

# Misuse of Power. Perpetrators and Victims<sup>1</sup>

## (A Macrocriminological Approach)

### Summary

*It results in the misuse of power if a social entity with power (abuser) experiences that certain positive methods do not involve any counter-action or resistance (or only trigger very little counter-action or resistance) with regard to certain persons, principles and objects (victims). The exploitation of persons is a form of misusing power. The forms of exploitation represent as colorful variations as the number and composition of the persons affected by it. The concept of exploitation covers forced labor or slavery, as well as those groups of offenders and victims who are special with regard to gender, age or profession. As for the extension of the phenomenon, it exists on the global, regional, local and personal/individual levels alike. The aggrieved parties belong to several different categories, which justifies the examination of the field for its own sake. Due to this, the mass phenomenon should be investigated into the context of macro-victimology, especially because the millions of exploited people constitute a special group of victims by themselves.*

*Experts most often focus on economic exploitation when they analyze the different forms of misusing power. The information meant by the umbrella expressions forced labor, slavery, or exploitation have become rather popular and gained ground in the media both in Europe and in Hungary in the past fifteen years. What one can conclude from the high number of case studies, on the one hand, is that there are plenty of anonymous victims in the product chain. On the other hand, it can be stated that victims also victimize many other people. Nowadays neither criminological nor victimological research concentrates on these correlations. People who consume global products should admit that they are also involved in exploitation and play the role of the accomplices of the offenders. Denying and neglecting this fact may lead to drawing a convenient conclusion: we can disclaim the responsibility that we share the benefits from exploitation with the exploiter.*

\* Irk, Ferenc J.D. D.Sc. Research Worker Emeritus at the National Institute of Criminology Budapest, Hungary, Professor Emeritus at the National University of Public Service Faculty of Law Enforcement, Budapest, Hungary.

<sup>1</sup> Article translated from Hungarian by Györgyi SÁRIK.

Az ezt az oldalt követő összes tartalmat Irk Ferenc töltötte fel 2021. augusztus 7-én. A felhasználó a letöltött fájlt továbbfejlesztését kérte.

All content following this page was uploaded by Ferenc Irk on 07 August 2021. The user has requested enhancement of the downloaded file.

## 1. Introduction

The experts of criminology and victimology, since the latter became an independent field of research, have endeavored to expand their knowledge in two directions. On the one hand, they dealt with the actions declared by the laws as crimes, as well as the actors, which are measured by traditional, national and later, international standards, and they explored contributing factors, examined potential correlations, as well as made proposals for the prevention of such actions. On the other hand, especially as a result of the accumulation of the knowledge in the previous areas and the development of the research / investigatory methods, such actions whose criminal content became as disputable as the punishments / measures applied against the perpetrators of the crimes came to the focus of attention more and more often. The problem of criminalization vs. decriminalization has come to the center of attention of research efforts, and it will remain there for a long time. Such tools and methods have taken root by applying which it was proven that the offenders of many crimes can be held back from committing further crimes with more efficient tools than those that had been familiar in the past. The methods listed herein (such as criminalization, decriminalization, as well as the institution of diversion), however, can only work in the case of traditionally "well-established" crimes, which largely depend on the approach represented by what we call "public opinion", which is only changing slowly.

However, the conclusions drawn from the experience of the past few decades seek answers to some worrisome questions as well. Without being exhaustive, these are as follows:

1. In the current state of globalization, can a view that is not willing to acknowledge the differences between the values of the First World and the Third World still be maintained?
2. Can the impacts of modernization be disregarded in defining the scope of dangers to society?
3. Is it only the crimes defined by criminal law regulations that may have victims?
4. Can it be treated as an obvious fact that the social danger of codified crimes is higher than that of the uncoded ones?
5. In the case of already committed crimes and of those which are only forecast for the future and which pose an especially high danger to society, can a punishment proportionate to the gravity of crime be incorporated into the traditional system of imposing sentences, and if so, how can this happen?
6. Are the actions that are not defined as crimes but which pose a significant danger to society, morally irrelevant for criminology, and are the victims of such crimes irrelevant for victimology?
7. Do the factors of convenience, including the avoidance of political conflicts, prevent the experts from expanding their horizons?
8. Are these sins (which are not defined as crimes) a part of latent criminal activities?
9. If these are not a part of latent criminal activities, then what kinds of acts are these? Are they normal acts? Are they deviant acts but not crimes?

10. In the case of violations of the law codified as crimes, what is the sentence good for?

11. Are we familiar with, and if so, do we apply any tools and methods that are more efficient than the traditional ones and are different from punishments in order to prevent acts that are dangerous for society?

