



## ORGANIZED CRIME VERSUS STATE MAKING AS ORGANIZED CRIME

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As Mayank Mehandru points out in his law notes that the conduct are prohibited by the existing law at a given time and place are known as wrongful act or crime. The concept of crime is constants phenomenon changing with the variations in social conditions during evolutionary stages of human society. A primitive societies the payment of compensation washed away the guilt of wrongdoer and relegated him to a position as if he had done no wrong.

“Many theories have been founded to describe behavior of criminal in criminology. The pre-classical school of criminology thought that there was general belief that man by nature is simple and his actions are controlled by some super powers. It was believe that a man commits crime due to lathuence some external spinitis.

” In the middle of 18 the century Be anion the the pioneer of modern criminology advanced his classical theory funded on tree will of to he individual. His theory was challenge by the positivist like Lombrose and Trade who propounded biological organism theory. According to them Even person as a biological creature tries to adjust himself to social environment. Them the emphasis the view that no one is born criminal but he is rather forced to lends into criminality.

According to the legal definition ‘crime’ is socially harmful in a state as such ford den by law under pain of some punishment P.W. Tappan defined crime as an intentional act or omission in violation of criminal law committed without any defense or justification and penalized by law.

Sociological approach, social disorganization theory emphasis social circumstances while theory of differential association by Sunderland asserts that crime is learnt by association , Criminal behavior is learned But his opponents criticize the theory for

not taking into account the personality traits ‘personality factors ’ or psychological variables in criminal behavior.

Durkheim formulated the concepts ‘Anomie’ according to him human beings have unlimited desires, the only control to these being provided by society and public opinion, which lose their efficacy in the time of economics changes and moral stresses and strains a light rate of both suicide and homicide is to be found in anomic-ridden society. Messser Rosentelf easy that people who adopt the goals of the society but lack the means that seeks alternatives such as crime.

Economic approach to criminology state that economic structure is one of the important cerise of criminality. Poverty gives rise to hunger, Misfortune, diseases and anger, which destroy the personality of an indidual and makes him irresponsible to do undesirable acts Marxist have propagated that crime emerge solely out of capatlist domination of society. Criminal law in capitalist regime is an instrument of the state and ruling class to perpetuate the capitalist social economic order and it is means for the protection of their interest. The real cause for rise in crime rate with economic prosperity is perhaps the capacity of people to spend more in manipulating escape from arrest and detection.

**Organized crime** is a category of transnational, national, or local groupings of highly centralized enterprises run by criminals who intend to engage in illegal activity, most commonly for money and profit. Some criminal organizations, such as terrorist groups, are politically motivated. Sometimes criminal organizations force people to do business with them, such as when a gang extorts money from shopkeepers for so-called "protection".Gangs may become disciplined enough to be considered

organized. A **criminal organization** or gang can also be referred to as a **mafia**, **mob**, or **crime syndicate**; the network, subculture and community of criminals may be referred to as the **underworld**. European sociologists (e.g. Diego Gambetta) define the mafia as a type of organized crime group that specializes in the supply of extra-legal protection and quasi law enforcement. Gambetta's classic work on the Sicilian Mafia generates an economic study of the mafia, which exerts great influence on studies of the Russian Mafia, the Chinese Mafia, Hong Kong Triads and the Japanese Yakuza.

Other organizations—including states, militaries, police forces, and corporations—may sometimes use organized-crime methods to conduct their activities, but their powers derive from their status as formal social institutions. There is a tendency to distinguish organized crime from other forms of crime, such as white-collar crime, financial crimes, political crimes, war crime, state crimes, and treason. This distinction is not always apparent and academics continue to debate the matter. For example, in failed states that can no longer perform basic functions such as education, security, or governance (usually due to fractious violence or to extreme poverty), organized crime, governance and war sometimes complement each other. The term "Oligarchy" has been used to describe democratic countries whose political, social and economic institutions come under the control of a few families and business oligarchs.

In the United States, the Organized Crime Control Act (1970) defines organized crime as "the unlawful activities of [...] a highly organized, disciplined association. Criminal activity as a structured process is referred to as racketeering. In the UK, police estimate that organized crime involves up to 38,000 people operating in 6,000 various groups. Due to the escalating violence of Mexico's drug war, a report issued by the United States Department of Justice characterizes the Mexican drug cartels as the "greatest organized crime threat to the United States".

