military victimhood': it enhances the perception of soldiers' vulnerabilities; provides sympathetic conditions to understand military offending; subjugates the position of 'Others' within the justice system; and has been appropriated to further domestic counter-terrorism policy in the UK. In making this argument a platform is presented to reengage with khaki-collar crime and help rethink criminological left realism.

Introduction

In 1979 Clifton D. Bryant published a unique criminological account concentrated on the US military institution. With an intention to appeal to all military institutions world-wide Bryant (1979) depicted *Khaki-Collar Crime* to be a gamut of criminal and deviant acts that emanated directly from the military institution, committed either within the military institution itself (intra-occupational crime); against domestic, foreign or 'enemy' civilians external to the military (extra-occupational crime); or towards 'enemy' military systems at the behest of international humanitarian law (inter-occupational crime). Writing soon after the cessation of the Vietnam War, with few exceptions (see Emsley 2013 for example) there have been no other authoritative criminological accounts of the military institution

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that match Bryant's (1979) analysis but his categorizations of military crime and deviance have maintained their relevance in the post 9/11 era. As an exemplar of extra-occupational crime the death of Baha Mousa became a watershed moment of the war in Iraq; the civilian hotel worker died in the custody of the British Army in Iraq during 2003 (Baha Mousa Inquiry 2011). His death and many others are being reinvestigated by the Iraq Historic Allegations Team (IHAT), a civilian unit with the ability to invoke the newly overturned double jeopardy law in the UK within the Military Justice System (see Cobain 2013; Ministry of Defence 2014). Other cases of intra-occupational crime have witnessed British service personnel being given custodial sentences by contravening military law for refusing to serve tours of duty in Iraq (Norton-Taylor 2006) and Afghanistan (Walker 2010), and the conduct of the war in Iraq by US and Coalition forces has been professed in criminological literature as 'illegal' (see Kramer and Michalowski 2005) thereby constituting inter-occupational crime. But there are limitations to Bryant's (1979) depiction of *Khaki-Collar Crime* that need to be reassessed in the current context of the 'war against terrorism' and criminological literature produced after its publication. Accounting not only for the absence of victimization within his work, but to address crime as a "major unifier", intimately connected to society both publicly and politically (Young 1992 cited in Young and Matthews 1992, p. 58). In addition to the 'khaki-collar crimes' cited here, since the beginning of the Iraq War in 2003 there has been a growing emergence of civilian and military personnel becoming the victims and offenders of crimes that have 'unified' the civil-military divide between war and criminal justice; demonstrating a flow of deviance, crime and victimization that pass between the military and the public domains and include military, civilian and 'enemy' personnel. For example, in the UK Supreme Court the British military has been afforded its own form of official victimhood. Service personnel are now protected whilst on military operations under the Human Rights Act (1998) permitting families to pursue damages from the Ministry of Defence if killed under negligent circumstances during war (Norton-Taylor 2013; McGarry et al. 2012). Other minor infractions have similarly found civilians and military personnel embroiled in the criminal justice system for offences related to the wars in Afghanistan and Iraq. Examples include a soldier being questioned by police under the Police and Criminal Evidence Act (1984) for theft whilst stationed in Iraq (BBC News 2013b); a peace activist receiving a conditional discharge under the Serious Organised Crime and Police Act (2005) for reading aloud the names of dead British soldiers at the main London Cenotaph (BBC News 2005); and a former British soldier recently receiving a 2 year suspended sentence for having a military weapon in his home (The Telegraph 2013).

Such incidents represent a 'unification' of crime between the 'outside' (war) and the 'inside' (criminal justice) during the 'war on terror' (Loader and Percy 2012), a convergence demonstrated most starkly following two violent events occurring separately in Afghanistan and London. During May 2013 a young British soldier, Fusilier Lee Rigby, was murdered on the streets of Woolwich, London by two British born extremists: Michael Adebowale and Michael Adebolajo. Both men converted to Islam during their early 20s, targeting Fusilier Rigby because he was a British soldier (BBC News 2014). Adebolajo later reasoned the killing was a 'military operation' and that he was a 'soldier of Allah' fighting in a war against the West (BBC News 2013a). Later the same year it came to public attention that a member of the Royal Marines, Sergeant Alexander Blackman (Marine 'A'), had committed murder in Afghanistan in 2011. During his second tour of duty Sergeant Blackman was filmed in Helmand, Afghanistan shooting and killing an injured 'unknown member of the Taliban'. Sergeant Blackman exclaimed to his victim, "It's nothing you wouldn't do to us" and acknowledged that he had "just broke the Geneva

Convention” (Morris and Norton-Taylor 2013). All three men involved in committing these crimes were sentenced for murder under the Criminal Justice Act (2003). As the main aggressor in the murder of Fusilier Rigby, Adebolajo was sentenced to a whole life term of imprisonment; Adebowale, who participated ‘enthusiastically’, was subsequently sentenced to 45 years (Sweeney 2014). By contrast Sergeant Blackman was sentenced to 10 years life imprisonment for murdering the ‘unknown member of the Taliban’ (Blackett 2013). Whilst the crime committed by Sergeant Blackman is recognizable as an inter-occupational crime, the murder of Fusilier Rigby falls uncomfortably outside of Bryant’s (1979) analysis. Moreover, reading these cases of murder as unproblematic crimes rationalized to the individual offender is—as de Lint and Chazal (2013) suggest—to leave them ‘unexplored’, perceived at ‘low altitude’ and without requisite attention being paid to the victims or the state.

To offer an overview of these crimes parallels between their sentencing summaries are outlined in Table 1 below. When configured in this way these crimes appear to be ‘unified’ by more than just the Criminal Justice Act (2003), they indicate a ‘war creep’ into the domestic criminal justice setting and a ‘crime seep’ from the international domain of war that requires further understanding.