In this paper, we wish to point out that an intellectual has quite a high responsibility in drawing attention to the victims of grave offences that affect societies on a mass scale and through them, to the systemic risks which are now still within the bounds of normality. The fulfilment of this mission is inconceivable if *the experts of the main branch of victimology remain confined in the area of crimes defined in state legislation, possibly on the basis of an international consensus, absolutely neglecting the differences between the individual regions and countries.*

## II. Abuse of power: perpetrators and victims

In this paper, we will tackle two major border areas of macro-criminality. On the one hand, seen from a theoretical point of view, we can point out that power crimes constitute the larger mass that can be regarded as global, a special version and part of which is made up by the crimes committed by the state. On the other hand, *exploitation is the concept demonstrated in an action where one can witness the misuse of power.*

### 1. POWER CRIMES

The literature on *abuse of power* is primarily available on the macro level and this is a topic that already appeared on the periphery of *criminology research* in the middle of the last century. Its theoretical issues were dealt with by John P. J. Dussich.<sup>2</sup> Prior to this, *Emile Durkheim* discussed the relationship between power and anomy at the end of the 19<sup>th</sup> century (1893, 1897), while *Max Weber* expressed his opinion on the correlations between power and dominance<sup>3</sup> *Noam Chomsky* (1969) discussed the relationship between power and immigration matters, *Michael Foucault* (1977) wrote about the correlations between power and punishment, *Stephen Pfof* (1988) analyzed the links between power and social control, while *Amitai Erzioni* (1988) explained the relationship between power and political corruption. When these

<sup>2</sup> DUSSICH, J. P. J.: Some Theoretical and Pragmatic Observations on the Abuse of Power. In KAISER, G. – KURY, H. – ALBRECHT, H. J. – ARNOLD, H.: *Victims and Criminal Justice. Particular Groups of Victims*. Part 2. Criminological Research Reports by the Max Planck Institute for Foreign and International Penal Law. Volume 52. Freiburg im Br. 1991. 677–688.

<sup>3</sup> RHEINSTEIN, M.: *Max Weber on Law*. New York, 1954. 322–337. quoted by: DUSSICH: Some Theoretical and Pragmatic Observations... 682.

authors touch upon the issue of power, their approach includes examining the abuse of power. Dussich emphasizes that "Like all *behaviour*, abuse of power is also *learned*; and, it is an integral part of the larger social culture".<sup>4</sup> In his work, Dussich quotes a conclusion drawn by Steven Vago in 1981, according to which

Order is temporary and unstable because every individual and group strives to maximize its own interests in a world of limited resources and goods. Social conflict is considered as intrinsic to the interaction between individuals and groups. In this perspective, the maintenance of power requires inducement and coercion, and law is an instrument of repression perpetuating the interests of the powerful, at the cost of alternative interests, norms and values.<sup>5</sup>

From the second half of the twentieth century, *numerous examples of abusing power elevated to the level of high politics are familiar*, ranging from the laws adopted by the white government of South Africa against the black population to many regulations passed by the USA that were disadvantageous for the countries of the so-called Third World. In many nations throughout the world, legal sanctions exist to prevent the abuse of power, and control over such abuse is threatened with punishment. Some countries have no formal sanctions against the abuse of power; consequently, multinational corporations, governments, military agencies, medical organizations, police forces, terrorist groups, criminals, economic institutions, religious groups, and politicians have licence to use such methods as environmental pollution and price fixing, genocide, civilian bombing, torture, massacres, pogroms, white slavery, mass suicides, and child abuse and kidnapping, respectively.<sup>6</sup> It is a fact that the legal sanctions do not guarantee the prevention of abuse. This is what should also be kept in mind when we talk about the victims of the misuse of power.

Dussich defines the concept of abuse of power in three steps:<sup>7</sup>

1. The term *abuse* means a violation of a standard, especially an agreed upon standard, where either individual or collective suffering has occurred which has led to physical or mental injury, economic loss or substantial impairment of fundamental rights.<sup>8</sup>

2. The term *power* comes from the Latin word "potere", which can be understood as 'to be able', to have the power to do something. In this context, it suggests a recognized concentration of forces of significant magnitude to exert a major influence over people. In Michel Foucault's often quoted book, "Discipline and Punish", power is referred to as those forms of

<sup>4</sup> Dussich: *Some Theoretical and Pragmatic Observations...* 683.

<sup>5</sup> Dussich: *Some Theoretical and Pragmatic Observations...* 679.

<sup>6</sup> Anonymous: *Abuse of power in the 80's Liaison. The Monthly Journal for the Criminal Justice System*, 11. (1985) 1., 4., quoted by Dussich: *Some Theoretical and Pragmatic Observations...* 680.

<sup>7</sup> See Dussich: *Some Theoretical and Pragmatic Observations...* 681.

<sup>8</sup> UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985.

domination and subordination that are the products of the asymmetrical balance of forces which influence all social relations.<sup>9</sup>

3. Combining these two definitions, the phrase *abuse of power* should mean the following: the violation of a standard is due to such use of forces as that persons are injured physically, mentally, emotionally, economically, or in their rights, and that is a direct and intentional result of the misapplication of these forces.

The *three variables* in the abuse of power are: an abuser who misused power, a method which directed that power, and a victim who suffered from that power. The question arises what the abuse of power can be traced back to, what it derives from. If one would like to answer this question on the basis of a causal order, one can state the following. *Abuse of power* results when a powerful social entity (abuser) takes purposive actions (methods) to obtain expected rewards with little or no regard for the injury it causes to persons, principles or property (victims). The expectations and methods used are shaped by learned, sociocultural notions that justify violations of standards with promises of reward with impunity.<sup>10</sup>

