

**Interview of Dr. Narender Nagarwal, Sr Assistant Professor,
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1. Who is "*human*" in the concept of modern human rights?

All living species can be considered as human, even animals too have certain rights that mean not to be treated inhumanly and not to be suffered. The modern human rights encompass recognition of certain basic rights of highly unprivileged, deprived and marginalized sections of the society. It also includes the human rights of women, physically challenged (especially abled) racial and ethnic groups, religious minorities, etc. The vulnerable and oppressed sections of the society are not seeking special treatment but simply demanding that they should be treated fairly and proper respect for their culture, language, religion and food habits. The chauvinism of majoritarian class, the surge of hate crime against minorities and how law and enforcement machinery being pretentiously helpless put a big question mark, what kind of civilization we are representing today? The problem of the modern human rights concept is recognition. The problem is that we are not able to recognize that whether certain groups can possess human rights. In a country like India, the issue of human rights is so significant considering the various factors like ethnicity, language, race, caste, and religion as we are extremely rich in our composite culture. India must show its commitment to human rights especially religious and racial minorities. In today's world, any talk of human rights generally forbidden by the governments, police and even judiciary and India is not an exception. Now please see the case of USA, UK, and France, are minorities especially Muslims safe? Why so many hate crimes against Muslims in Europe? Is it not true that in the USA, the blacks are being persecuted unnecessary and have been facing wrath from the police? Why no respect for the human rights of deprived and marginalized sections of our society? The state-sponsored violation of human rights is the biggest challenge of the human rights movement of the 21st century.

2. How is carried out of the protection of a right which is not regulated in the Constitution in your legal system? What kind of balancing is done when a right uncounted in the Constitution is conflicted with a constitutional right?

In the Constitution of India, enough provisions have been incorporated for the protection of vulnerable, religious and linguistic minorities of India. We have affirmative action policies for the Dalits (India's most oppressed community, earlier known as untouchables) and Disabled group. But the issue is that these policies and rights frequently violated by certain people who are sitting

on top and have racist thoughts. Similarly, the Constitution of India also provides a guarantee for the protection of human rights of women, tribes, religious and linguistic minorities. Apart from that, we have the institutional framework to implement the human rights of all vulnerable and deprived groups like the National Commission for Minorities, National Commission for Women, Commissioner for Linguistic Minorities and National Human Rights Commission which has the mandate to examine the complaint and take appropriate action.

3. Do International Human Rights Documents applied in your country represent minimum standards that are already provided, or the must-reach aims? Are there any regulations in your legal system above international human rights standards? If there are, would you please explain?

Yes, International Human Rights Law applied in India. India is under the obligation to respect all international covenants, conventions, declaration, and treaties. India's Supreme Court has also cited provisions of international human rights in its numerous judgments. Unfortunately, with all tall talks of code of international human rights, India's human rights record has to lay itself open to charges of the double standard. In spite of many human rights law and criminal laws, the record of the government to protect the human rights of vulnerable, oppressed and minorities especially the Muslims has been remained dismal. Justice is yet to be delivered to those who lost their beloved in the countless communal massacre in India, unfortunately, major sufferer community is Muslims. India has a long history of communal clashes, religious violence and state crime against the Muslims, but hardly anyone punished. Take the example of Gujarat Genocide of 2002, where more than five thousand (unofficially, as data suppressed by the provincial government) were brutally killed and hardly anyone punished. The Supreme Court had ordered for transfer the cases out of the state to ensure fair trial but nothing happened as all the accused (mostly political parties' leaders) finally got scot-free, that too when many media and press have tangible evidence in the form of video conversation, document and electronic pieces of evidence. The problem of Indian legal system is that we have so many good laws but implementation machinery has remained with the hands of politicians.

4. In your legal system, is the jurisdiction an actor itself to move forward human rights standards? If it is, would you please explain?

In all sort of human rights violation cases, an individual has the right to approach the high court or Supreme Court through writ jurisdiction. In many cases, justice has been done and exemplary orders were passed by the courts.