This article looks to build upon the ‘khaki-collar crime’ thesis (Bryant 1979) by exploring the ‘inside/outside’ (Loader and Percy 2012) connections between war, crime and the military in the UK centred on these two murders. The following discussion is presented in two parts, the first theoretical, the second analytical. First, to offer context a brief overview is provided of relevant criminological literature related to war, the discussion is then situated between victimology and left realist criminology as underexplored

Table 1 Sentencing summaries (adapted from Blackett 2013 and Sweeney 2014)

Sergeant Blackman (Blackett 2013)	Adebowale and Adebolajo (Sweeney 2014)
<i>Offence: murder</i>	<i>Offence: murder</i>
Sentenced in a military Court Martial under Schedule 21 of the Criminal Justice Act (2003) in connection with the Armed Forces Act (2006)	Sentenced in Crown Court under Schedule 21 of the Criminal Justice Act (2003) in connection with the Counter-Terrorism Act (2008)
<i>Offender: ‘legitimate’</i>	<i>Offender: ‘illegitimate’</i>
Offender ‘legitimately’ equipped with a weapon as part of his job serving the British military	Offenders ‘illegitimately’ equipped with weapons targeting a member of the British military
<i>Victim: unknown</i>	<i>Victim: known</i>
Victim was vulnerable and treated with contempt; his identity is ‘unknown’	Victim was blameless and unable to defend himself; his identity is widely known to the public
<i>Mitigating circumstances—accepted</i>	<i>Mitigating circumstances—accepted</i>
Previous good service in the military; circumstances of serving in the hostility of war in Afghanistan; experiencing other colleagues killed and injured at war in Afghanistan; awareness that his victim was a member of the Taliban and not a civilian; suffering from a form of ‘combat stress disorder’; it was also deduced that he would never have committed such a crime in the UK	Only Adebowale’s “pre-existing...mental condition”
	<i>Mitigating circumstances—rejected</i>
	Their “joint actions as being retaliation for deaths in Muslim lands, and to incite the removal of the Government in this country (UK)”
<i>Aggravating factors—taken into account</i>	<i>Aggravating factors—taken into account</i>
His crime brought the military into disrepute; provided terrorists with propaganda for their causes; placed British soldiers at an increased risk of retaliation	The significant planning and premeditation of their crime; the victim was performing a public duty as a British soldier; the brutal way in which the victim was treated

avenues of inquiry within the ‘khaki-collar crime’ and ‘criminology of war’ literature. This focus becomes the main frame of analysis for the second part of this paper, employing a key analytical tenet of left realist criminology—the square of crime—to explore some of the issues raised in Table 1 across three sections: (1) *Public*; (2) *Victims and Offender*; (3) *State*. To conclude, this discussion acknowledges some general shortcomings of left realist analysis, identifies various missed opportunities to further the present discussion, and urges victimology and criminology to be used more imaginatively as a source of inquiry into the military institution.

Criminology, War and the Military

Critical criminology fully assembled within the discipline during the 1970s (Friedrichs 2000), since then it has variously questioned the role of the state in constructing ‘conventional’ crimes and victimization as a distraction from harms committed by state and corporate violence (Box 1983; Quinney 1970). Continued critical work within criminology has encouraged crime to be re-imagined as actions perpetrated by state violence, made accountable within the context of human rights mechanisms rather than domestic criminal justice processes (Schwendinger and Schwendinger 1970; Cohen 1993). However criminological analysis has been encouraged to consider crimes of the powerful as a prevalent concern within the criminological canon since the influential work of Sutherland (1940), providing avenues of inquiry that bring the actions of powerful actors into question. Despite its wider appeal in modern criminology few early scholars took this approach and even fewer did so by paying particular attention to war. For those who did, some considered war to afford the state purpose (Park 1941), others defined the act of war as illegal if conducted without just cause (Mannheim 1941), and we are reminded by Galliher and Guess (2009) that Sutherland (1949) considered those attempting to profiteer from the First and Second World Wars to be ‘war criminals’. For Friedrichs (2000, p. 35) such critical work typifies the continued study of state crime as a “fruitful realm of inquiry for criminologists” and represents a transformative influence on the discipline that connects crimes committed in both domestic and international spheres: but where is ‘war’ now situated within this critical literature?

Drawing upon these foundations Ruth Jamieson (1998) first established the ‘criminology of war’ as a critique of the discipline’s preoccupation with conventional ‘street crime’. Since the publication of Jamieson’s (1998) work criminological scholars have widely documented the various conditions under which genocide and human atrocity have been perpetuated by state actors at war (see inter alia Alvarez 1997; Jamieson 1999; Friedrichs 2000; Woolford 2006; Morrison 2007; Maier-Katkin et al. 2009; Hagan and Raymond-Richmond 2009; Cameron 2012; Hagan et al. 2012; Rafter and Walklate 2012). Prior to these concerns the war in Northern Ireland had also received consistent attention within criminology regarding policing (Mapstone 1992), crime and security (Spjut 1983), the peace process (McEvoy and Gormally 1997) and the enduring impact of the war upon society (Lyons 1975). This early literature demonstrates criminological thought that ‘unifies’ war and criminal justice although not articulated in terms of ‘inside/outside’ convergences (*qua* Loader and Percy 2012). Other wars involving the British military during the twentieth century—including the Falklands, Kuwait, Bosnia-Herzegovina and Kosovo (see Jones et al. 2012; Hagan 2009; White 2008; Carlson 2006)—failed to capture the attention of criminology in the same way; although Northern Ireland remains of key criminological interest (Jamieson et al. 2010; Punch 2012) particularly as a war that gave

way to the proliferation of counter terrorism legislation in the UK (Hillyard 2003, 2009). In the post 9/11 era the wars in Afghanistan and Iraq have taken a more central position within the literature (Whyte 2007; Braithwaite and Wardak 2012; Wardak and Braithwaite 2012) and the ensuing 'war on terrorism' has stimulated criminological debate to begin articulating the convergence of boundaries between war and crime. Within criminology geographical territory (Holmqvist 2012), political space (Gheciu 2012), security (Aas 2012) and policing (McCulloch 2004), to name but a few, serve as points of convergence whereby "the demarcation between war and crime control become blurred" (Degenhardt 2013, p. 32). The second part of this article will make a small contribution to observing the 'unity' between war ('inside') and criminal justice ('outside') in the context of victimization. First however it is necessary to differentiate criminological attention to the *military institution* as being distinct from the ways it has addressed war.