When the research goes deeper, one should distinguish between the so-called *legitimate and moral standards*. The standards of behaviour are *legitimate* only within formal social collectivities (be they primitive tribes or sovereign states) which consent to participate in a union of mutual cooperation.<sup>11</sup> Beyond legitimate standards, it is assumed that there are also *moral* standards which exist from concerns manifest in cherished values. At the micro level, these may be characterized as the new morality from which spring the rights of the future. At the macro level, these may be characterized as the ethical framework within which our entire sanctioning structure functions.<sup>12</sup> Dussich thinks that in order to achieve success in eradicating instances of abuse of power, realistic planning should not only focus attention on changing laws but also, on changing social conditions and current attitudes designed to shape a covenant of human dignity and respect for human rights in accordance with the basic Universal Declaration of Human Rights signed into the United Nations Charter in 1945.<sup>13</sup>

## 2. EXPLOITATION AS AN IMPORTANT VERSION OF THE ABUSE OF POWER

After this brief overview, I am summing up the key conclusions,<sup>14</sup> regarding *the victims of exploitation*. It seems to be right to discuss this concept, all the more so because the word "exploit-

<sup>9</sup> See GARLAND, D.: *Punishment and Modern Society*. Oxford, 1990. 138.

<sup>10</sup> DUSSICH: Some Theoretical and Pragmatic Observations... 683.

<sup>11</sup> DUSSICH: Some Theoretical and Pragmatic Observations... 681.

<sup>12</sup> See DUSSICH: Some Theoretical and Pragmatic Observations... 682.

<sup>13</sup> DUSSICH: Some Theoretical and Pragmatic Observations... 686.

<sup>14</sup> More details in: IRK, F.: *Megbüntethetetlen bűnök I. Transznacionális termelő szervezetek kockázatmenedzselése (Unpunishable Crimes I, Risk Management of Transnational Production Organizations)*. Miskolc, 2015. 115–117.

tation" sometimes conveys differing meanings in the countries using different languages, including the Anglo-Saxon regions.<sup>15</sup> Before starting this summary, however, we must ask the following question: in a globalized world where the (more or less) free movement of people and goods became possible, to what extent can or should one stick to a codified norm in judging an action, in the moral and legal assessment of which there is no widely accepted consensus?<sup>16</sup>

The *concept* of exploitation can be identified with a kind of action with a goal which means using somebody or something in an unfair or cruel manner. The *method* of exploitation is just as diverse as the number and composition of those taking part in it. What we mean by the *concept* is the following: forced (or slave) labour, as well as the scope of perpetrators and victims who are characterized by their age, sex and occupation. *As regards the extension* of the phenomenon, we may distinguish between global, regional, local and individual/personal levels. The diversity of *those who suffer an injury* justifies that this mass phenomenon should be dealt with in the context of macrovictimology, on a level higher than ordinary, by adding the conviction that the millions of the exploited may form a special group of victims. We mean to verify this statement by showing examples of exploitation happening in a special field of life, i.e. *in the world of labour*.

When analyzing this severe form of the misuse of power, the experts most often focus on the issues of *economic exploitation*. This *notion* means that a person makes profits from the labour of another person without offering or providing them with valuable consideration. There are two main *forms* of exploitation: *corporate* or "micro-level", and *structural* or "macro-level" exploitation. The former type means the commercial power of economic associations in the context of trade activities. In the latter type, exploitation is focused on a wide spectrum of society, especially in the context of free trade. It is here that I would like to refer back to the Marxist theory according to which the capitalist class is an exploitative entity and capitalism itself is based on exploitation.<sup>17</sup> In the following section, from among the numerous possible players and locations of victimization committed by mass, more precisely, economic exploitation, I have shown the system-level problems from the side of *labour and consumption*. The information listed under the expressions 'forced labour', 'white slavery' and 'exploitation' has gained considerable ground *both in the European and in the Hungarian media* in the past fifteen years.<sup>18</sup>

<sup>15</sup> The use of English words, for example, may be confusing, as the word *exploitation* can also be translated as 'utilization' or 'developing success', depending on the context. We are now discussing the topic of the exploitation of people, this is why the expression *human exploitation* should be used.

<sup>16</sup> The wide consensus can be understood at several levels. This time I am only making a reference to that we can talk about such in the context of treaties that stipulate agreements between states, or even different experts' organizations, or specific groups of people.

<sup>17</sup> See: <http://en.wikipedia.org/wiki/Exploitation> (last accessed: 17.04.2020). There are neoclassical and neoliberal theories of exploitation as well, which I have not discussed in this study.

<sup>18</sup> See the following examples: [http://hvg.hu/kkv/20170417\\_ghana\\_kakao](http://hvg.hu/kkv/20170417_ghana_kakao) (last accessed: 24.10.2017); [http://hvg.hu/gazdasag/201738\\_fenntartthatatlan\\_csokigyartas\\_csordok\\_gyerekmunka\\_kese-](http://hvg.hu/gazdasag/201738_fenntartthatatlan_csokigyartas_csordok_gyerekmunka_kese-)

The assumption that the circumstances described in the examples from the press are not known to the wide public of the economically developed countries is perhaps acceptable.<sup>19</sup> However, we should assume that the above-mentioned and similar anomalies are at least familiar to the politicians. Sufficient facts can be collected if one only refers to the conclusions, expectations and obligations defined by the international organizations and partly laid down in national laws, as well as the documents of the *International Labour Organization (ILO)* functioning under the aegis of the UN. These are not closed from the government offices of the different states, although it is doubtless that these offices are not too happy to acknowledge quite a number of these conclusions, for reasons that are easy to understand.<sup>20</sup>