Again, the issue is how many victims can approach the high court or Supreme Court as the cost of litigation is high in India. Further, lakhs of cases are pending for disposal in Supreme Court. Judicial delay is one of the deprivations of human rights in India, justice delay is justice denied in fact. The backlogs of cases before the various high courts are reported to be around more than twenty lakhs (unconfirmed). To enforce human rights or violation of any constitutional rights, an individual can also approach to the other quasi-judicial forum like National Commission for Minorities, National Commission for Scheduled Castes, National Human Rights Commission etc. These quasi-judicial bodies have all India jurisdictions, can pass any order as deem fit and proper. I admit that these quasi-judicial bodies headed by political appointees and rarely pass any order that may cause uncomfortable situations for the government; hence reforms are indeed vital to strengthen our institutional framework.

5. Are there any values and issues in your country that are not covered by human rights documents but need to be protected under the concept of human rights? If your answer is yes, would you please explain?

Yes, there are many issues in India that are not covered by the human rights documents that needs to be protected under the umbrella of human rights such as State crime, compensatory justice to the victims of such state crime, mob lynching, hate crime, religious intolerance, tackling prejudice reporting and fake news in the print, television and social media i.e. media violence. In the recent past, there have been countless instances of false accusation, stigmatization, unfounded reportages and unsubstantial stories targeting minorities especially the Muslims by the mainstream media that shown the community in a bad light and tried to associate them with the anti-national activities even before the final outcome of the case. Recently, in Malda (West Bengal) the media coverage of the attack on Kaliachak Police Station by criminals, who happened to be Muslims was given communal overtone and portrayed as if the incident was a national disaster under the influence of Hindu nationalist and their propaganda. But the same media never give the prime coverage to the news of the acquitted Muslims youth who were falsely implicated in terror-related cases such as in the Malegaon blast case, Mecca Masjid blast case, Ajmer blast case, and Mumbai local train serial blast case. It is pertinent to note that Muslims alone are not the victims of a biased media the Dalits, tribals, and other oppressed section have also been facing the same treatment from the biased media. The media has failed to maintain its credibility in the eyes of vulnerable groups i.e. Dalit, Minorities and other oppressed sections of society. You can say, in India, there are no media at all, if we see the shameless record of Indian Media i.e. 141 in International Press Trustworthiness Index. I must say that certain acts of media and news

channels possess a grave threat to India's rich composite culture and secularism. Further, the way news channels are working is a matter of grave concern that potential serious threats to the rule of law, freedom of expression, secular ethos, and attempt to undermine the judicial process of the country.

6. Are there any such human right regulations in the legal system of your country that is protected by the constitution but contradicts social reality and justice?

Yes, many human rights regulations in my country are protected by the constitutional and criminal justice procedure but contradicts in its social and practical reality. The Constitution of India fully ensures the rule of law and fair trial through its various provisions but there have been rampant of extra-judicial killing, illegal arrest, wrongful prosecution, and wrongful conviction. Unfortunately, most of the victims of the state brutalities are Muslims and Dalits. The right to fair trial and not to be killed arbitrarily is guaranteed by the Constitution of India but routinely flawed by the law enforcement agencies. In all these *mala fide* cases the victims are entitled at least access to the justice and fair trial must be ensured by the state, but the reality is far from the truth. The major problem of this sorry state of affairs is deep biases against Muslims by law enforcement agencies. The problem of police reforms is also one the factor of such a rise of targeted violence against minorities by the police. Herein, I wish to share one prominent case of how minorities are targeted by the police and injustice meted out with innocent Muslim youths. In the case of Md. Aamir Khan and Md. Nasir, these two boys were falsely implicated under anti-terror laws by the notorious Special Cell of Delhi Police and after spending many years in jail, these innocent youths finally acquitted by the courts. The issue is, who will undo the injustice done to their life? Why no punishment to those policemen who had falsely implicated these youths and ruined their entire lives? Why Indian State is silent over the issue of compensation to these innocent boys? Who will compensate those beautiful years of his life which had been destroyed by the police? These are just a few examples the list is too long. The grave repercussion as victims of a frivolous lawsuit or a vindictively filed criminal charge, after being acquitted over years of hardship, are subjected to stigmatization by the society. Economical and financial loss, loss to reputation and the psychological abuse that is faced by the victims is unavoidable. Being falsely accused of a crime in the public arena of the courts results in irreparable damage, even if the persons ultimately acquitted. The dignity of those acquitted must be restored. Thus, the harm inflicted on them must be redressed within the framework of rights rather than charity and fixe the accountability of law enforcement agencies for committing state crime. But, till now even having signed the ICCPR, India has