Situating the Military Within Criminology

As an institution the military has been documented as having nuanced cultures of deviance (see Hockey 1986) and a widespread, historical prevalence of crime (see Emsley 2013). However it was Bonger (1916) who first observed the external consequences of 'militarism' on crime and society. For some the consequences of 'militarism' was caused by the delinquency of youth; a rise in crime during wartime was said to be due to men having left for war, leaving young boys behind without male role models to curtail their civilian delinquency (Gault 1918). Other more direct consequences of military service had assumed society would experience an increase in what Bryant (1979) described as extra-occupational crime. During the First World War Bonger (1916) suggested that although difficult to accurately quantify it was likely British soldiers would have a higher propensity to commit crime in civilian society due to the 'evil of military life'. This view has only been partially accepted within subsequent criminological literature which broadly challenges the assumed criminogenic disposition of military veterans.

In the UK military offending was seen as indicative of many people serving against their will during the Second World War and the military calling those to service who may have committed crime in civilian life (Advisory Council on the Treatment of Offenders 1951). Across the Atlantic Willbach (1948) judged an increase in arrest rates of males in New York being due to the city receiving an influx of over half a million young men of prime offending age returning from war, rather than the inherent 'criminality' of military veterans. Similarly Lunden (1952) reported those military veterans who found themselves in the civilian prison system in the US following war was not simply due to their service experience, many of them were young and therefore assumed likely to have committed crimes regardless of their exposure to military life. Lunden (1952) continues by identifying the prior experiences of veterans in the criminal justice system as being equally important factors to determine their offending; those with prior contact with the law were also assumed likely to become recidivists upon returning to civilian life. Similar sentiments were shared by Tompkins (1972) who noted that although serving shorter sentences, ex-service prisoners in the US differed from their civilian counterparts particularly in their higher levels of prior offending either before or during military service (Tompkins 1972). The connections being made here are suggestive of largely male populations of prime offending age (Sun 2006) being readily diverted from prison into military service via the justice process (Hagan 2002), with offending not thought to have been directly related to service experience.

A consistent theme within this past and present criminological work on the military has sought to depict the criminogenic milieu of soldiers and military veterans in various ways, but frequently “at the expense of the more important and lasting causative aspects of the crime problem” (Mannheim 1965, p. 592). Another reading of this literature considers the criminogenic affects of *service life* having systemic consequences for society. For Wagley (1943) the potential for the ‘Homecomer’ (*qua* Schuetz 1945) to feel the anomic strain between their military commitments and return to social life were profound, the consequences of which could variously lead military veterans into delinquent or criminal behaviour for which the state was responsible. Others have similarly suggested that military institutionalisation can lead to such consequences by engendering behaviour in military personnel that prevents help seeking (McGarry et al. 2014). However military service is also said to have historically influenced desistance from criminal activity (see Alker and Godfrey 2015); had no causal influence on the conviction of crime (see van Schellen et al. 2012); or had positive influences on the life course for military veterans (see Sampson and Laub 1993; Bouffard 2003). Yet in stark contrast Sun (2006, p. 254) observed that while military service has no discernable connection to national rates of murder, it was pointed out that military service and war experience in particular had the potential to “lead to higher levels of violence in society”. An observation Bonger (1916) had intimated some 90 years earlier. As we surpass the end of the war in Afghanistan in 2014 despite overall crime in England and Wales continuing to decrease over the past 10 years¹ (Office for National Statistics 2014) there has been continued and growing concern for the numbers of ex-military personnel admitted to prison,² disproportionately for violent and sexual offences (The Howard League 2011). Some links have even been made between violent offending and an exposure to combat for this newest population of veterans (MacManus et al. 2013).

Bryant’s (1979) account of khaki-collar crime is implicit within these criminological preoccupations with extra-occupational crime, delineated across normative concepts of criminality (i.e. crime against property, the person, drug use). As such when addressing the *military institution* criminological work appears to have depicted current and ex-military personnel as offenders, but not necessarily as *victims* of crime.

A Rationale for Critical Victimology

The theoretical outline above indicates that “existing criminological paradigms” have struggled to sufficiently explain crimes related to war and the military (Jamieson 1998, p. 487; Bryant 1979), but this does not mean we should abandon our attempts at their utility (see Ruggiero 2005). Although bold in asserting that “the question of crime and deviant behaviour in the military context...has been largely ignored and/or neglected by sociologists and other social scientists” (Bryant 1979, p. 6) the intention of this article is to critically reengage the criminological canon with the military institution. In looking to progress the discipline in this way we are reminded by Friedrichs (1981, pp. 143–144) that,

the principle victims of violence throughout history have been brutalized slaves, overburdened and unprotected workers, soldiers and civilians dying during

¹ Particularly violent crime (see Sivarajasingam et al. 2012).

² Estimated at approximately 10 % of the prison population, anywhere between 3,000–14,000 prisoners (The Howard League 2011).

imperialistic wars...And these have been the least likely to have been defined as victims by law.