The point of exploitation can be best shown by that the labour standards are not identical in the different countries: they are much lower in poor countries than in rich states. Attention is usually called to that the right to free labour is violated in poor countries because people have basically two choices: they either work for low wages in unsafe working conditions, or they do not work at all, or work as scavengers at most. This condition, however, is incompatible with

---

ru\_izek (last accessed: 24.10.2017); <http://www.jogiforum.hu/hirek/3893> (last accessed: 08.11.2017); [http://okanyu.blog.hu/2014/10/20/prostitualtbol\\_rabszolga\\_ezert\\_ilyen\\_olcs\\_o\\_polod](http://okanyu.blog.hu/2014/10/20/prostitualtbol_rabszolga_ezert_ilyen_olcs_o_polod) (last accessed: 08.11.2017); [http://www.newsweek.com/india-tops-global-slavery-index-over-14-million-people-enlaved-284950?utm\\_medium=email&utm\\_source=emea-email&](http://www.newsweek.com/india-tops-global-slavery-index-over-14-million-people-enlaved-284950?utm_medium=email&utm_source=emea-email&) (last accessed: 08.11.2017); <http://nol.hu/kulfold/veres-gyemantok-a-fogasokon-1497765> [Bloody diamonds on the racks] (last accessed: 08.11.2017); <https://24.hu/szorakozas/2017/04/26/orankent-egy-dollar-kereso-kinaiak-gyart-jak-ivanka-trump-kollekciojat> (last accessed: 10.01.2017); [http://index.hu/kulfold/2014/11/18/harmadik\\_jen\\_magyarorszag\\_a\\_rabszolgasag-ranglistan/](http://index.hu/kulfold/2014/11/18/harmadik_jen_magyarorszag_a_rabszolgasag-ranglistan/) [Hungary ranked 3rd place on the slavery list] (last accessed: 08.11.2018). See also in Hungarian: KERESZTES I.: Rabszolga nép (Slave Nation). *Heti Világ-gazdaság*, (2015) 33.; <https://www.theguardian.com/global-development/2017/mar/12/slavery-sicily-farming-raped-beaten-exploited-romanian-women> (last accessed: 17.04.2020); as well as <https://444.hu/2017/03/12/roman-rabszolgának-termesztik-a-zoldsegeket-olaszorszagan-az-eu-oroszagainak> (last accessed: 08.11.2017); [http://hvg.hu/vilag/20161028\\_gyerek\\_kenyszermunka\\_india](http://hvg.hu/vilag/20161028_gyerek_kenyszermunka_india) [Forced child-labour in India] (last accessed: 08.11.2017); <http://hungary.shafaqna.com/HU/HU/352024> (last accessed: 08.11.2017); [http://mandiner.hu/cikk/20170302\\_afrikai\\_gyerekek\\_szenvednek\\_az\\_okostelefon-jainkert](http://mandiner.hu/cikk/20170302_afrikai_gyerekek_szenvednek_az_okostelefon-jainkert) [African children suffer for their smartphones] (last accessed: 08.11.2017).

<sup>19</sup> I would like to note that the above-listed and similar cases, which are very broadly presented in the visual media today, and which are on the agenda of the citizens of countries that are sensitive to such topics, will only be mentioned as illustrations this time. I am now not dealing with the in-depth analysis of these (green criminology, health and nature damage, the relations between transnational companies and national governments, as well as the consequences thereof).

<sup>20</sup> Ilona Görgényi gave a detailed account of the international rules that are meant to serve the protection of victims in general, including the decisions adopted by the Council of Europe. See: GÖRGÉNYI, I.: A viktimológia (Victimology). In GÖNCZOL, K. – KERESZTES, K. – KORINÉK, L. – LEVAY, M. (eds): *Kriminológia – Szakkriminológia (Criminology – Specialized Criminology)*. Budapest, 2006, 273–296., with special regard to 278–280.; GÖRGÉNYI, I. – ZSÉGER, B.: Viktimológia és áldozatpolitika (Victimology and Victim Policy). In BORRHO, A. – GÖNCZOL, K. – KERESZTES, K. – LEVAY, M. (eds): *Kriminológia (Criminology)*. Budapest, 2016, 849.

the right to free labour, it is rather the modern age reincarnation of *forced labour*, perhaps that of very *slave labour*, which we believed was already a thing of the past. This form of labour already shows correlations with trafficking in humans, and through this, *connections between organized and corporate crime are often established*. The conclusion drawn by Guy Ryder, Director-General of the International Labour Organization (ILO) deserves attention. He said that the 2014 ILO report "presents human trafficking, forced labour and modern-age slavery in a new light. [...] Forced labour is to the detriment of business and development but mostly to the victims. Our new report makes our endeavors to eliminate this fundamentally evil but extraordinarily profitable practice even more topical."<sup>21</sup>

### 3. STATE CRIME

As part of examining the players of macrovictimology, we should briefly explain state crime and the victims thereof.<sup>22</sup>

As the working definition of *the concept of the victims of state crime*, David Kauzlarich<sup>23</sup> proposes the following: individuals, or a group of individuals who are subject to economic, cultural or physical threat, pain, exclusion or exploitation by tacit or explicit state actions or policies, or in general, in a way violating human rights.