failed to create a legislative framework to provide justice for victims of wrongful prosecution and wrongful conviction despite the conclusive studies that indicate a majority of victims of such action are Muslims. Many other countries have converted this commitment onto law. In the UK, provisions of Section 133 of the Criminal Justice Act, 1988(2) provide the legislative framework through which Home Secretary, under specified condition ad upon receipt of an application, is obliged to pay compensation for wrongful convictions or incarcerations. This section conforms with UK's international obligations. Article 622 to 626 of the French Code de Procedure Penal gives effect to article 14(6) of ICCPR, 1966. In Germany too, an Act of Parliament passed in 1971 specifies that whoever has suffered damage as a result of a criminal conviction which is later quashed or lessened shall be compensated by the state adequately. Hence it can safely be stated that justice remained a dream for the victims of such crime in India. It is also determining that the theory of *Jus Cogens* and *Obligatio Erga Omnes norms* which is set out for wiping the tears of the victims of state crimes has left in the international instrument as a dead letter. Expressing concern for the plight of victims, Justice V. R. Krishna Iyer has "rightly opined that "criminal law in India is not victims oriented and the suffering of victims is entirely overlooked in misplaced sympathy for the criminal.

7. Are there any social realities contradicting international human rights concept based on individualism?

For centuries people practicing various religious faith and have lived side by side in peace. In fact, India's rich tradition of religious plurality has been a symbol of social and religious harmony as guaranteed under Article 25 of the Constitution of India which asserts that state won't differentiate among citizen based on religion and the same time shall give equal respect to all religion. But unfortunately, the latest development and sudden rise of religious animosity, religion-based violence, communal violence have been questioning this freedom as a rising graph of intolerance in the form of mob lynching. Many innocent Muslims were brutally thrashed and killed just because of their food habits especially in the case of Akhlaq, Junaid, Pahlu Khan. The sudden rise of mob lynching, religious violence, cow vigilante attack (Gau Rakshaks) incidents increases to 75 % in 2017 to 97% in 2019, communal hatred and violence, hate speech have created a feeling of insecurity among the religious minorities and different ethnic groups. In all these incidents, the role of State has been remained questionable as it failed to protect the minority's right to live a dignified life and not to be killed arbitrarily just because of their religion, language and food habits. Recently, there is another surge of communal violence where a group of majority community forced a Muslim boy to chant religious slogan i.e. Jai Shri Ram, refusing to do so, he

bludgeoned to death or brutally assaulted. Why these senseless crimes not reported to the police? Who are these people? Why police and law enforcement agencies remained suspiciously silent to take stern action against such rowdy element.

Moreover, excessive use of force in Kashmir against children (mostly school going children) is also a matter of concern. In my view the use of pellet gun must be banned, the Indian government should respect the international norms and standards of international human rights principles with its current response to protests in Kashmir. However, in Kashmir, restraint is not being exercised, injury is not being minimized and medical assistance is not ensured. Pellet guns are not a proportional response to the current protests by the stone pelters children. Far too much harm has been inflicted, particularly involving people's eyesight, far too many bystanders, including children, have been injured. In 2013, the Jammu and Kashmir State Human Rights Commission (SHRC) stated that "the use of pellet guns by government forces was a serious threat to life". The use of pellet guns as a crowd control tactic must be banned. Since 2010, these "non-lethal" weapons have caused serious injury and severe harm to thousands of Kashmiris. The use of pellet guns in Kashmir in reaction to the current protests is a clear violation of human rights and humanitarian law. These weapons have neither been used proportionally nor in compliance with international standards on the use of force or domestic standards on crowd control.

8. In your legal system, are there any legal mechanisms to protect human rights if fundamental rights are violated by private persons? Are these mechanisms effective?