A logical progression within critical criminological literature would encourage the use of radical victimology to help understand victimization outside the context of the legal definition of 'crime' (Quinney 1972) and work towards identifying victims' experiences as a first step in discovering the origins of their harm by state and corporate actors (Kauzlarich et al. 2001). But reflecting on the thoughts of Friedrichs (1983) radical victimology's Marxist preoccupations with 'class-linked' causes of group victimization render it inadequate to explore the complexities associated with the *lived experiences* of victimization, particularly when situated between war ('outside') and criminal justice ('inside'). What is required is a challenge to normative conceptions of who qualifies as a 'victim' and under what circumstances. This is the purview of critical victimology suggested by Miers (1989) to comprehend the socially constructed and culturally contingent labeling of crime victims. However for Walklate (1990) this alone falls short of providing a more complete analysis able question who has the 'legitimate' attributes to acquire a 'victim' label. To do so Walklate (1990, p. 27) suggests employing criminological perspectives capable of establishing the "structural features of the victimization process" to identify the political mobilization of victimhood (Mawby and Walklate 1994). One way of doing this is through the use of left realist criminology, a notable absence within the 'khaki-collar crime' and 'criminology of war' literature and an 'existing paradigm' with perhaps the most direct connection to the military institution.

Left Realist Criminology and the Military

Comprehensive accounts of realist criminology can be found elsewhere (see Matthews 2014) as it is beyond the capacity of this paper to offer an extended explanation of this approach. However it is necessary to indicate its main points of orientation to help contextualize its relevance in the following discussion. Emerging in opposition to the conservative influences of right realism on criminal justice policy in the 1980–1990s (see Wilson and Kelling 1982; Murray 1990) left realist criminology developed from the early critical and politically focused work of the 'new criminology' in the UK (Taylor et al. 1973). Adopting a liberal approach to the 'problem of crime' left realists observe the 'form', 'context' and 'shape' of crime, its trajectory and enactment across time and in specific contexts (Young 1992), and the relevance of social class and social structure in relation to state action and reaction to criminal activity (Matthews 2009). Influenced by the sociologically informed work of deviancy theory and the concerns of feminist criminology (see Smart 1977) left realism combined the use of victim surveys (see Hough and Mayhew 1983) to rethink the *lived realities* of victimization. In doing so left realism looks to suggest ways in which social policy can be considered to better understand the experiences of victimization and offending (Matthews 2014).

This perspective is connected to the military by the concept of 'relative deprivation', originally developed in the seminal work on military sociology by Stouffer and DeVinney (1949) in the *American Soldier* to depict positions of hardship experienced as a result of service life. Indeed "Becoming a soldier meant to many men a very real deprivation. But the felt sacrifice was greater for some rather than others, *depending on their standards of comparison*" (Stouffer and DeVinney 1949 cited in Stouffer et al. 1949, p. 125). This concept was later appropriated as one of the main analytical devices of Lea and Young

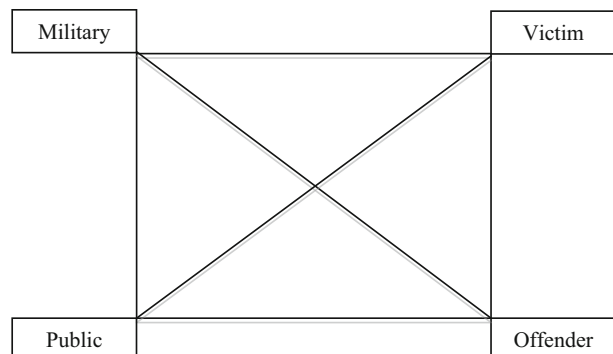
(1984, p. 218) for whom “relative deprivation is the excess of expectations over opportunities”, a tension at the centre of political marginalization or structural frustration resulting in criminal disorder. However despite writing at the height of the violence in Northern Ireland and this war’s (‘outside’) ‘unity’ with criminal justice (‘inside’), Lea and Young (1984) failed to make any detailed account of war or the military within their analysis.

A Framework for Analysis

It is possible however to situate left realist thinking within other criminological literature, starting with Spencer’s (1954) early account of crime, soldiers and the British military. For Spencer (1954) there was no one atypical military offender; he recognized that those undertaking military service derived from a wide cross section of society and each experienced military life differently. The key to understanding the offending behaviour of military personnel was to build a fuller picture of them taking into consideration the “attendant circumstances” of social life (Spencer 1954, p. 258). A fuller appreciation of civil–military relationships has also been recently proposed by Klein (2011) to employ public opinion when looking to better understand war and its impact upon society. In addition, as noted above, such conflicts arising between overlapping civilian and military environments by Bryant (1979) depicted deviant and criminal behaviour flowing in one direction either within or from the military institution. However, when intending to abstract these ideas into a more comprehensive criminological context military personnel need to be considered dually as offenders and *victims* of crime (see McGarry and Walklate 2011), not simply as unilateral perpetrators of khaki-collar crimes (*qua* Bryant 1979) nor as “a statistical counting exercise” of the penal system, as criminology has previously favoured (Treadwell 2010, p. 74).

By attempting to assemble overlapping relationships between public opinion, offenders and victims, and state institutions we are presented with the main pillars that support a left realist frame of analysis known as the ‘square of crime’ (Matthews and Young 1992). For the purposes of this analysis the ‘square of crime’ is detailed in Fig. 1. In its original form the state institution under scrutiny was the police as representatives of state action, violence and the law intersecting with the public, victims and offenders (Lea and Young 1984). However as Lea (Lea 1992 cited in Young and Matthews 1992, p. 70) later suggested “This framework itself is not immune from further elaboration and critique”. As

Fig. 1 The square of crime (adapted from Lea 1992)



such the manner in which the square of crime is presented here replaces the state institution of the police with the military, situating it, and its personnel, as central figures for analysis.

