

# Introduction: Beyond Transnational Crime

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**D**URING THE LAST TWO DECADES, NEOLIBERAL GLOBALIZATION HAS RESULTED IN significant growth in transnational crimes such as global terrorism, trafficking in antiquities, people and drugs, immigrant smuggling, and money laundering. Beyond being pressing social problems, they are the consequences of a significant extension and reconfiguration of state power on various fronts, resulting from the progressive intersection of the internal and external coercive functions of the political state in ways that have implicated crime control in foreign policy and merged law enforcement with issues of national security. The dramatic political-economic, social, and cultural transformations shaping the contemporary global environment call for a new approach to transnational crime, one that transcends the verities of orthodox criminology by examining the role of criminal organizations and individuals, and that of political states and their economic partners in the generation of transnational crime. The goal of this volume is to offer such a new approach.

Although globalization has rendered the borders between nation-states less significant in terms of capital and financial flows, the border has simultaneously become an important symbol of state power, fortified against unregulated flows of goods, money, and people. Countermeasures against transnational crime have increasingly treated the boundaries between military and police action, domestic and international law, and criminal justice and international relations as ever more indistinct. In addition, the development and deployment of preemptive countermeasures and the application of retrospective legislation increasingly undermine the distinction between past and present as states “colonize the future” and “rewrite the past.” Border politics, border reconstruction, geographically and temporally mobile borders, and a trend toward “a-national” sites of enforcement are the hallmarks of state responses to transnational crime and the conditions leading to transnational crime. Globalization’s challenge to geographic and temporal borders has been matched and reflected by challenges to the boundaries that historically marked the limits of sovereignty, citizenship, and nation-state. In important and as yet relatively unexamined ways, these shifts are evident in the nature of transnational crime, and are animated through state responses to it. These issues are addressed here.

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comprised of criminologists from New Zealand, Australia, the United Kingdom, and the United States. The Group and these articles seek to lay a foundation for a transnational or global criminology that begins with critical understandings of the state, borders, and crime. We hope this edition will contribute to creating a new space for the development of useful theories, empirical investigations, and the formulation of constructive social policy regarding the phenomena labeled transnational crime and those frameworks, laws, policies, and actions that are produced in response.

The ways in which transnational crime and its countermeasures confront the traditional borders of crime control, national security, politics, and international relations challenge the disciplinary boundaries of orthodox criminology, which has traditionally focused on matters internal to nation-states. Critical criminologists, in contrast, have always understood that sociologically grounded analyses of crimes, social harms, and wrongful acts require an engagement with and understanding of the broadest political, economic, and social terrain. Thus, as the authors here demonstrate, analyzing crimes and harms that occur in the transnational context—and increasingly all contexts are transnationalized—requires close attention to the processes of globalization and the dynamics between states, and between states and nonstate actors, particularly the relationship between the states and corporations.

The contributors to *Beyond Transnational Crime* also recognize that while state coercive powers have been increasingly globalized under the auspice of transnational crime frameworks, rights frameworks are still often territorially bounded, requiring enforcement from a particular place. International frameworks related to state power and rights have developed asymmetrically, with the result that discourses, laws, and measures related to transnational crime have significantly eroded, undermined, and eclipsed the international human rights frameworks that potentially limit state power and associated social harms. Orthodox, state-centered ways of labeling and responding to troublesome transnational activities also obscure the social, political, and economic conditions that give rise to them, relieving states of the responsibility for creating and ameliorating these conditions, and thus creating a fertile context for blaming, stigmatizing, and punishing victims instead.

Although transnational crime enforcement strategies are purportedly aimed at organized criminals, these countermeasures typically miss their targets altogether. Instead, they are responsible for generating a range of serious transnational social harms borne disproportionately by the world's poorest and most vulnerable people, especially refugees and "illegalized" migrants. Although neoliberal countermeasures to transnational crime have been frequently spectacularly unsuccessful, they *have* succeeded in reproducing established social divisions based on race, class, and gender by maintaining and extending social, political, and economic hierarchies between and within states.

*Beyond Transnational Crime* offers an alternative theoretical approach to understanding both the phenomena that are currently labeled transnational crime

and state responses to them. This collection differentiates itself from orthodox, state-centered and administrative criminologies by paying careful attention to the conditions that produce transnational crimes and the harms that arise from state responses, as well as, in some cases, the failure of the state to respond. By critically analyzing the role of the state and the dynamics of power between state and nonstate actors, the authors here foreground the ways in which crime and social injuries in the transnational context are intimately linked to the intersection of neoliberal globalization and renewed forms of empire and imperialism.