Yes, we have a proper structural and efficient legal mechanism to deal with the violation of fundamental rights (especially in respect to minorities) committed by a private person. Since India is a multi-religious, multi-ethnic, multi-linguistic and multi-cultural country and had a secular democracy, where people belonging to different religions, racial, cultural and lingual identities live together harmoniously. Mahatma Gandhi always believes in tolerance and acceptance of all religions within the Indian national framework. But despite these positive characteristics, the Indian government has struggled to maintain religious and communal harmony, protect minority communities from abuse, religious intolerance and provide justice when a crime occurs through a group of private persons. In recent times various untoward incidents are affecting the communal harmony in different parts of the country. In my view, the state machinery is not effective in tackling communal violence as the country has experienced periodic outbreaks of large-scale communal violence against religious minorities including in UP in

2013, Odisha in 2007-2008, Gujarat in 2002 and Delhi in 1984. Although the government of India established the special structure to investigate and adjudicate crime stemming from these incidents, the impact has been hindered by limited capacity, an antiquated judicial system, inconsistent use, legitimizations of political and corporate corruption (Panama paper case) and religious bias, particularly at the state and local level. Many cases stemming from these incidents are still pending in the Indian court system.

9. Are there any groups in your country who have their own national, ethnical, religious and linguistic identities? Could you please give some information about them (especially if you feel yourself one of them)?

India is not a country but a country of many worlds. The rich diversity in religion, culture, language, and food are the basic characteristics of India. With a population of more than 1.21 billion as accounted by the 2011 population census, India is a colourful canvas portraying unique assimilation of ethnic groups displaying varied cultures and religions. In fact, this uniqueness in the ethnicity of the country is the factor that makes it different from other nations. Moreover, the vastness of India's nationalism, accounting to a plethora of cultural extravaganza, religions etc. is the reason that the country is seen more like a seat for a major world civilization than a mere nation-state. Yes, I belong to one of the group and the preamble of the Constitution gives paramount prominence to secularism in its supra-religion dimension.

Since ancient times, the spiritual land of India has displayed varied hues of culture, religion, race, language, and so on. This variety in race, culture, religion, etc. accounts for the existence of different ethnic groups who, although, live within the sanctums of one single nation, profess different social habits and characteristics. Regional territories in India play an important role in differentiating these ethnic groups, with their own social and cultural identities. The religions that are prevalent in the country are Hinduism, Christianity, Islam, Sikhism, Buddhism, and Jainism, with the freedom for citizens to practice any religion they want to. The Muslims are the biggest minority community in India, having 13.9 percentage of population following by Sikhs and Christian. With the governance of 35 different states and union territories in the country, there has originated a sense of regionalism amongst the various parts, with different states displaying different cultures, which although eventually fuse through a common bond to showcase a national cultural identity. The Constitution of India has recognized 22 different languages that are mainly spoken in the country, out of which, Hindi is the official language and is spoken in most of the urban

cities of India. Other than these 22 languages, there are hundreds of dialects that add to the multilingual nature of the country

10. What is the definition of the notion "minority" according to your constitutional system? What is your opinion on this concept? Do you think that minority rights should be protected broadly by the constitutional level? Do you think that constitutional regulations that would broaden the rights of minorities will solve the conflicts between majorities and minorities?

The word "minority" has not been defined in the Constitution of India. But there is the reference of religious and linguistic minorities under Article 29 and 30 of the Constitution of India. India inherited the concept of minorities before independence and the efforts of our founding fathers of the Indian Constitution can't be sidelined. The Motilal Nehru Report (1928) showed a prominent desire to afford protection to minorities and finally British Government conceded the genuine demands of religious and linguistic freedom to India's religious and ethnic minorities. Similarly, the Sapru Committee Report (1945) is another example of how the mainstream political class of Indian Freedom Movement were concerned about the protection of minorities' rights. The word 'minority' is not defined in the constitution but literally, it means "religious and linguistic" group who are in a non-dominant position. It is a relative term and is referred to, to represent the smaller of two numbers, sections or group called "majority". In that sense, there may be political minority, a religious minority, linguistic minority etc. Article 29, 30, 350a, 350B of the Indian Constitution use the word "minority" and its plural forms but did not define it. The Supreme Court of India in *TMA Pai Foundation v. State of Karnataka* 2002 has held that for the purpose of Article 30 of the Indian constitution, a minority-whether linguistic or religious is determinable with reference to a state and not by taking into consideration the population of the country as a whole.