This framework forms the basis of the following three sections: (1) *Public*; (2) *Victims and Offender*; (3) *State*. Taking its influence from left realist criminology and situated in a victimological context this analysis looks to respond to the recent call from Dekeseredy and Schwartz (2013) for criminological realism to be taken up in new directions when theorizing crime and victimization, without straying too far from its roots. It is here that the cases of Fusilier Rigby and Sergeant Blackman as the victim and offender of murder are reintroduced into this discussion for the purposes of analysis.

Public

As Friedrichs (1983) suggests a main starting point to understand victimization is through first establishing the socio-political context in which it occurs. The first axis will deal with how military personnel have more readily come to be understood as victims through establishing the relationship between: (i) the military and the public.

Military–Public: Setting the Scene for Military Victimhood

Although at one time there was said to be a social gulf emerging between the British military and society, with the public conflating the political decision to pursue war with the ‘duty’ of military service (BBC News 2007), this is no longer the case. In a recent piece of research by Ashcroft (2012) the British public identified the Armed Forces as the public service that they thought most positively about. Findings similar to those of Gribble et al. (2012) who reported public opinion of the UK Armed Forces to be high³ and for their to be high levels of respect for the British military⁴ across all age ranges,⁵ political affiliations and educational backgrounds. The wars that the British military are sent to fight however are a different matter. At the outset of the war in Afghanistan in 2001 there was much public support shown for British military involvement⁶ and disagreement that the US and UK had acted wrongly taking military action⁷ (ICM Research 2001). The war in Iraq was met with more skepticism in the months prior to the invasion with a majority of the British public believing a ‘military attack’ on Iraq was forthcoming⁸ (YouGov 2003a) and outright support⁹ and opposition¹⁰ to the war was more evenly felt (YouGov 2003b). Following the invasion of Iraq support shifted with a higher proportion of the British public believing military action was the ‘right thing to do’¹¹ (YouGov 2003c). Public support gradually reversed in the subsequent 10 years following the initial invasion; changing from a belief that the decision to invade Iraq was ‘right’ in 2003 at

³ 83 % (Gribble et al. 2012).

⁴ 85 % (Gribble et al. 2012).

⁵ 18–65 + .

⁶ 67 % strongly or tend to support action (ICM Research 2001).

⁷ 55 % strongly or tend to disagree (ICM Research 2001).

⁸ 38 % thought it was certain; 47 % thought it likely (YouGov 2003a).

⁹ 21 % (YouGov 2003b).

¹⁰ 28 % (YouGov 2003b).

¹¹ 60 % (YouGov 2003c).

the start of the war,¹² to the public believing that the decision to invade Iraq was ‘wrong’ in March 2013¹³ (YouGov 2013b). As the war in Afghanistan progressed public support for British military involvement also became more undecided as Britain’s role in Iraq ended in 2007¹⁴ (ICM Research 2009). The tide of public opinion soon shifted to show that a majority of the public believed British troops were no longer ‘winning’ the war in Afghanistan¹⁵ and that British service personnel should be brought home¹⁶ (YouGov 2011). As British military involvement in Afghanistan draws to an end in 2014 these sentiments of the war remain: the majority of public opinion believes it correct to withdraw troops from Afghanistan¹⁷ with many considering British military involvement in the war not to have been worthwhile¹⁸ (YouGov 2014). Gribble et al. (2012) similarly found that most people agreed that it was wrong to go to war with Iraq¹⁹ and send the British military to Afghanistan,²⁰ but regardless of how they viewed these wars a vast majority remained highly supportive of service personnel who had served in Afghanistan²¹ and Iraq.²² Current attitudes towards the British military make it difficult to contemplate that the public had previously thought it acceptable to risk the lives of British military personnel in efforts to overthrow the Taliban, intercept Osama Bin Laden (ICM Research 2001),²³ and ‘defeat’ Saddam Hussein (YouGov 2003b).²⁴ This shift in public support for the British military surfaced as the contestable nature of these activities became more pronounced, establishing a socio-political backdrop of ‘military victimhood’ against which the cases of Sergeant Blackman and Fusilier Rigby can be considered.

Victims and Offender

The following three axes on the square of crime help explicate these issues further by establishing the connection between: (ii) the military and the victim; (iii) the public and offender; and (iv) the public and the victim.

Military-Victim: The Soldier as a ‘Deserving Victim’

Whilst the dangers of British service personnel serving in Afghanistan and Iraq became more apparent during these wars, perhaps with the exception of the London bombings on the 7th July 2005 (7/7), those same dangers were never assumed to be present in the UK for military personnel. Members of the British military had been encouraged to wear their uniforms in public to make the Armed Forces more visible within society, and in the year

¹² 53 % (YouGov 2013b).

¹³ 53 %; only 27 % maintained it was right thing to do (YouGov 2013b).

¹⁴ 46 % supported, 47 % opposed in 2009 (ICM Research 2009).

¹⁵ 72 % (YouGov 2011).

¹⁶ 75 %; 28 % of which thought immediately (YouGov 2011).

¹⁷ 83 % (YouGov 2014).

¹⁸ 56 % (YouGov 2014).

¹⁹ 58 % (Gribble et al. 2012).

²⁰ 48 % (Gribble et al. 2012).

²¹ 91 % (Gribble et al. 2012).

²² 94 % (Gribble et al. 2012).

²³ 64 % strongly or tend to agree (ICM Research 2001).

