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The criminalization of politics, the politics of criminalization and their paradoxes

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ABSTRACT

The notion of the criminalization of the state is paradoxical. On the one hand, the idea that 'absolute power corrupts absolutely' might shed light on the potentially criminal behaviour of state-officials. On the other, the assumption that legal rules are general and anonymous, that they apply identically to everybody (and that allows defining these elites as criminals), is in its contemporary form linked to the bureaucratic rule of the state itself. In this commentary on the contributions to this special issue, I address this and other paradoxes of the state with regard to the relation between politics and criminality.

KEYWORDS

Criminality; law-enforcement
; organized crime; political
power; war

To discuss organized crime in relation to politics and war, like this special issue does, is to open several of the Pandora's boxes of political science at the same time: What is politics/political? Is law primarily an instrument of domination or an instrument protecting the dominated? How can the relation between law and violence be thought of, given that violence can alternatively or simultaneously serve to uphold the law, to undermine law and to found new legal orders? These are some of the seemingly timeless questions of political science that the authors of these five contributions raise in their analysis of the organized crime/ political power *nexus* through three conflict-ridden terrains: contemporary Colombia, (rump) Yugoslavia, and finally Georgia and its secessionist regions.

1. Is the 'criminalized state' specifically modern?

The empirical validity of many of the conclusions however reach far beyond these cases. For example, Kosta Nikolić and Vladimir Petrović investigate the connections between organized crime and Serbian politics during the post-Yugoslav wars. They show that these connections were in part linked to political claims of sovereignty on majority Serb-inhabited territories. Many Serbian political elites and security professionals indeed wanted rump Yugoslavia to establish sovereign rule on these territories. Doing so, however, implied breaking the international and constitutional obligations associated with sovereign rule. This is where organized crime came in handy: delegating tasks to the

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