Ongoing conspiratorial enterprise engaged in illicit activities as a means of generating income (as black money). Structured like a business into a pyramid shaped hierarchy, it freely employs violence and bribery to maintain its operations, threats of grievous

retribution (including murder) to maintain internal and external control, and thuggery and contribution to election campaigns to buy political patronage for immunity from exposure and prosecution. Its activities include credit card fraud, gun running, illegal gambling, insurance fraud, kidnapping for ransom, narcotics trade, pornography, prostitution, racketeering, smuggling, vehicle theft, etc.

With the arrival of international terrorism (with which it often has symbiotic relationship) and internet, organized crime now covers practically every nation and segment of society, and uses extremely sophisticated methods and credible front-organizations (such as charities and high-tech firms) in movement of large amounts of money and weaponry. Called by names such as cartel, mafia, syndicate, and triad, these establishments do not tolerate competition and constantly fight for monopolization in their specialty (such as drug trade) or geographical region. They are distinguished from the common (unorganized) crimes by characteristics such as (non-random nature of criminal behavior, coordinated activities of hundreds or thousands of operatives, diversification of activity (production, supply, retail), regional, national, or transnational scale of operations, large volume of turnover (running into billions of dollars in some cases), pursuit of both profit and power, and usually an identifiable leadership. A 1975 UN definition of organized crime reads, "... large scale and complex criminal activity carried on by groups of persons, however loosely or tightly organized, for the enrichment of those participating and at the expense of the community and its members.

It is frequently accomplished through ruthless disregard of any law, including offences against the person, and frequently in connection with political corruption." Paul Nesbitt (head of Interpol's Organized Crime Group) defined it in 1993 as, "Any group having a corporate structure whose primary objective is to obtain money through illegal activities, often surviving on fear and corruption."

Charles Tilly draws an analogy between organized crime, with its practices of "protection," and state making. He makes a direct causal, sequential link between war-making and state-making in European history. Tilly writes: "A portrait of war makers and state

makers as coercive and self-seeking entrepreneurs bears a far greater resemblance to the facts than do its chief alternatives”—most of all, the illusory social contract. He flatly adds, “War makes states”. His argument is that states organize violence in ways similar to organized crime; states simply do it on a larger scale. His basic argument is as follows:

Power holders’ pursuit of war involved them willy-nilly in the extraction of resources for war making from the populations over which they had control and in the promotion of capital accumulation by those who could help them borrow and buy. War making, extraction, and capital accumulation interacted to shape European state making. Power holders did not undertake those three momentous activities with the intention of creating national states – centralized, differentiated, autonomous, extensive political organizations. Nor did they ordinarily foresee that national states would emerge from war making, extraction, and capital accumulation.

He notes how governments often had an array of violent-capable groups to deputize for wars when it was necessary or convenient: bandits became troops; pirates became sailors. These groups were reconsidered illegal once they no longer served their purpose. The goal of power holders was to hold on to their turf—and, if need be, expand it. The turf wars encouraged governments to consolidate their territories both internally and vis-à-vis external actors. Internally, governments sought to excise violence from the social body, concentrating it in monopolized and legitimized form with a central authority. Accordingly, governments sought to displace forms of indirect rule (lords and other local potentates) and created internal security forces such as police. External processes such as war and competition are also important drivers of the process.

Tilly identifies four different ways in which states (in formation and otherwise)

organize violence: war-making, state-making, protection, and extraction.

In an idealized sequence, a great lord made war so effectively as to become dominant in a substantial territory, but that war making led to increased extraction of the means of war – men, arms, food, lodging, transportation supplies, and/or money to buy them – from the population within that territory. The building up of war-making capacity likewise increased the capacity to extract. The very activity of extraction, if successful, entailed the elimination, neutralization, or cooptation of the great lord’s local rivals; thus, it led to state making. As a by-product, it created organization in the form of tax collection agencies, police forces, courts, exchequers, account keepers; thus it again led to state making.

**Conclusion:**

When an individual or group of people behave contrary or against that existing law of any country is considered a criminal. Criminology studies various reasons behind crimes and establishes many theories to interpret the conduct of an individual or a group. It is obvious that many activities declared crimes by state are legalized through state policies by selling licenses to individuals to collect tax. Irrespective of international law many countries wage war against one another dropping civilian into calamities. Brutality remains prominent in wars and state making.

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