²⁴ 55 % (YouGov 2003b).

prior to the murder of Fusilier Rigby only a small minority of Armed Forces personnel²⁵ had reported experiencing violence or attempted violence towards them whilst doing so (Ashcroft 2012). The improved relationship the military has enjoyed with the public²⁶ over the past 5 years has been assisted by the involvement of the voluntary sector²⁷ having a positive impact on the public perception of the military²⁸ (Gribble et al. 2012). Running parallel to these developments were the military repatriation events occurring in Royal Wootton Bassett²⁹ between 2007 and 2011 that brought Britain's war dead to the centre of public life, quickly becoming a high profile public spectacle (Walklate et al. 2011). These events began raising public awareness of British troops being killed in Iraq and Afghanistan, frequently as a result of being unnecessarily put at risk (see McGarry et al. 2012) and poorly supported at war (see McGarry 2012). Assisted by claims to protection under human rights legislation at war, and the spurious nature of the wars in Afghanistan and Iraq, these events have assisted in nurturing an attitudinal shift in how military personnel have come to be received as "culturally legitimate victims" (Elias 1986, p. 16). Consequently in the aftermath of Fusilier Rigby's murder he readily became a 'deserving victim' (Walklate 2007) through being designated the label from the public and criminal justice system. The formal recognition of Fusilier Rigby as being blameless and unable to defend himself during sentencing, coupled with the increasing vulnerable perception of soldiers in the public imagination, gave affordance to his victim status. But as we are reminded by Strobl (2004) the label of 'victim' is not unanimously ascribed to anyone, those acquiring the label must fit within culturally accepted notions of victimhood.

Public-Offender: The Soldier as an 'Undeserving Offender'

Despite the support for Fusilier Rigby as a deserving victim, public adoration for the military is not universal. For those holding negative views of the military as a public institution two key factors provoking these sentiments include a continued perception that the military should not be taking part in illegal³⁰ wars, and an aversion to killing, death and the dislike of war³¹ (Ashcroft 2012). Although reflected in the majority of the public disagreeing that violence against extremism was justified,³² following the murder of Fusilier Rigby a small number of isolated Islamophobic attacks were directed at Mosques throughout the UK (see Moosavi 2014), and members of the public demonstrated at Crown Court advocating to reinstate the death penalty for Adebowale and Adebolajo. Reflecting a slight increase³³ in the proportion of the British public who thought that a punitive

²⁵ 6 % (Ashcroft 2012).

²⁶ 75 % thought relationship had improved (Gribble et al. 2012: 51).

²⁷ In particular Help for Heroes, but we could also include Combat Stress and the Royal British Legion.

²⁸ 95 % agreed this to be the case (Gribble et al. 2012, p. 53).

²⁹ These events involved the British public lining the repatriation route of British military personnel killed during the wars in Afghanistan and Iraq when returned back to the UK. This route ran between RAF Lyneham and the John Radcliffe Hospital in Oxfordshire, with Royal Wootton Bassett High Street being a central gathering point for the public to pay their respects; events similar to those witnessed in Canada on Highway 401 (the 'Highway of Heroes').

³⁰ 24 % (Ashcroft 2012).

³¹ 25 % (Ashcroft 2012).

³² 40 % disagreed (Goodwin 2013).

³³ Of 10 %, from 21 % between 21 and 22 Oct 2012 to 31 % between 23 and 24 May 2013 (Goodwin 2013).

response was justified (Goodwin 2013) such incidents perhaps indicated an early residual public “spirit of violence” (Bonger 1916, p. 518) in response to Fusilier Rigby’s murder. However following the murder of Fusilier Rigby these public sentiments faded and just 21 members of the public had formally subscribed to the request to “bring back capital punishment” for terrorists (HM Government 2014a). Appositely, despite a significant proportion of the public believing that Sergeant Blackman should have received a life sentence for the crime that he committed,³⁴ almost half considered that although he should be punished for his crime the law should cater more fully for the ‘mitigating circumstances’ of soldiers serving at war³⁵ (ICM Research 2014). Viewed in left realist terms recognition of these ‘circumstances’ can be understood as a relative deprivation experienced by Sergeant Blackman as a result of military service at war (*qua* Stouffer and DeVinney 1949). As an offender not only has an essentialism within the mitigating circumstances of these crimes offered Sergeant Blackman’s sentence more leniency due to knowing his victim was the ‘enemy’, the public also appear cognizant and supportive of his relative deprivation as accepted by the *military* court. These circumstances indicate that justice has been exercised on the basis of Sergeant Blackman’s position as a military veteran (Murray 2013), suggesting his status as a culturally legitimate victim has given affordance to him as an ‘undeserving offender’. However a closer look at the public activity surrounding the sentence of Sergeant Blackman demonstrates something more nuanced regarding the public’s perception of the currency of his victim.

Public-Victim: The ‘Enemy’ as a Victimological Other

Similar to the sentencing of Adebowale and Adebolajo public supporters had gathered to protest against the sentence of Sergeant Blackman, representing a widely felt sense of public apathy. Over 100,000³⁶ members of the British public signed a petition lobbying British government for the immediate release of Sergeant Blackman and to quash his murder conviction on the grounds that he had “defended his country from a terrorist” (HM Government 2014b). Here the ‘unknown’ value of Sergeant Blackman’s victim as a ‘member of the Taliban’ has been supplanted by a culturally ascribed reductive value of a “non-white terroristic Other” (Mythen and Walklate 2006, p. 123). As such his labeling as a ‘terrorist’ indicates he has been unable to gain public and legal sympathy as a victim of murder due to the illegal activities he was engaged in (‘outside’) at war at the time of the victimization (Strobl 2004). His inability at being *formally* ascribed a victim status has been exacerbated by his murder being committed in the context of military victimhood by a ‘culturally legitimate victim’. Although experiencing a legal norm violation and becoming a victim of murder, under the conditions of military victimhood ‘the unknown member of the Taliban’ has had his victim status ‘rejected’ (Strobl 2004). There are two possible reasons for this. First, as Quinney (1972) reminds us the role of the law and the support that it offers is central to awarding a victim status to those harmed as a result of crime. The centrality of this determines not only who is defined as a ‘deserving victim’ but also who is excluded as a “Victimological Other” (Walklate 2007, p. 54). Second, Sergeant Blackman’s victim does not only have an absence of characteristics that would assist his acquisition of a legitimate victim status (Strobl 2004), there is a complete absence of his actual identity within this case. As victimization is easier to accept the further its

³⁴ 35 % (ICM Research 2014).