Indian constitution encompasses provisions that emphasize complete legal equality of its citizens regardless of their religion and creed and prohibits any kind of religion-based discrimination. It also provides safeguards-albeit limited ones- to religious minorities' communities. Nevertheless, minorities face discrimination and persecution due to the combination of overly broad or ill-defined laws, an inefficient criminal justice system and a lack of jurisprudential consistency. Moreover, the state and national laws in India do not comply with international freedom of religion or belief, including Article 18 of UDHR, 1948 and Article 18 of ICCPR, 1966. It is interesting to note that we have national level organization for the protection of minorities rights, but nobody is aware about UN Declaration on Freedom of Ethnic, Religious and

Linguistic Minorities 1992. In particular, since 2014, hate crime, social boycotts, assault, and mob lynching have been escalated dramatically against minorities especially against Muslims. In recent years, religious minorities have witnessed a deterioration of their rights. It is sad that the Indian government at both provincial and national level- often ignores its constitutional commitments to protect the rights of religious minorities. Violence against the religious minorities, discrimination, mob lynching, forced conversions and environments with increased instances of harassment and intimidation of religious minorities are not new phenomena in India, as they occurred since 1947, but since 2014 hate crime, social boycotts, assaults and mob lynching have escalated dramatically at regular interval in very high speed. Hence India faces serious challenges to both its pluralistic traditions and its religious minorities.

The Constitution of India fully protects the minorities' rights under Article 25, 29, 30 and its core principle of secularism. I think any new provision in the Constitution for the protection of minorities would not help as it will further divide the society on communal line. The need of the hour is to develop effective law enforcement mechanisms in case of crime against minorities. The mass-awareness programmes should be initiated about why we should cherish our secularism, diversity, pluralism and multi-cultural society. The majority community (Hindus) must come forward to ensure a secular, safe and secure society. Any special treatment to minorities would give a further increase to conflicts between minorities and majorities. There are legal and constitutional provisions for the protection and welfare of minorities.

11. What do you think on the notion and the concept of minority rights in international law? Could the international regulations/treatments be a response to the reality and problems of the peoples in your country? In other words, do they cover the reality in your country from the view of the state and the view of peoples?

In my view, minority communities across the world, must be protected under the umbrella protection of United Nations. The Member State should not take any shield to avoid action in the name of "internal affairs of our domestic jurisdiction" if there is mass crime against minorities. The UN's Security Council is fully empowered to intervene if there is tangible evidence of mass crime, genocide, communal massacre and other forms of violence against certain religious or ethnic communities. UN must have some specific mechanism to intervene if some vulnerable group or ethnic community being victimized unnecessarily by the Member State through its owned instruments. Under International law, The UN Sub Commission on Prevention of Discrimination and Protection of Minorities has defined 'minority' as follow:

"The minority includes only those non document groups in a population which possess and wish to preserve stable ethnic, religious or linguistic tradition or characteristic markedly different from those of the rest of the population; such minorities should properly include a number of persons sufficient by themselves to preserve such tradition or characteristic and such minorities must be loyal to the State of which they are nationals." Article 27 of the ICCPR, 1966 does not define the expression but gives the following right to them as "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their religion or to use their language"

Yes, they cover the reality of the problem of the religious minorities in India as the "International Religious Freedom Report" of the U.S. Department of State released in August 2016 notes occurrences of "religiously motivated killings, assaults, riots, coerced religious conversions, actions restricting the right of individuals to change religious beliefs, discrimination and vandalism. Incidents (targeting Christians) included assaults on missionaries, forced conversions, and attacks on churches, schools, and private property. Attacks by Hindus on Muslims were due to alleged cow slaughter and their traditional livelihoods selling beef". The U.S. Commission on International Religious Freedom (USCIRF) noted in a report titled "Constitutional and Legal Challenges Faced by Religious Minorities in India" that "religious freedom violations" had increased and "religious tolerance" had decreased in India. Indian authorities have used "repressive laws to curb freedom of expression and silence critics," a report from Amnesty International says, "Human rights defenders and organizations continued to face harassment and intimidation". It said that Dalits and Adivasis face "widespread abuses" with official statistics from August 2016 showing that more than 45,000 crimes committed against the Scheduled Castes (Dalits) and almost 11,000 against the Scheduled Tribes. The situation in conflict-ridden regions such as Jammu & Kashmir and Chhattisgarh states have worsened. In August 2016, UN High Commissioner for Human Rights Zeid Ra'ad al-Hussein regretted that India had refused a fact-finding mission from his office access to Kashmir, where security forces are accused of gross human rights abuses.