In a broad approach, the victims of state crime can be divided into two groups:

1. the victims of national state crime and
2. the victims of international state crime.

*National* state crimes are committed when the government undermines the social, economic or political rights of its own citizens. *International* state crimes are committed when a government violates the economic, political or social rights of the citizens of another country. In order to provide appropriate information, a number of international and domestic laws provide support to the criminologists.<sup>24</sup> International law, human rights standards and domestic law help us decide whether the activities pursued by the state should be regarded as criminal ones or not.

Perry Green and Tony Ward<sup>25</sup> define state harm by three conditions:

1. the public opinion should accept certain habits or standards as legitimate;
2. the public should think that these habits or standards have been violated;

<sup>21</sup> [http://www.ilo.org/budapest/information-resources/press-releases/WCMS\\_243922/lang--en/index.htm](http://www.ilo.org/budapest/information-resources/press-releases/WCMS_243922/lang--en/index.htm) / Press release, 21 May, 2014.

<sup>22</sup> See more details in IEX: *Megbűntethetetlen bűnök* I. 113–115.

<sup>23</sup> KAULZARICH, D.: *A Criminology of the Nuclear State*. *Humanity and Society*, 19. (1995) 37–57.

<sup>24</sup> KAULZARICH: *A Criminology of the Nuclear State*.

<sup>25</sup> GREEN, P. – WARD, T.: *State Crime*. London, 2004. Quoted by MATTHEWS, R. A. – KAULZARICH, D.: *State Crimes and State Harms: a Tale of Two Definitional Frameworks*. *Crime, Law Social Change*, 48. (2007) 51.

3. as a consequence of the crime, the occurrence of significantly negative social reactions or sanctions should be obvious.

A lot of experience has shown that different corporations, one level lower than the above, and closer to our scope of investigation, can commit crimes, even without the formal violation of the laws, only as a result of the fact that the laws allow the evasion of the rules, through which they go against the spirit of the law. The state can implement the same practices.<sup>26</sup>

It is a task of criminological research that the experts should make proposals for the key activities to be performed *through a better understanding of the role of the victim*. The following can be regarded as important findings:<sup>27</sup>

1. State crimes are most often committed against those victims who have the least social power.

2. Among the victims, there is usually a lack of knowledge and understanding to be able to correctly evaluate the nature, extent and danger of institutional policy. As long as the victims become conscious of the suffering and the damage, these feelings are often neutralized through the content of entitlement.

3. The victims of state crime often feel ashamed of their suffering.

4. In most cases, the victims of state crimes trust those who victimize them, which is usually a state or non-governmental social institution that performs relief tasks.

5. The victims of state crimes are often the target groups of repeated victimization.

6. Illegal state policies or practical activities hide behind such individuals and/or such groups of individuals who proclaim that they realize corporate, organizational or institutional goals.

*Such research is only conducted very rarely in the countries of the Central and Eastern European region*, the reason for which may be that the majority of the organizations meant to perform these tasks, as well as their researchers are more or less dependent on the state institutions both existentially and financially. These institutions, on the other hand, strive to confine within the desired limits, the research projects that "supply" those data which may be potentially incriminating to them, for reasons that are easy to understand.

### III. Reconsidering the options for prevention

In the course of our criminology research efforts, we have experienced it many times that crime prevention has several options which the persons who later become victims do not use. Some of these contain *knowledge* that is generally valid and can be utilized in all circumstances, some others demonstrate such generalizable *methods* which indirectly exert preventive influence.

<sup>26</sup> MATTHEWS-KAUZLARICH: *State Crimes and State Harms*... 51.

<sup>27</sup> KAUZLARICH, D. – MATTHEWS, R. A. – MILLER, W. J.: *Toward a Victimology of State Crime. Critical Criminology*, 10. (2001) 3., 183–189.

An example for those options that belong to the first group can be the avoidance of getting drunk, the closing of entrance gates; while the second group may include the development of a built environment that keeps crime prevention criteria in mind. It can be concluded that in today's world, only those persons can be called *conscious citizens* who are *informed* of the *options* by which victimization can be avoided and who *in fact prevent* victimization *with these options, tools and methods if the need arises*. In the following section, I have drawn some conclusions first from the aspect of victims, then from the viewpoint of civil society organizations.

In this paper, I have put the emphasis on mass/collective victimization. In this case, *the primary task of those who work on prevention* is to recognize and, with meticulous work, practically "map" those actual and potential victims who belong to this group, to get familiar with their circumstances, as well as to categorize them by listing them in various groups. It can be regarded as *a secondary task* that in possession of this knowledge, such an algorithm should be developed based on which those individuals or groups who or which have the opportunity to do something about their own victimization could be identified. Those who are listed in this group should be treated separately from those victims who have no possibility to prevent/avoid their becoming victims. *A tertiary task* for the group mentioned as the first one (i.e. for those who have the opportunity to avoid their victimization) is to elaborate the tools and methods applicable for the prevention of victimization. This should encompass all the available tools beyond the opportunities of the victim(s). Such tools may include, for example, the official decisions that permit or prohibit the activity, official interest-oriented methods of manipulation developed for corporations, or prevention education.