³⁵ 47 % (ICM Research 2014).

³⁶ 107,250 at the time of the e-petition closing on 12th November 2014.

proximity to the public (Elias 1986) the distance of his murder occurring ‘outside’ at war and his exclusion as a victim ‘inside’ the criminal justice process has made the complete ‘othering’ of his victimization possible.

State

This analysis brings to our attention that both law and public opinion will frequently shape and define what constitutes crime and victimization (Lea 1992), forces shaping the construction of a *deserving* victim, *undeserving* offender and *Victimological Other* within military victimhood. We now turn to the final axes on the square of crime to bring the role of the state back to the centre of this debate, observing: (v) the mobilization of military victimhood; and (vi) an unevenness in the application of ‘justice’.

Offender-Victim: Mobilizing Military Victimhood

Despite being apolitical actors (Hockey 1986) Feld (1977, p. 136) notes that “it is not entirely true that the professional soldier is incapable of competing in the politics of the modern state”. This truism is notable within the ‘aggravating factors’ from Sergeant Blackman’s case indicating his actions were considered to have placed ‘British soldiers under the increased risk of retaliation’ from further Islamic extremism (Blackett 2013), reinforcing the culturally legitimate victim status of military personnel within the public and legal domain. Conversely, the ‘mitigating circumstances’ of Adebowale and Adebolajo—in which they purport to have acted in “retaliation for deaths in Muslim lands”, to “incite the removal of...British foreign policy in the Middle East” (Sweeney 2014), and considered Fusilier Rigby as a ‘legitimate target’ under these conditions—were rejected. These juxtapositions present an ‘irony’ (*qua* Young 2011) that at one extreme connects the actions of Sergeant Blackman to the further vulnerability of British military personnel, mobilizing military victimhood into the sentencing process. At another extreme the rationale for violence committed by Fusilier Rigby’s killers has been distanced from, and disconnected to war involving the British state (McGarry 2014). This attempt at distancing violent crime (‘inside’) from war violence (‘outside’) was made clear by British Prime Minister David Cameron (2013) who rebuked the suggestion that the murder of Fusilier Rigby had anything to do with British foreign policy in Afghanistan and Iraq further endangering the lives of British military personnel. When placing these official discourses in close proximity to one another what at first looks to be ‘ironic’ on closer inspection appears as ‘vindictiveness’ (*qua* Young 2003) found secreted within counter-terrorism policy.

As Feld (1977, p. 136) maintains, “The professional soldier is more likely to enter into politics under the banner of a nationalistic programme”. In the aftermath of Fusilier Rigby’s murder the ‘*Prime Minister’s Task Force on Tackling Radicalization and Extremism*’ was formed as a platform to reshape counter-terrorism policy in the UK. Within this document is evidence of military victimhood mobilized as ‘in-group victimization’ (Klein and Lavery 2011) by purporting a definition of extremism to include “calls for the death of members of *our* armed forces, whether in this country or overseas” (HM Government 2013, p. 1 *emphasis added*). This Task Force was subsequently followed by an inquiry into Fusilier Rigby’s death (see Rifkind 2014) and used as a vehicle to pursue a further extension to the British security estate in the ‘Counter-Terrorism and Security Bill’ (see Parliament 2015). Although purported as being ‘considered’ and “not a knee-jerk

response to a sudden perceived threat” (May 2014) opportunistic policy making of this nature seeks to extend the reach of the state’s counter-terrorism strategy into public institutions (i.e. schools, universities and prisons), electronic social media communications, and has the potential to further restrict the liberties of UK citizens, particularly those from marginalized groups and communities. It is indicative of “adopting measures solely in the service of subjective security...tantamount to allowing terror to drive policy” and permits a conformity to further structural violence within a counter-terrorism agenda easily harnessed in the post 9/11 era of policy making (Zedner 2009, p. 139; see also Currie 2012). By capitalizing on the public’s transformed affection with the British Armed Forces, military victimhood has been sequestered within this policy making with binaries of ‘good’ and ‘bad’ violence (Young 2013). As Klein and Lavery (2011, p. 308) aver, “The routine promotion of violence includes victimization thinking”, a process demonstrated through the accepting and ‘othering’ of victimization which legitimizes certain forms of violence in the public imagination. Claiming the need for an extended counter-terrorism agenda based upon the ‘culturally legitimate’ vulnerability of soldiers embodies this sentiment.

Military-Offender: Uneven Accountability

To finish it is worth reflecting upon the social capacity of violence as being able to illuminate broader germane issues of power relating to state victimization at war (Ferrell et al. 2008). It has been previously indicated that justice has been exercised on the basis of Sergeant Blackman’s status as a military veteran (Murray 2013) permitting his crime to be conceptualized in terms of military victimhood; sentenced within a *military* justice system already accused of internal clemency when dealing with crimes perpetrated ‘outside’ during war (see Shiner 2008). It is perhaps in the face of such institutional freedoms that Sergeant Blackman’s sentencing was positioned to send out a clear message to the international community, and the International Criminal Court in particular, that soldiers do not act with impunity,

It is also very important that this Court sends out a very strong message that while this sort of offence is extremely rare, if not unique, those Service personnel who commit crimes of murder, or other war crimes or crimes against humanity while on operations will be dealt with severely. This is a message of deterrence but it is also to reassure the international community that allegations of serious crime will be dealt with transparently and appropriately (Blackett 2013, p. 5).