I firmly believe that we need to work towards establishing just and equal society as enshrined in our constitution. If we go on fighting each other in the name of religion, caste, language, creed and race we shall never be able to begin our march for establishing such a society. Today, all communities Hindu, Muslims, Sikhs, Christian and Buddhists-have to wage a concerted struggle for social justice and equalitarianism. They have to make a reality of the society envisioned in our Constitution.

12. What you think is the most current human rights problem in your country?

The most current human rights problem in our country is the issue of NRC i.e. National Register for Citizens, which is being implemented in north-eastern state Assam. Under the NRC, all local citizens of Assam especially Muslims residents must prove their nationality once again through some documents. The sad part of NRC is that even Supreme Court of India validated the NRC proceeding despite many cases of wrongful declaration of a certain individual as "foreigner". The government stands on NRC is very peculiar as it is ready to grant citizenship to all communities except Muslims. In Assam, the Muslims have been living for hundreds of years before the partition and creation of Bangladesh. The introduction of NRC abruptly to detect the foreigners (Bangladeshi migrants) in Assam creating a situation like havoc. Unfortunately, the main target of the whole NRC exercise are Muslims. The Indian Citizenship Act never prohibit citizenship on religion basis. In my view, the government and supreme court of India need to be sensitive to the enormous impact the NRC will have on the people. An estimated four million people may lose citizenship rights and would be forced to relocate to camps as non-citizens or doubtful voters.

Further, the heavy misuse of anti-terror laws like UAPA (Unlawful Activities Prevention Act-1967 as amended in 2019) TADA and POTA by the law enforcement agencies and rampant of state crime is another matter of grave concern in India, which signifies a law-breaking action that involves human rights violation of an individual, perpetrated by, or with complicity of, state agencies possessing sovereign power. The finest example of this has been seen in the episode of Mohammed Aamir Khan Case in which we had witnessed the state crime of most inhuman nature, where police (i.e. a law enforcement agency) has foisted false cases with malafide intention and ruined his life behind the bar. The huge complaints of human rights violation and abuse of power by the law enforcement agencies chiefly the uniformed police, armed forces and bureaucrats (i.e. Public Servant as defined under Section 21 of IPC, 1860) under criminal law is a manifestation of the culmination of loss of trust among people in the State and its agencies and it is a dangerous phenomenon in India. Moreover, the victims of such crime have hardly got any compensation from the State despite such compensation being mandated in law.

According to The Hindu newspaper, nearly 36,000 cases were registered against the police with the National Human Rights Commission (NHRC), an autonomous statutory body, during 2015-16, "a figure that experts say is

highly under-reported." The newspaper found that only 94 first information reports (FIRs) were registered in 2015 against the police for human rights violations, according to data from the National Crime Records Bureau (NCRB). In November 2016 a detailed HRW investigation into nearly 600 custodial deaths from 2010 through 2015 reported that the "police used sexual abuse, forms of waterboarding and beatings with a 'truth-seeking belt'". No police officer accused of those killings has been convicted. In a historic ruling in July 2016, the Supreme Court of India ordered an investigation into 1,528 extrajudicial killings in Manipur state in the northeast over decades. It ruled that an indefinite deployment of the Armed Forces (Special Powers) Act (AFSPA) "mocks India's democratic process."

MacLaughlin has mainly identified the four categories of State Crime viz.: a) Political Crime- e.g. Corruption and Censorship; b) Crime by Security Forces- e.g. Genocide, Torture, Imprisonment without trial, Disappearance of Dissidents; c) Economic Crime-e.g. Violation of Health and Safety Laws d) Social and Cultural Crime-e.g. Institutional Racism. In Europe and America, the study of state crime is more concerned with the acts that are largely committed, instigated by State and their law enforcement officials in order to further their policies such as a) genocide, b) war crime, c) police torture, d) imprisonment without trials, e) State-sponsored terror and terrorism, f) state-organized crime and corruption.

Discourse on state criminality is not about only to depiction the human rights violence, torture and callousness of an assortment of state crimes, but to engage in a large project of ideological demystification and deconstruction of crime against humanity. It is fundamentally to *speak* the *unspeakable*, to build new insightful that undermines the carefully constructed understandings resident in state clout. Such research will, therefore, bring a fruitful blend of critical and interaction tradition, reminding us that all definition and meaning of crime is "subjective" social edifice. Thus to study state criminality is inevitable to study the power-laden process by which some social harms are defined as criminal and others are not.