*The institutions focusing on prevention* should acknowledge and accept the fact that, as *the management of risks should be preceded by the recognition of risks*, we often come across the "time has stopped" syndrome with regard to the latter. *Risk culture* is a part of culture, in the levels of which *there are phase shifts* (delays) *encompassing several generations* in different parts of the world, despite the several decades of globalization. This is, for example, noticeable today in that, following the challenges posed by the 21<sup>st</sup> century, *the citizens of the "First World"* find it natural that there is, or at least there is a need for *healthy air and drinking water* in their environment, as well as the fact that there are intellectual and financial investments aimed at making these available and maintaining these, the majority of the *"citizens of the Third World"* does not even recognize these problems, let alone do something to resolve them. The same holds true for the practices of *slavery/exploitation*. This is an act that is considered impermissible and declared punishable in one region of the world, while in the other region of the world, it is an integral part and natural practice of everyday life, and it has been so for several centuries or perhaps even millennia. What is abnormal in the opinion of the "ordinary persons" of our region, is absolutely normal a few hundred or thousand miles away, irrespective of the opinions that are formulated by the different national and international organizations *that work according to our moral senses*.

This situation is made even more complicated if we involve politics in the network of the above correlations, as an additional element, i.e. *the politics which sometimes prefers totally*

*different conditions regarding the lifestyles of people by each region or continent.* In our days, we can witness the simultaneous operation of a set of cultural conditions that is rooted in the past but is meant to take the challenges of the present into account, as well as the constraint of globalization in the economy of our present, and the reflection of the former in the interest-based interlocking of the power and the economy. It is not the subject of this paper, this is why I am only briefly touching upon the relations of *multinational companies as international economic superpowers* and *small and mid-size (political) powers* that are capable of asserting their interests with much less unity and concentration than the former (especially in such fragmented regions as the current European Union). The latter are not able (and often not willing) to protect the former, or effectively prevent those activities of the above-mentioned organizations which arise from economic dominance and which put the population in a disadvantageous/victim position. These days *the activities of the national governments* are globally limited to serving the companies that are run based on the priorities of their economic interests by possibly enforcing their own (actual or assumed) national economy interests. The aim of this is to get the representatives of political power accepted by their living environment in the short run (by the majority of their voters in democratic states).

And what about us, i.e. the citizens? *What is our role in the scenario of the perpetrator and the victim?* I would not dare, following in the footsteps of Sandra Walklate, to ask *only* whether all of us are actually victims. It should be added to this question whether we are all perpetrators. All of us are probably not but *many of us are both perpetrators and victims at the same time*. The repertoire of potential roles is enormous; this is why I can only give an indicative list. Yes, *we are perpetrators* when we allow exploitation, when we do nothing against it, although we could.<sup>28</sup> At the same time, *we are victims* as well, as we do nothing to prevent the exploiters from becoming rich in an unjustifiable and immoral (or maybe even illegal) manner from the profits earned from exploitation. The saying of the classic Marxists from two hundred and fifty years ago, i.e. "(People) They do not know it, but they are doing it", is valid even now.

It may come up as a further question why we do not become aware of the life of people who are condemned to play the role of victims and if we still do, what the reason for *the high level of our indifference* may be. Given the current level of mass communication, why do the citizens of the economically more developed part of the world think or feel that they have nothing to do with what is happening to those who pursue their activities in the poorer parts of the world? It is the mixture of *shifting responsibility and moral indifference* that is reflected in the view that says that these problems should be solved by someone else, even if they become so grave that human lives and health are at risk, or these are damaged. Can all this be traced back to that, if we got familiar with these grave problems, then not even the potential solutions could be neglected or passed on to someone else, from the start? Could not we entirely shift responsibility to such entities as the state, the multinational companies, and similar organizations?

<sup>28</sup> The cases described as follows serve as examples for this.

Reality shows a different picture. *If we admitted* that we are aware of those inhumane exploitation methods that are often similar to the slave labour applied several centuries ago, by applying which the producers of the Third World, through the intermediation of profit-oriented companies, supply products to the consumers of the First World, which are affordable for the majority of people there, then those who belong to the latter group *should acknowledge their* (at least partial) *responsibility* for the situation of those who live in the Third World. They/We should admit that although they/we are in the position to do something, they/we still do nothing against this situation. In other words, *they/we should admit that we are accomplices of the perpetrators in exploitation*. The negligence of this fact leads to drawing a convenient conclusion: although we become accomplices of the exploiter, we pretend that we are not aware of this. This is why we may also shift the responsibility that *we are not aware of, or we do not even think of our sharing the profits from exploitation with the very exploiter*.

Of course, there are some organizations, mainly *civil society organizations* and their representatives, not only abroad but also in Hungary who may have never heard of criminology or victimology but they still do their best for the prevention of victimization but at least, for the reduction of the damages that have been caused as consequence of exploitation. The Fair Trade Movement<sup>29</sup> is such an organization, which, as a movement, is trying to place the heads of the manufacturing companies and the employees of such companies to the same table, *in order to be able to minimize exploitation in the developing countries*. The past few years have seen the emergence of such non-governmental organizations in an increasing number of economically developed countries whose goals go beyond the former and which, joining the tide of the Fair Trade Movement, would like to *influence buying habits in an environmentally conscious direction*, and as an indirect effect of this, to reduce economic exploitation in economically backward countries, as well as to decrease the number of victims of such activities.<sup>30</sup> The movement has gained a foothold in Hungary as well.<sup>31</sup>

The environment-friendly and humane initiatives of the past few years may give the impression that the previously much criticized gap in state legislation and enforcement of rights is slowly, at least partly, filled by *the new powers, i.e. the civil society organizations*, which are much more knowledgeable and forward-looking than the governments and which can intervene against the interests of profit-oriented organizations. This development, on the other hand, holds out *new possibilities* for the actual and potential victims of socially dangerous actions. However, this hope does not exempt the state from taking responsibility for the security of its

<sup>29</sup> See more details, for example at [http://en.wikipedia.org/wiki/Fair\\_trade](http://en.wikipedia.org/wiki/Fair_trade) (last accessed: 17.04.2020).