This statement raises some uncomfortable critical inflections relating to international justice. At this final juncture we must turn our attention back to the role of the state at war and are reminded of the position of the British public during the war in Iraq. As the invasion approached public support for the Iraq War was largely sustained under the condition it was approved by the UN Security Council³⁷ (YouGov 2003b) with many people supporting the extended use of UN weapons inspectors to help *avoid* war altogether³⁸ (YouGov 2003a). Some 10 years later it is now commonly known that the British government purposefully mislead the public on the threat of Weapons of Mass Destruction in the lead up to the Iraq War³⁹ (YouGov 2013a) and vetoed the UN Security

³⁷ 49 % (YouGov 2003b).

³⁸ 50 % (YouGov 2003a).

³⁹ 52 % of the public believe this is the case (YouGov 2013a).

Council's decision not to invade Iraq, disregarding the wishes of the international community and contravening the UN Charter (see Kramer and Michalowski 2005; 2006). Although the decision to invade Iraq in 2003 has been espoused as illegal (Enemark and Michaelsen 2005; Hakki 2006) the closest the British establishment has come to accountability is an independent inquiry into the invasion of the Iraq War (see The Iraq Inquiry 2013). Despite concluding in 2011 this inquiry has not only yet to report its findings but it has also been critiqued for 'sidelining' the British government's economic and political motives for waging war in Iraq (Whyte 2010). However, as depicted in the above sentencing statement, when committing violence that contravenes the *jus in bello* of war ('outside')—as an *individual* neo-liberal military subject (O'Malley 2010; McGarry et al. 2014)—Sergeant Blackman has quickly been held to account for murder ('inside'), despite having public apathy as an 'undeserving offender' and a culturally legitimate victim status. However these same rules of due process, transparency and accountability have not been applied equally to the aggressive acts of victimization committed by the British *state* against the *jus ad bellum* of war in Afghanistan and Iraq.

Conclusion

By focusing this analysis on the cases of Fusilier Rigby and Sergeant Blackman this article has intended to demonstrate that a wider and more sophisticated range of critical criminological analysis is required to offer a comprehensive account of the military institution. This article has endeavoured to demonstrate that crime is not the artifact of a criminogenic underclass, nor can it be simply divided into conventional, white collar or state criminality, or as a linear relationship between victim and offender (Young 1992). Moreover, crime related to the military institution can be significantly developed from Bryant's (1979) concept of khaki-collar crime, exemplified here by emulating the crux of left realist criminology. This has been explicated using the 'square of crime' to help map out the complex relationships within crimes occurring in the context of the military institution at the nexus between war ('outside') and criminal justice ('inside'). This analysis has illustrated a range of *problematic* that help critically inform the ways we consider the justice system: not all victims of crime are equal before the law; there are some victims the justice system is willing to see, and there are 'others' who it is not. It has done so by analyzing crime and victimization related to military personnel. For Fusilier Rigby his 'outside' role as a soldier rendered him as a culturally legitimate symbol of military victimhood on the 'inside', giving affordance to his status as a 'deserving victim'. As the 'enemy' Sergeant Blackman's victim's 'outside' status as a 'terrorist' reduced him to a 'Victimological Other' 'inside' the criminal justice process and within the public domain under the same legal process. Military victimhood has also extended its reach to influence the public and legal codification of those convicted of murder within these cases. Whilst Fusilier Rigby's killers were both sentenced to life imprisonment, Sergeant Blackman appears to have been afforded the status of an 'undeserving offender', evident from the public and legal recognition of his relative deprivation warranting a lesser sentence. But the analysis provided within this article has also served to identify the presence of domestic and foreign policy operating on the periphery of crime and victimization. As previously observed by Jock Young (2013) these issues point to the existence of an essentialism between the 'solider' versus the 'enemy', a binary that is present within the public imagination, apparent within the criminal justice process and obscured within counter-terrorism policy. These issues are illuminative in and of themselves but they also stand to reiterate a crucial message of

critical criminology: when committing acts of violence and victimization it is only the state that permits itself to act within impunity, not the individual.

In making this argument the discussion pursued within this article has also attempted to offer a reengagement of the criminological canon with khaki-collar crime (Bryant 1979). It has done so by developing on from its critical foundations to introduce ways to progress how crime, victimization and the military institution are considered within criminological scholarship. Of course as a first attempt at employing left realist criminology to the military in an attempt to advance the khaki-collar crime thesis this discussion is not without imperfections. Ruggiero (1992) has documented a complete critique of realist criminology, challenging its capacity to draw more fully on theoretical notions of ‘realism’ and questioning its capacity to deal with concepts of crime and victimization in more than normative terms. Fundamentally however, as Walklate (1992 cited in Matthews and Young 1992, p. 111) suggests, criminological realism requires not only a better awareness of the processes of victimization that persist without our knowledge, “At a more complex level it demands a fuller consideration of both theoretical and philosophical issues”. Recent scholarly work in this area has failed to meet these long established challenges (see Matthews 2014) and although this discussion can be easily held to account against a range of these criticisms it has its own specific limitations caused by splaying an argument that raises more questions than it answers. Within this analysis the use of public opinion polls are perhaps fatalistic in their methodological validity, but each are derived from resources that provide leading public narratives in the UK and are varied enough to show a general flow and direction of public opinion over time. There is a noticeable absence of an engagement with class within this debate and a more authoritative understanding of the interaction between the structure and agency of the military institution and society is needed to provide a complete analysis of the square of crime attuned to military sociology. Moreover, this article has focused on victimization as its main concern but it has done so at the expense of a more thoroughgoing analysis of violence that warrants dedicated attention of its own elsewhere. A wider argument incorporating the mass violence and victimization experienced by civilians in Afghanistan and Iraq is also required to meet the calls of a victimological agenda increasingly concerned with state victimization. Despite these limitations this article provides not only a unique contribution to the criminological study of the military, it offers a platform to begin rethinking left realist criminology and reconnecting with khaki-collar crime in ways that may better respond to an increasingly diverse and demanding range of subject matter within the discipline that ‘unite’ war and criminal justice.

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