<sup>30</sup> Check the following homepage: <http://www.ethicalconsumer.org> (last accessed: 06.11.2017).

<sup>31</sup> <http://tudasvasarlo.hu/video/tudas-vasarlo-12-pontja> (last accessed: 06.11.2017); <http://tudasvasarlo.hu/cikk/akik-nem-akarnak-rabszolgatarok-lenni> (last accessed: 06.11.2017); <http://tudasvasarlo.hu/cikk/12-teny-amit-fair-trade-rol-tudnod-kell> (last accessed: 06.11.2017); <http://tudasvasarlo.hu/cikk/banan-dilemma> (last accessed: 06.11.2017); <http://tudasvasarlo.hu/cikk/munkasokat-permetezik-bananultetvenyeken> (last accessed: 06.11.2017).

citizens, i.e. from continuing to take part, much more actively than to date, in combating the criminogenic phenomena presenting themselves on the macro level.

#### IV. Conclusions

As long as it is *the extent of social danger* that is to be regarded as the most important criterion for declaring an act punishable, I would like to call the reader's attention to two phenomena.

– *On the one hand*, often in the area of acts that cause very grave damage or pose the threat of the incurrence of such damages, those acts violating the law which, kind of evading the application of criminal proceedings, are on the increase, “end up” in the law enforcement mechanism of a branch of the law that applies a different sanction option. This, in turn, means that in such cases, the sentence for the violation of the law is imposed on the perpetrator not by criminal law but by applying one of the procedures outside this branch of the law, one that belongs to another branch. This is supported by quite a number of real or assumed practical arguments. This may include, for instance, not only a higher chance for reimbursing or reducing the incurred damage but also, a higher efficiency of prevention.

– *On the other hand*, I find it necessary to call attention to that these considerations, methods and means of evading criminal law cannot reduce the importance of the fact that *the ever-increasing number of acts that pose a grave danger to society does not reach the stimulus threshold of either the experts of criminology (or victimology) or the politicians who are responsible for legislation*. In the current circumstances, the responsible media workers who undertake to convey scientific findings as a mission for humanity and those, mostly not-for-profit organizations that financially support these are the ones whose information gives a wake-up call, for the time being, only to that part of the public which responds to such information.

The time has come to mention *the new role that criminology has taken on* related to the victims of the (yet?) unacknowledged criminal (actions). The majority of the information outlined above should act as an important signal to a criminologist/victimologist on that *globalization has created a much broader range of risks than the previous eras and that the management of these risks by the companies/company managements/governments that have created these risks is not satisfactory*. It is doubtless that a rather large part of the phenomena criticized in the above-mentioned documents, just like the cases outlined in the above examples, pose a danger to society to such an extent that they inherently carry the conceptual criterion of a crime, i.e. damaging or endangering the lives, physical integrity and health of the citizens. It cannot be disputed either that the authorities attempt to act against some of these (such as prostitution, trafficking in humans) by applying legal/criminal law instruments, with very little result, as witnessed by the reports. However, it can be concluded that it is mainly not the determined action against those who violate the law that is in the centre of attention of the state bodies but their endeavor to try to defend the rights of the citizens of the state that suffers the

injury. If this is so, then it is obvious to me that such and similar occurrences are interesting for criminology and that these anomalies should be dealt with not only by criminology but also by victimology. Victimology is specifically meant to create efficient tools and methods for exploring and managing the situation of the victims, as well as for the prevention of victimization. The subjects of these two disciplines should be extended also because the exploitation of the victims, forced labour and other similar actions do not only happen several thousand miles from here but also in our immediate environment, according to the information fragments that we receive. It would be a mistake to deceive ourselves into believing that once the areas of sexual exploitation and slave labour are explored, we have already successfully closed this topic. We should notice that *we are only at the outset of victimology research, there is an enormous grey zone*, which would be a mistake not to explore despite the fact that these investigations require much greater efforts than discussing the few groups of cases that can be well communicated to the public at large. Also, these examinations are faced with a higher level of resistance from the counter-interested parties, as these investigations (would) violate the interests of some organizations or persons that currently pursue their activities on the borders of legality.

It is here that I would like to draw attention to that from among the ten questions asked in the Introduction, not even one could be reassuringly answered in this study because at the moment, no such answers are (yet) available. However, it would be difficult to doubt that the questions asked there beg answers, this is why criminological research should be intensified in these areas.

It would be desirable for the representatives of the discipline to do their research as criminologists (and victimologists) not only in the dimensions of criminalization / decriminalization, as it is generally accepted on the theoretical level, but also, *they should expand their horizons to the comparative analysis of morally and legally acceptable and unacceptable acts*. In our changing world, it is in fact important and exciting to trace the present-day changes of the forms of crimes based on the several thousand year (!) traditions of prostitution and human trafficking (just to quote two examples) and to adjust the potential tools of prevention to this. However, this does not mean that the analysis of moral sins related to transnational crimes and the new achievements of scientific and technical development (which are often in a close / symbiotic relationship with the new methods of risk management) can be neglected just because this is regarded as totally normal or if not normal, then tolerable in one or more countries / regions.

What may serve as a starting point for this is if we manage to clarify, more precisely, to restore the normal relationship between *morals, power and legal regulations*. To put it simply, we can say that an individual and a society that is comprised of the masses and communities of the individuals *has moral values*, and in a favorable case, they perform their activities driven by these values. *Powers have interests* (at most it is the members of the power apparatus that have moral/amoral values). The *legal rules record the moral community values filtered through the interests of power* into codified norms.

If one accepts this strongly simplified model, the question immediately arises in which model element we should seek the gap criticized above. If we look at the behaviour of *the first group of participants* more attentively, the researcher who has some knowledge about the systemic correlations of the topic, and has already done some analysis on these, may remember the often-voiced slogan already mentioned earlier, i.e. "(People) They do not know it, but they are doing it". There are such phenomena, detrimental or dangerous for the society, which are in the focus of public attention (these days more and more often as a result of the attention-orienting activities of the public media). The factors contributing to this are mostly known, consequently the view that we have on the possible ways of prevention is also more or less coherent. In this respect, we have ample knowledge on who the typical perpetrators are, who may become victims of the crimes with higher than average probability, and so on. It is those who belong to the *next group* of which/whom we have relatively ample knowledge but we cannot really do anything about them, this is why the handling of the phenomenon is often superficial or deficient. *Finally*, there are such events which pose a great danger to the society/societies the facts of which we have no knowledge of and in case we are aware of the facts, we know even less or nothing of the potential consequences of these. On the one hand, the hidden perpetrators belong to this last group, and on the other hand, the anonymous victims, the identities of many of whom we do not even become aware of.

*By way of summary*, I have to share several pieces of *bad news*. Despite the fact that the global media are pouring the most diverse information on their audience, the decisive majority of the people of today can be listed in the last category from among those mentioned in the previous section. *It is an even worse piece of news* that a significant part of those who live in the economically more developed part of the world are not only victims but they play an active part in causing such damages whose social danger is not disputed any more, depending on their purchasing power, proportionately to the increase thereof. With their consumption habits, mostly indirectly but actively, they take part in the exploitation of the people who are in a more unfavourable situation than they are, and at the same time, they participate in the irreversible destruction of their own narrower and broader environment.

\*\*\*

# Hatalommal visszaélés. Elkövetők és áldozatok

(Makrokriminológiai megközelítés)

Hatalommal visszaélést eredményez, ha egy hatalommal bíró szociális entitás azt tapasztalja, hogy bizonyos pozitív akciók csak csekély vagy semmiféle ellenállást nem váltanak ki bizonyos személyek, elvek vagy tárgyak tekintetében. A hatalommal visszaélés egy változata az emberek kizsákmányolása. A kizsákmányolás módja éppúgy változatos, mint az abban részt vevők számossága és összetétele. A fogalom alatt értendő a kényszer- (vagy rabszolga-) munka, az életkori, nemi és foglalkozási specialitásokat magukon viselő elkövetők és áldozatok köre. Kiterjedtségét tekintve beszélhetünk globális, regionális, lokális és egyedi/egyéni szintekről. A sérelmet elszenvedők sokrétűsége már önmagában indokoltá teszi, hogy a megszokottat meghaladó szintet lépve a makroviktimológia körében foglalkozzunk e tömegjelenséggel, azt a meggyőződést előre bocsátva, hogy a kizsákmányoltak milliói speciális áldozati csoportot képezhetnek.

A hatalommal (erőfölénnyel) visszaélés e durva formáját elemezve a szakértők leggyakrabban a gazdasági kizsákmányolás problémáira összpontosítanak. A kényszermunka, rabszolgamunka, kizsákmányolás kifejezések alatt sorjázó információk *mind az európai, mind a magyar nyelvű médiumokban az elmúlt másfél évtized során jelentős teret nyertek. A nagyszámú esettanulmányok ismeretében arra a végkövetkeztetésre jutunk, hogy egyrészt a termelési lánc szereplői között nagy tömegben vannak anonim áldozatok. Másrészt megállapítható, hogy az áldozatok maguk is rengeteg embertársukat viktimizálják. Jelenleg sem a kriminológiai, sem a viktimológiai kutatások ezekre az összefüggésekre nem fordítanak kellő figyelmet. A globalizált termékek fogyasztóinak el kellene ismerniük, hogy a kizsákmányolásban bűnrészesek, a bűnelkövetők tettestársai. Ennek a ténynek a negligálása kényelmes következtetés levonásához vezet: azt a felelősséget is el lehet hárítani, hogy a kizsákmányolás folytán keletkező haszonban a kizsákmányolóval osztoz(kod)unk.*

\* Irk Ferenc J.D. D.Sc.; emeritus kutató, OKRI; professor emeritus, NKE RTK.